

PLANNING COMMISSION – FEBRUARY 18, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Replat		Pecan Creek Subdivision, Replat of Tract 8	
SYNOPSIS:			
<p>This is an application for a replat intended to subdivide a previously platted lot within Pecan Creek Subdivision into 8 lots. The applicant has also applied for a variance from Chapter 10.III.A.1 & 2 of the Land Development and Subdivision Ordinance (LDSO) to allow a 50 foot right-of-way in lieu of the required 60 feet and to maintain a minimum paving width of 19.2 feet in lieu of 30 feet for Reece Road, a Rural Local Street. The lots are proposed for residential use.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1382 Reece Road		Being Tract 8, Pecan Creek Subdivision, recorded in Cabinet B, Slide 145, Plat Records of Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
N/A	N/A	N/A	46.22 acres
THOROUGHFARE PLAN:			
<p><u>Reece Road</u> –Rural Local Street, Required 60’ min. ROW (50’ provided), 30’ min. pavement width (19.2’ provided).</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of the replat of tract 8, Pecan Creek Subdivision, and APPROVAL of a variance from Chapter 10.III.A.1 of the LDSO, and DENIAL of a variance from Chapter 10.III.A.2 of the LDSO, subject to Seven Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
<p><u>Property Owner</u> Glen Gee</p> <p><u>Representative</u> Darrin Fentress, Carter-Fentress Engineering</p>			
STAFF CONTACT:			
<p>Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us</p>			

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final plat, if the Commission finds the final plat does not comply with requirements of this or other applicable municipal ordinances, or if in the Commission’s opinion, the proposal would not be in conformance with the City’s Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance.”

The subject property is rural in nature which intends to “maintain some of the rural qualities and characteristics of San Angelo.” With the proposed final plat, the larger lot would allow additional residential homes. This addition would fit into the adjacent residential uses in the county and allow for a continuation of the existing development pattern. The proposed plat, if approved, would allow the property owners to make improvements to their land consistent with approved policies.

The proposed plat will also conform to the Intent of Purpose Statements of Chapter 2 of the Subdivision Ordinance. The plat will provide for the orderly, safe and efficient development (Statement C) and will insure proper land development in the extraterritorial jurisdiction so the City can expand in an orderly and efficient manner (Statement N). This plat will also provide for a systematic and accurate record of land development (Statement F).

Variance: As indicated above, the applicant has submitted a request for a variance from Chapter 10.III.A.1 & 2 of the Subdivision Ordinance to allow to allow a 50 foot right-of-way in lieu of the required 60 feet and to maintain a minimum paving width of 19.2 feet in lieu of 30 feet for Reece Road, a Rural Local Street. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

1. **The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.**

The applicant believes that Reece Road ROW and pavement has been the same width for decades and no public safety issues have been noted. Engineering Services and the Planning Division support the variance from dedication of the ROW since this property is surrounded by platted lots and the ROW follows the existing development pattern, but staff is not supportive of the pavement variance since the LDSO Chapter 9.III.A.5. states that in no instance shall a street result in less than a 26-foot wide paved roadway.

2. **The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.**

The applicant has stated that the conditions upon which this request for variances are based are not generally applicable to other property as none of the subdivided property in this area were required to widen the pavement at the time of platting/replatting. As indicated above, Engineering Services and the Planning Division support the variance for right-of-way as this property is surrounded by previously platted lots that have utilized the existing 50-foot right-of-way. However the current subdivision ordinance does not support the pavement width below the 26-foot minimum.

3. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The applicant believes due to the physical surroundings including the presence of the existing street, a particular hardship to the owners would result. City staff believes the existing right-of-way will service the surrounding area satisfactorily but as stated above the current subdivision ordinance does not allow for the current pavement configuration. As subdivision occurs along Reece Road each developer will be required to pave their incremental half although this might happen over a longer period of time.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.**

The applicant believes approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as this road (Reece Road) is adequate and functional in its present state. Planning and Engineering agree that the existing street right-of-way is currently sufficient and pose no safety risks to the public, but the street being below minimum standard could pose a safety risk with the mixture of pedestrians, vehicles, and larger busses and trucks.

Recommendation: Staff recommends **APPROVAL** of the Replat of Tract 8, Pecan Creek Subdivision, and **APPROVAL** of a variance from Chapter 10.III.A.1 of the LDSO, and **DENIAL** of a variance from Chapter 10.III.A.2 of the LDSO, subject to **Seven Conditions of Approval**.

1. Prior to plat recordation, per Subdivision Ordinance, Chapter 7.II.A provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, correct the signature block to reflect a plat approved by the Planning Commission.
3. Prior to plat recordation, provide a 50' unobstructed access easement along the east property line of the subdivided property continuous to the end of proposed lot 8B to ensure possibility of future road if lot 8A further subdivides in the future. Label the easement, "50 foot unobstructed access easement (possible future street right-of-way)"
4. Prior to plat recordation, provide and see approval for a plan showing existing structures and existing septic systems, and specifying the water source, to the Tom Green County Environmental Health Department. A suitability study must also be submitted and approved by the County. For more information, contact Pam Weishuhn at 659-5441. Provide Engineering with approval from TGC EHD.
5. Prior to plat recordation, provide City staff with official correspondence from Concho Rural Water Corporation, indicating the Corporation's ability and willingness to provide water service to each of the lots shown on the proposed final plat.

6. Prior to plat recordation, submit a revised plat, on which is illustrated the dedication of 5' of right-of-way for Reece Road, meeting the requirements for a "rural" collector [Land Development and Subdivision Ordinance, Chapter 9.III.B, & Chapter 10.III]. Alternatively obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

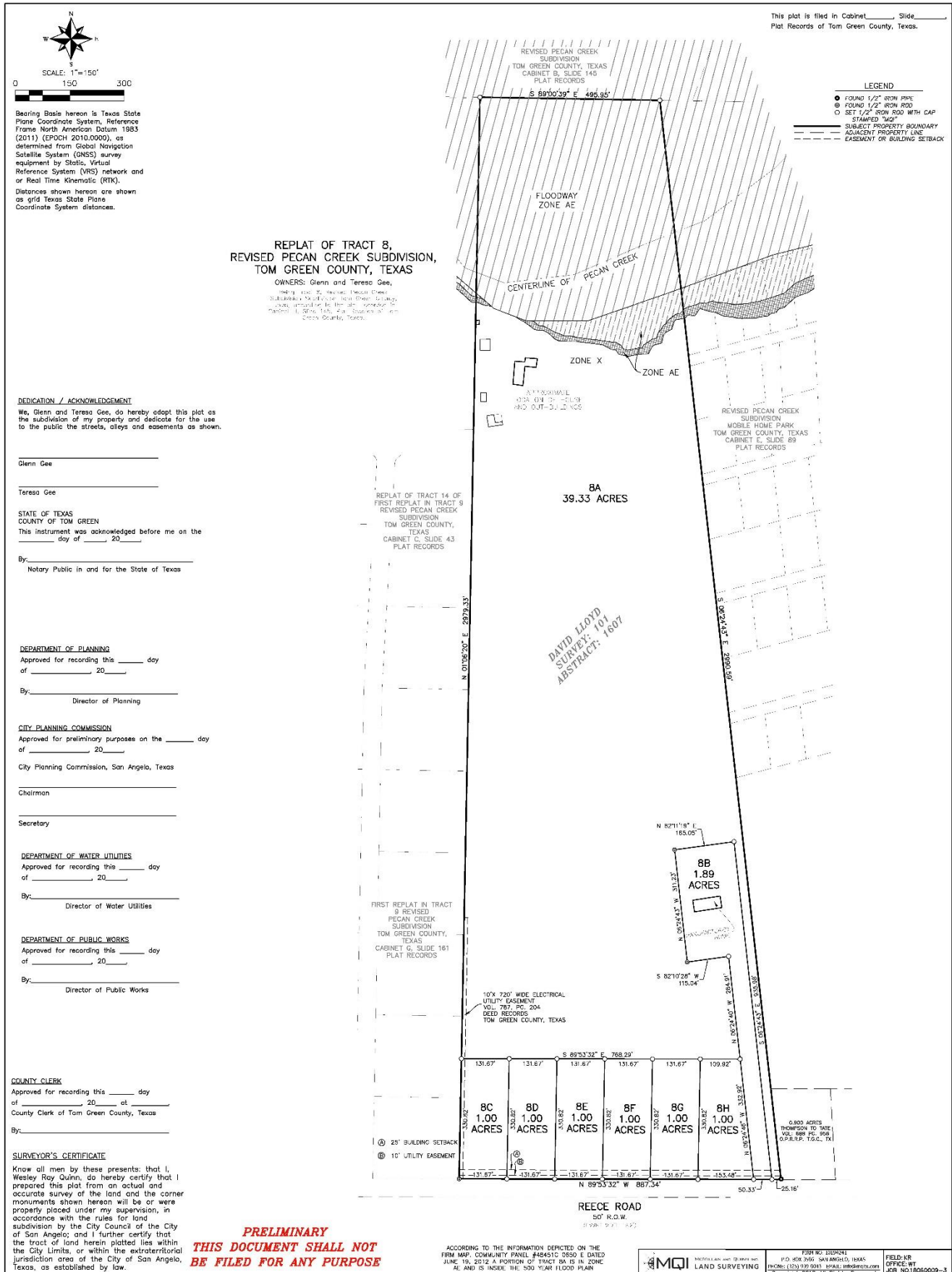
7. Prior to plat recordation, prepare and submit plans for required improvements to Reece Road by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10]. For Reece Road, the minimum width is 30 feet (in this case, requiring 5 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

Attachments:

Aerial Map

Proposed Final Plat

Application





City of San Angelo, Texas - Planning
Land Subdivision Application



NOTE: Incomplete applications will not be accepted. All required fields must be filled in adequately. The Authorized Representative (as designated in Section 1) will be notified of any changes in status & contacted with any questions. Use "N/A" where an item is not applicable.

Section 1: Basic Information

Replat of Tract 8, Revised Pecan Creek Subdivision, Tom Green County, Texas

Proposed Subdivision Name
 PECAN CREEK - RE S/D, Tract: 8

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 R50513

Tax ID Number(s) (can be found on property tax statement or at www.tomgreencad.com under Geographic ID)

One Authorized Representative **must** be selected below. All communications regarding this application will be conducted with this individual.

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
GEE, GLEN	719.440.7150	ggee@applied.com

Property Owner:

Name	Phone Number	Email Address
Darrin M. Fentress, P.E.	832.797.9910	dfentress@fentresseng.com

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address
Darrin M. Fentress, P.E.	832.797.9910	dfentress@fentresseng.com

Subdivision Type: Final Plat Replat - requiring Planning Commission approval Plat Vacation
 Preliminary Plat Replat - administratively eligible* Amended Plat

*If claiming eligibility for administrative approval, please note that **all of the following criteria** must be met; otherwise, the application will be scheduled for hearing by Planning Commission according to the adopted COSA submittal schedule.

- includes no more than four new lots or tracts;
- no dedication of land (including right-of-way, right-of-way expansion, corner clip dedication, etc) is required;
- all new lots or tracts front onto an existing public street right-of-way which is fully improved to City specifications;
- no extension of water or sewer mains are required to furnish service to the new lots or tracts;
- there is an absence of need for a detailed drainage plan;
- existing easement(s) for utilities are not removed or realigned without the express written permission from each utility service, or without the formalized release of said easement(s); and,
- in the case of replats requiring notification, no written opposition is received before the close of the public hearing.

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: Public water supplied by Concho Rural Water Corp. These properties are located out of COSA city Limits but are in the ETJ.

Sewer: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? See preliminary replat.

(NOTE: Please see Tom Green County Health Department for Septic System Permit 325-658-1024)

Are any off-site drainage, access or other types of easements necessary for this subdivision? Yes No

If yes, briefly describe each, including the use and size: _____

Section 3: Property Characteristics

46.220 ACRES 8 Lots
 Total Acreage of Proposed Subdivision/Resubdivision Total Number of Lots Proposed

Existing Zoning:

RS-1 RS-2 RS-3 RM-1 RM-2 PD (include case number: _____)

R&E CN CO CG CG/CH CBD OW ML MH

Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units?* Yes No
 *NOTE: if so, notification is required, and an additional notification fee is required.

Existing Land Use (Include the number of acres devoted to this use):

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Proposed Land Use (Include the number of acres devoted to this use):

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Are there existing structures on the property? Yes No

If yes, how many structures exist? two (2) What type of structures exist currently? Single Family Homes

If yes, are any of the structures planned to remain? Yes (NOTE: requires one copy of proposed plat showing structures to remain)

No

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: Pecan Creek Subdivision

Is this proposed plat within the ETJ?* Yes No
 *NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 1/2 miles of it.

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____
Article 12, Exhibit C, Chapter 10, Section III, A-1 & A.2

Full variance requested Partial variance requested (proposed variation from standard): _____
Reece Road: Request variance from the Rural Collector Street Pavement width and Min. County ROW width requirement. This is a County Road.

Check which of the following criteria apply, & include a detailed explanation of how each item applies to this request. Attach additional sheets if necessary to provide more explanation, or if additional variances are requested.

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
Reece Road ROW and Pavement has been the same width for decades and no public safety issues have been noted.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
None of the subdivided property in this area was required to widen the pavement at the time of platting/replatting.

(Section 4 continues on next page)

Section 4, continued

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 N/A

The variance will not, in any significant way, vary the provisions of applicable ordinances.

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.11 of the Subdivision Ordinance.

The undersigned hereby applies for subdivision plat approval in accordance with the subdivision policies and regulations of the City of San Angelo and certifies that the information contained on this application is true and accurate to the best of my knowledge.


 Owner's Signature

 Representative's Signature

1/9/2019
 Date
1/9/2019
 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 1-23-19 Deemed preliminary complete: _____
Date Date Time Initials

Received by Development Services Technician for completeness review: _____
Date Time Initials

Completeness review passed? Yes _____ No _____
Date Date

If yes, when was application scheduled for staff review, if applicable? _____
Date Initials

If no, when was rejection & list of deficiencies (attach copy) sent to Authorized Representative? _____
Date Initials

Resubmittal received by Development Services Technician for completeness review: _____
Date Initials

Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)
 Yes _____ No _____
Date Date

Approvals required for this application:	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____
 Date Recorded: _____

**PLANNING COMMISSION – January 28, 2019
STAFF REPORT**



APPLICATION TYPE:	CASE:
Rezoning	Z19-01: Agüero

SYNOPSIS:
The applicant has applied for a rezoning request from the Single-Family Residential (RS-1) to Two Family Residential District (RS-2). At the Planning Commission meeting on January 28, 2019 a compromise was reached between the applicant, the Planning Commission and the neighbors. The applicant is now requesting a Planned Development with the underlying zoning being Residential Single Family (RS-1) with the Floor Area Ratio being set at .50. This allows the applicant to build larger single family homes on individual lots and to utilize the greater floor area ratio standards of 0.50 while still only allowing single-family homes.

LOCATION:	LEGAL DESCRIPTION:
An unaddressed tract located south of the intersection of Merrick Street and Canadian Street.	Being 3.353 acres out of and part of that certain 10.872-acre tract described and recorded by deed and recorded as Instrument No. 616893. (Trinity West Section Three)

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tommy Hiebert Neighborhood: Country Club	RS-1 Single Family Residential	N - Neighborhood	3.353 acres

THOROUGHFARE PLAN:
Twin Mountain Drive – Urban Arterial Street
Required: 80’ right-of-way, 64’ pavement
Provided: 100’ right-of-way, 64’ pavement
Merrick Street (Proposed Extension)– Urban Local Street
Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk
Provided: 50’ right-of-way, **40’ pavement or 36’ pavement with a 4-foot sidewalk required**

NOTIFICATIONS:
45 notifications mailed within 200-foot radius on February 4, 2019.
Zero received in support at this time.

STAFF RECOMMENDATION:
Staff recommends **APPROVAL** of the rezoning from Single-Family Resentence (RS-1) Zoning District to Planned Development with the underlying zoning remaining Residential Single Family (RS-1) but a greater 0.50 Floor Area Ratio being allowed.

PROPERTY OWNER/PETITIONER:
Danny Agüero Sierra Vista Construction
STAFF CONTACT:
Sherry Bailey Primary Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us



Additional Information: At the January 28, 2019 Planning Commission meeting a consensus was reached between the Planning Commission, the neighbors, the applicant to apply for Planned Development with the underlying zoning to be RS-1 but the allowable Floor Area Ratio to be revised to the greater .50 of lot coverage. This was the reason for the original request and addresses the protections the neighbors were requesting.

Rezoning: 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 property has a Future Land Use Neighborhood designation. The primary factor in the description of a quality neighborhood is a stable diverse housing area that attracts and retains long-term residents that ensure the City's residential quality and economic vitality. This area has a good balance of single family, low profile multiple family, a school, commercial and open space area. This area is already has an approved plat with lot sizes which only allow single family structures.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The RS-1 Single Family Residential District with the .50 lot coverage is compatible with the existing residential district. The basic difference is the floor area ratio with lot coverage in RS-1 being .40 and allowing the .50 FAR which is slightly more dense.
- 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.** As stated above, this area is zoned RS-1 with the proposed Planned Development allowing slightly different density within this area. The intended use, lot size requirements and setbacks remain the same. The only difference in this case being the denser lot coverage.
- 4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.** The only changed condition is the request by the applicant to be allowed to build larger single family homes on the same size lot which requires a higher Floor Area Ratio.
- 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 is no anticipated environmental impacts as a result of this zone change. The use is essentially the same and all of the original environmental/drainage plans are only minimally affected by the larger home construction.
- 6. Community Need. Whether and the extent to which the proposed amendment addresses a**

demonstrated community need. The applicant believes there is a demonstrated need for the larger homes based on the requests he has received and the interest from prospective buyers.

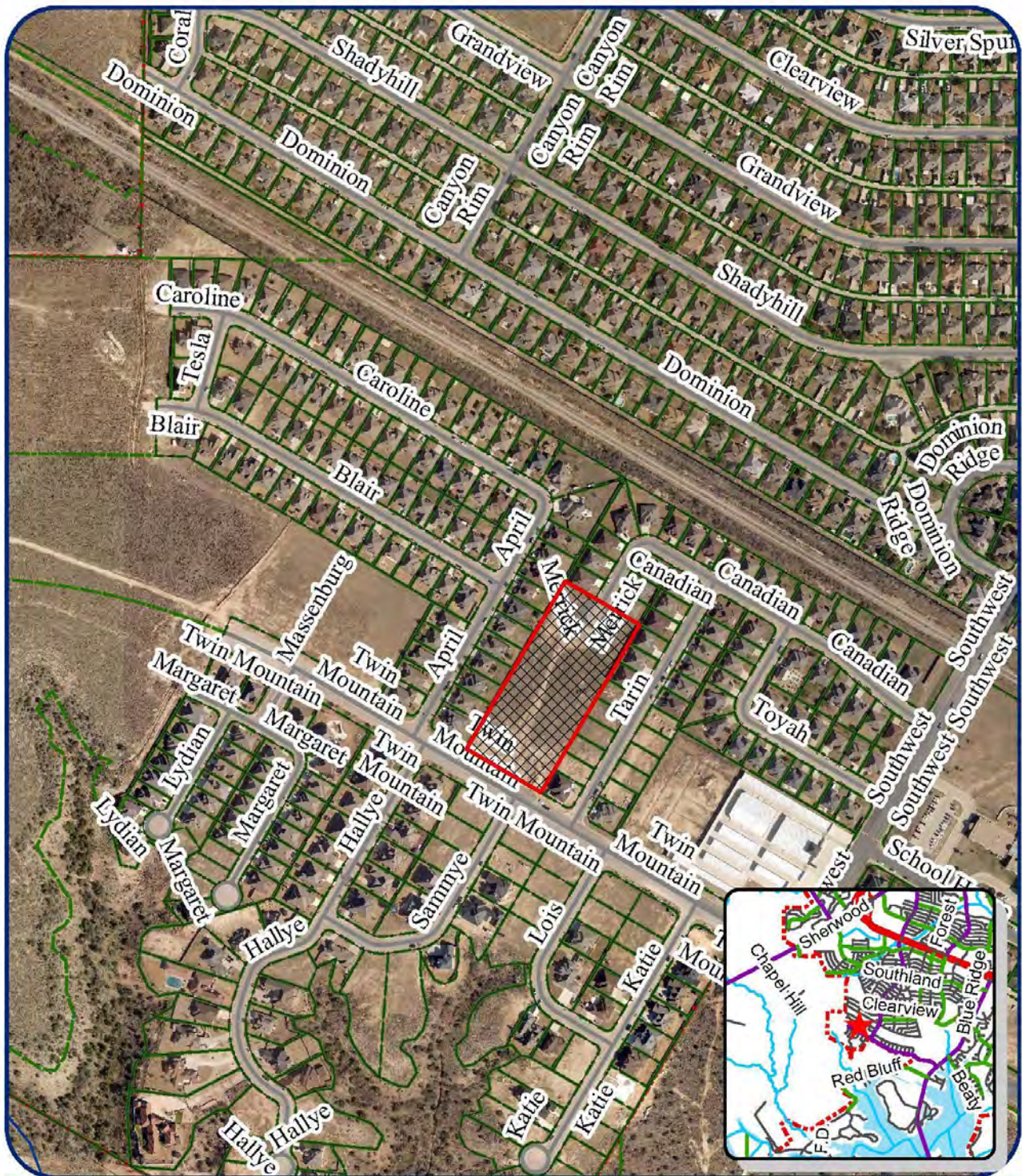
7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The requested zone change is anticipated to have no impact on the pattern of urban development in this area.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed rezoning from the Single-Family Residential (RS-1) Zoning District to the Planned Development Zoning District (PD), on the subject property with the underlying zoning being the RS-1 and the only change being the greater Floor Area Ratio of .50.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Existing Approved Administrative Variances for FAR
Photographs
Notification Map
Resident Letters
Application
Applicant's Response to Zoning Criteria



Aerial Map

Z19-01: Aguero

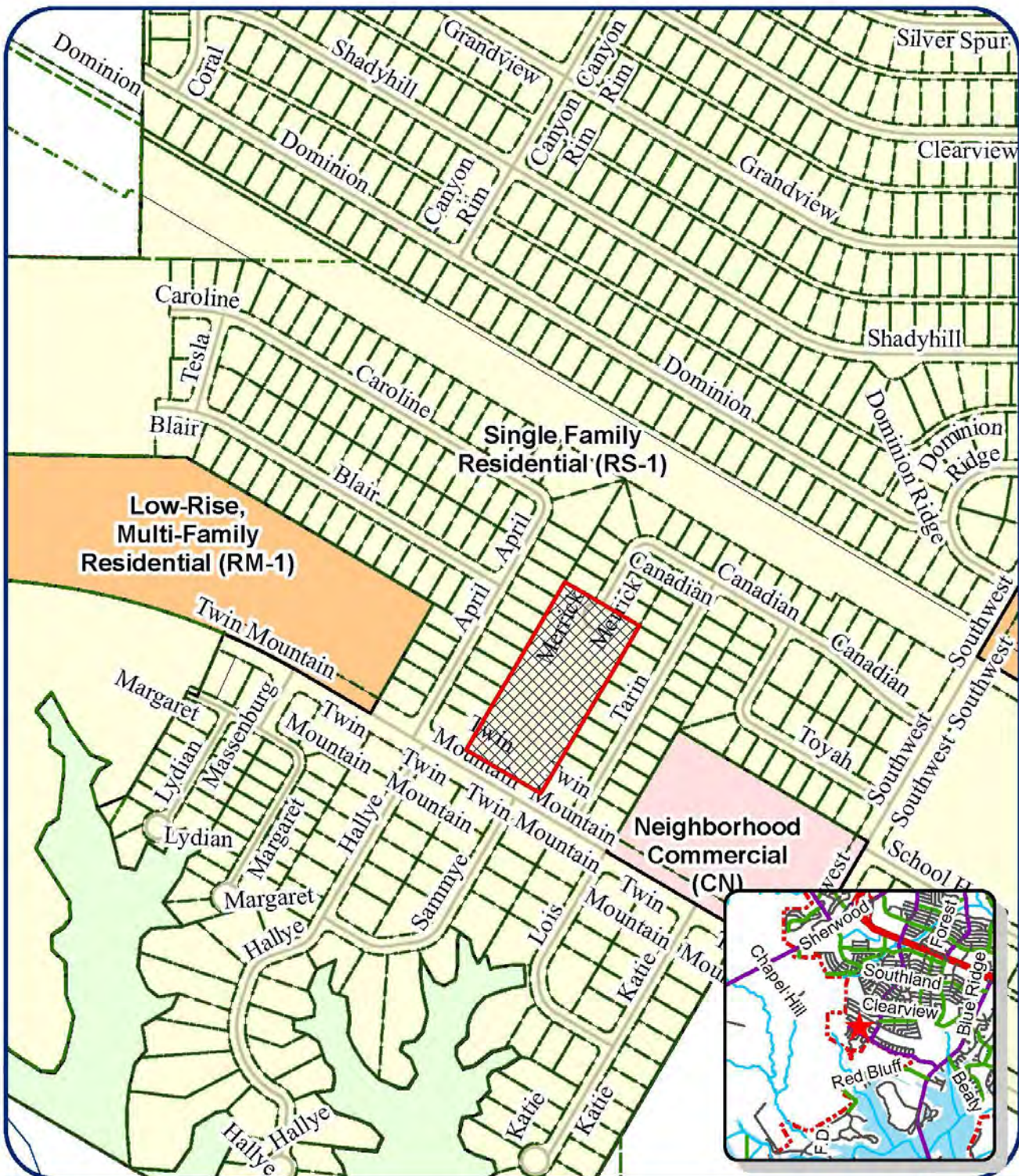
Council District: Tommy Hiebert District 1
 Neighborhood: Country Club
 Scale: 1" approx. = 375 ft

South Canadian St. & Merrick Ave.

Legend

- Subject Properties: █
- Current Zoning: **Single-Family Residence District (RS-1)**
- Requested Zoning Change: **Two Family Residential (RS-2)**
- Vision: **Neighborhood**





Existing Zoning
Z19-01: Aguero
 Council District: Tommy Hiebert District 1
 Neighborhood: Country Club
 Scale: 1" approx. = 375 ft

Legend
 Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **Two Family Residential (RS-2)**
 Vision: **Neighborhood**

South Canadian St. & Merrick Ave.

Existing Approved Administrative Variances for FAR



Notification Map of Property



200 Foot Notification Map

Z19-01: Aguero

Council District: Tommy Hiebert District 1
 Neighborhood: Country Club
 Scale: 1" approx. = 195 ft


South Canadian St. & Merrick Ave.

Legend


Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **Two Family Residential (RS-2)**
 Vision: **Neighborhood**



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
 52 West College Avenue
Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): Donny Aguero
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 8946 Terin St. San Angelo, TX 76904
City State Zip Code

Contact Phone Number: (325) 212-9257 Contact E-mail Address: sierravistacontraction@live.com

Subject Property Address: Trinity West Subdivision San Angelo TX 76904
Sections 3 City State Zip Code

Legal Description (can be found on property tax statement or at www.tomareencad.com)

Existing Zoning: RS-1 Proposed Zoning: RS-2 Lot size: 62X102 - 78.73X102

(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Single Family

*Proposed Use of Property: Single Family

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement
 (By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;

No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.

If approved, a zone change is applied to the property, not the property owner.

The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.

If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.

Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.

One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.

If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above, is true and correct.

Danny Aguero Signature Sierra Vista Construction Inc. Company/Organization (If Applicable) 12/20/2018 Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: ____/____/____

Case No.: Z _____ Fully-dimensional site plan:

Nonrefundable fee: \$ _____ Receipt #: _____ Date paid: ____/____/____

Sign Deposit \$37.50 Receipt #: _____ Date paid: ____/____/____

Affidavit attached? Yes No N/A Applicant's signature on information sheet? Yes No

Previous Zone Change Inquiry? Yes No If yes, ZCI case no.: _____

River Corridor Commission? Yes No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: ____/____/____ Date notifications due: ____/____/____

City Council hearing date: ____/____/____ Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

Sec. 212. Amendments to Text or Official Zoning Map

G. Amendment Criteria. The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

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.

Neighborhood Designation allows for diversity of housing and both the proposed and existing properties are created for low density housing.

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

Existing zoning will be consistent w/ the RS-2 zoning type as proposed.

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.

All proposed single family homes will be consistent w/ existing homes in the area under the RS-2 zoning rules.

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

Proposed homes will allow up to 50% FAR.

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, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment

N/A

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

Demand for slightly larger homes in the subdivision.

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.

Lots will not be changed. The proposed zone change is a minimal, logical means to resolve FAR for the lots in the area.

**PLANNING COMMISSION – FEBRUARY 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Rezoning		Z19-02: Vasquez	
SYNOPSIS:			
<p>The applicant has applied for a rezoning from Single-Family Residential (RS-1) to General Commercial (CG). The existing four lots are 25 ft. by 130 ft. The applicant wants to build a large personal storage building for his cars and RV. These lots front on La Follette and beyond that the Houston Harte Expressway. The Vision Plan has this entire half block area fronting on La Follette as commercial with the second half of the blocks as Transitional buffering the Residential Single Family (RS-1) to the north.</p>			
LOCATION:		LEGAL DESCRIPTION:	
Four lots located west of the intersection of La Follette Street and Lowrie Ave.		Being .03 acres, lots 37, 38, 39 and 40; Block 13, Avondale Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Neighborhood: Paulann	RS-1 Single Family Residential	C - Commercial	13,000 sq. ft.
THOROUGHFARE PLAN:			
<p>La Follette Street Urban Local Street Provided: 50' right-of-way, 40' pavement or 36' pavement with no sidewalk</p> <p>Lowrie Ave. Urban Local Street Provided: 50' right-of-way, 40' pavement or 36' pavement with no sidewalk</p>			
NOTIFICATIONS:			
<p>11 notifications mailed within 200-foot radius on February 4, 2019. Zero received in support or opposition</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of the rezoning from Single-Family Resentence (RS-1) Zoning District to General Commercial (CG) Zoning District, on the subject property.</p>			
PROPERTY OWNER/PETITIONER:			
Victor Vasquez - owner			
STAFF CONTACT:			
<p>Sherry Bailey Primary Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us</p>			

Additional Information: The applicant wants to build a large storage building for his personal storage of vehicles and a RV. He will also have a personal office area within the building and a restroom. In the future he may sell the building for a General Commercial use.

Rezoning: 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 property has a Future Land Use of Commercial. The request is in keeping with the Vision Plan for San Angelo.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** Immediately north of this property the zoning is Manufactured Housing Subdivision (MHS). Single Family Residential (RS-1) zoning exists on the blocks to the east and west. However, most of the property along La Follette which is adjacent to the Houston Harte Expressway is not developed. Generally single family homes do not choose to build along a major freeway area. Providing Commercial zoning as called for in the Vision Plan provides a buffer for the residential property behind this area and allows the land to be used for its highest and best use.
- 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.** As you look at the zoning to the east and west of this small area that is still zoned residential, commercial, mobile home, office, multiple family and heavy commercial zoning has already been designated along Houston Harte.
- 4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.** This area is sparsely developed and until the zoning is changed to match the Future Land Use it will likely remain undeveloped.
- 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 is no anticipated environmental impacts as a result of this zone change.
- 6. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.** The applicant is building for his own use.
- 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 requested zone change is anticipated to have no impact on the pattern of urban development in this area.

Recommendation:

Staff recommends that the Planning Commission **APPROVE** the proposed rezoning from Single-Family Residential (RS-1) Zoning District to General Commercial (CG).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Notification Map
Application
Applicant's Response to Zoning Criteria



Aerial Map

ZC 19 - 02 Vasquez

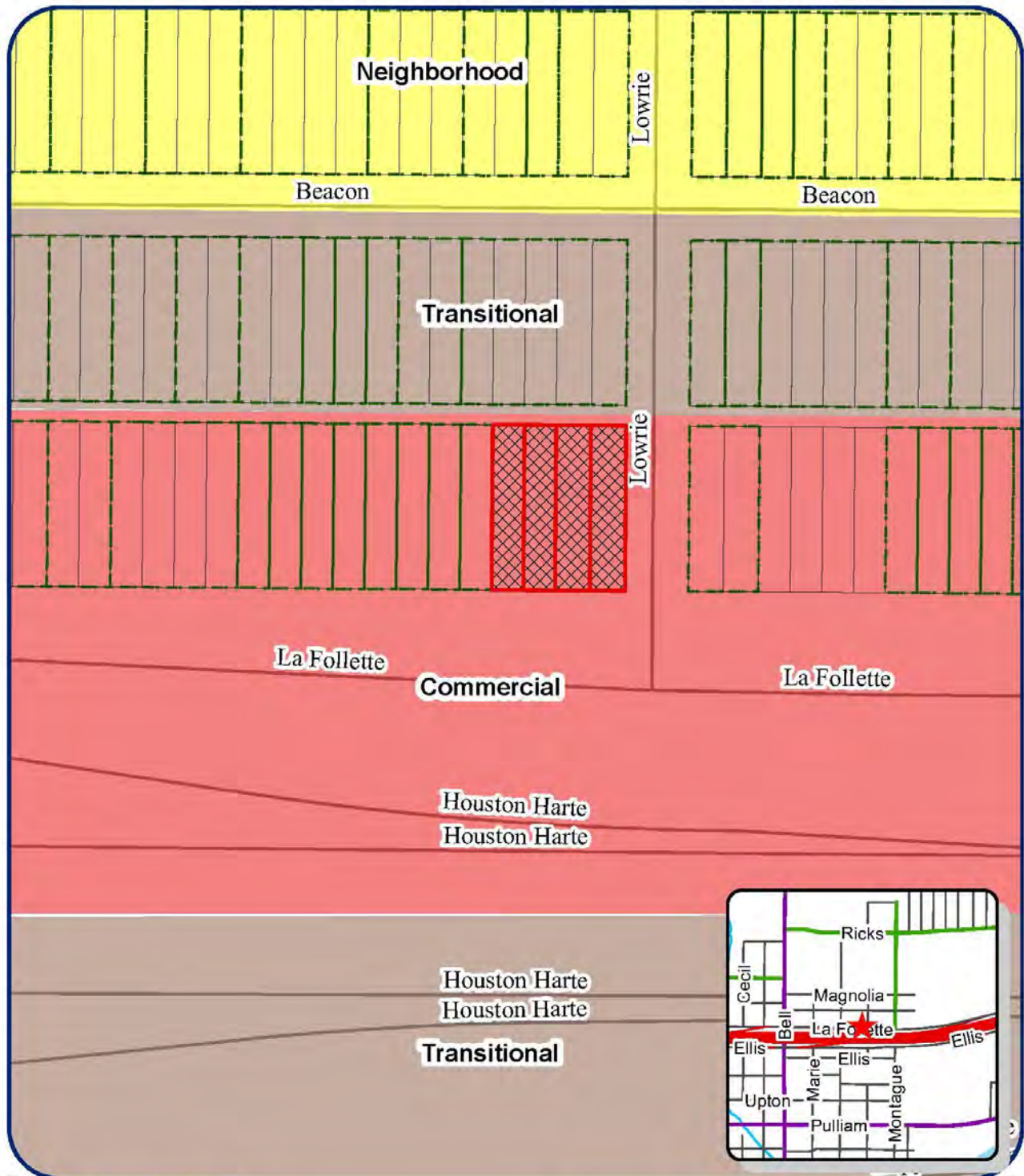
Council District: Lucy Gonzales District 4
 Neighborhood: Paulann
 Scale: 1" approx. = 170 ft
Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **General Commercial (CG)**
 Vision: **Commercial**

N





Future Land Use Map

ZC 19 - 02 Vasquez

Council District: Lucy Gonzales District 4
 Neighborhood: Paulann
 Scale: 1" approx. = 100 ft

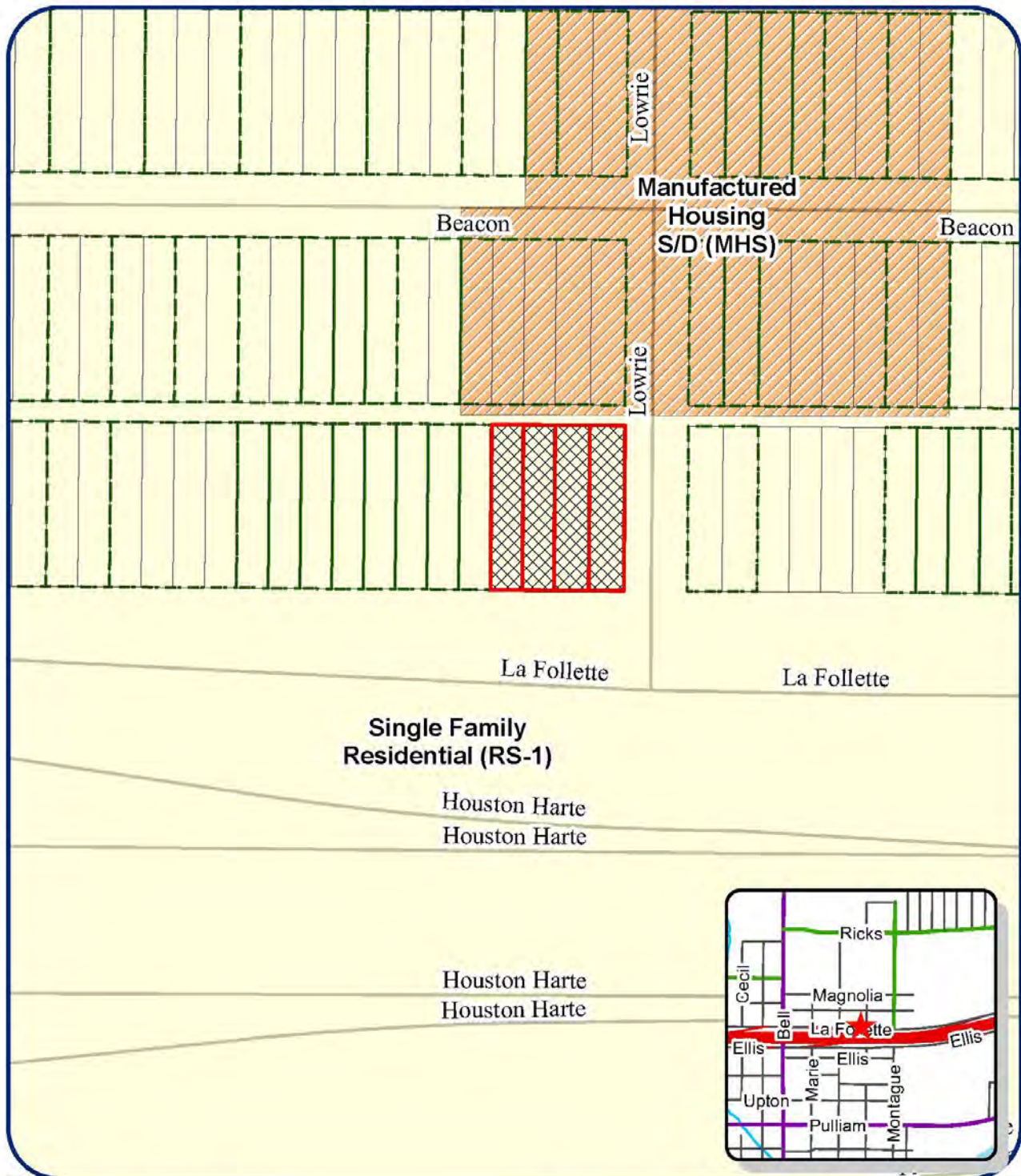
Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **General Commercial (CG)**
 Vision: **Commercial**

N





Future Land Use Map

ZC 19 - 02 Vasquez

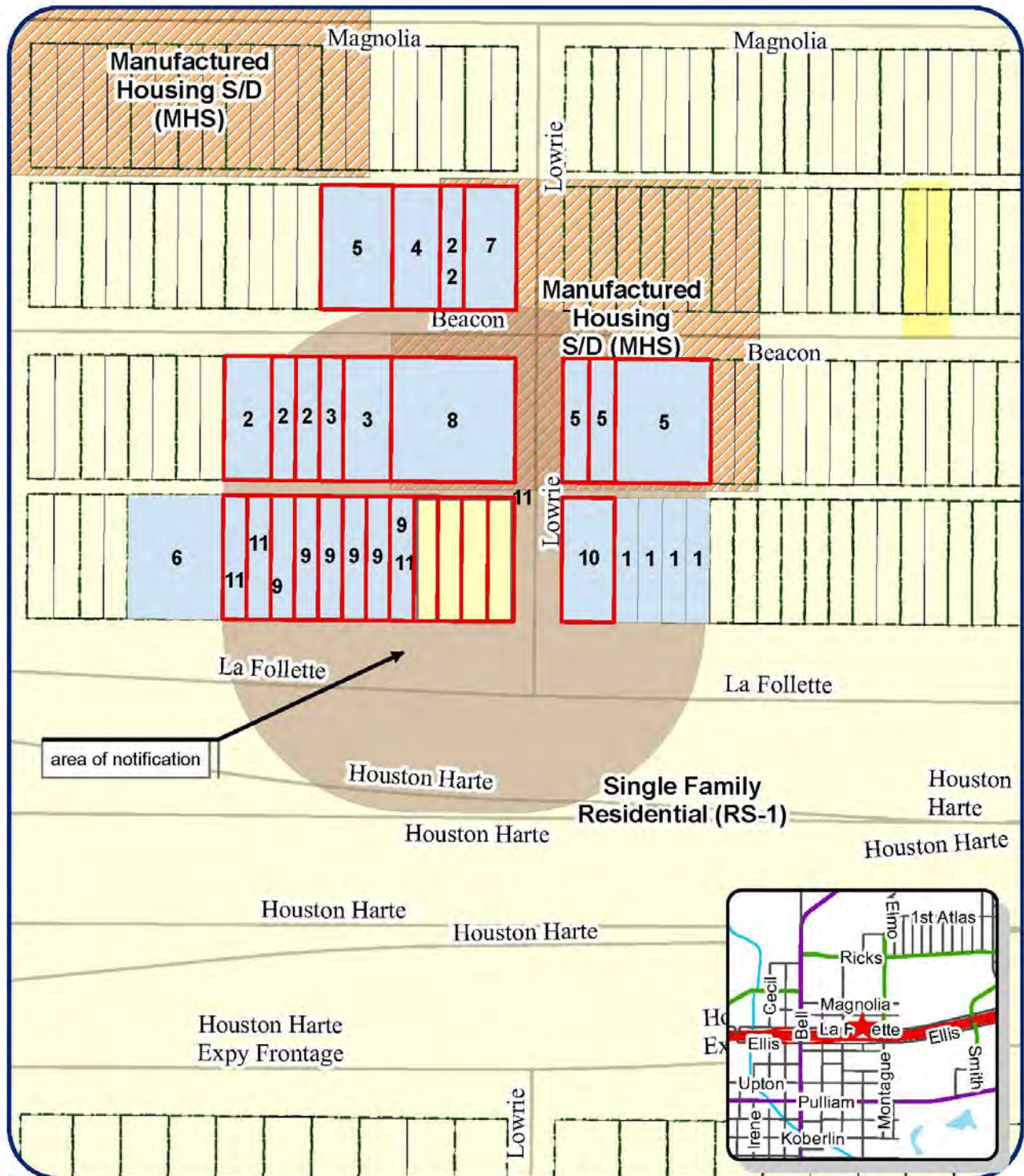
Council District: Lucy Gonzales District 4
 Neighborhood: Paulann
 Scale: 1" approx. = 100 ft

Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

- Subject Properties: █
- Current Zoning: **Single-Family Residence District (RS-1)**
- Requested Zoning Change: **General Commercial (CG)**
- Vision: **Commercial**





Notification map

ZC 19 - 02 Vasquez

Council District: Lucy Gonzales District 4
 Neighborhood: Paulann
 Scale: 1" approx. = 133 ft

Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

- Subject Properties:
- Current Zoning: **Single-Family Residence District (RS-1)**
- Requested Zoning Change: **General Commercial (CG)**
- Vision: **Commercial**

N





Looking west at the corner property to be rezoned



The four lots listed in the rezoning request



Posted Zoning Request notice sign.



Looking east across Lowrie Ave.



Looking south at Houston Harte Expressway across La Follette St.

City of San Angelo, Texas
Planning Division

Application for Approval of a ZONE CHANGE

Name of Applicant(s): Victor Vasquez

Owner – Authorized Representative (Affidavit required)

Mailing Address: PO Box 5883 Telephone: 325.939.1098

City/State/Zip: San Angelo Tx 76902 Fax/other: _____

Subject Property Address and/or Location*:

Legal Description*:
Lot 37, 38, 39,40; Blk 13; Avondale addition.

Lot Size: 25'x130' Zoning: RS1

Existing Use of Property: Empty Lot

Proposed Use of Property: Add Building to conform to new Zoning

Requested Zone Change: C.G

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct.


Signature _____ Date 1-18-19

NOTE: Please also read information and sign on back of page.

OFFICE USE ONLY			
Case no.:	<u>Z 19 - 02</u>	L R M	Date of application: <u>1-18-19</u>
Received by:	_____		-walk-in - by mail
Nonrefundable application fee:	<u>\$ 625</u>		Date paid: <u>1-18-19</u>
Sign deposit:	<u>\$</u>		Date paid: _____
Affidavit attached? - yes - no - <input checked="" type="checkbox"/> N/A	Applicant's signature on information sheet? -		
Previous Zone Change Inquiry? - yes - no			If yes, ZCI case no.: _____
River Corridor Commission? - yes - no			If yes, RCC meeting date: _____
Planning Commission hearing date:	<u>2/18/19</u>		Date notifications due: <u>2/3/19</u>
City Council hearing date:	<u>3/19/19</u>	Packets due date:	Publication date: _____




Existing zoning RS-1 Single Family
Rezoned to General Commercial: Vasquez

Legend

Council District 4: Gonzales
Neighborhood: Paulann
Scale: 1" approx. = 50 ft


Current Zoning: **Single-Family Residence District (RS-1)**
Requested Zoning Change: **General Commercial**
Vision: **Commercial**

Intended use Storage



**PLANNING COMMISSION – FEBRUARY 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		Millspaugh Addition, Block 15 (Johnson)	
SYNOPSIS:			
<p>The applicant has requested the abandonment of all public alleys within Block 15 of the Millspaugh Addition. The applicant owns 805 South Chadbourne which is currently being used as low hazard storage. The applicant’s property currently has no direct access to a public street and the building footprint takes up a majority of the lot, which would not allow the addition of on-site parking to serve the build’s future use. If a change of occupancy is requested, parking requirement would be triggered per the zoning ordinance.</p>			
LOCATION:		LEGAL DESCRIPTION:	
North of West Washington Drive; west of South Chadbourne Street; south of Santa Fe Depot; and east of South Irving Street		Being all public alleys located within Block 15, Millspaugh Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #3 – Harry Thomas Ft. Concho Neighborhood	ML – Light Manufacturing	Downtown	0.267 acres (12,030 sq. ft.)
THOROUGHFARE PLAN:			
Alleys were approved as part of the Millspaugh Addition, filed for record March 10, 1888 with the Tom Green County Clerk.			
NOTIFICATIONS:			
7 notifications mailed directly adjacent the proposed abandonments on February 1, 2019. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Alley Right-of-Way Abandonment request, subject to Five Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Bruce Johnson			
STAFF CONTACT:			
Hillary Bueker Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			

Additional Information:

City Staff circulated all relevant municipal departments, as well as public and private utility companies. There are existing City services within the alley area to be abandoned. City departments expressed their support for the alley abandonment subject to conditions of approval. Atmos gas expressed concerns with an existing gas line located within the alley but was supportive of the abandonment conditioned on an unobstructed utility easement. There were no other responses.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on February 5, 2019, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent land owners. A site visit confirms that the alley is unpaved (caliche) and there are no rear access drives to abutting land owners.
- *Utilities:* There are existing City utilities in the alley. Water and sewer lines would remain with the addition of a 20' wide unobstructed utility easement.
- *Community Impact:* The Planning staff has sent adjacent owners public notice of the meeting. There have been no responses to date. As a condition of approval, Planning Staff recommends that all abutting owners comply with the abandonment requirements within 24 months of approval.
- *Public Benefit:* The Planning Division recommends approval only for an entire alley to "allow that space to be more effectively integrated with adjoining private property owners, in a way which would enhance the long-term upkeep and appearance of this space. Closing the entire alley would benefit all owners and not only one or a few.

Recommendation:

Staff recommends **APPROVAL** of the proposed abandonment and vacation of all public alleys within Block 15 of the Millspaugh Addition, **subject to five conditions of approval:**

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned alley right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of deed(s) officially abandoning the City's claim to the entirety of the abandoned alley(s) shall be provided. If the alley acquisitions result in the property at 805 South Chadbourne becoming land locked, the owners of the east-west alley from 805 South Chadbourne to South Chadbourne Street shall provide an 20 unobstructed access easement for the benefit of 805 South Chadbourne.
3. Submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance within 24 months of City Council's decision.

4. The applicant shall provide as part of the replat a minimum 20-foot, unobstructed utility easement along the current east-west alley.
5. The code requires a fire apparatus access of at least twenty feet in width to extend within 150' of all portions of the exterior of the structure. The access shall connect to a public street. The access shall be designed to withstand the load of an 80,000 pound fire truck and shall be paved. 2015 International Fire Code Section 503, D102 and D103

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Alley Abandonment Exhibit

Photos

Application

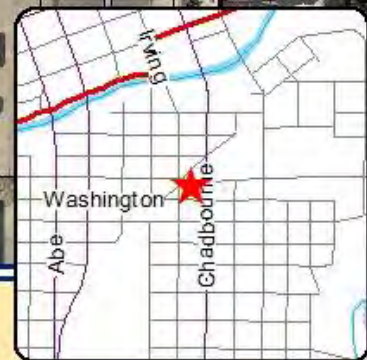


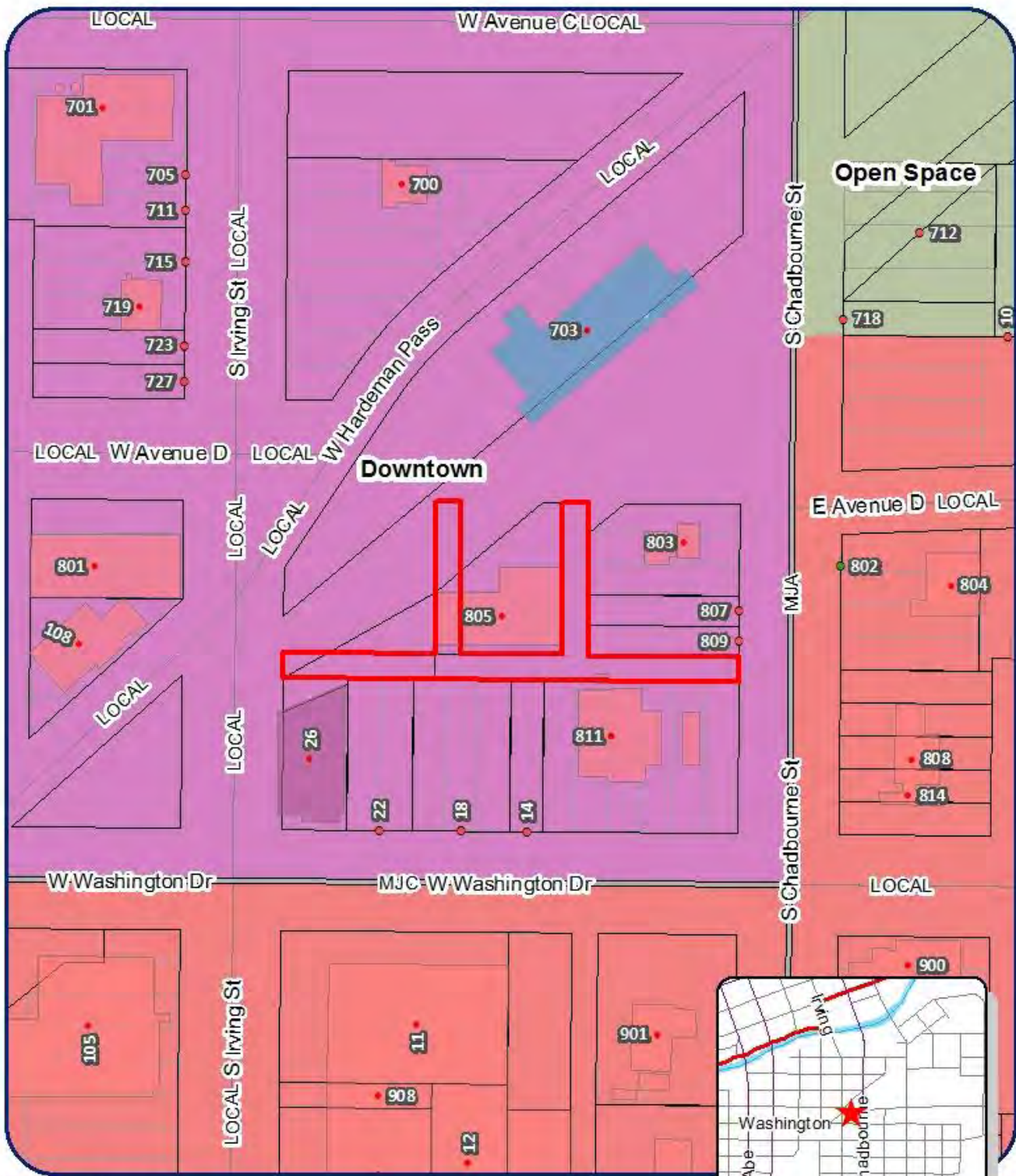
Alley Abandonment
805 South Chadbourne Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho
 Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
 Current Zoning: **ML**
 Requested Zoning Change: **N/A**
 Vision: **Downtown**





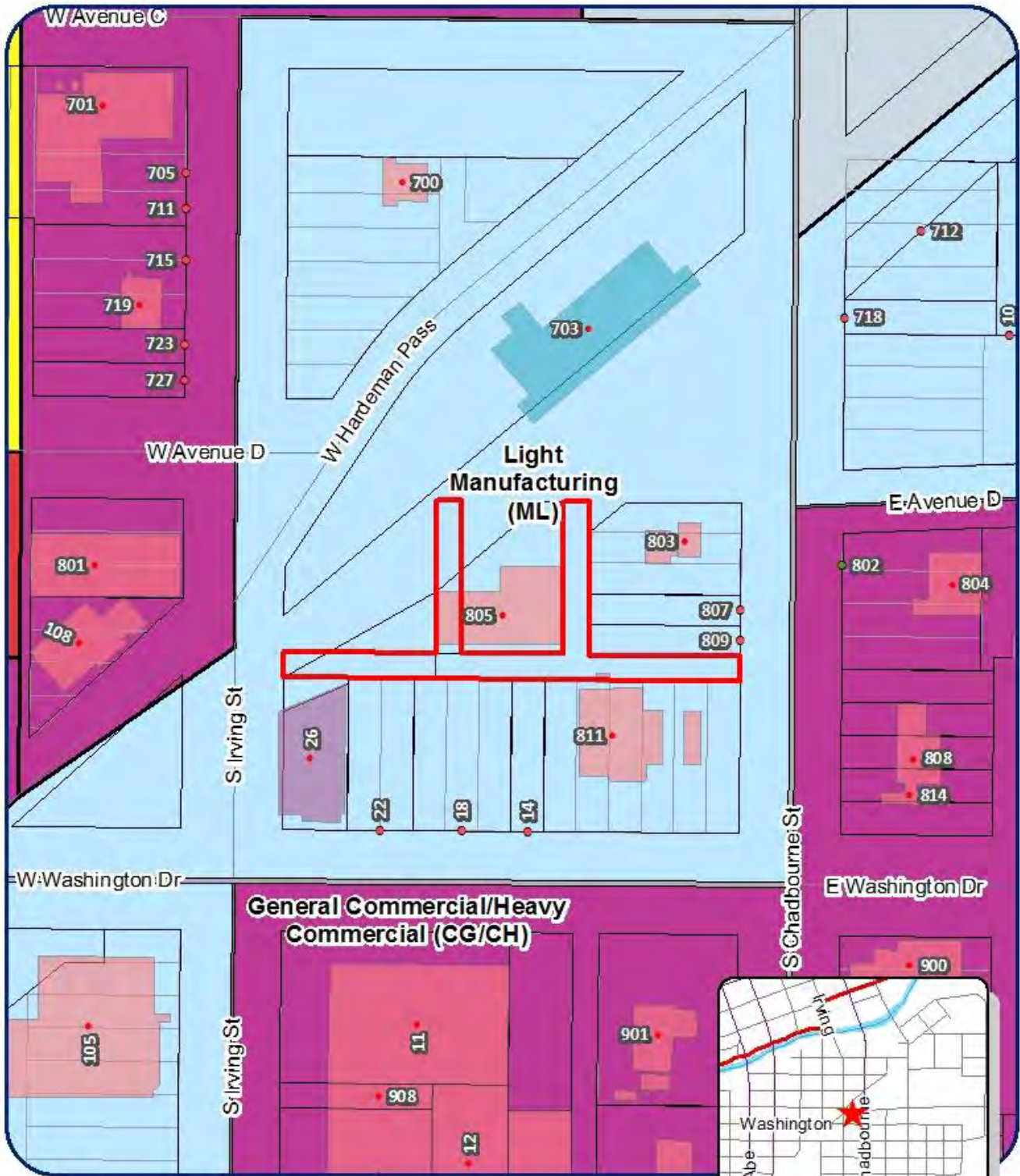
Alley Abandonment
805 South Chadbourne Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho
 Scale: 1" approx. = 100 ft

Legend

Subject Properties:
 Current Zoning: **ML**
 Requested Zoning Change: **N/A**
 Vision: **Downtown**





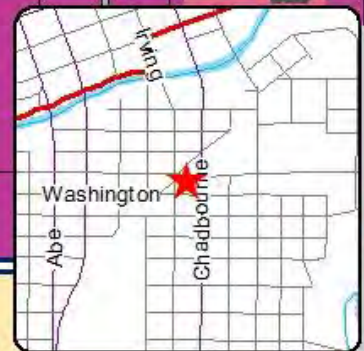
Alley Abandonment

805 South Chadbourne Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho
 Scale: 1" approx. = 100 ft

Legend

Subject Properties:
 Current Zoning: **ML**
 Requested Zoning Change: **N/A**
 Vision: **Downtown**



Millspaugh's Survey

Angels Addition

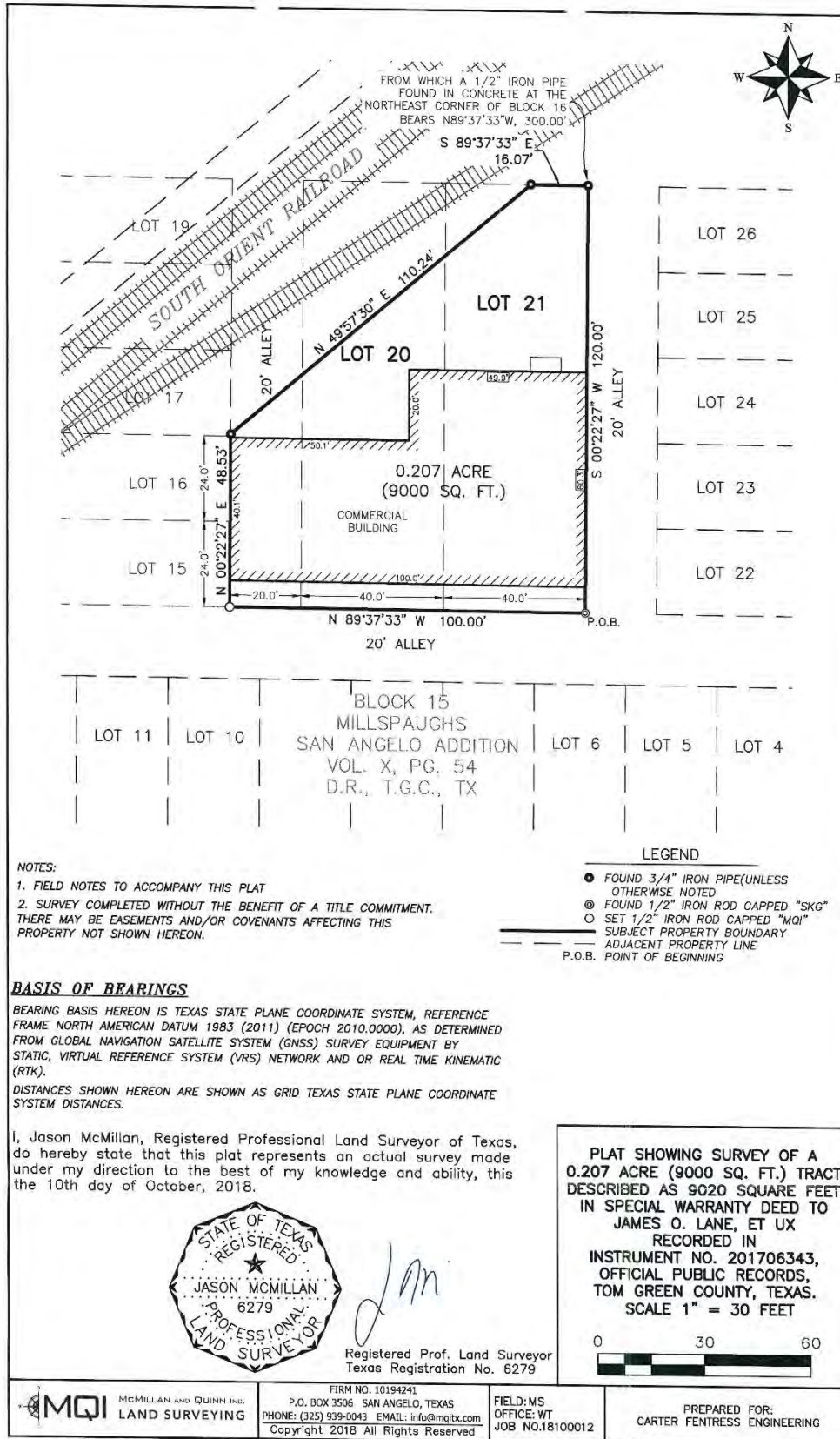
The Original Deed for Record
 in my Office the 20th day of
 Aug 1882 at 4 o'clock P.M. (Seal)
 John Lacey Clerk
 DeWitt County Court
 Tom Lacey Reg
 Texas

I do hereby certify that the above is a true and correct copy of said Original Deed as the same appears in my Office the 20th day of Aug 1882 at 4 o'clock P.M. by John Lacey Clerk of said County.

Witness my hand and the seal of said Court this 10th day of March A.D. 1888.
 John Lacey Clerk of said County.

The State of Texas,
 County of DeWitt,
 I, John Lacey, Clerk of said County,
 do hereby certify that I have compared the copy
 hereon with the original
 and that the same
 is an exact, true and
 correct copy of said
 Original Deed.

Subscribed and sworn to before me this 10th day of March A.D. 1888.
 John Lacey Clerk
 DeWitt County Texas





Southwest from South Chadbourne Street



Northwest from South Chadbourne Street



East-West alley adjacent to 805 South Chadbourne Street



East-West alley from S. Irving Street



North-South alley adjacent to 805 South Chadbourne Street

Effective January 3, 2017

Section 3: Applicant's acknowledgment

I/We the undersigned acknowledge that the information provided above is true and correct.

Bruce Johnson
Signature of licensee or authorized representative
affirming the truth of the above statement.

1-31-18
Date

Bruce Johnson
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 1 / 9 / 19

Non-Refundable Fee: \$ 450.⁰⁰

Receipt #: 102569

Date paid: 1 / 8 / 19

Date of hearing by Planning Commission: 2 / 18 / 19

Date of hearing by City Council: 3 / 19 / 19

Reviewed/Accepted by: H. Buelker

4 2 19

**PLANNING COMMISSION – February 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Planned Development (Rezoning)		SV19-01: Angelo Christian Ministries	
SYNOPSIS:			
The applicant has applied for a Sign Variance to allow a freestanding on-site sign with a) a maximum sign height of 50 feet in lieu of the maximum 25 feet in the CN Zoning District; b) a maximum sign area of 250 square feet in lieu of the maximum 150 feet (1.5 times the linear street frontage); and c) a minimum 75-foot setback to a residential lot in lieu of the required 100 feet (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
3105 West Houston Harte Expressway and 3102 Dallas Street; located approximately 330 feet east of the intersection of West Houston Harte Expressway and Alexander Street		Being Lots 15, 16 in Block 78 of the Hatcher Addition.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #5 – Lane Carter Bluffs Neighborhood		CN	T – Transitional
			SIZE:
			0.31 ac.
THOROUGHFARE PLAN:			
<p>West Houston Harte Expressway Frontage Road – Urban Arterial Street (TXDOT Freeway) – not subject to Subdivision Ordinance standards Provided: 430’ right-of-way, 30’ pavement with no sidewalk</p> <p>Dallas Street – Urban Local Street (complied at the time of platting) Required: 50’ right-of-way, 40’ pavement or 36’ with a 4-foot sidewalk Provided: 60’ right-of-way, 20’ unpaved caliche surface and no sidewalk</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of the Sign Variance for a freestanding on-site sign with a) a maximum sign height of 50 feet in lieu of the maximum 25 feet in the CN Zoning District; b) a maximum sign area of 250-square feet in lieu of the maximum 150 feet (1.5 times the linear street frontage); and c) a minimum 75-foot setback to a residential lot in lieu of the required 100 feet.			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner:</i> Angelo Christian Ministries <i>Applicant:</i> Don Crabtree, The Life Church</p>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The proposed sign will be located on the vacant property at 3102 Dallas Street, immediately east of an existing TLC building at 3105 Houston Harte Expressway. The building is currently used by the church as an administration office and for staff worship according to the sign on the building. The sign will be setback 15 feet from the front property line as required for a 50-foot tall sign.

Sign Variances: Section 12.04.013 of the Sign Ordinance requires that before the Planning Commission acts on a sign variance application, the applicant must show a hardship exists, and the Planning Commission shall determine that all of the criteria below are present.

- **Hardship:** Section 12.04.013(d) of the Sign Ordinance states that a hardship may result from: (1) The size, shape or dimensions of a structure; (2) The location of the structure; (3) Topographic or physical conditions on the site or in the immediate vicinity; or (4) Other physical limitations, such as street locations or traffic conditions in the immediate vicinity. The Planning Division does not believe there is a hardship in this location.
 - The applicant owns the subject properties and adjacent properties and could rezone them to either a Planned Development (PD) Zoning District or another zoning district such as General Commercial (CG), eliminating the need for all variances. The Planning Division communicated this to the applicant but the applicant has chosen to pursue only the variance option. A PD District or CG zone would allow a 250-square foot sign at 50 feet in height as the applicant is requesting. Including at least one contiguous property (which the applicant owns) in the rezoning would allow the sign to be placed at least 100 feet from the nearest residentially zoned lot, thus not requiring the variance. While supporting what the applicant is trying to achieve, staff believes that the applicant has chosen the wrong remedy to allow the proposed sign. A rezoning would allow the sign in question and avoid the need for any variances.
- **Variance Criteria:**
 1. **There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.** The Planning Division does not believe there is a special circumstance or conditions that would limit the effectiveness of an allowed sign in the CN Zoning District. Planning Staff conducted a site visit on Friday, February 6, 2019, and reviewed video footage and photographs provided by the applicant. The Planning Division believes that while it is true a 50-foot sign would give greater visibility from a further distance travelling westbound or eastbound on the nearby freeway, there is not a special circumstance unique to the subject property. The property is relatively flat and the applicant’s concerns about visibility from the underpass to the west and overpass to the east would still exist regardless of zoning. Had the applicant obtained proper zoning, a 50-foot sign would be allowed without the need for a sign variance.

Section 12.04.001 of the Sign Ordinance states that “The provisions of this article establish minimum standards for signs that directly relate to the use of the property, traffic patterns and safety, the intensity of development and the intent of the various zoning districts.

2. **Such special circumstances were not created by the applicant.** The applicant states that the layout of Loop 306 itself is a special circumstance. The Planning Division disagrees. Other properties along this stretch of the expressway are subject to the same circumstances as the subject property. The applicant is creating their own hardship by choosing not to rezone the property. The Comprehensive Plan designates this block “Transitional” which would support a higher zoning such as CG or a PD; the applicant simply did not choose this option.
3. **The granting of the variance will be in general harmony with the purpose of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general.** The purpose of the Sign Ordinance as outlined in Section 12.04.001(e) includes establishing “minimum standards for signs that directly relate to the use of the property, traffic patterns and safety, the intensity of development and the intent of the various zoning districts”. The CN District intent statement in Section 304 of the Zoning Ordinance states that this district is intended for commercial development that “serves and is supported by a relatively small surrounding area – a neighborhood” which should be “low intensity with small floor areas and limited traffic generation and trade area”. The Planning Division believes that the maximum 25-foot sign height in the CN District was designed for consistency with the intent of the CN Zoning standards for small-scale, neighborhood uses. A rezoning to General Commercial or PD zoning district would accommodate uses, and a sign, more consistent with the intent of advertising to higher speed traffic on the freeway vs. advertising geared toward the immediate neighborhood. In fact, the majority of commercial properties along Highway 67 have either CG or CG/CH Zoning for this very specific reason – that more intensive uses that generate more traffic and require greater visibility require location along such highway corridors. Staff would likely support a rezoning to a more intensive commercial zoning district but does not believe the current request in a CN Zone is in general harmony with the ordinance.
4. **The variance applied for represents the minimum variance necessary in order to afford relief from the hardship.** The Planning Division understands the applicant’s concerns that allowing a 50-foot sign would provide greater viewership of the sign. The expressway underpass when travelling eastbound greatly hinders the view until a driver is almost past the TLC church. However, staff does not believe a hardship exists, so the requested variance does not represent the minimum action necessary. As stated above, staff believes that the appropriate remedy and minimum action to accomplish what is being requested is a rezoning.
5. **The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.** The Planning Division does not believe that a 50-foot sign would be in inappropriate in a zoning district that allows this greater sign height by

right. As mentioned earlier, by rezoning other adjacent lands, the other two variances for sign area and sign setback from a residential lot would also be eliminated as there would be greater lot frontage. Allowing a 50-foot tall sign in a CN Zoning District would set a negative precedent and contravene the intent of the purpose of the Sign Ordinance and the CN Zoning District for local commercial uses.

Recommendation:

Staff's recommendation is for the Planning Commission to **DENY** the Sign Variance that would allow a freestanding on-site sign with a) a maximum sign height of 50 feet in lieu of the maximum 25 feet in the CN Zoning District; b) a maximum sign area of 250-square feet in lieu of the maximum 150 feet (1.5 times the linear street frontage); and a minimum 75-foot setback to a residential lot in lieu of the required 100 feet.

However, should the Planning Commission decide to approve the requested Variance, the Planning Division recommends the following four conditions of approval:

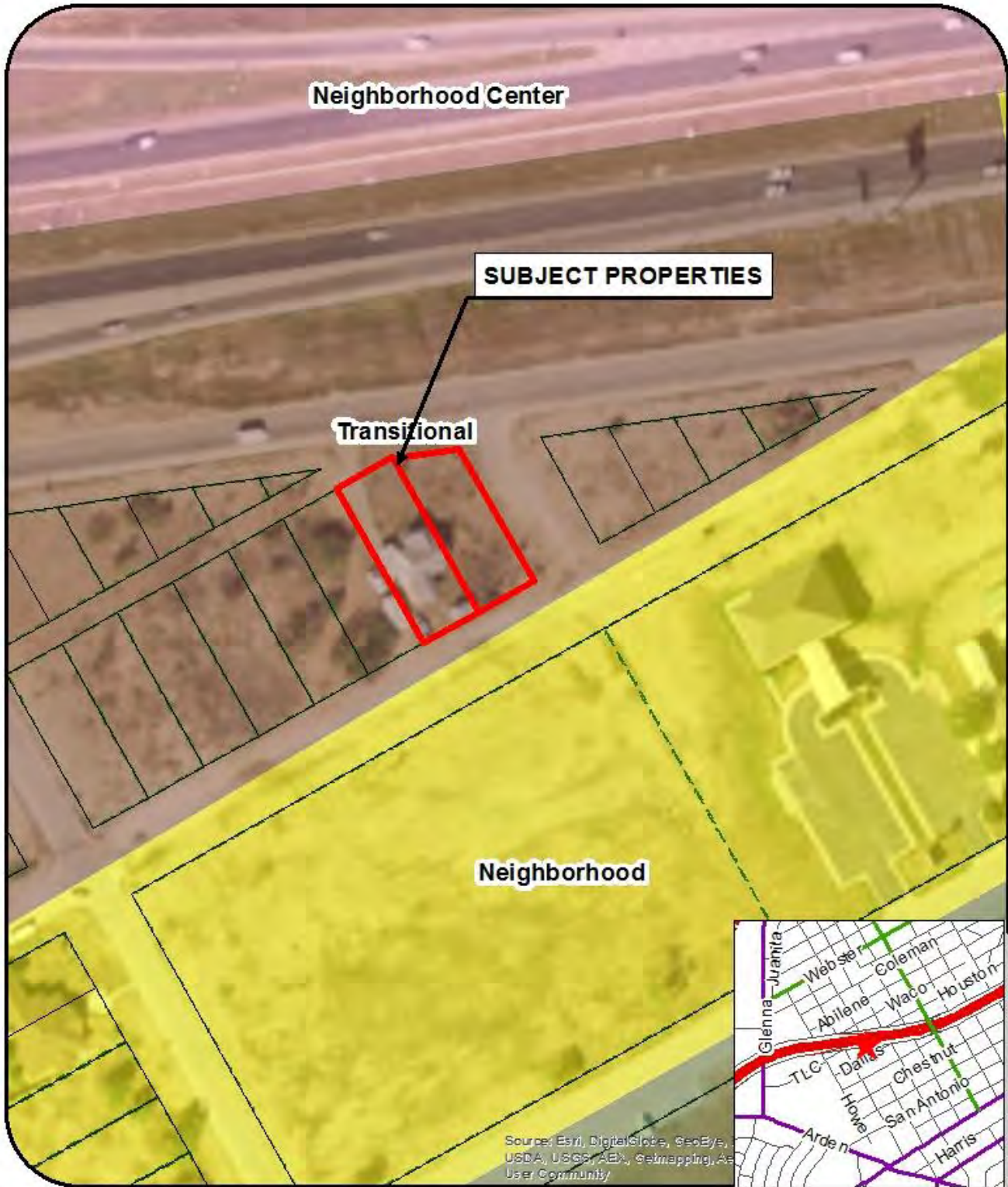
1. The applicant shall obtain a Sign Permit from the Permits and Inspections Division.
2. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the Neighborhood Commercial (CN) Zoning District, unless specified as otherwise.
3. The sign colors, materials, and location shall be consistent with the site plan and renderings as presented.
4. There shall be no glare or spillover glare onto adjacent properties.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Photos provided by applicant
Site Plan
Sign Rendering
Application



Sign Variance Case SV19-01: Angelo Christian Ministries Council District: Lane Carter (SMD#5) Neighborhood: Bluffs Scale: 1" approx. = 100 ft Subject Properties: 3102 Dallas St and 3105 W. H. Harte Expressway	Legend: Subject Properties:  Current Zoning: CN Requested Zoning: N/A Vision: Transitional	 
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Sign Variance Case

SV19-01: Angelo Christian Ministries

Council District: Lane Carter (SMD#5)

Neighborhood: Bluffs

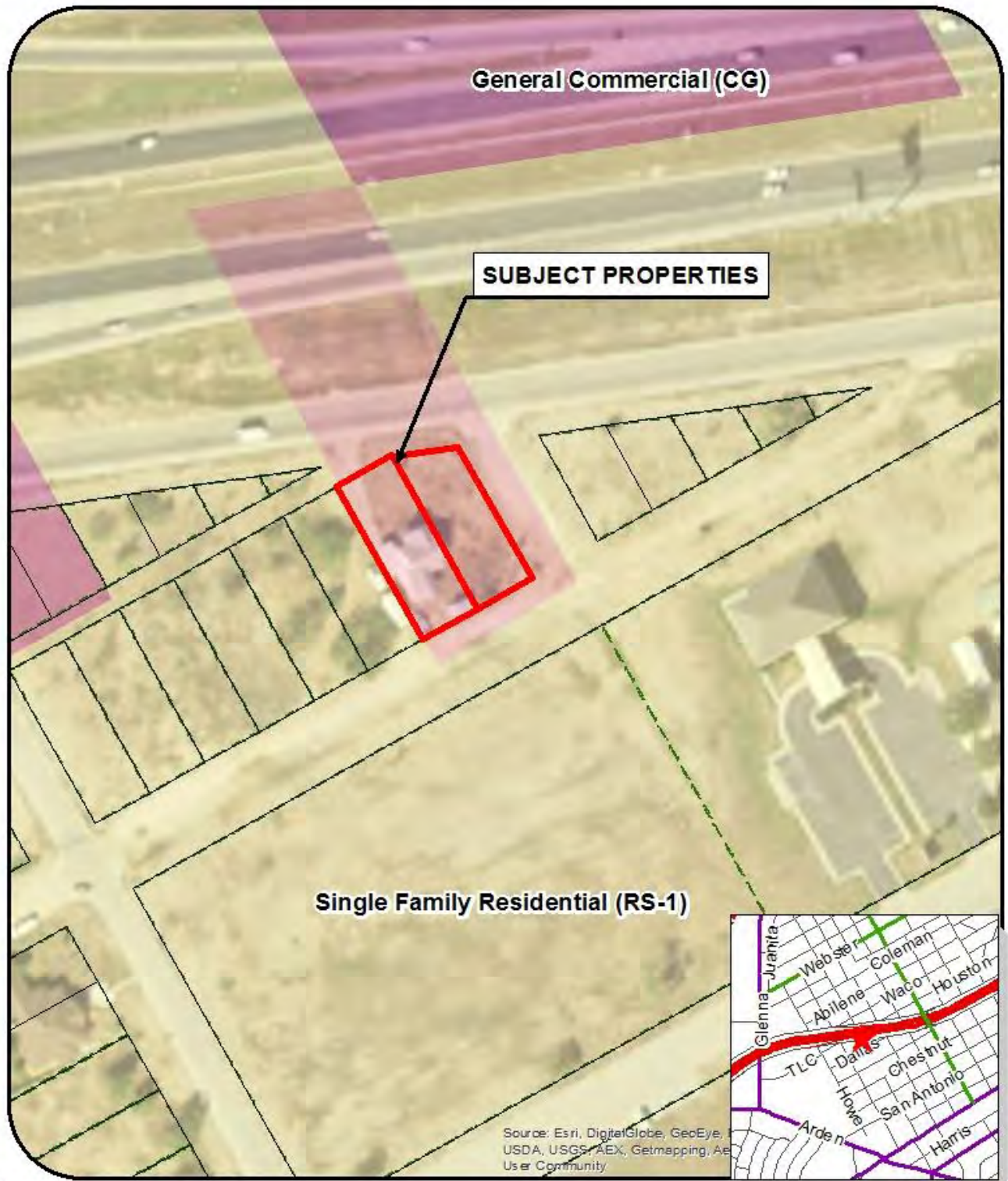
Scale: 1" approx. = 100 ft

Subject Properties: 3102 Dallas St and 3105 W. H. Harte Expressway


Legend:

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning: **N/A**
- Vision: **Transitional**





Sign Variance Case
SV19-01: Angelo Christian Ministries
Council District: Lane Carter (SMD#5)
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft
Subject Properties: 3102 Dallas St and 3105 W. H. Harte Expressway

Legend:
Subject Properties: 
Current Zoning: **CN**
Requested Zoning: **N/A**
Vision: **Transitional**



Photos of Site and Surrounding Area

NORTH



WEST



EAST PROPOSED SIGN LOCATION



SOUTH



SOUTHEAST



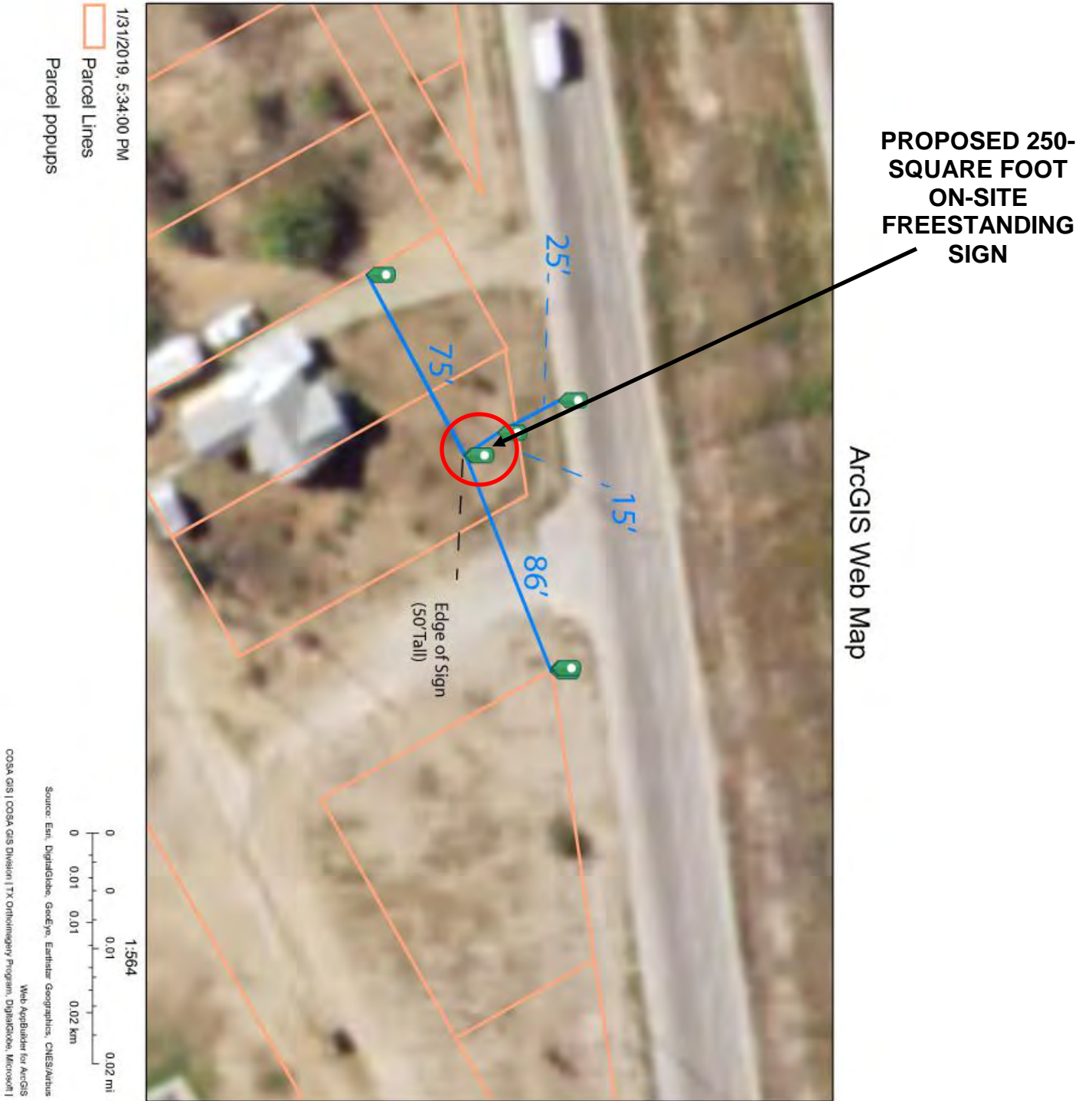
SOUTHWEST



Photos provided by applicant



Site Plan



Sign Rendering



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
 52 West College Ave
Application for Variance from Sign Regulations



Section 1: Basic Information

Name of Applicant(s): Angelo Christian Ministries Don Crabtree

Owner Representative (Notarized Affidavit Required)

Mailing Address: P.O. Box 6199B San Angelo TX 76906
City State Zip Code

Contact Phone Number: 830-968-7328 Contact E-mail Address: dcrabtree@tcfamily.com

Subject Property Address: W. Houston Hurte Frontage Rd. San Angelo TX 769
City State Zip Code

Legal Description (can be found on property tax statement or at www.tcomgreencad.com): R19256 B1K 7B, Subd: Hatcher add. S. part of Lot 16 + Adj St. (3108)

Zoning District: CN CO CG CH CG/CH CBD OW ML MHS MHP PD
 RS-1 RS-2 RS-3 RM-1 RM-2 R&E

(Zoning Map available on City Maps)

*Houston Hurte
Expressway
Frontage Rd.*

Section 2: Sign/Property Characteristics

Specific Description of Request: Illuminated? Yes No

Width: 20' Height: 10' Total area in square feet: 250

① The overall height is 50'. Sign is 2 sided
Below the illuminated sign, there is a permanent sign that measures
20' wide x 25' High. (see attached photo)

② Sign area of 250' in lieu of max. 150'

③ I assert that my request for variance meets all of the required criteria based on my explanation(s) below:
side yard setbacks of 75' AND 86' in lieu of 100' to B1 Lot
That special circumstances or conditions would substantially restrict the effectiveness of the sign in question;
 Explain: 25' is too low due to the overpass height from the East
and the underpass from the West.

That such special circumstances were not created by the applicant:
 Explain: This is the layout of Loop 306

That the granting of the variance will be in general harmony with the purpose of the sign ordinance and will not be materially detrimental to the adjacent property or neighborhood or to the general public:
 Explain: We own the property on both sides of the sign

That the variance applied for represents the minimum variance necessary to afford relief from the hardship:
 Explain: The variance would provide adequate viewership of our
sign to promote our Church (onsite) that is otherwise obscured

That the variance applied for, does not depart from the provisions of the sign ordinance any more than is required:
 Explain: 50' is the max allowable and should suffice

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below regulations for the Planning Commissions case.)

- I understand that the Planning Commission is bound by the criteria established by state law; I further understand that my request is not guaranteed to be approved and that is constitutes an exception from regulations of the City of San Angelo;
- I understand that any variation(s) authorized by the Planning Commission will require me/us to obtain a building permit for that stated variation within twelve (12) months of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any petition of a decision made by the Planning Commission must be appealed to the City Council within thirty (30) days after receipt of the results notification of such action. The petition must state that the decision of the Planning Commission is illegal in whole or part and specifying the grounds of the illegality.

I/We the undersigned acknowledge that the information provided above is true and correct.

Don Crabtree
Signature of licensee or authorized representative

1-14-19
Date

Don Crabtree
Printed name of licensee or authorized representative

Angelo Christian Ministries
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: 1, 14, 2019

Case No.: SV19-01

Fully-dimensional and scaled site plan: Yes No

Nonrefundable fee: \$ 200.00

Receipt #: 109631

Date paid: 1, 14, 2019

Date to be heard by PC: 2/18/2019

Reviewed/Accepted by: J. Fisher

Date: 1, 14, 2019

MEMO

**Meeting**

Date: February 18, 2019

To: Planning Commission

From: Jon C. James, AICP
Planning & Development Services Director

Request: Discussion and consideration of changes to the By-Laws of the Planning Commission of the City of San Angelo as Directed by City Council

Background:

On October 2, 2018, City Council approved an Ordinance revising Chapter 2, Article 2.07 of the City Code of Ordinances to standardize provisions related to City Boards and Commissions, requiring these Board and Commissions revise their By-Laws to conform to these changes within six months of the passage of the Ordinance. These changes included:

1. Creating an overarching rule of thumb for all Boards and Commissions related to terms and limits (this speaks to term limits and lengths of term for all boards and commissions that do not specify different terms and limits in their individual specific board ordinance mandated by State Law);
2. Deleting all sections related terms and limits information for all board ordinances that are not uniquely mandated by a superseding state law; and,
3. Addressing all inconsistencies with State Law and cleaning up Chapter 2 as part of the larger effort to clean up the Code of Ordinances.
4. Removing all redundant sections of the By-Laws already stated in the new Article 2.07 (see attached).

The revised By-Laws will regulate and provide legal authoritative guidelines by which the Planning Commission can conduct its meetings and hear decisions. These By-Laws shall be read in conjunction with the relevant sections of Article 2.07.

The following new sections were added by the Planning Division, to ensure compliance with current procedures and the highest ethical standards of the profession:

- A new Section 11 “Code of Ethics” that requires Planning Commissioners to comply with the City Code of Ethics adopted by City Council and the American Planning Association (APA’s) “Ethical Principles in Planning”;
- Under Section 12 Criteria, include the Land Division and Subdivision Ordinance, Sign Ordinance and other applicable ordinances, plans, and policies for the Commission to review as necessary;
- Under Section 13 Deadlines, reference the Planning Commission Meeting Schedule which includes up-to-date application deadlines.

Planning Commission Requested Action:

Provide feedback and recommended revisions to Planning Staff to be presented in a final version at the March 18, 2019 Planning Commission Meeting.

Attachments:

Proposed Revised Planning Commission By-laws

Excerpt from Article 2.07– General and Planning Commission

BY-LAWS OF THE PLANNING COMMISSION OF THE CITY OF SAN ANGELO

These bylaws restate in their entirety and supersede the bylaws of the Commission in effect upon their adoption and approval by the City Council for the City of San Angelo.

1. General Governing Statutes, Ordinances and Rules. The Planning Commission of the City of San Angelo, ~~hereinafter referred to as the “Planning Commission” or simply the “Commission”~~, shall be governed by the following statutes, ordinances and rules, as amended and supplemented from time to time and to the extent that such statutes, ordinances and rules remain in force and effect these By Laws, subject to ordinances establishing and governing the Planning Commission now in effect or hereinafter adopted, and state law including:

- a. Chapter 211 “Municipal Zoning Authority” in the State of Texas Local Government Code, concerning municipal zoning authority;
- b. Chapter 212 in the State of Texas Local Government Code, concerning municipal regulation of subdivisions and property development;
- c. Chapter 171 in the State of Texas Local Government Code, concerning conflicts-of-interest by officers of municipalities;
- d. Chapter 551 in the State of Texas Government Code, concerning the open conduct of meetings, recording and notices of meetings;
- e. Article 2.3100 in Chapter 2 (Administration) of the Code of Ordinances, 1996, San Angelo, Texas, concerning the Planning Commission;
- f. the Zoning Ordinance of the City of San Angelo, as described in Exhibit “A” of Chapter 12 (Planning and Development) in the Code of Ordinances, 1996, San Angelo, Texas;
- g. the Land Development and Subdivision Ordinance of the City of San Angelo, as described in Exhibit “C” of Chapter 12 (Planning and Development) in the Code of Ordinances, 1996, San Angelo, Texas.

~~**1. Duties of the Planning Commission.** In addition to duties delegated to the Planning Commission by City ordinances, and statutes of the State of Texas, it shall be the duty of the Planning Commission to prepare, amend and keep current a comprehensive plan for the development of San Angelo, and to make recommendations to City Council relative to long-range planning of all phases of city development that it deems necessary.~~

2. Membership of the Commission.

- a. ~~The Planning Commission shall consist of seven (7) members appointed by City Council. All members shall be residents within the city limits of San Angelo. Number of~~

~~members, maximum number and length of terms is provided in Article 2.07 of the Code of Ordinances. The following additional rules shall apply to the Commission.~~

~~b.—~~

~~c.—The term of each member shall be three (3) years.~~

~~d.—~~

~~e.—The City Council may remove a Commission member for cause, assigned in writing and after a public hearing on the matter.~~

a. Any member proposing to resign, shall give notice of that intent to the chair~~man~~ and secretary. When a member resigns or a position otherwise becomes vacant, the secretary shall promptly indicate to the City Clerk that a vacancy exists.

~~f.—~~

~~g.— Any vacancy occurring on the Commission shall be filled by the appointment of an interim member by the City Council, under such procedures as it prescribes. Such interim appointment shall be for the unexpired term of the member whose position is vacated; provided, however, that a person serving such an interim appointment shall nevertheless be eligible to serve two (2) full consecutive terms after completion of his or her interim appointment.~~

~~h.—~~

~~i.b. No Commission member shall serve more than two (2) consecutive three year terms as a regular member. However, a A member shall continue to serve until his successor is duly appointed and qualified.~~

~~j.c. A member may serve consecutive one-year terms as chairman or vice chairman.~~

~~k.d. Any Commission member who misses five (5) of the regular scheduled meetings in any twelve month period shall be deemed to have automatically resigned from office. The secretary shall make periodic attendance reports to the Commission, which may form the basis for declaration of a vacancy by the Commission. The vacancy shall be filled in the manner provided for herein.~~

3. Meeting Date, Time and Place. Regular meetings of the Commission shall be on the third Monday of each month, at 9:00 a.m. in an appropriate venue made available by the City Manager and located inside the corporate limits of the City of San Angelo, unless otherwise as provided herein.

- a. The number of meetings per month, the schedule of meeting dates, and the place of meetings, may be changed by the Commission at any regularly scheduled meeting or upon call of the chair~~man~~ or secretary.
- b. Additional special meetings may be held at any time, upon the call of the chair~~man~~ or by a majority of voting members of the Commission or upon request of the City Council, following at least a seventy-two hour notice to each member of the Commission. Call of special meeting (at a specified time and place and for specified purposes) at a regular meeting shall be notice thereof to members in attendance at such regular meeting, but other members shall receive written notice thereof. If a special meeting is called on a case or cases subject to notice of hearing, the required notice provisions for the public hearing shall be complied with.

4. Conduct of Meetings.

a. A majority of the members of the Commission entitled to vote shall constitute a quorum for the transaction of business.

b.

~~e.— Each case heard before the Commission must be heard by a quorum as provided in Division 1 of Article 2.07 of the Code of Ordinances. at least four (4) Commission members, that being a quorum.~~

~~d.— The concurring vote of a simple majority of members present (and constituting a quorum) is required to approve any motion on a matter.~~

~~It shall be customary for the chairman to vote on all matters pending before the Commission, except when he or she may otherwise be disqualified from voting.~~

~~e.c.~~ Meetings of the Commission shall be open to the public in compliance with the requirements of the Open Meetings Act, Chapter 551, of the Texas Government Code. The Commission may meet in closed executive session during an open meeting in compliance with the Open Meetings Act.

~~f.d.~~ Order of consideration of each agenda item. The following procedure shall generally be observed for the presentation of relevant evidence and information; however, it may be amended by the ~~chairman~~ chair for individual items, if necessary for the expeditious conduct of business:

- (1) The chair introduces the item to be considered, summarizing the nature of the request and its location, as described on the meeting agenda.
- (2) The City staff describes in more detail the nature of the request and its relation to applicable ordinances and regulations of the City. Other relevant evidence available, including witness testimony, is presented by the staff, and a recommendation is provided.
- (3) The Planning Commission may ask questions of the staff or witnesses, concerning its presentation and report.
- (4) The applicant outlines the nature of the request and presents supporting evidence including witness testimony, if so desired.
- (5) Commission members may ask questions of the applicant and supporting witnesses.
- (6) Members of the public, in attendance at the meeting, are given an opportunity to speak and present evidence in favor of or in opposition to the request.
- (7) Applicant may make rebuttal or add points not previously covered.
- (8) Staff may respond to points of evidence provided by the applicant or other members of the public, or to points not previously covered.
- (9) Commission members may ask any final questions of the applicants, witnesses, supporters, opponents, or staff.
- (10) Commission members shall then deliberate and render a decision, or take the matter under advisement.

~~g.c.~~ Orderly procedure requires that each side shall proceed without interruption by the other.

~~h.f.~~ During the hearing, the ~~chairman~~ chair, Commission members and City staff may ask questions and make appropriate comment pertinent to the case; however, no Commission member should debate or argue an issue with the applicant or any person addressing the Commission.

~~i.g.~~ The chair~~man~~ and other Commission members may direct questions to the applicant or to any person speaking, in order to bring out all relevant facts, and may call for questions from members of City staff or counsel present representing interested parties.

~~j.h.~~ All deliberations and votes taken by the Commission shall be made at a public meeting by a motion made and seconded, and by a show of hands or voice vote. On conclusion of the presentations at a hearing, the Commission may:

- (1) proceed immediately to deliberation and vote; or
- (2) defer deliberations and vote until later in the same meeting; or
- (3) defer deliberation and vote to another specified regular or special meeting of the Commission, in order to obtain additional information or for other good cause.

~~k.i.~~ On any matter for which the Planning Commission offers a recommendation to City Council, a tie vote by the Planning Commission shall be forwarded without recommendation to the City Council for approval or disapproval by the Council in an open meeting with a quorum present.

~~l.j.~~ Recess. Any regular or special meeting may be recessed or adjourned to the following business day, or to the time of any future regular or special meeting properly convened with notice as required by law.

m. Cancellation. If no business is scheduled before the Commission, or if it is apparent that a quorum will not be available, any meeting may be canceled by the chair~~man~~ or acting chair~~man~~.

56. Minute Record.

a. The Commission shall maintain a minute record book which shall be kept posted to date. In the minute record book shall be recorded the Commission's proceedings, showing attendance, all absences, any disqualifications of members, the subject of each deliberation, each vote, each order, decision or action, and all other official actions.

~~b.~~—The draft minute record of a Commission meeting shall be presented for approval at next subsequent meeting of the Commission after preparation of the draft. The minute record must be approved by a majority of the Commission members who were present at the meeting described in the minutes. If this is not possible due to change in the make-up of the Commission or other cause, then a majority of the members present and voting shall be all that is necessary to approve the minute record.

~~e.~~
~~d.b.~~

~~e.c.~~ The minute record shall be considered filed after each of the following has occurred:

- (1) the minute record has been approved by the Commission;
- (2) the secretary has posted the approved minute record in the record book contained in offices of the Planning Division.

67. Requests to Withdraw

- a. As provided in Section 201 of Chapter 12, Exhibit "A" the "Zoning Ordinance", Once a public hearing has been scheduled in accordance with the Zoning Ordinance, the applicant may request postponement or withdrawal of the application by notifying the Planning Division in writing by 12:00 noon on the Friday preceding the scheduled hearing. If the Planning Division does not receive such notification, the case will be heard as scheduled.
- b. An applicant will be allowed no more than one such postponement of a public hearing. If review of an application is postponed at the request of the applicant and set for hearing on a later date, such application will be reviewed at that time, without recourse to additional requests for postponement by the applicant. However, if public notice and mailed notifications have already been prepared, the applicant shall be responsible for any costs associated with subsequent notices and notifications.
- ~~b.c.~~ After a public hearing on any matter within the scope of the Zoning Ordinance, the Planning Commission may defer action on it, for a period of time necessary to gather additional information.

78. Rules for a Rehearing (withdrawal)

As provided in Section 201 of Chapter 12, Exhibit "A" the "Zoning Ordinance", if an applicant withdraws an application for any of the following matters, such application shall not be heard within (1) one year thereafter, except as specifically directed by a majority vote of the City Council:

- a. amendment to the Official Zoning Map;
- b. Conditional Use approval; and
- c. Special Use approval.

89. Rules for a Rehearing (final decision)

As provided in Section 201 of Chapter 12, Exhibit "A" of the "Zoning Ordinance", The Planning Commission will not hear a request for amendment to the Official Zoning Map, Conditional Use approval or Special Use approval on the same tract of land within one year following the final decision on any previous such request unless:

- a. the Planning Commission is specifically directed by majority vote of the City Council, to hear the subsequent request; or
- b. the subsequent request is for a more restrictive zoning; or
- c. the zoning classification of other nearby properties in the immediate vicinity has changed.

210. Officers of the Planning Commission

- a. Election of Chair and Vice-Chair.

Annually, at its first regular meeting in January, as the first item of new business, the Commission shall elect a chair and vice-chair. The election shall be determined by a majority of those Commission members present and constituting a quorum at said meeting. If such regular meeting is canceled or quorum is lacking, the election shall be held at the next regular or special meeting.

- b. Presiding at Meetings.

If present and able, the chair shall preside at all meetings of the Commission. During the absence or inability of the chair to preside, the vice-chair shall exercise or perform all the duties and be subject to all the responsibilities of the chair. If both are absent or unable to preside, the members present shall appoint an acting chair to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The presiding officer shall, furthermore, vote on all matters and motions pending before the Commission.

- c. Other Duties and Powers of Chair.

In addition to presiding at all meetings and hearings of the Planning Commission, the chair shall have the following additional powers and duties:

- (1) The chair shall appoint such committees as may be found necessary.
- (2) The chair shall call special meetings of the Planning Commission in accordance with the by-laws.
- (3) The chair shall execute official documents as the presiding officer of the Planning Commission.

- d. Succession of vice-chair to chair.

The vice-chair shall succeed the chair if the chair vacates office before the term is completed. The installation of the vice chair as chair, and the election of a new vice chair shall occur at the next regular meeting following vacation of the chair's seat on the Commission.

e. Delegation to vice-chair.

The chair may delegate specific duties generally to the vice-chair or may authorize the vice-chair to perform specific duties, during the chair's absence, so that the necessary Commission functions are performed in a timely manner. The vice-chair shall perform all duties so delegated. In case of absence or incapacity of the chair, and on approval by a majority of the Commission, the vice-chair shall perform any or all duties of the chair, whether or not so delegated.

f. Appointment of secretary; duties.

The Planning ~~Manager~~ Director or his or her designee shall serve as secretary to the Planning Commission. The secretary shall attend to correspondence relating to business of the Commission; serve or publish all notices required; attend meetings of the Commission; prepare staff reports and make recommendations to the Commission on matters under deliberation; scrutinize all matters to ensure compliance with applicable rules, ordinances and statutes; maintain custody of the records of the Commission; and generally perform or supervise all clerical work of the Commission.

101. Conduct of Board Members

a. Conflict of Interest.

~~No member of the Commission shall participate in any case in which he or she has a substantial interest in the business or property concerned, or has any other conflict of interest as defined by applicable law, except as may be otherwise permitted pursuant to Chapter 171 of the Texas Local Government Code. "Substantial interest" and "Business entity" are as defined in Chapter 171 of the Texas Government Code. Any Commission Member which has a conflict of interest as provided in Article 2.07 of the Code of Ordinances, shall comply with all provisions of said Article and the provisions below. To this end, t~~The conflicted Commission member shall execute an appropriate affidavit, as required by statute, and shall furthermore be required to leave the meeting room during discussion and/or deliberation of the case in which the Commission member has a conflict of interest. After all deliberation and voting by the Planning Commission on the matter is complete, the excused member shall rejoin the Commission.

- (1) If any member has a perceived conflict of interest other than as stated above or in Article 2.07 of the Code of Ordinances, for a specific matter from which he or she desires to be excused, then that Commission member may be excused by a majority vote of the remaining commission members. The Commission member excused must leave the meeting room. After all deliberation and voting by the

Planning Commission on that matter is complete, the excluded Commission member shall rejoin the Commission.

b. Required to Vote.

Unless excused or disqualified from voting, for any of the reasons or circumstances itemized herein this Section 140 of these By-Laws, Commission members shall cast a vote on each and every motion duly made and seconded. A failure to cast a vote by a Commission member required and eligible to vote, shall be deemed a vote in the affirmative.

c. Expressions of Bias, Prior to Hearing.

Commission members shall not express any bias, prejudice or individual opinion or judgment on any matter pending before the Commission prior to deliberation on the matter at a scheduled public hearing.

d. Representation.

No member of the Commission shall represent applicants on matters pending or likely to become pending before the Commission. This provision does not limit the right of a Commission member to represent himself on his or her personal application to the Planning Commission.

e. Members Not to Vote Unless Present at Hearing.

No Commission member shall vote on any matter deciding an application pending before the Commission, except after attending the public hearing on that particular matter.

112. Code of Ethics

- a. Planning Commissioners shall comply with the City Code of Ethics as adopted by City Council upon being sworn in as a Commissioner.
- b. Planning Commissioners shall also be guided by the American Planning Association's "Ethical Principles in Planning."

12. Criteria, Required Findings and Other Considerations for Approval from Zoning Regulations

In exercising its power to grant approval of individual requests, the Planning Commission will apply criteria as applicable and referenced in ~~Chapter 2 of~~ the Zoning Ordinance, Land Division and Subdivision Ordinance, Sign Ordinance, and all other applicable ordinances, plans, and policies.

133. Deadline for Applications

In December of each year, the ~~City Secretary of the~~ Planning Commission shall adopt a schedule of regular meetings and appropriate deadline dates therefor, based on guidelines provided by these By-Laws and making allowances for holidays. Applications for presentation of matters to the Planning Commission shall be properly completed and submitted with all attachments and supplementation, and applicable fees paid in full, prior to 5:00 p.m. on ~~the last business day or before the deadline posted on the Planning Commission Meeting Schedule for the meeting at which the matter is to be considered. The Secretary shall publish this Schedule on the Planning Commission webpage and retain copies in the Planning Division Office. at least 21 days prior to the regularly scheduled Commission meeting at which the matter is to be considered.~~

14.4. Miscellaneous

- a. All maps, plats, site plans or photographs, or a copy thereof, submitted to the Planning Commission for presentation purposes shall become the property of the City.
- b. All maps, plats, site plans, photographs or any other exhibits, or a copy thereof, shown to the Planning Commission for presentation by an outside party shall become part of the minute record for that meeting.
- c. Matters referred to the Planning Commission by the City Council shall be placed on the calendar for consideration at the ~~first next available~~ meeting of the Commission after such references, subject to notice and notification requirements and deadlines.

155. Amending These By-Laws.

These rules may be amended at any regular or special meeting of the Planning Commission, by a majority of a quorum of the Commission, provided that notice of said proposed amendment is given to each member in writing at least two weeks prior to said meeting.

ORDINANCE 2018-121

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS BY DELETING AND REPLACING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.07 "BOARDS, COMMITTEES, AND COMMISSIONS"; DELETING CHAPTER 4 "BUILDING AND CONSTRUCTION"; ARTICLE 4.02 "ADMINISTRATION", SECTION 4.02.01 "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; DELETING SECTION 4.02.002 "APPEALS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) THAT, Chapter 2, Article 2.07, is hereby deleted and replaced as shown on Exhibit "A".
- 2) THAT, Chapter 4, Article 4.02, Sections 4.02.001 and 4.02.002 be deleted in the entirety.
- 3) THAT, all Boards and Commissions of the City of San Angelo are hereby instructed to revise their bylaws to conform with these changes within six months of the passage of this ordinance.
- 4) THAT the City Clerk is hereby instructed to create staggered terms for the City of San Angelo Development Corporation Board and to adjust all other boards as necessary to ensure appropriate of members.
- 5) THAT, all remaining provisions not amended by this ordinance remain in full force and effect.
- 6) THAT, the following severability clause is hereby adopted with this amendment:
SEVERABILITY:
That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.
- 7) THAT, this Ordinance shall be effective on, from, and after the date of its passage and publication as required by law.

INTRODUCED on the 18th day of September, 2018, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of October, 2018.

THE CITY OF SAN ANGELO:

DocuSigned by:
Brenda Gunter
65CC1210ADBB40F...
Brenda Gunter, Mayor

ATTEST:

DocuSigned by:
Bryan Kendrick
EE899EDAE1475...
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
Theresa James
E822428D610A9D4...
Theresa James, City Attorney

Exhibit A

ARTICLE 2.07 BOARDS, COMMITTEES AND COMMISSIONS

Division 1. Generally

Sec. 2.07.001 Organization and Procedure. Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

(1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council.

(2) *Attendance.* Any member who fails to attend at least 2/3 of the meetings in a rolling one year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.

(3) *Number of members.* Boards shall be composed of seven members.

(4) *Compensation.* All members shall serve without compensation.

(5) *Conflict of interest.*

(A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 in the Texas Local Government Code, as amended.

(B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

(C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

1) The member of the board;

2) A person related to a board member within the second degree by consanguinity or affinity;

3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer, director or member;

4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer, director or member.

(D) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or

affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.

(E) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.

(6) *Election of Officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.

(7) *Meetings.* Each board shall hold regular monthly meetings on a day to be selected by the commission and on other such occasions as may be called by the chairman. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.

(8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.

(9) *Qualifications.* Members shall be at least 18 years of age and a resident of the City.

(10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.

(11) *Removal.* Members may be removed at any time by a 2/3 vote of the City Council without cause.

(12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.

(13) *Term:* The term of office for each member of the boards shall be two years.

(14) *Term Limit.* No member may serve more than 3 consecutive terms, not including an unexpired term. Members who term out of a position are eligible for reappointment after one year. For the purposes of this Article, the current number of terms held as of the date of passage of this Article stands, with respect to established term limits.

(15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.

Secs. 7.02.002 through 7.02.010 Reserved

Division 2. Planning Commission

Sec. 2.07.011 Creation; members; terms

(a) There is hereby created within the city a planning board to be known as the planning commission which shall serve for all purposes as the zoning commission required under Chapter 211 of the Texas Local Government Code, as amended.

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(b) All members of the board shall be representative, insofar as possible, of different businesses, professions or occupations.

(c) No more than three (3) members of the commission shall be in the same, similar or related business, profession or occupation.

Sec. 2.07.012 Removal or resignation of members. Members of the planning commission may be removed by the mayor with the approval of the city council after a public hearing and for cause assigned in writing.

Sec. 2.07.013 Ex-officio members. The director of planning and the director of public works shall be ex-officio, nonvoting members of the planning commission. The director of planning, assisted by staff, shall furthermore serve as recording secretary for the planning commission.

Sec. 2.07.014 Meetings

If a quorum is not present on any regular meeting day in which there is business to be transacted, the chairman shall call a special meeting in order to transact said business with minimum delay. Said chairman shall continue to call special meetings until a quorum is present.

Sec. 2.07.015 Additional duties

In addition to duties delegated to the planning commission by other laws of the city, it shall be the duty of the planning commission to prepare, amend and keep current a master plan for the development of the city, and to make recommendations to the city council relative to long-range planning of all phases of city development that it deems necessary.

Secs. 2.07.016–2.07.025 Reserved

MEMO

**Meeting**

Date: February 18, 2019

To: Planning Commission

From: Jon C. James, AICP
Planning & Development Services Director

Request: Public hearing and consideration of a text amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Section 511 "Off-Street Parking Standards" and Section 512 "Loading Standards".

Background:

The Planning Division recently undertook a review of the City's off-street parking and loading standards. The original parking and loading standards were adopted as part of the current Zoning Ordinance in 2000, almost 20 years ago. With the exception of alternative parking options for shared and off-site parking, and new parking standards for schools, parking and loading standards have remained unchanged since 2004. The Planning Division determined the following goals as part of the review:

1. To ensure adequate parking supply for new uses and expansion of existing uses and to minimize the negative impacts on neighboring properties from spillover impacts of insufficient parking.
2. To reduce minimum parking requirements as much as possible, while still ensuring adequate parking.
3. To provide minimum spacing, maneuvering, and paving standards to ensure longevity and adequacy of parking lots throughout the City.
4. To allow for options and alternatives to provide flexibility in meeting parking requirements.

The following is a summary of findings for each of the above goals, and the proposed changes to the parking and loading standards in the Zoning Ordinance. The full text amendment is attached to the end of this report:

1. To ensure adequate parking supply for new uses and expansion of existing uses and to minimize the negative impacts on neighboring properties from spillover impacts of insufficient parking.

- **Require new parking for all nonresidential building expansion, but exempt single and two-family residential dwelling expansion totaling 1,200 square feet or less.** The current Ordinance requires full parking for all buildings when a Certificate of Occupancy is needed and where the expansion is greater than 25% of current floor area or where improvements will increase the monetary value of the building by 50% or more. This could allow buildings with large footprints to expand under 25% without having to provide any new parking, but smaller buildings in poor condition with significant upgrades to provide full parking. It also exempts new garages or carports on existing single-family properties from providing new parking because these uses do not require a Certificate of Occupancy, only a final inspection. The new provisions will require commercial buildings expanding greater than 25% to continue to provide full parking, but expansions less than 25% to provide additional parking for only the expansion. All new buildings regardless of size would require full parking regardless of whether a Certificate of Occupancy was needed. Single and two-family dwellings however, would be allowed to expand without new parking so long as they did not exceed 1,200 square feet (an average sized home).
- **Require new parking for all nonresidential land uses and land use expansion greater than 25%.** The current Ordinance only requires parking for buildings that require a Certificate or Change of Occupancy. Parking is tied exclusively to permitting. Many uses such as mini-golf and outdoor entertainment generate additional parking requirements and do not require review of parking. The new standards will require that new or expanded land uses on the same property not tied to a building permit still require new parking.
- **Reduce parking required for a Change of Occupancy when new use is 25% or less than parking required for current use.** The current Ordinance requires all Change of Occupancies to provide parking. This imposes limits on older buildings with limited space or where sites are unpaved. The proposed amendment would only require new parking where the new use requires more parking than the previous use. Uses that have parking demand 25% or less of current demand would only have to provide parking for the difference (e.g. if new use required 6 spaces and old use required 4, required parking would be 2 spaces).

2. To reduce minimum parking requirements as much as possible, while still ensuring adequate parking. The Planning Division conducted extensive site research, including recording parking demand at peak times and comparisons with other cities of comparable size. Based on these results, staff believes that parking requirements can be reduced for most uses, while we have

recommended an increase for a few uses (although many of these existing uses are already providing this additional parking). Therefore, many of the following recommendations reflect what the development industry is already providing on properties in San Angelo.

Nonresidential Uses:

- **Require LESS parking for banks, bowling alleys, financial institutions, furniture stores, group living, home appliance stores, libraries, offices, and retail sales, service, and grocery stores above 20,000 square feet.** Furniture were the lowest traffic generator, followed by banks and financial institutions. Offices were next followed by large retail and appliance stores above 20,000 square feet. The attached photos show a large percentage of empty spaces during peak times (e.g. weekend afternoons for retail, grocery and furniture stores, mid-morning for offices). The attached parking tables (511.D of the draft ordinance) compares current to proposed parking.
- **Require MORE parking for hospitals, hotels and motels, movie theatres, nursing and convalescent homes, religious institutions, and restaurants and bars.** A random selection of properties containing these uses were visited during peak times. The Planning Division found that most would be deficient parking based on current requirements. However, many of these businesses were already providing additional parking to meet the proposed standards. For instance, the two San Angelo movie theatres and several churches (currently require 1 space/10 seats) were already providing additional parking to meet their demand of up to 1 space/4 seats) consistent with West Texas cities of comparable size. A standard 1 space/100 gross floor area was used for restaurants comparable with similar cities and actual demand, as the current 1/4 seats is normally too low and number of seats can fluctuate.
- **Variable - parking for day cares and warehousing, wholesale trade, and manufacturing uses.** Whereas employee numbers fluctuate, the new standards for these uses are based on floor areas, similar to comparable cities. A minimum number of spaces for day cares would ensure adequate parking at peak drop off/pick up times for parents and staff.
- **No change – schools, entertainment-oriented facilities, stadiums, arenas, and private clubs will maintain current parking standards,** the greater of 1/400 gross floor area or 1/10 seats as these uses tend to fluctuate based on the specific activity. Minimum parking for schools was already reviewed as part of adoption of new school site standards in June 2017.

Residential Uses:

- **No change – single and two-family dwellings.** The current parking ordinance requirement of two spaces/unit adequately services these uses.
- **Reduce - Multifamily residential 3+ bedrooms.** 3-bedroom apartment buildings researched or those that had a portion of 3-bedroom units had slightly less parking

demand. The proposed change would require the same amount of parking for 3-bedrooms as 2-bedroom units (1.75 spaces/unit instead of 2.0 spaces/unit).

3. To provide minimum spacing, maneuvering, and paving standards to ensure longevity and adequacy of parking lots throughout the City.

- **Require a Parking Lot Permit for all new parking areas, expansion of an existing parking area, and new parking spaces not connected to a building permit.** The current ordinance requires only parking as part of a building permit application to reviewed and approved. This allows a developer on a vacant lot to create a parking lot that could have inadequate drainage and stormwater issues, as well as substandard paving and maintenance. A parking lot permit would allow City staff to review a proposed parking lot, including the Engineering Department for grading, drainage and stormwater, consistent with the current process for building permit lots. It would also allow a stand-alone parking lot which is currently not allowed in the zoning ordinance unless a commercial parking lot (a parking lot not accessory to a specific use).
- **Require that all parking areas are adequately paved, striped, lit, and maintained.** Under the current ordinance, only required parking is required to be paved. It also does not contain provisions for striping or lighting, or define to what standard a parking area shall be maintained. The proposed changes will require that a developer ensure that all parking spaces, driveways, and maneuvering areas are “drivable, passable, free and clear of debris, refuse, and potholes” and that parking lots are striped, signed, and adequately lit with no spillover glare.
- **Allowance and provision for parallel parking (tandem).** The current ordinance does not make provision for parallel parking, although the Planning Division has approved parallel parking as part of site plan reviews. Incorporating standards for parallel parking ensures that minimum spacing and maneuvering is provided for such spaces, as well as allowing this option, particularly useful on smaller sites with limited space. Regular parking spaces are 9 feet wide by 18 feet long; a parallel space would have an additional 4 feet (23 feet long) to allow maneuvering in and out of the space.

4. To allow for options and alternatives to provide flexibility in meeting parking requirements.

- **Allow up to 50% of spaces to be on-street.** In June 2017, City Council adopted standards for Alternative Parking, allowing the Planning Director to administratively allow for shared parking, parking off-site, and reduced parking. The proposed change to this section will allow up to 50% of required parking spaces to be on-street adjacent to the use, as well as allowing the Planning Director to grant an administrative variance for all-weather parking when an adequate rationale has been provided by the applicant.

- **Increase maximum distance for off-premise parking if properly zoned.** The current Zoning Ordinance requires off-premise parking be located within 400 feet of the principal use. Typical urban development blocks are 500 feet in length which would essentially allow off-premise parking to be located within the same block or in close proximity to the facility it serves. A new provision ensuring that all parking is properly zoned will better ensure that commercial parking lots are not erected on residentially zoned lots.

Planning Commission Requested Action:

Recommend Approval of the Text Amendment to Chapter 12, Exhibit “A” Zoning Ordinance, Section 511 “Off-Street Parking Standards” and Section 512 “Loading Standards”.

Attachments:

Proposed Text Amendment

Exhibit A

Sec. 511. Off-Street Parking Standards

A. Purpose

1. To ensure adequate parking supply for new uses and expansion of existing uses and to minimize the negative impacts on neighboring properties from spillover impacts of insufficient parking.
2. To provide minimum spacing, maneuvering, and paving standards to ensure longevity and adequacy of parking lots throughout the City.
3. To allow for options and alternatives to provide flexibility in meeting parking requirements.

B. Off-Street Parking Required

1. New Use or Construction. ~~4.—General Requirements. Except in the CBD District, no Certificate of Occupancy~~ No nonresidential land use shall commence, and no final occupancy or inspection ~~—~~ shall be issued for the use of land or a building for residential, commercial, industrial or any other purpose until adequate off-street parking as required in this Section has been provided.

2. Expansion of Use or Floor Area.

a. No expansion of a nonresidential land use up to 25% in area shall commence, and no final occupancy or inspection shall be issued for a building for nonresidential purposes up to 25% of current floor area until adequate parking is provided for the expansion area only as required in this Section.

b. No expansion of a nonresidential land use greater than 25% in area shall commence, and no final occupancy or inspection shall be issued for a building for residential, nonresidential, or any other purpose greater than 25% of current floor area until adequate off-street parking for both the current use or building and the expansion is provided as required in this Section.

c. Notwithstanding the above, expansion of existing single-family and two-family dwellings totaling 1,200 square feet of floor area or less are exempt from these parking requirements.

3. Change of Occupancy. ~~Except in the CBD District, No~~ Certificate of Occupancy shall be issued to allow a change from one major occupancy category to another (as identified by the Standard Building Code adopted by the City of San Angelo) unless off-street parking in conformity with minimum standards of this Section has been provided. ~~The amount of additional parking shall be limited to the required parking calculated for the new use minus any required parking calculated for any previous use of the building before off-street parking standards were implemented on March 23, 1954, whether or not adequate parking actually existed for such previous use.~~

a. Where the new occupancy category requires the same or less than the required parking for the current occupancy category, no new parking is required.

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b. Where the new occupancy category requires up to 25% more than the required parking for the current occupancy category, adequate off-site parking shall be provided for the difference only.

c. Where the new occupancy category requires greater than 25% of the required parking for the current occupancy category, full off-site parking shall be provided for the new occupancy category.

4. Exceptions.

a. Parking in CBD. No parking shall be required in the CBD District, however, should parking be provided, it shall comply with the minimum paving, loading and maneuvering standards as further outlined in Sections 511 and 512.

C. Parking Lot Permit

1. Permit Required. Any new parking area, expansion of an existing parking area, and new parking spaces not already connected to a building permit shall require a Parking Lot Permit. Repainting of existing parking spaces in the same configuration shall be exempt.

2. Requirements. The Parking Lot Permit shall be reviewed and approved by the Planning Director, and to the satisfaction of the Building Official and City Engineer. An application for a Parking Lot Permit shall include as a minimum:

a. A layout plan to scale delineating the location and type of all paved surfaces;

b. Location of all parking and loading spaces and required striping;

c. All parking, loading, and maneuvering area dimensions;

d. Location of all lighting and screening;

e. All grading, drainage and stormwater requirements of the City Engineer;

f. Pedestrian connections connecting the parking area to the principal use;

g. Required application and fee; and

h. Other information as may be required by the City.

D.B. Required Off-Street Parking Table

Use	Off-Street Parking Required
RESIDENTIAL	
Single-family dwellings, or two-family dwellings, townhomes, twinhomes, zero lot line dwellings, manufactured homes, mobile homes, and industrialized housing	<u>2.0 spaces/dwelling unit</u>

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Multifamily dwellings		
	1 bedroom unit	1.5 spaces/unit
	2 Bedroom apartment	1.75 spaces/unit
	2 bedroom unit or larger	1.75 spaces/unit
	3 Bedroom apartment or larger	2.0 spaces/unit
Group Living, including assisted living facilities, retirement centers, rooming or boarding houses (not including dormitories or nursing or convalescent homes)		0.75 spaces/unit
NONRESIDENTIAL		
Banks and financial institutions (not including furniture and home appliance stores)		1 space/200 SF gross 1 space/500 GFA, minimum of 10 spaces
Bowling alleys		1 space/400 SF gross OR 1 space/10 seats for patron use, whichever is greater 1 space/500 GFA
Day cares		1.5/employee 1 space/400 GFA, minimum of 10 spaces
Entertainment oriented facilities including amusement parks, arenas, museums, race tracks, and stadiums		Greater of 1 space/400 GFA or 1 space/10 seats
gymnasiums and fitness centers Fitness centers and gymnasiums		1 space/400 SF gross OR 1 space/10 seats for patron use, whichever is greater 1 space/400 GFA

Exhibit A

Furniture stores	1 space/400 gross SF 1 space/600 GFA
Home appliance stores	1 space/400 gross SF 1 space/500 GFA
Hospitals	1 space/4 patient beds plus 1 space/staff doctor and 1 space/4 employees 1 space/bed
Hotels and motels	1 space/2 guestrooms plus 1 space/4 employees 1 space/guestroom
Libraries	1 space/400 SF gross OR 1 space/10 seats for patron use, whichever is greater 1 space/500 GFA, minimum of 10 spaces
Theaters, movie houses Movie Theaters	1 space/10 seats for patron use 1 space /4 seats
Nursing and convalescent homes	1 space/4 patient beds plus 1 space/staff doctor and 1 space/4 employees 2 spaces/3 beds

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Office buildings, including commercial, government and professional buildings, and medical and dental clinics Offices - general, professional, medical, and dental		1 space/300 SF gross 1 space/500 GFA
Places of public assembly, private clubs, lodges and funeral homes		Greater of 1 space/400 GFA or 1 space/10 seats
churches Religious institutions		1 space/400 SF gross OR 1 space/10 seats for patron use, whichever is greater 1 space/4 seats in main sanctuar <u>iesy</u>
Restaurants, bars, taverns, nightclubs, diners Restaurants, bars, and nightclubs		1 space/4 seats for patron use 1 space/100 GFA including outdoor seating, decks, patios and floor area for entertainment uses
Retail trade and service establishments Retail sales and service uses, including grocery stores, personal service shops, equipment or repair shops, motor vehicle sales and repair		1 space/200 SF gross 1 space/200 GFA up to 20,000 GFA; 1 space/300 GFA above 20,000 GFA
Schools		
	Elementary school	1.5 spaces/classroom
	Middle School	3 spaces/classroom
	High school, college, university, business or trade school	9 spaces/classroom
Manufacturing and industrial plants, warehouses, research labs, and food processing plants		1 space/4 employees

Exhibit A

Warehousing, wholesale trade, and manufacturing uses	1 space/1000 GFA, plus 1 space/500 GFA for associated office and retail sale areas
Unlisted uses	As determined by the Planning Director – See Subsection G
Minimum for all principal buildings on a lot	2 spaces – See Subsection G

ED. Parking Location~~Location of Off-Street Parking Facilities~~

~~1.~~ 4.—All required off-street parking spaces shall be located on the same lot or tract of land as the building and/or activity they are intended to serve, or separated by an alley no more than 30 feet wide, except as provided below.

2. All required off-street parking shall be located within a zoning district that allows the use it is intended to serve.

3. Parking shall not be allowed in visual clearance triangles (see Sec. 510).

4.4. No required parking space or maneuvering area within a parking lot shall be encroached upon by any other use, including, but not limited to refuse disposal or commercial display, sale, repair, dismantling or servicing of merchandise, materials, equipment or vehicles.

5.2. —The use of remote or off-premises parking shall be allowed to satisfy the requirements of this Section, including shared parking. Such parking shall be located no more than ~~500~~400 feet from the facility or activity requiring such parking, and a permanent parking easement shall be secured and legally recorded. Remote or off-premises parking shall comply with all of the standards of this Section.

~~3.—Required off-street parking spaces may be separated by an alley no more than 30 feet wide, from the same lot or tract of land as the building and/or activity which those off-street parking spaces are intended to serve.~~

F.E. Alternative Parking. The Planning Director, or designee, may approve an Alternative Parking Plan to allow for shared parking, parking provided off-site, or provision of fewer parking spaces, loading, or stacking spaces than otherwise required, subject to the following standards. The Planning Director may require that the applicant enter into a development agreement with the City that outlines all requirements and a timeline to complete the required improvements. An Alternative Parking Plan found not acceptable by the Planning Director may be appealed to the Zoning Board of Adjustment through the normal variance request process.

Exhibit A

1. Shared Parking. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of an Alternative Parking Plan and if the shared parking complies with the all of following standards.

a. Shared parking spaces must be located within ~~500~~400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

b. A shared parking study providing an analysis of off-street parking needs and availability shall be submitted to the Planning Director, clearly demonstrating the feasibility of the proposed shared parking plan. The study must address, at a minimum, the size and type of the proposed development, the composition of users of the development sharing off-street parking, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

c. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement among all owners of record must be submitted to the Planning Director for filing in the Planning & Development Services Department. The agreement must be accepted by the Director and filed prior to issuance of a building permit or certificate of occupancy for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

d. Adequate accessible pedestrian connections are provided connecting the shared parking area and the served uses, including on-street improvements where necessary.

2. Off-site Parking. Developments that wish to utilize parking not provided on the development site may provide required parking off-site if such parking complies with all of the following standards.

a. Off-site parking spaces must be located within ~~500~~400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

b. Off-site parking shall be allowed through written agreement among all owners of record in a form approved by the Planning Director. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for filing in the Planning & Development Services Department. The agreement must be accepted by the Director and filed prior to issuance of a building permit or certificate of occupancy for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

c. Adequate accessible pedestrian connections are provided connecting the off-site parking area and the subject development, including on-street improvements where necessary.

Exhibit A

3. On-Street Parking. On-street parking may be allowed to satisfy up to 50% of the required parking for a site.

4.3. Reduced Parking. Developments which show a reduced need for parking based on the unique characteristics of a particular use or location, including shared parking, projected transit use, high percentage of non-motorized customer traffic, or as part of pedestrian-oriented mixed-use development, may be allowed to provide fewer parking spaces than otherwise required herein based upon sufficient evidence provided to the Planning Director in an Alternative Parking Plan.

G. C. Rules for Determining Off-Street Parking Requirements

1. When calculation of required off-street parking results in the requirement for a fractional space, any fraction up to and including 1/2 shall be disregarded in the calculation, and fractions over 1/2 shall require one additional off-street parking space.

2. In the case of a use not specifically listed in the table above, the Planning Director shall determine a use on the table that is substantially similar to that proposed, and apply the accompanying off-street parking requirement, or determine a different standard.

3. No part of required off-street parking facilities shall be included as parking required for another structure or use, except as provided in subsection FE, ~~below~~above.

4. In the case of multiple principal uses located on a single lot or tract of land, the total required off-street parking shall equal the sum of the parking required for each of the various uses calculated separately. Except as provided in subsection FE ~~below~~above, required off-street parking for one use shall not be considered as required off-street parking for any other use.

5. For the purpose of computing off-street parking requirements for various retail trade activities, floor area shall mean the gross floor area used or intended to be used for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as the storage, incidental repair, processing or packaging of merchandise, for show windows, or for offices incidental to management or maintenance. Fitting rooms, dressing rooms and alteration rooms shall also be excluded from the definition of floor area for the purpose of computing off-street parking requirements for various retail trade activities.

6. Where an open surface is consistently used for an activity allowed by the zoning district where it is situated, such open area shall be considered the same as if it were floor area within a building.

7. In no circumstance shall new construction or installation of any principal building on a lot require any less than 2 off-street parking spaces to be provided in accordance with this Section.

Exhibit A

H.F. Maintenance and Design of Public Off-Street Parking Facilities

1. All off-street parking facilities shall be paved with a paved connection to the street, and receive all required permits including parking permits, curb cut approach permits and any associated building permits. All parking facilities including employee, customer, and disabled parking shall be paved with one of the approved paved surfaces outlined in Section 804 of this Ordinance and clearly marked with appropriate striping and signage. Special Events and Temporary Uses as outlined in this Ordinance, and areas for storage or repair of vehicles and equipment may use an all-weather surface in lieu of a paved surface to the satisfaction of the appropriate City official.

2. All off-street parking facilities, including parking spaces, driveways and maneuvering areas, shall be passable and drivable, free and clear of debris, refuse, and potholes, to the satisfaction of the Planning Director, or designee.

3. 4.—All required off-street parking facilities shall be adequately maintained by the owner in accordance with the specifications of this Zoning Ordinance, so as to continually provide a suitable area for off-street parking use.

4. Parking areas and pathways may be required to be adequately lit to ensure public safety, where deemed necessary by the Planning Director. In addition, all lighting shall be fully shielded and not create any spillover glare onto adjacent properties or streets.

5. The standards of this Section shall be a continuing obligation of the property owner. It shall be unlawful to discontinue, change or dispense with any required off-street parking spaces without establishing alternative parking that meets the requirements of this Section. It shall also be unlawful to use buildings or land without acquiring and developing appropriate areas for off-street parking that meet the requirements of this Section.

6. A curb, wheel stop or other suitable barrier may be required by the Planning Director to separate off-street parking areas from public rights-of-way for streets.

7. All off-street parking facilities shall be so graded and drained as to suitably dispose of all surface water accumulated within the area.

8. For off-street parking spaces accessory to residential uses in R&E districts, where parking spaces are located greater than 50 feet from the lot line adjacent to an existing or proposed driveway approach from the public street, paved parking and a paved connection to the public street right-of-way shall not be required. An all-weather surface may be substituted for the paving requirement.

Exhibit A

G-1. Minimum Dimensions for Off-Street Parking

Type of Parking	Width	Length	Maneuvering	
			One-Way	Two-Way
90 degree parking	9 feet	18 feet	24 feet	24 feet
60 degree parking	9 feet	18 feet	18 feet	20 feet
45 degree parking	9 feet	18 feet	15 feet	20 feet
<u>0 degree parking (parallel)</u>	<u>9 feet</u>	<u>23 feet</u>	<u>12 feet</u>	<u>24 feet</u>

1. Minimum required parking width shall be measured perpendicular to the parking angle.
2. Minimum required parking length shall be measured along a line parallel to the parking angle.

3. Minimum required maneuvering area shall be measured behind each parking space, perpendicular to the building or parking line, except for parallel parking which shall be measured beside each parking space parallel to the building or parking line.

4. No parking or stacking space shall block any required maneuvering area.

5.4. When off-street parking facilities are located adjacent to a public alley, the unobstructed width of the alley may be assumed to be a portion of the maneuvering space requirement shown above.

6.5. A maximum of two spaces on any lot may utilize the adjacent public street for maneuvering. Any distinctly separate off-street parking area for two or fewer spaces may utilize the adjacent public street for maneuvering. Otherwise, in any district, off-street parking shall not include head-in parking adjacent to a public street wherein the maneuvering is done.

7.6. Where off-street parking facilities are provided in excess of the minimum amounts specified, or where off-street parking facilities are provided but not required by this Section, said facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

Exhibit A

J.H. Vehicle Stacking Areas. A minimum number of off-street stacking spaces shall be provided as follows:

<u>Activity Type</u>	<u>Minimum Spaces</u>	<u>Measured From</u>
<u>Automated teller machine (ATM)</u>	<u>3</u>	<u>Teller</u>
<u>Bank, pharmacy or similar use person teller lane</u>	<u>4</u>	<u>Teller or Window</u>
<u>Carwash stall, automatic</u>	<u>1 lane: 4</u> <u>2+ lanes: 2 per lane</u>	<u>Entrance</u>
<u>Carwash, quick lube, or similar use stall, self-service</u>	<u>1 lane: 2</u> <u>2+ lanes: 1 per lane</u>	<u>Entrance</u>
<u>Carwash, drop-off</u>	<u>1 lane: Total of 2 stacking or parking spaces</u> <u>2+ lanes: Total of 4 stacking or parking spaces</u>	
<u>Gasoline pump island</u>	<u>2 (1 before and 1 after pump island)</u>	<u>Pump island</u>
<u>Restaurant drive-through</u>	<u>4</u> <u>4</u>	<u>Order Box</u> <u>Order Box to Order Window</u>
<u>Schools</u>	<u>8</u>	<u>Between ingress and egress points of the stacking queue</u>
<u>Other</u>	<u>Determined by Planning Director based on study by applicant</u>	

Sec. 512. Loading Standards

A. Minimum Requirements. Every nonresidential building having at least 20,000 square feet of gross floor area hereafter erected, converted, extended or enlarged, shall provide and maintain the following off-street loading spaces.

1. A minimum of one off-street loading space is required.
2. For buildings that are occupied by manufacturing, storage, goods display, retail trade, wholesale trade and other similar industrial or commercial uses, one additional space for each additional 40,000 square feet or major fraction thereof shall be required.

Exhibit A

3. For offices, hotels, hospitals, schools and similar institutional uses, one additional space for each additional 60,000 square feet or major fraction thereof shall be required.

B. Size of Loading Space. Each required loading space shall be not less than 10 feet in width, 45 feet in length and 14 feet in height.

C. Location of Loading Space

1. All required off-street loading spaces shall be located entirely on the same lot or tract of land as the building they are accessory to.

2. All required off-street loading spaces shall be located entirely outside of public rights-of-way for streets and alleys.

3. No open area in a required off-street loading area shall be consistently encroached upon by any other use, including but not limited to refuse disposal, required off-street parking and maneuvering area, or the commercial display, sale, repair, dismantling or servicing of merchandise, materials, equipment or vehicles.

4. In no case shall off-street parking or vehicle stacking spaces required by this Zoning Ordinance be part of the area used to satisfy off-street loading requirements.

5. Access to required loading spaces shall be provided by nearby alleys and public streets, and preferably by means of exclusive service drives for trucks.

D. Maintenance and Design of Off-Street Loading Spaces

1. All required off-street loading spaces shall be adequately maintained by the owner, in accordance with the specifications of this Zoning Ordinance, so as to continually provide a suitable area for off-street loading.

3. All areas used for required off-street loading shall be paved in accordance with minimum paving standards of this Zoning Ordinance.

3. All loading spaces facing a street or located closer than 50 feet to any residential use or zoning district boundary shall be adequately screened with opaque walls, fencing, landscaping, opaque gates, or combination thereof. Screening may be constructed of stone, masonry block, wood, and/or chain link fencing with slats.

4. 2. The standards of this Section shall be a continuing obligation of the property owner. It shall be unlawful to discontinue, change or dispense with any required off-street loading spaces without establishing alternative loading areas that meet the requirements of this Section. It shall also be unlawful to use buildings or land without acquiring and developing appropriate areas for off-street loading space that meet the requirements of this Section.

Exhibit A

E. Existing Loading Space. Loading space being maintained in connection with any existing principal use of a building on the effective date of this Zoning Ordinance shall thereafter be maintained so long as the building remains, unless equivalent replacement space is provided conforming to the requirements of this Section; provided, however, that maintenance of more loading spaces than are herein required for new construction shall not be required.