

STAFF REPORT



Meeting: May 18, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Presenter: Santiago Abasolo, AICP
Senior Planner

Case: Z15-03

Request: Rezoning from Single-Family Residential (RS-1) to Office Warehouse (OW)

Location: 1115 West Avenue N, located approximately 1,400 feet east of the intersection of South Jackson Street and West Avenue N.

Legal Description: 51.830 Acres of the S. Sebastian Survey, Abstract 7329, S-0007; Block 13, Lot 1-18 Part of Fairmount carried in Abstract 758 of the Delmar Place Addition; and Block 14, Lot 1-18 Part of Fairmount carried in Abstract 758 of the Delmar Place Addition

Size: 51.830 acres

General Information

Future Land Use: Campus/Institutional

Zoning: Single Family Residence (RS-1)

Existing Land Use: Cemetery

Surrounding Zoning/Land Use:

| | | |
|--------|---|---|
| North: | Single Family Residential (RS-1) | Single family dwellings |
| West: | Single Family Residential (RS-1) | Cemetery, Commercial |
| South: | Single Family Residential (RS-1) | Angelo State University |
| East: | Light Manufacturing (LM), Single Family Residential (RS-1), Low Rise Multi-Family Residence (RM-1), General Commercial/Heavy Commercial (CG/CH) | Warehouses, Commercial, Multifamily Residential |

District: CMD# 5 – Elizabeth Grindstaff

Neighborhood: College Hills

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), West Avenue N is identified as an Arterial Street. An Arterial Street connects collector streets to freeways and other arterials carrying large volumes of traffic at high speeds, access is secondary and mobility is the primary function of these streets. The MTP requires West Avenue N to have a minimum paving width of 64 feet and a minimum right-of-way width of 80 feet.

Recommendation:

The Planning Division recommends **APPROVAL** of a Rezoning request for the Office Warehouse (OW) zoning district.

History and Background:

On April 17, 2015, the applicant submitted an application for Rezoning on the subject property from Single-Family Residence (RS-1) to Office Warehouse (OW). The applicant's intent is to build a columbaria, office, and chapel within the grounds of the existing Fairmount Cemetery. As the cemetery existed prior to zoning requirements prohibiting this use on residentially-zoned properties, the use is classified as a Legal Nonconforming Use. Currently, the cemetery's office is located across the street at 1120 West Avenue N and the applicant is proposing to move the office to the existing Fairmount Cemetery. In addition, a rezoning to OW would allow for future expansion of the cemetery to proceed without encumbrance of seeking Planning Commission approval, as required by the Zoning Ordinance for Legal Nonconforming Uses.

Analysis:

Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

The subject properties are designated "Campus/Institutional" in the Future Land Use (FLU) map of the City's Comprehensive Plan (CP). The proposed Office Warehouse (OW) zoning district appears to be consistent with this Campus/Institutional designation. The purpose of the "Campus/Institutional" designation is to improve the standing of community centers and public facilities as pillars of their local neighborhoods and central features of community as a whole. The recommended Action Step is to appropriately locate facilities within existing and growing areas as the centerpiece of new Neighborhood Areas and Neighborhood Centers. A more specific recommended Action Step is to increase the value of these facilities to their respective neighborhoods through public

investment in street improvements sidewalk construction, and similar infrastructure. The proposed Office Warehouse zoning district appears to be compatible with these recommendations and will be able support the investment in the proposed public facilities.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Based on information provided by the applicant regarding the proposed uses, staff evaluated the application for consistency with existing zoning in the surrounding area. The proposed Office Warehouse (OW) zoning district appears to be consistent with Light Manufacturing (ML) and with the General Commercial/ Heavy Commercial (CG/CH) to east and west of the subject properties. And, the proposed uses also appear to be consistent with the Single Family Residence (RS-1) zoning district to the north and south of the subject properties. The Office Warehouse (OW) zoning district is intended to provide opportunities for development of small wholesale trade opportunities with limited truck traffic and integrated office/warehouse uses. In addition, the development standards for the Office Warehouse district will further ensure that growth will be consistent with the existing uses of the surrounding properties. Any future nonresidential development in the OW zoning district will require a 25-foot minimum front yard, and if the future use is adjacent to a residential district or use, the minimum required side and rear yards are 10 feet.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

The Office Warehouse zoning district appears to be compatible with the residential areas to the north of the subject properties and with the commercial areas to the east and west of the subject properties. Further, per the Future Land Use (FLU) map of the City's Comprehensive Plan (CP), the surrounding areas are designated Neighborhood to the north, Commercial to the east, Campus/Institutional to the south and west, and Neighborhood Center also the west.

An Office Warehouse (OW) zoning designation for the subject properties appears to be compatible with the Commercial designated area to the east, Neighborhood area to the north, and Neighborhood Center and Campus/Institutional to the west and south. The Office Warehouse (OW) zoning district will allow for the development of small wholesale activities with limited truck traffic and integrated office/warehouse uses and requires a Maximum Floor Area Ratio (FAR) of 0.8 which appears to be compatible with the existing residential and commercial

areas. A higher FAR would translate into a more intense type of development that might not be compatible with the existing residential area and the proposed Neighborhood land development category of the Comprehensive Plan.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.*

The properties are currently occupied by the Fairmount Cemetery and are surrounded by residential, commercial, and institutional designations. The recommended Campus/Institutional designation found in the Comprehensive Plan appears to support the Office Warehouse zoning district designation. The proposed columbaria, office, and chapel will enhance the existing institutional uses and allow to move an existing office on West Avenue N to a new location within the Fairmount Cemetery grounds.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

There would not appear to be any negative environmental effects if this property were to be rezoned to OW. Since the OW zoning district only allows for small wholesale activities with limited truck traffic, it appears that no additional noise will affect the existing residential neighborhoods. Any grading, drainage and stormwater issues would be reviewed by Engineering Staff at the building permit stage.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The Future Land Use (FLU) map of the Comprehensive Plan recommends Institutional/Campus land uses for the subject properties. An Office Warehouse (OW) zoning district will allow the existing use to expand thereby increasing the value these facilities to their respective neighborhoods through public investment. An existing cemetery office located on West Avenue N will be relocated within the existing Fairmount Cemetery grounds and new Columbaria and chapel will be built within the existing facilities to meet existing and forecasted demand.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The proposed rezoning from the RS-1 zoning district to the OW zoning district seem to fit the existing and proposed development patterns for the area. The existing cemetery office on West Avenue N will be moved to the proposed OW zoning district. The proposed uses for the existing cemetery appears to fit the proposed OW zoning district and would allow for an orderly and unencumbered expansion of existing uses within the Fairmount Cemetery.

Notification:

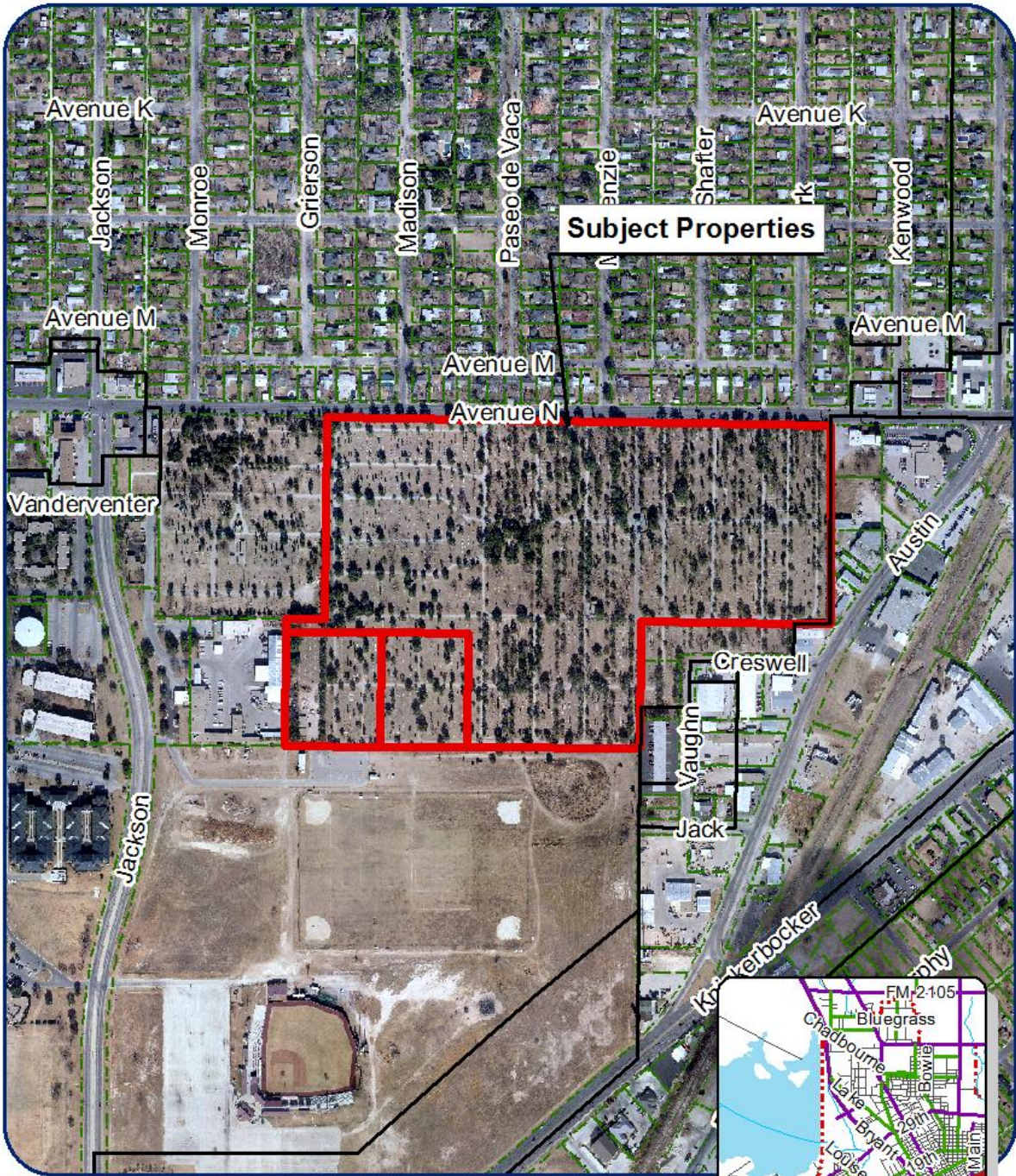
On May 1, 2015, 41 notifications were mailed out within a 200-foot radius of the subject site. As of May 11, 2015, there was one (1) response in favor and zero (0) responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to recommend **APPROVAL** of a Rezoning from the Single-Family Residential (RS-1) zoning district to the **Office Warehouse (OW) zoning district.**

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
Site Photos



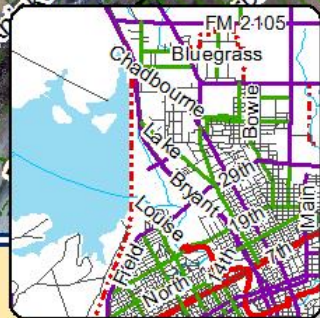
Zoning Case File

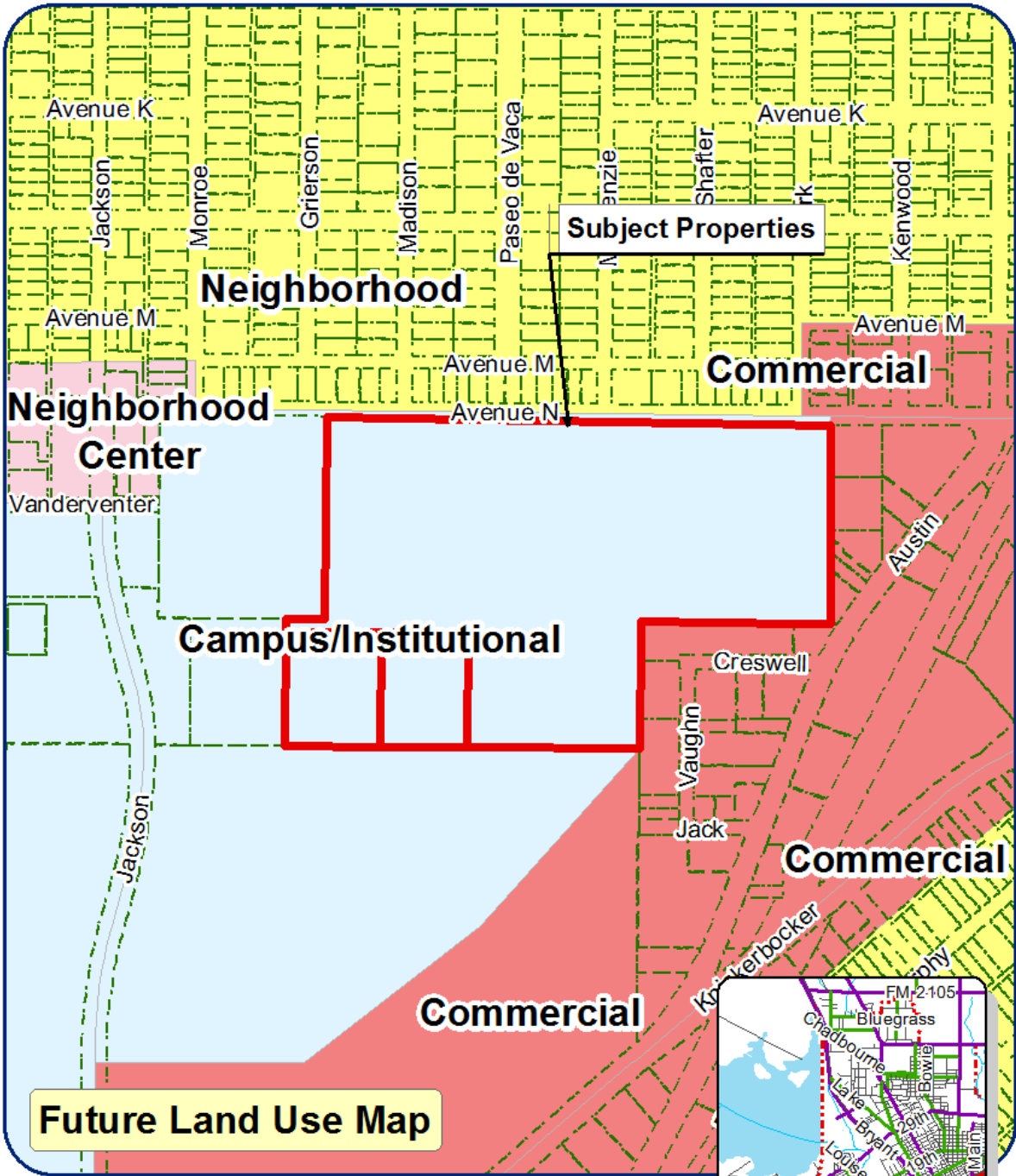
Case Z15-03: Fairmount Cemetery

Council District: Elizabeth Grindstaff
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 500 ft
 Subject Properties: 1115 West Avenue N

Legend

- Subject Properties: —
- Current Zoning: **RS-1**
- Requested Zoning Change: **OW**
- Vision: **Campus/Institutional**





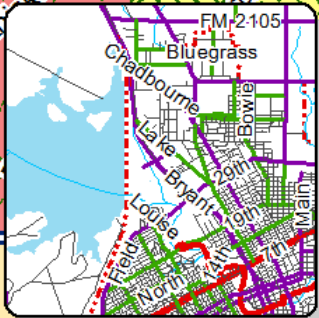
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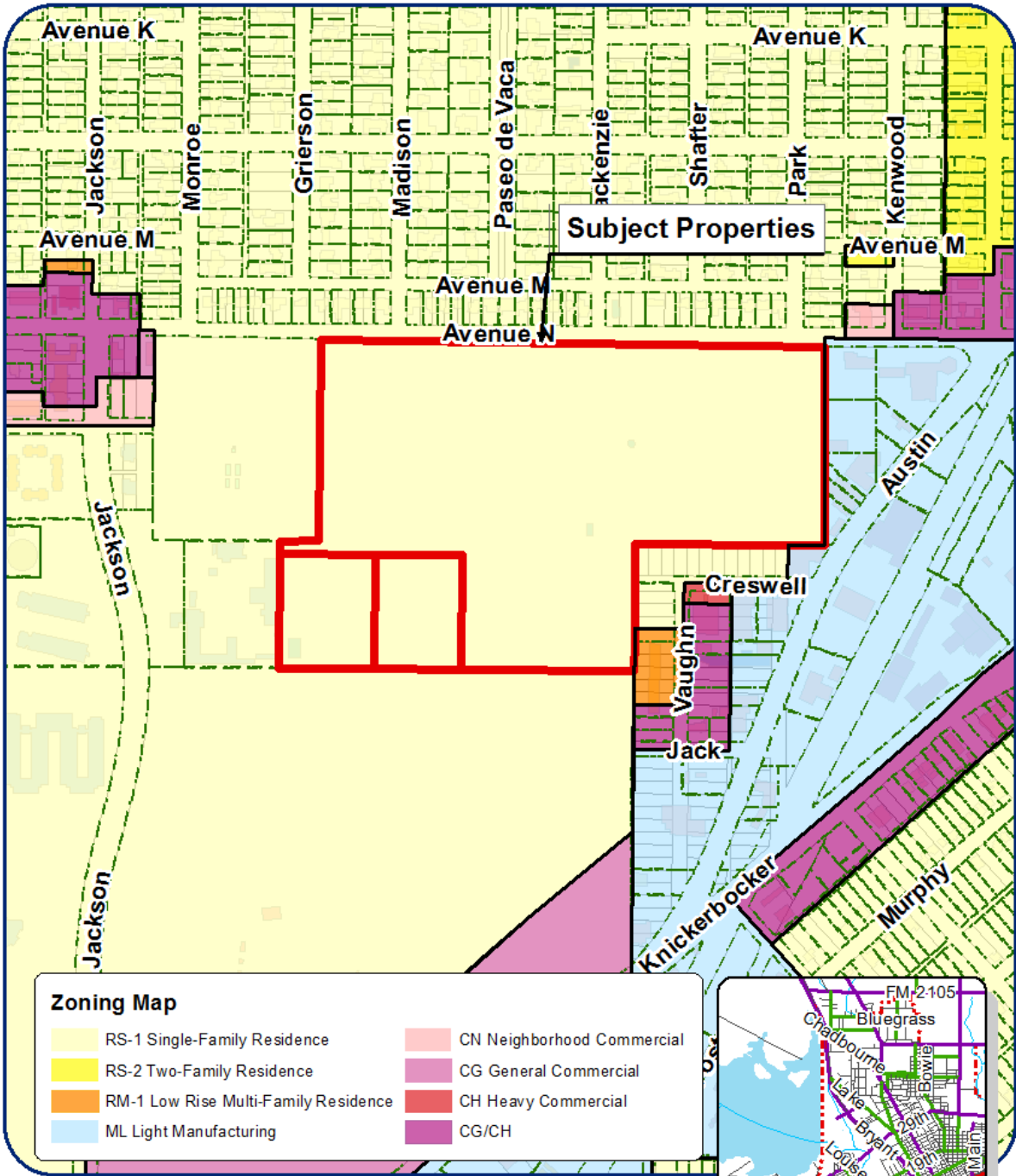
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







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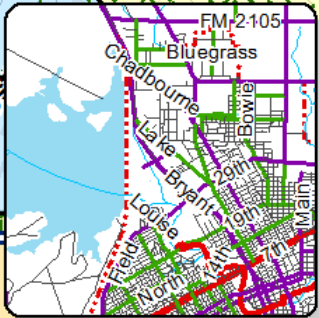
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Zoning Map

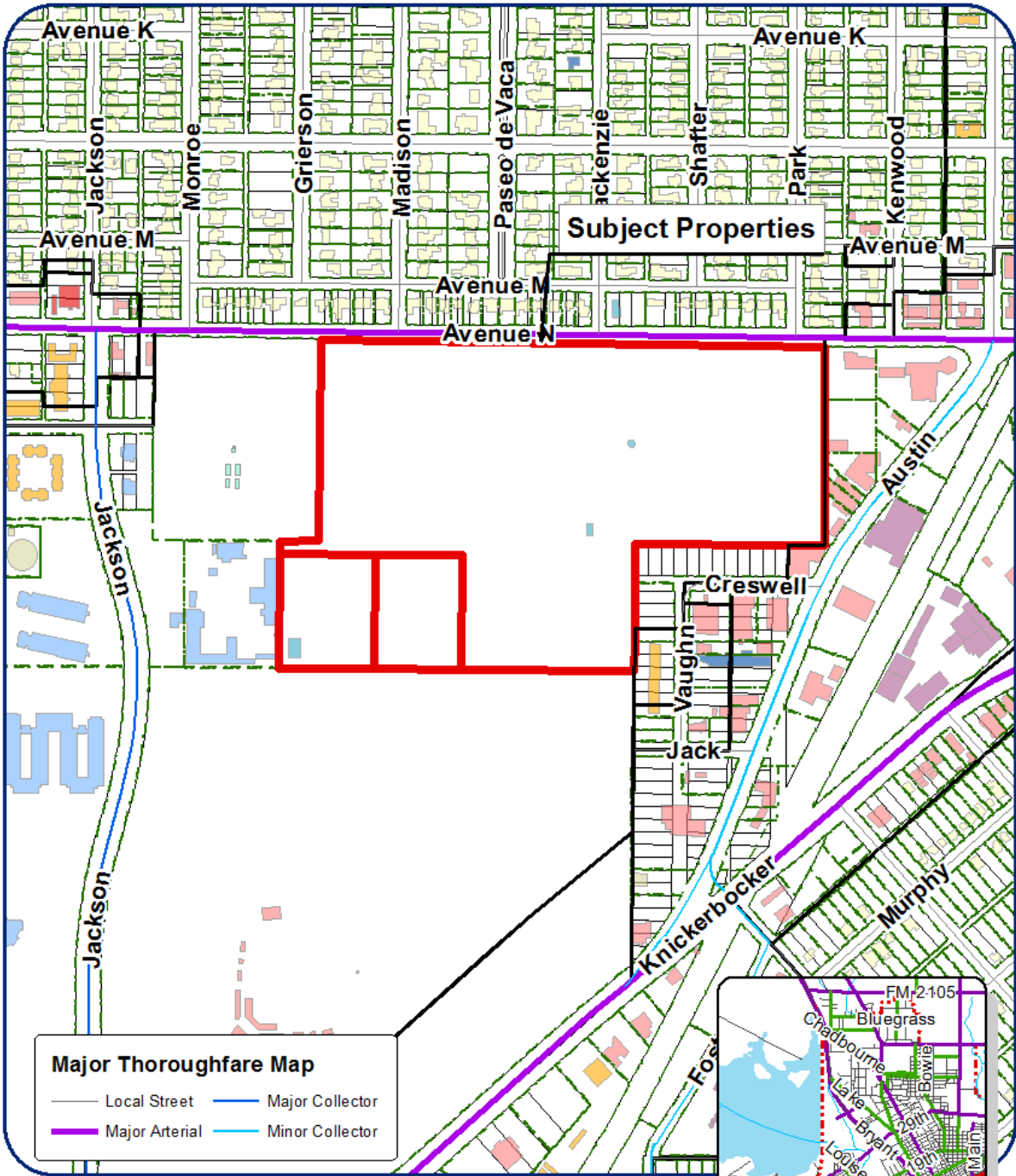
| | |
|--|--|
|  RS-1 Single-Family Residence |  CN Neighborhood Commercial |
|  RS-2 Two-Family Residence |  CG General Commercial |
|  RM-1 Low Rise Multi-Family Residence |  CH Heavy Commercial |
|  ML Light Manufacturing |  CG/CH |



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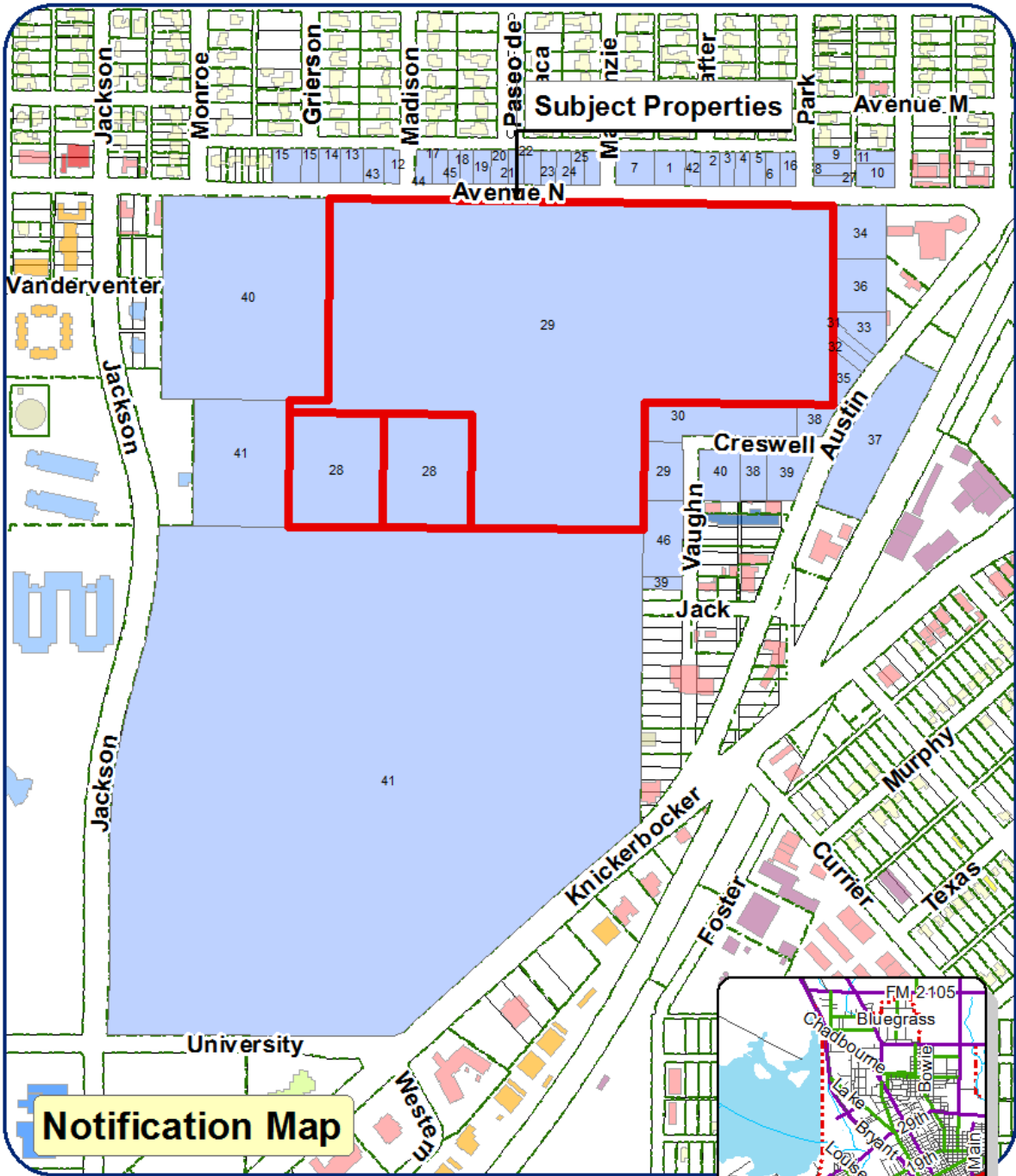




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Notification Map

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SITE PHOTOS

NORTH



EAST



SITE PHOTOS

SOUTH



WEST

