

**PLANNING COMMISSION – FEBRUARY 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP21-01/Z21-01: (Martin Luther King Drive/West 23 rd Street)	
SYNOPSIS:			
<p>The applicant has applied for a Comprehensive Plan amendment and rezoning on various properties located east of Martin Luther King Drive, between West 22nd and West 23rd Street. Approval of the applications would allow future expansion of commercial development on the properties. The plan amendment is for an unaddressed property identified as Lot 4 in Block 43 of the Lasker Addition facing West 23rd Street, which serves as overflow parking for the adjacent restaurant. The plan amendment would change the Future Land Use from Neighborhood to Commercial to facilitate the rezoning on this property from Single-Family Residential (RS-1) to General Commercial (CG). As part of this request, the remaining six lots will be rezoned from General Commercial/Heavy Commercial (CG/CH) to General Commercial (CG). This will eliminate the heavy commercial CH component, consistent with the land use pattern in the area.</p>			
LOCATION:		LEGAL DESCRIPTION:	
East of Martin Luther King Drive between West 22 nd and West 23 rd Streets		Lots 1-4, 10-12 in Block 43 of the Lasker Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Reagan Neighborhood	CG/CH, RS-1	Commercial & Neighborhood	1.125 acres
THOROUGHFARE PLAN:			
<p>Martin Luther King Drive – Urban Collector Street, Required: 60’ right-of-way, 50’ pavement; Provided: 80’ right-of-way, 38’ pavement</p> <p>West 22nd and 23rd Streets – Urban Local Streets, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way, 40’ pavement with no sidewalk</p>			
NOTIFICATIONS:			
14 notifications for CP21-01 and 22 notifications for Z21-01 were mailed within a 200-foot radius on February 1, 2021. No responses in support or in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from “Neighborhood” to “Commercial” on 0.16 acres of land; and APPROVAL of a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning Districts to the General Commercial (CG) Zoning District on 1.125 acres of land as identified on the attached maps.			
PROPERTY OWNER/PETITIONER:			
2218 Martin Luther King Property, LLC Lee Pfluger			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Comprehensive Plan Amendments and 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 as outlined in #1 through #7 below. Comprehensive Plan Amendments are reviewed in the context of the San Angelo Strategic Plan, the 2009 Update to the Comprehensive Plan and outlined in #1 below:

- 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 proposed Comprehensive Plan Amendment from Neighborhood to Commercial on Lot 4 will facilitate the rezoning to General Commercial (CG), consistent with a Commercial Future Land Use. The property is part of the Franco's Restaurant site which includes six lots immediately west; three adjacent to West 23rd Street and three adjacent to West 22nd Street. The subject lot has been used for overflow parking since at least 1996 according to historic aerials and likely earlier since the Appraisal District indicates there was a café building on the property since 1967. Changing the Future Land Use to Commercial will legalize the existing commercial parking area on the property and allow its expansion. The City's Comprehensive Plan defines the Commercial Future Land Use as often "single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network." The rezoning would support this policy in recognizing the seven lots as a single, retail commercial use onto Martin Luther King Drive, an urban collector street designed to carry large traffic volumes.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** As indicated, the applicant agreed with Staff's recommendation to remove the heavy commercial component from the existing six lots, and change all seven lots to General Commercial (CG). Staff believes that the CG zoning fits the character of this commercial corridor best, which includes several retail businesses and institutional uses, and is located adjacent to a residential neighborhood to the east. The subject property is a double frontage lot and the current building does not meet the required 25-foot front yard setback facing West 23rd Street. However, the applicant has applied for an associated street right-of-way abandonment to acquire an additional 25 feet facing West 23rd Street. This additional and would provide a sufficient front yard setback for the current building. Any future development would also trigger a review of current parking standards as several of the parking areas are deteriorated or unpaved. Finally, any future development on Lots 4 and 10 adjacent to RS-1 zoning and residential uses shall install a minimum 6-foot tall privacy fence, reduced to 4 feet within the front yard setbacks. A privacy fence already exists adjacent to a portion of Lot 4, but an extension of this fence would be required at time of future development to close the remaining 60-foot gap.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The rezoning is compatible with surrounding land uses, which include other retail uses and institutional uses along the Martin Luther King Drive commercial corridor.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The subject property has remained as a parking lot for over 50 years. Rezoning to CG would allow the use(s) of the property for commercial development, while still retaining some of the parking area. There is ample parking already in the area for retail commercial shopping plazas. A rezoning to CG will allow the applicants to develop the property commercially and provide an effective transition between more intense commercial and single-family residential uses. Zoning north of 25th Street to 29th Street on the east side of Martin Luther King Drive is zoned CG/CH for commercial development. On the west side from 29th Street south to downtown is zoned for commercial or industrial development. Therefore, Staff believes that expanding east to include an additional commercial lot, in particular since this lot has been a commercial parking area since at least the mid-1990s, is appropriate.
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.* Staff does not anticipate any adverse environmental affects at this time. A review of grading, drainage, and stormwater would be conducted at time of permitting for any new buildings or additions. This would include a review of any new parking or resurfacing of any existing parking that is required.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning Staff believe there is a demonstrated community need for the proposed Comprehensive Plan amendment and rezoning. Rezoning to CG will facilitate future expansion of the properties and remove the heavy commercial component to protect the adjacent neighborhood. These properties are also located within the north TIRZ area and removing the heavy commercial component also made sense to support any future aesthetic enhancement of the properties for retail or related purposes.
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.* Staff anticipates the majority of traffic will continue to enter the site from Martin Luther King Drive, an urban collector street, and there will be no change to existing development patterns. There is a possibility for a new approach from West 23rd Street and this could be reviewed at time of permitting.

Recommendation:

Staff's recommendation is for the Planning Commission to:

1. Recommend **APPROVAL** of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use to the "Commercial" Future Land Use, being 0.16 acres located in the 200 block of West 23rd Street.
2. Recommend **APPROVAL** of a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning Districts to the General Commercial (CG) Zoning

District, being located at 2218 Martin Luther King Drive, three lots in the 200 block of West 22nd Street, and one lot in the 200 block of West 23rd Street.

Attachments:

Aerial Map

Future Land Use Map




Zoning Map

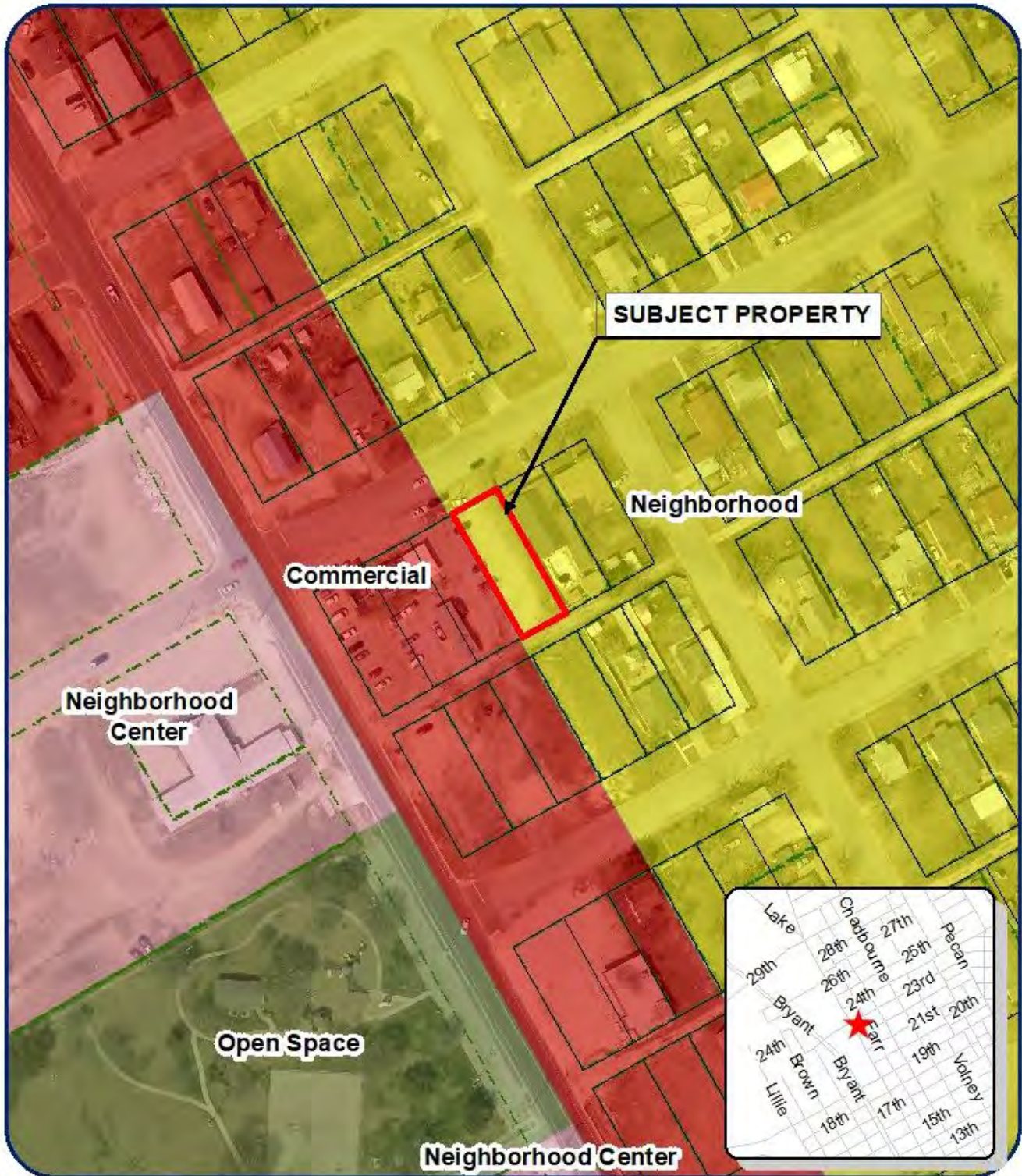
Photographs

Zone Change Criteria Sheet

Applications



Rezoning Z21-01 Council District: Lucy Gonzales - District 4 Neighborhood: Reagan Scale: 1" approx. = 125 ft	Legend Subject Properties:  Current Zoning: CG/CH, RS-1 Requested Zoning Change: CG Vision: Commercial, Neighborhood	 
2218 Martin Luther King Dr, 200 Blocks of W. 22nd, 23rd St. 1.125 ac.		



Comprehensive Plan Amendment

CP21-01

Council District: Lucy Gonzales - District 4

Neighborhood: Reagan

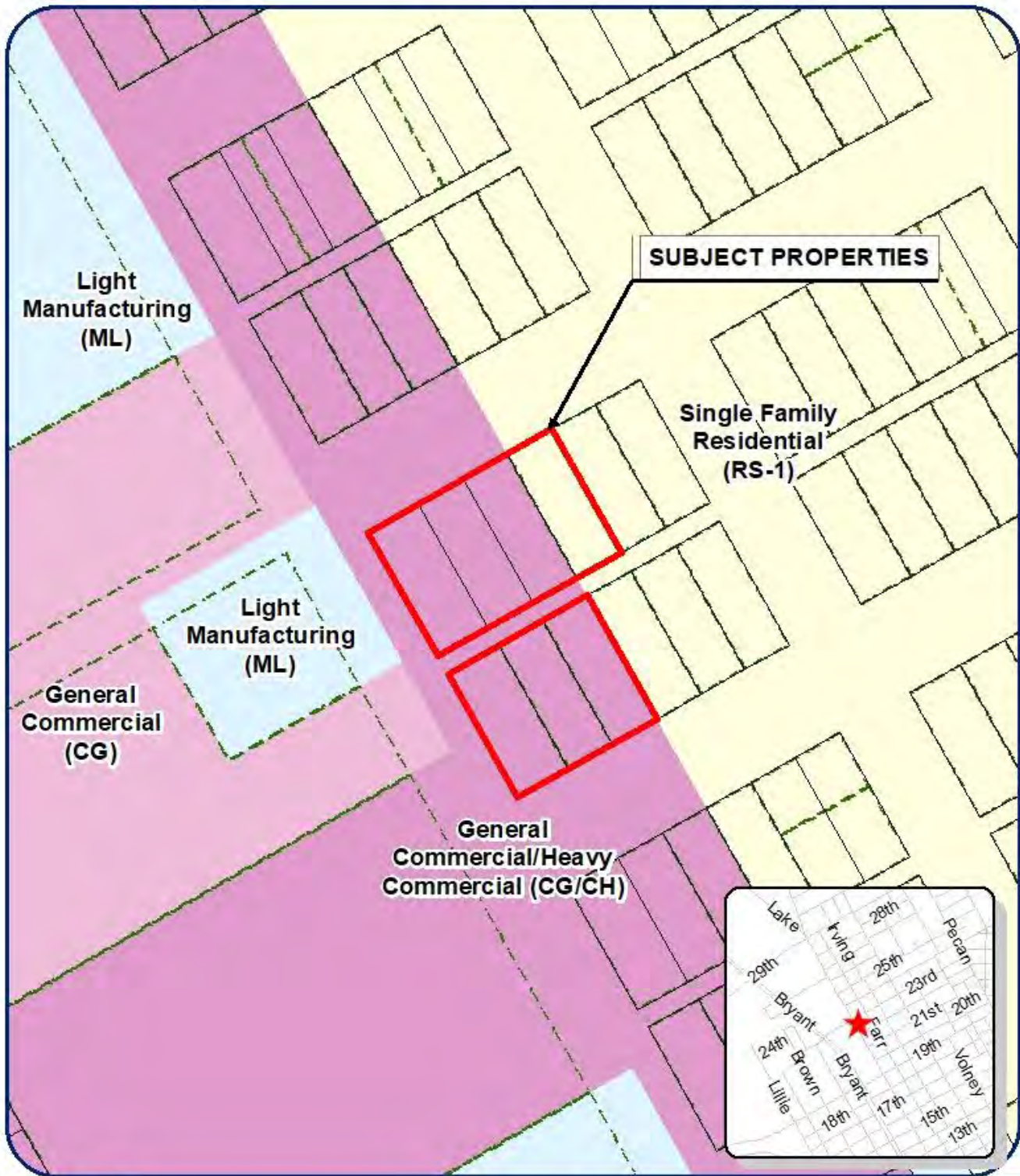
Scale: 1" approx. = 125 ft

200 Block of W. 23rd St. 0.16 ac.

Legend

- Subject Properties: —
- Current Zoning: **RS-1**
- Future Land Use: **Neighborhood**
- Proposed Future Land Use: **Commercial**





Rezoning

Z21-01

Council District: Lucy Gonzales - District 4
Neighborhood: Reagan
Scale: 1" approx. = 125 ft

2218 Martin Luther King Dr, 200 Blocks of W. 22nd, 23rd St. 1.125 ac.

Legend

- Subject Properties: —
- Current Zoning: CG/CH, RS-1
- Requested Zoning Change: CG
- Vision: Commercial, Neighborhood



Photos of Site and Surrounding Area

2218 MARTIN LUTHER KING DR. (FRANCO'S)



2218 MARTIN LUTHER KING DR. (FRANCO'S)



LOT 4 – W. 23RD ST. (OVERFLOW PARKING)



LOTS 10-12 – W. 22ND ST. (OVERFLOW PARKING)



MARTIN LUTHER KING DR. LOOKING SOUTH



WEST 23RD ST. LOOKING EAST



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.

The Proposed CG Zoning will be compatible with the Comprehensive Plan

Amendment change to Commercial.

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

The Proposed CG Zoning will allow Lot 4 (adjacent to the currently operating

Franco’s Café) to be available for development for overflow parking when the need arises.

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

The six lots located West and South of Lot 4 are currently owned and used in the operations of Franco’s Café. Changing the Zoning of Lot 4 to CG is compatible with the current utilization of the adjacent six lots.

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

The currently planned expansion of Franco Café's Carry Out capability will reduce the Café's current parking capacity along 23rd Street and if in-dining volumes increase as the COVID-19 pandemic subsides, operationally, Franco's Café may need the flexibility to expand its parking capacity sometime in the future.

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 – Any future utilization of Lot 4 for overflow parking for Franco's Café will require City approvals at that time.

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

Franco's Café is a restaurant icon for the North Side of San Angelo. Franco's Café services the community with affordable food and an opportunity for employment for *area* residents.

7. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community. The Proposed CG Zoning of Lot 4 would not alter the current use pattern for patrons and staff of Franco's Café. Staff will still enter from the East side of the property and Patrons will continue to access In-House-Dining through the current (West Side) front door on Martin Luther King Blvd.

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): 2218 Martin Luther King Property, LLC

Owner Representative (Notarized Affidavit Required)

P.O. Box 1991 San Angelo Texas 76902

Mailing Address City State Zip Code

325-944-4444 lee.pfluger@cactushotel.net

Contact Phone Number Contact E-mail Address

2218 Martin Luther King Blvd. and 214, 216, 218 West 22nd Street, San Angelo Texas 76903

Subject Property Address City State Zip Code

Lots 1 thru 4 and Lots 10 thru 12, Block 43, Lasker Addition, San Angelo, Tom Green County, Texas

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

Existing Zoning: CG/HC & RS-1 Proposed Zoning: CG Lot size: 50' x 140'

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

Section 2: Site Specific Details

Existing Use of Property: Existing Restaurant and Parking

*Proposed Use of Property: Existing Restaurant and Parking

*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.

2218 Martin Luther King Property, LLC

Owner Name (Print)

Signature

Addison Lee Bluger

Company/Organization (If Applicable)

Date

21 Jan 2021

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: ____/____/____

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

AP This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

AP Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

AP If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

AP The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

AP If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

AP Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

AP Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

AP 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.

Addison Lee Pfluger

21 Jan 2021

Signature of licensee or authorized representative

Date

Addison Lee Pfluger

Printed name of licensee or authorized representative

2218 Martin Luther King Property LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: _____ Planning Commission Date: ____/____/____

City Council Date(s): ____/____/____

Non-Refundable Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____

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

**PLANNING COMMISSION – FEBRUARY 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Special Use		PD21-01: 630 S. Oakes et al. (Fort Concho)	
SYNOPSIS:			
<p>The City of San Angelo (COSA) has initiated a zone change for a Planned Development (PD) to allow for museums, offices, and associated uses on City-owned land. The land is located on ten contiguous blocks of the Fort Concho subdivision. The PD will serve several purposes including 1) creating one comprehensive zoning district for the existing Fort and neighboring office uses (revoking the 1991 Special Permit SP91-11 that had four different zoning districts each with their own development standards); 2) applying the CBD development standards to allow flexibility for new development including 0-foot setbacks; and 3) expanding the area to include portions of Block 61, 62, and the east part of 65 owned by the City (see Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
Various properties north of East Washington Drive; east of South Oakes Street; south of the Texas Pacific Railway; and west of Rust Street		Fort Concho Addition, Block 55, Lots 1-6 and part Lots 7-10; Blocks 56, 57, 58, 59, 60 and abandoned adjacent streets and alleys; Block 61; Block 62, south 100' of Lot 1, Lots 2-12; east ½ of Block 65; Block 66, Lots 1-5	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Fort Concho Neighborhood	ML, CG/CH, RM-1 and RS-2	Campus/Institutional and Commercial	39 acres
THOROUGHFARE PLAN:			
<p>S. Oakes, E. Washington, Rust St., Henry O. Flipper St, Wool St, Burgess St, East Ave A, C, D – Urban Local Street; <u>ROW Required 50'</u>; Existing: S. Oakes 100', Rust St, E. Ave. A and D 80', Burgess 70', E. Washington, E Ave C, Henry O. Flipper, Wool St. 60'; <u>Paving Required 40' or 36' with 4' sidewalk</u>; Existing: S. Oakes St. 60', all other streets 36'</p>			
NOTIFICATIONS:			
<p>47 notifications mailed within 200-foot radius on February 2, 2021. Three received in support and none in opposition to the request to date.</p>			
STAFF RECOMMENDATION:			
<p>Staff's recommendation is for the Planning Commission to recommend APPROVAL of a rezoning from the Light Manufacturing (ML), General Commercial/Heavy Commercial (CG/CH), Low Rise Multifamily Residential (RM-1), and Two-Family Residential (RS-2) Zoning Districts to the Planned Development (PD21-01) Zoning District to allow for specific uses and development standards as outlined in the Ordinance, subject to Three Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
City of San Angelo, Fort Concho Museum Board			
STAFF CONTACT:			
<p>Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us</p>			

Additional Information: The proposed PD came as a result of a recent site plan submitted by Fort Concho showing 0-foot rear setbacks which did not comply with the required 20-foot rear setbacks within the RM-1 zoning. The new PD, if approved, would allow these buildings to be constructed with the new 0-foot setbacks, as well as setting a framework for future development within Historic Fort Concho and immediate area. The majority of the properties, except for those in Block 61, parts of Block 62, and the east half of Block 65, are all within the Fort Concho Historic Overlay Zone and require a Certificate of Appropriateness by the Design and Historic Review Commission prior to construction. Staff took this into consideration when preparing its recommendations.

Current Use of each PD Block (see attached maps):

- Block 55 – Fort Concho Office Quarters buildings and historic chapel/schoolhouse;
- Block 56, 57, 58 – Fort Concho Parade Grounds;
- Block 59 – State of Texas Services Center building; Fort Concho Barracks buildings 1 and 2;
- Block 60 – Fort Concho Barracks/Mess Hall Buildings 5 & 6 and parking (proposed buildings 3 & 4);
- Block 61 – Fort Concho Maintenance Building and parking;
- Block 62 – Texas Workforce Commission offices; Fort Concho Stables and storage; vacant land
- Block 65 - parking and vacant land
- Block 66 – Fort Concho commissary buildings, quartermaster building, and headquarters, comfort station and Ruffini buildings

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 majority of the PD properties are designated “Campus/Institutional” in the City’s Comprehensive Plan which call to “improve the standing of community centers and public facilities as pillars of their local neighborhoods and central features of the community as a whole.” Staff believes that consolidating the original four zoning districts of the Special Permit into a single Planned Development (PD) with one set of development standards adheres to this policy. The properties north of the alleys in Blocks 61 and 62, and all of Block 65 are designated “Commercial” which are “often single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage onto the major street network.” These properties are currently used for parking or are vacant, and future offices which would be allowed in the PD would be consistent with the Commercial policies which support offices and related uses.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance.*** Most of the existing buildings within the PD area were built to the property lines (0-foot front setbacks) which would not comply with today’s zoning standards requiring 25-foot front yards. Therefore, Staff is recommending that the new PD apply the Central Business District (CBD) development standards which allow 0-foot front yards; and 0-foot side and rear yards unless abutting a residential use which would require a 10-foot side or rear setback. This would make all current buildings conforming uses, and allow

additional space for future building construction. The CBD standards would also exempt any parking requirements, allowing Fort Concho, the Texas office complex, and Workforce solutions to self-govern in terms of its parking situation (if parking is provided however it would still need to meet the standards of Section 511 of the Zoning Ordinance).

3. **Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.** The proposed PD will allow museums with associated retail sales; offices; convention and meeting halls; special events; commercial parking; and accessory uses including associated parking, maintenance facilities, and storage. Staff believes all of these uses are compatible with the surrounding area which also contains existing offices, retail, and maintenance facilities.
4. **Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.** The proposed Barracks and Mess Hall buildings 3 and 4 in Block 60 of the Fort triggered this PD request. The barracks buildings were not able to meet current setbacks, and as part of the review, Staff recommended to the applicants submission of a PD for the entire area to allow these buildings and future buildings without having to rezone or seek variances for each request.
5. **Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Staff does not anticipate any negative environmental affects with the proposed PD. Most of the properties are already built-out, and any development will require a review of drainage, grading, and stormwater per normal practice.
6. **Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.** The original Fort was built in 1867 the same year as the City of San Angelo was founded. The Fort is a National Historic Site and historically overlaid. Staff believes that the PD addresses a community need for uniform standards to protect the historic of the Fort.
7. **Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.** Approval of this PD will not change the development patterns in the area. All existing lots and streets remain in the same configuration at the present time. The PD will simply provide a uniform set of standards and remove the multiple zoning designations and standards in the Special Permit.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from the Light Manufacturing (ML), General Commercial/Heavy Commercial (CG/CH), Low Rise Multifamily Residential (RM-1), and Two-Family Residential (RS-2) Zoning Districts to the Planned Development (PD21-01) Zoning District to allow for specific uses and development standards outlined in the Ordinance, **subject to Three Conditions of Approval:**

1. The following uses shall be allowed in the Planned Development (PD) Zoning District:
 - a. museums with associated retail sales;
 - b. offices;
 - c. convention and meeting halls;
 - d. special events, including those specifically authorized by City Council;
 - e. commercial parking;
 - f. accessory uses including parking, maintenance facilities, and storage
2. Except as otherwise specified, the development of the subject property shall generally conform to the Central Business District (CBD) Zoning District standards.
3. Approval of the PD Ordinance revokes and replaces Special Permit SP 91-11.

Attachments:

Aerial Map

Future Land Use Map

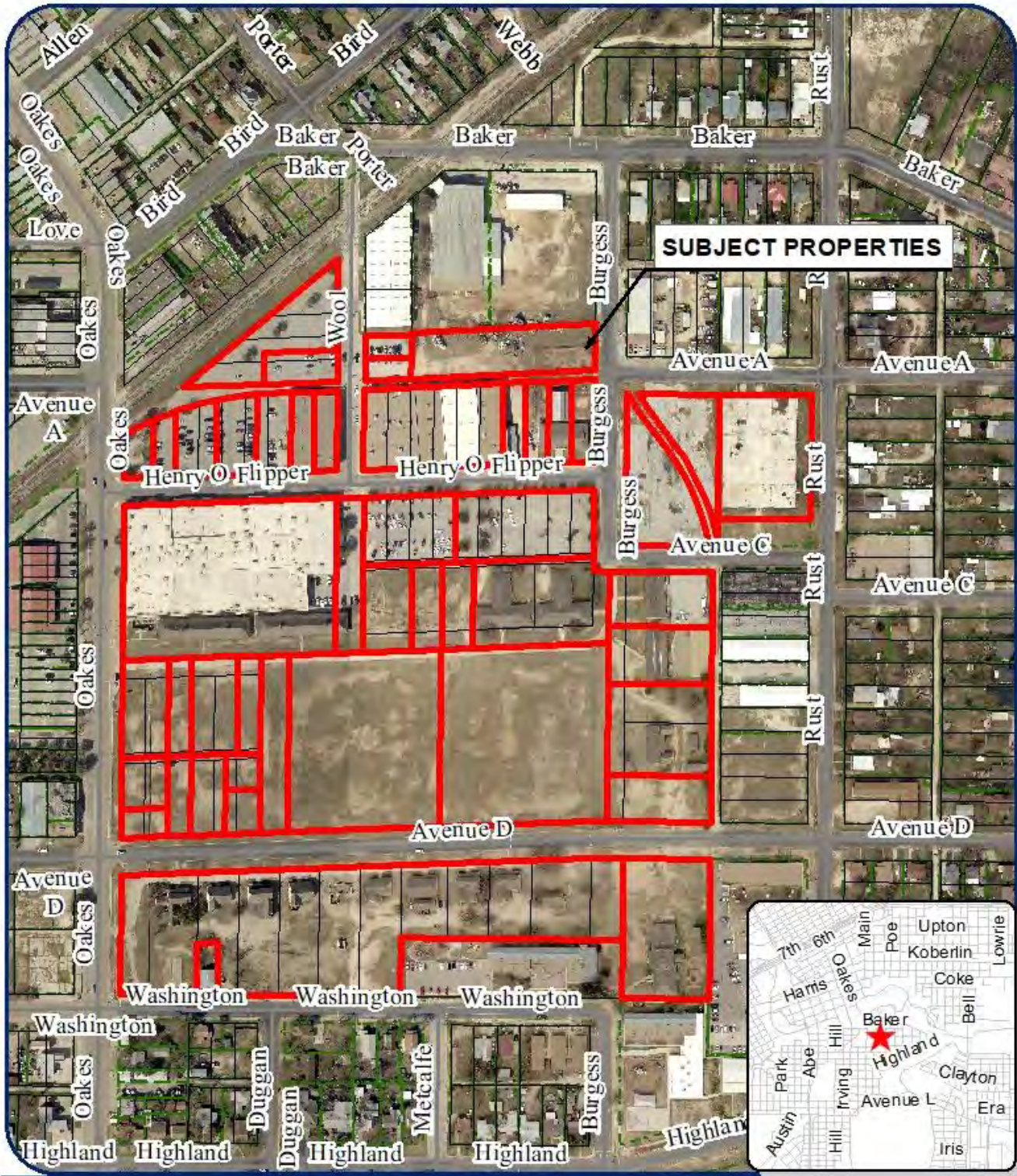
Zoning Map

Photographs

Concept Rendering

Response Letters

Application



Planned Development Zone Change

PD21-01 (Fort Concho)

Council District: Harry Thomas - District 3
 Neighborhood: Fort Concho
 Scale: 1" approx. = 275 ft

630 S. Oakes St. and various addresses

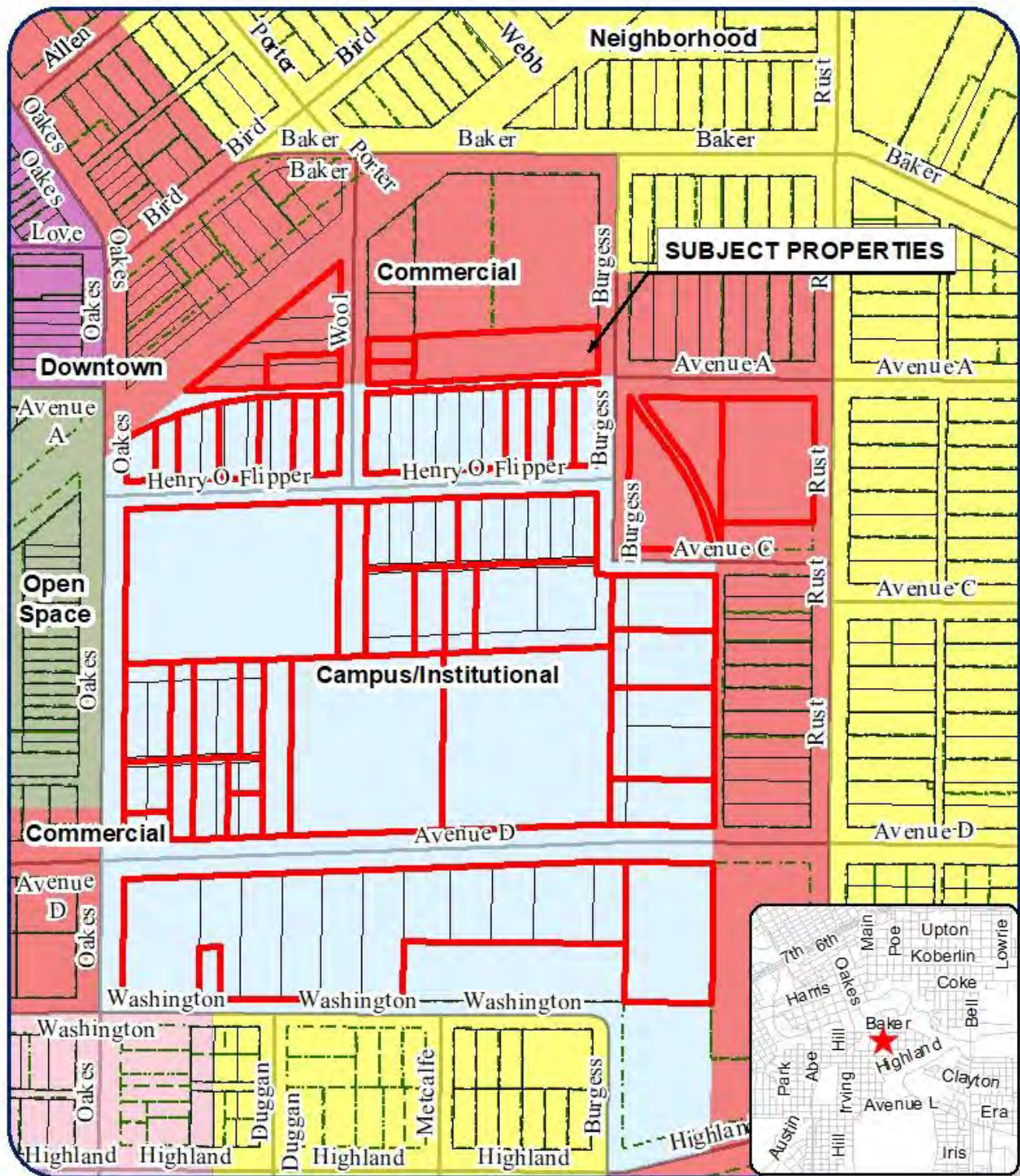
Legend

Subject Properties:
 Current Zoning: ML, CG/CH, RM-1, RS-2

Requested Zoning Change: N/A

Vision: Campus/Institutional and Commercial

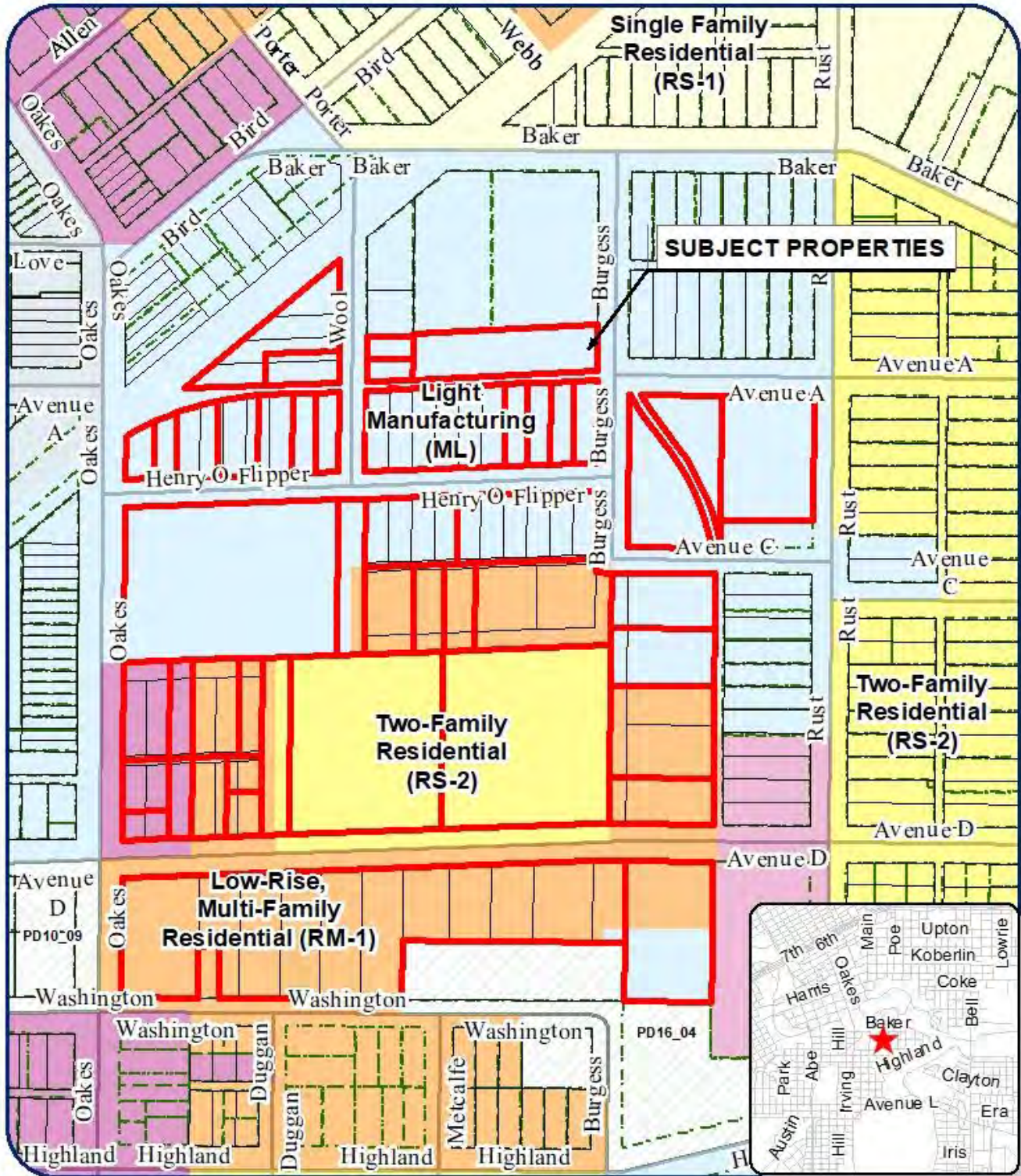




Planned Development Zone Change
PD21-01 (Fort Concho)
 Council District: Harry Thomas - District 3
 Neighborhood: Fort Concho
 Scale: 1" approx. = 275 ft
630 S. Oakes St. and various addresses

Legend
 Subject Properties: —
 Current Zoning: **ML, CG/CH, RM-1, RS-2**
 Requested Zoning Change: **N/A**
 Vision: **Campus/Institutional and Commercial**





Planned Development Zone Change

PD21-01 (Fort Concho)

Council District: Harry Thomas - District 3
 Neighborhood: Fort Concho
 Scale: 1" approx. = 275 ft

630 S. Oakes St. and various addresses

Legend

Subject Properties: —
 Current Zoning: **ML, CG/CH, RM-1, RS-2**
 Requested Zoning Change: **N/A**
 Vision: **Campus/Institutional and Commercial**



Photos of Site and Surrounding Area

BLOCK 61



BLOCK 62



BLOCK 65



BLOCK 66



BLOCK 84



BLOCK 55



Photos of Site and Surrounding Area

BLOCKS 56-58



BLOCK 59



BLOCK 60



BLOCK 60



BLOCK 60 NEW BUILDINGS LOCATION



BLOCK 60 NEW BUILDINGS LOCATION



Fort Concho City Property



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Addison Lee Pfeiffer
ADDRESS: Box 1991
SA 76902
PHONE: 325-944-4444

SIGNATURE: Addison Lee Pfeiffer

PD21-01: 630 S. Oakes St. et. al.

Property owner number: 7

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at 325-657-4210 or by email at jeff.fisher@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Addison Lu Bengel

ADDRESS: Box 1991

JA 76902

PHONE: 325-944-4444

SIGNATURE: Addison Lu Bengel

PD21-01: 630 S. Oakes St. et. al.

Property owner number: 24

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at 325-657-4210 or by email at jeff.fisher@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: _____

ADDRESS: _____

PHONE: _____

SIGNATURE: George McFarland

PD21-01: 630 S. Oakes St. et. al.

Property owner number: 31

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at 325-657-4210 or by email at jeff.fisher@cosatx.us.

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Effective April 1, 2020

Section 3: Site Specific Details continued

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.

Explanation: This PD will more accurately and appropriately reflect the use of this property as well as the
Forts mission.

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

Explanation: This PD reflects current use of past 50-plus years.

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.

Explanation: This PD will have no effect.

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

Explanation: This PD is necessary to reflect and codify the actual and city-approved use and mission of the
property.

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.

Explanation: This PD will not change current property use or relationships to other property.

Section 4: 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 PD 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;
- Minor site plan amendments may be approved or denied by the Planning Director, or referred by the Director to the Planning Commission for a decision where a revision constitutes a substantial alteration from the original approved plan. An applicant may appeal a denial by the Planning Director to the Planning Commission within 30 days of the decision.
- Major site plan amendments may be approved, approved with conditions, or denied by the Planning Commission at a public hearing. An applicant may appeal a denial by the Planning Commission to the City Council within 30 days of the decision.
- 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 PD zone change is applied to the property, not the property owner.
- For PD zone changes, one or more notice sign(s) will be placed on the subject property by the Planning Department. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the PD zone change request.
- For PD zone changes, the Planning Commission shall conduct a public hearing and shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment. If the Planning Commission recommends approval of a PD zone change request, the case must still go before City Council for final action.
- A recommendation by the Planning Commission to deny a request for a PD zone change may be appealed in writing to City Council within 10 days, or the decision is considered final.

DocuSign Envelope ID: B13C78D1-D8A4-40C7-8F10-1E01E4E85490

Effective April 1, 2020

- For PD zone changes, a public hearing and final decision will be made by City Council.
- The City Council may approve, approve with modifications, or deny the proposed PD zone change. Where the Planning Commission has recommended denial, or written protest against such amendment is made and signed by (a) the owners of 20 percent or more of the area subject to the zone change or (b) the owners of 20 percent or more of the area within 200 feet of the affected area, then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.
- Appeal of a City Council decision to deny a PD zone change shall be made within 30 days to the applicable state District Court in Tom Green County.
- If a PD 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.
- The applicant shall ensure at the time of permitting, that the proposed uses and buildings comply with all development standards of the new zoning district(s) and the general development standards of the Zoning Ordinance including setbacks, parking, and any required privacy fencing. These requirements are outlined in San Angelo's Zoning Ordinance.
- 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.

<u>Daniel Valenzuela or his designee</u>	<u>City of San Angelo</u>	<u>12/28/2020</u>	<u>3:09 PM</u>	
Owner Name (Print)	Signature	Date		
	Company/Organization (If Applicable)			
<u>Robert Bluthardt, Fort Concho Manager</u>	<u>Fort Concho</u>	<u>12/28/2020</u>	<u>3:08 PM</u>	
Representative Name (Print)	Signature	Date		
Approved as to Content:	Company/Organization			
	<u>Carl White, Director, Parks and Recreation</u>			

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: ____/____/____

Case No.: PD _____ Fully-dimensional concept plan:

Select from the following:

New PD District nonrefundable fee (\$600.00):	\$ _____	Date paid: ____/____/____	Receipt #: _____
Text Amendment or Major Site Plan Amendment (\$225.00):	\$ _____	Receipt #: _____	
Minor Site Plan Amendment (\$125.00):	\$ _____	Receipt #: _____	
Newspaper Notice Fee \$125.00 (minor site plans exempt)	\$ _____	Receipt #: _____	
Sign Deposit \$20.00 (minor site plans exempt)	\$ _____	Receipt #: _____	

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

Related Case(s)? Yes No If yes, case nos.: _____


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

City Council hearing date: ____/____/____ Newspaper publication date: ____/____/____

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

**PLANNING COMMISSION – FEBRUARY 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Planned Development Amendment		PD07-03 (Amended): 2909 South A&M Avenue	
SYNOPSIS:			
On August 21 st of 2007, City Council approved PD07-03 from RS-1 to PD intended for assisted group living. On April 16 th of 2013, City Council approved Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy. The current proposed amendment is to specifically add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property.			
LOCATION:		LEGAL DESCRIPTION:	
2909 South A&M Avenue		Being 0.7.938 acres being out W. Nevels, Abstract-1755, Survey-2 and J. McNeese, Abstract-1641, Survey 176 ½.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter Neighborhood – ASU – College Hills	PD07-03	Neighborhood	7.938 acres
THOROUGHFARE PLAN:			
<u>South A&M Avenue</u> – Minor Collector Street – ROW 60’ Required (60’ Existing) – Pavement Width 50’ Required (36’ Existing)			
<u>Oxford Avenue</u> – Minor Collector Street – ROW 60’ Required (50’ Existing) – Pavement Width 50’ Required (36’ Existing)			
NOTIFICATIONS:			
35 notifications were mailed within a 200-foot radius of the property on February 2, 2021. No response was received in favor and 25 against for the case.			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of a request for a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses.			
PROPERTY OWNER/PETITIONER:			
Jack Gabriel			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information: On August 21st of 2007, City Council approved PD07-03, a rezoning from Single-Family Residential (RS-1) zoning district to a Planned Development (PD) zoning district intended for assisted group living, subject to specific requirements (see attached Exhibit A). On April 16th of 2013, City Council approved Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy, subject to specific requirements (see attached Exhibit B). The current proposed amendment is to specifically add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property. This business will process water through a RO system and then bottle the water, all on site. After the water is bottled, it will be delivered to their customers.

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 proposed PD amendment is not in keeping with the Future Land Use of the City's Master Plan as being Neighborhood. The property is within a well-established neighborhood that has single-family homes and a church.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The underlying zoning for this property is RS-1. This proposed amendment to the PD is not consistent with the Zoning Ordinance. The zoning ordinance intent is to protect the existing uses from undue impact. In this case, the surrounding neighborhood would not be protected by adding a commercial use to the vacant building, but rather be a hindrance to the surrounding neighborhood.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The surrounding uses are single-family homes and a church. The proposed use would bring in more traffic and noise that is not intended for a neighborhood.
4. **Changed Conditions. *Whether and the extent to which there are changed conditions that require an amendment.*** The subject property was an elementary school, but most of the school buildings have been vacant for many years. The specific building that is the subject of this amendment was occupied by a gymnastics academy until mid-2019 and has remained vacant since. Approving the proposed PD, will allow a commercial use within a residential area and could generate more traffic and noise than what is expected in a residential area.

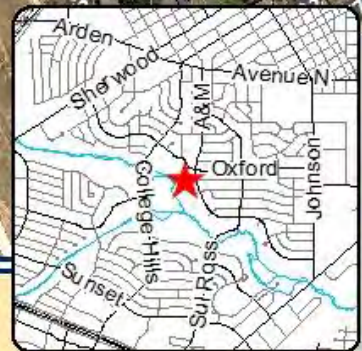
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not believe that there will be any adverse effects on the natural environment. The structure that will be used already exists.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Staff believes there continues to be a demonstrated community need of commercial uses. However, staff doesn't believe that this is the appropriate location for such a use that is being proposed, given its close proximity to single-family homes in a well-established neighborhood.
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.* As an area for a neighborhood, this application is not consistent with that pattern and could have a negative effect on the residence within this surrounding area.

Recommendation:

Staff recommends **DENIAL** of a request for approval of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
Opposition Letters
Layout Plan
Exhibit A – 2007 Amendment Exert
Exhibit B – 2013 Amendment Exert
Application



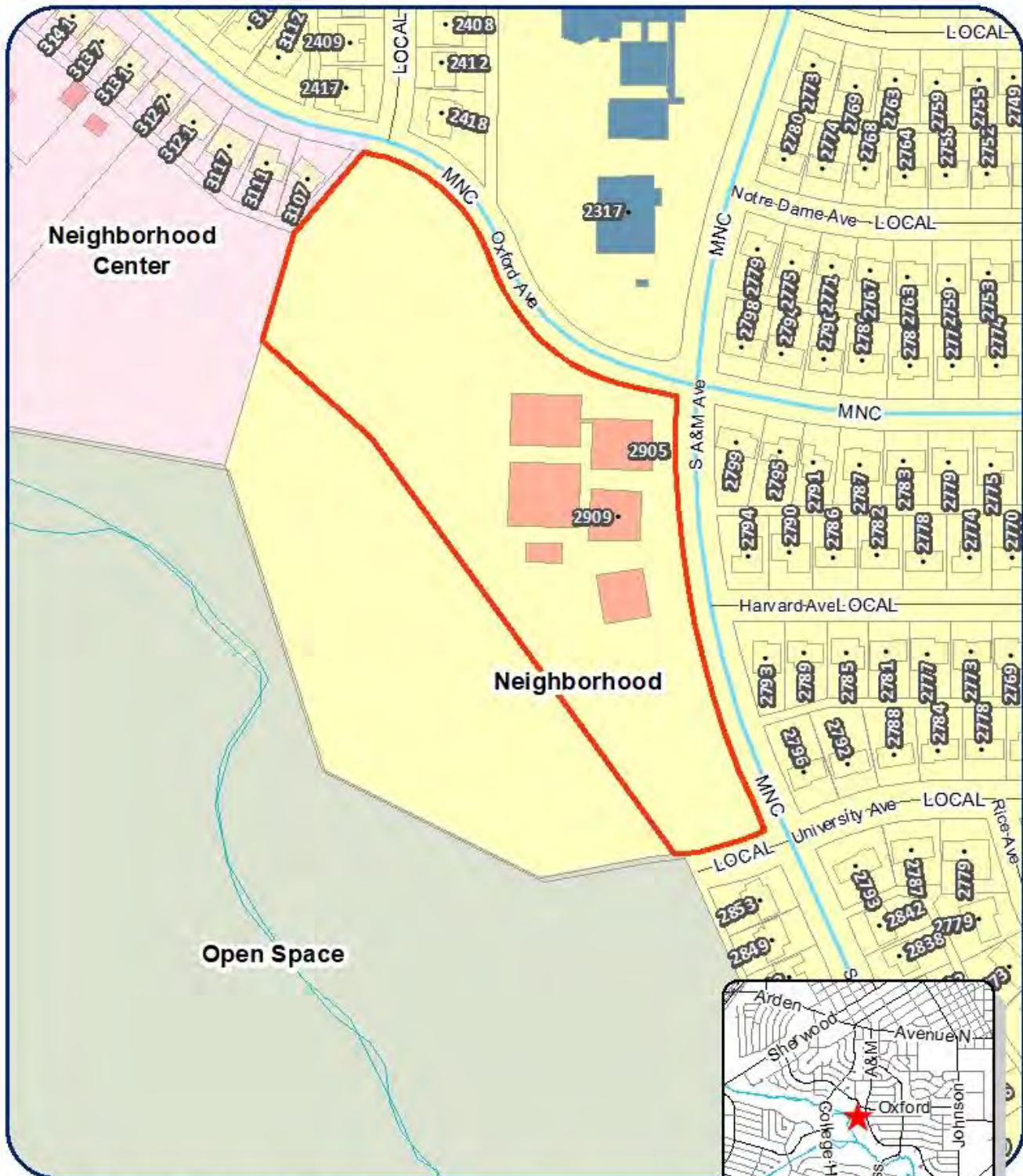
Planned Development Amendment
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

- Subject Properties: █
- Current Zoning: **PD07-03**
- Requested Zoning Change: **N/A**
- Vision: **Neighborhood**



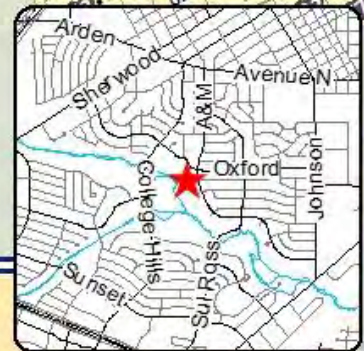


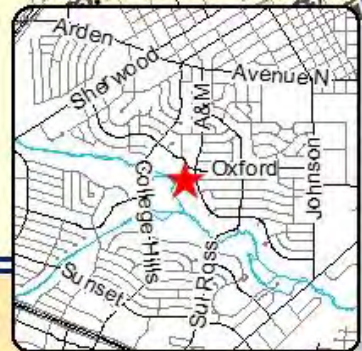
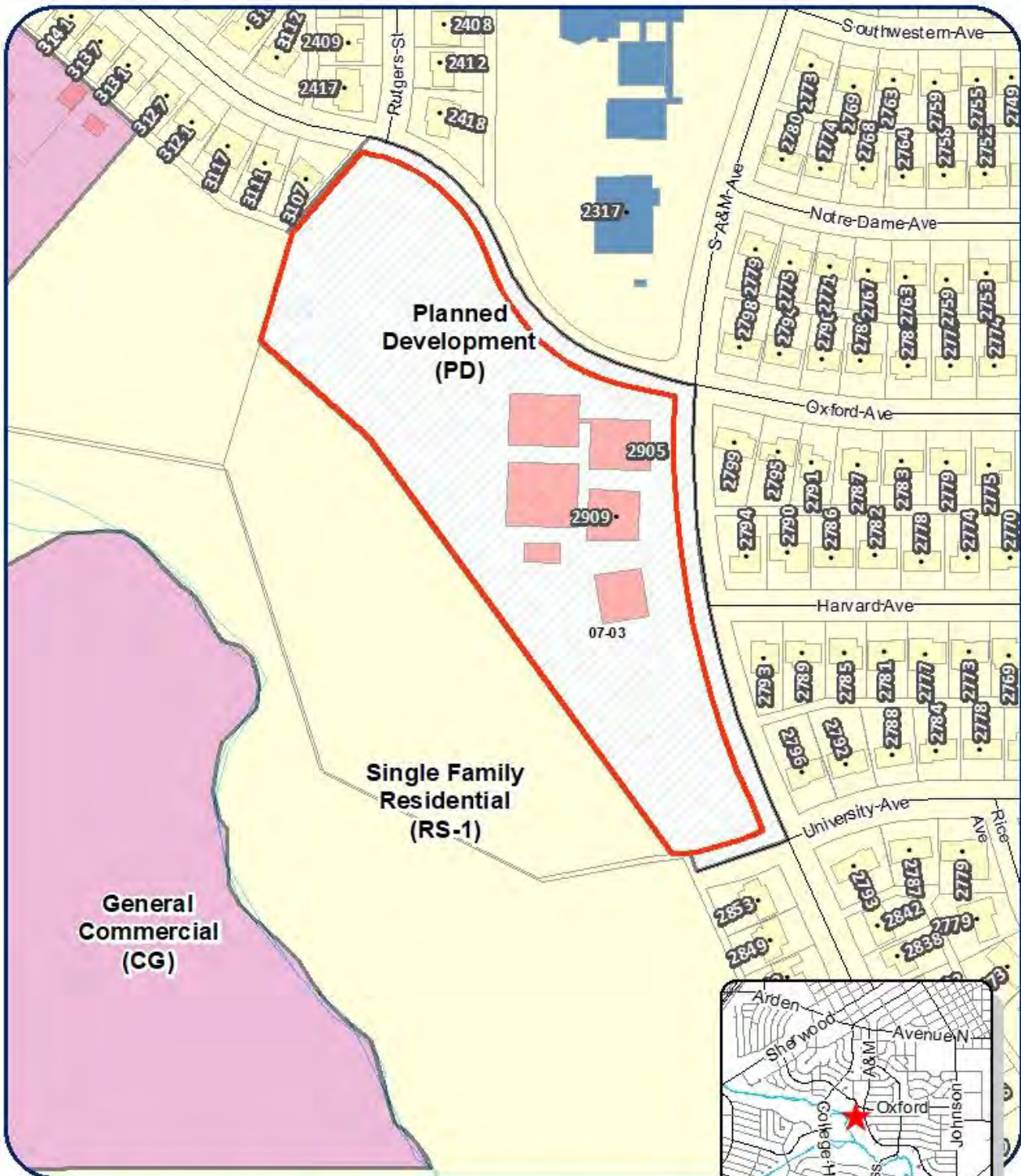
Planned Development Amendment
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

Subject Properties:
 Current Zoning: PD07-03
 Requested Zoning Change: N/A
 Vision: Neighborhood





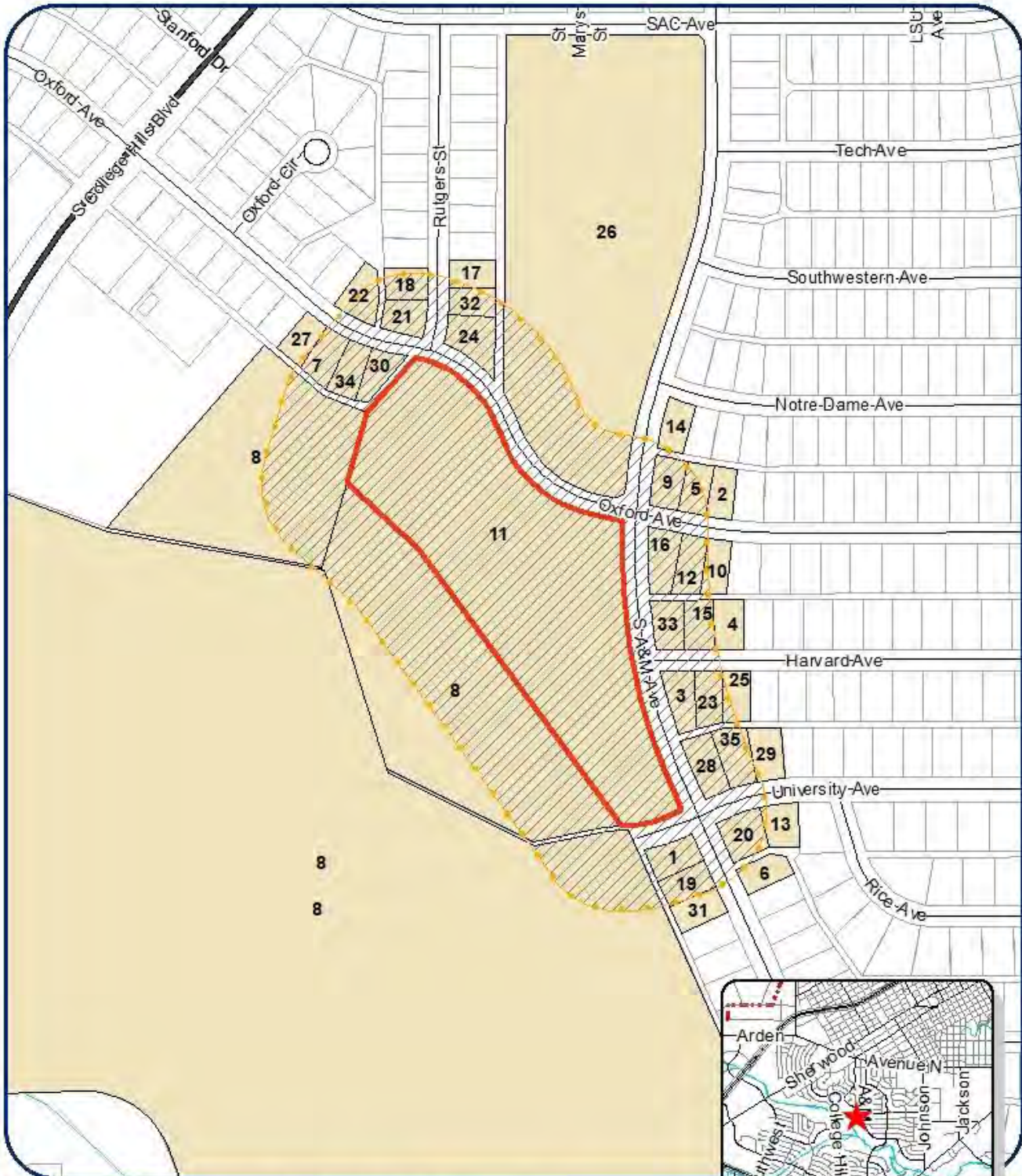
Planned Development Amendment
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

- Subject Properties: —
- Current Zoning: PD07-03
- Requested Zoning Change: N/A
- Vision: Neighborhood






Planned Development Amendment
2905-2909 S A & M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 300 ft

Legend

Subject Properties: 
 Current Zoning: **PD07-03**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**



Photos of Site and Surrounding Area



Opposition letter

PAGE 1 OF

WE, THE UNDERSIGNED, ARE AGAINST A WATER
 PROCESSING + DELIVERY BUSINESS + RELATED
 ACCESSORY USES FOR A PROPERTY LOCATED AT
 2909 A.M. AVE, SAN ANGELO, TX 76904
 PD07-03 (AMENDED)

	NAME	ADDRESS	SIGNATURE
15	FLO LOIKA	2790 HARVARD AVE	Flo Loika
4	Bobby Brant	2785 HARVARD	Bobby Brant
3	Aaron Bayer	2793 Harvard Ave	Aaron Bayer
33	THOMAS TWISS	2794 HARVARD	THOMAS TWISS
28	LYNN SIMON	2796 UNIVERSITY	Lynn Simon
29	Johna Burch	2788 University Ave.	Johna Burch
1	Ryan Koles	2853 A.M. AVE	Ryan Koles
1	Jett Allen	2853 A.M. AVE	Jett Allen
19	Callie Phillips	2849 A.M. AVE	Callie Phillips
13	Rebyn Atwood	2787 University Ave	Rebyn Atwood
12	Angel Reyes	2795 OXFORD AVE	Angel Reyes
35	Robynn Womack	2792 UNIVERSITY AVE	Robynn Womack
35	Billy Womack	2792 UNIVERSITY AVE	Billy Womack
5	Handah Brown	2794 Oxford Ave	Handah Brown
-	Bryan Brown	2794 Oxford AVE - OWNER	Bryan Brown
2	Samantha Crumrine	2790 Oxford Ave -	Samantha Crumrine
9	Aria Murray	2798 Oxford Ave -	Aria Murray
24	Michael Riley	2418 Rutgers St.	Michael Riley
17	Tiffany Campbell	2408 Rutgers St	Tiffany Campbell
18	George O'Neal	2409 RUTGERS ST	GEORGE O'NEAL

1700 2 OF 2

	NAME	ADDRESS	SIGNATURE
32	Tyson Tucker	2412 Rutgers	Tyson Tucker
21	Walker Woolman	2417 Rutgers	Walker Woolman
27	Laredo Williamson	3121 S Oxford	Laredo Williamson
34	Clifton White	3111 S Oxford	Clifton White
30	Adam Steele	3107 S. Oxford	Adam Steele
22	Joshua Smith	3112 S. Oxford	Joshua Smith
23	CLIFF RICHEY	2789 HARVARD	Cliff Richey
26	Gracie Gonzales (CATHOLIC SCHOOL)	2315 AΦM AVE	Gracie Gonzales

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR (✓) IN OPPOSITION

REASON(S) We bought our HOME 40yrs. ago
when TRAVIS ELEMENTARY WAS A SCHOOL.
SINCE THE CLOSING APPROXIMATELY 12 YEARS AGO,
JACK GABRIEL HAS DONE LITTLE TO THE
PROPERTY. WINDOWS HAVE BEEN BROKEN OR
BOARDED UP, PROPERTY HAS BEEN VANDALISED
AND THE GROUNDS HAVE NOT BEEN KEPT UP.
WE DO NOT WANT A COMMERCIAL BUSINESS
IN OUR NEIGHBORHOOD. WE DON'T WANT TO
LISTEN TO TRUCK NOISE; PROPERTY VALUE
GOING DOWN, TAXES GOING UP, SAFETY ISSUES
WITH CHILDREN IN THE NEIGHBORHOOD, NOISY LEVEL
NAME: FLO TARTER-LOIKA DIRECTLY ACROSS FROM
OUR HOME. WHAT
ADDRESS: 2790 HARVARD AVE DOES ACCESSORY MEAN?
SAN ANGELO, TX 76904

SIGNATURE: Flo Tarter-Loika

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 15

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR

() IN OPPOSITION

REASON(S)

Traffic, Noise, Property loss of value
Danger to Catholic School students -
I don't like any part of it!

AGAINST

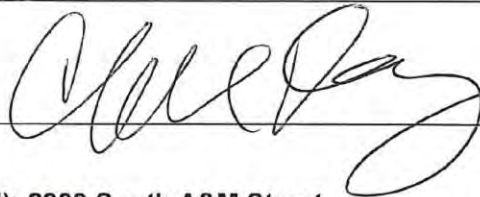
NAME:

CLIFF RICHEY

ADDRESS:

2789 HARVARD

SIGNATURE:

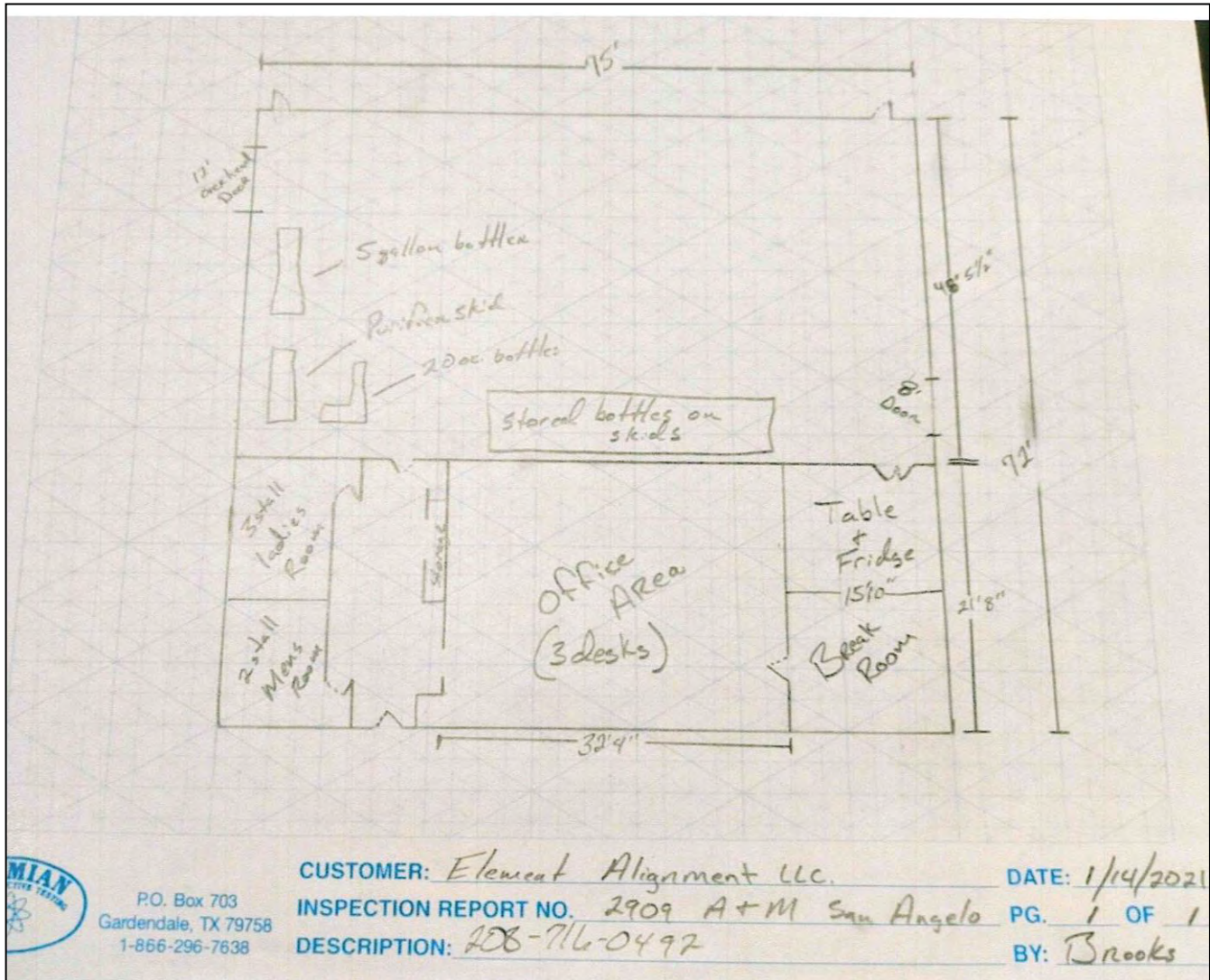


PD07-03 (Amended): 2909 South A&M Street

Property owner number: 23

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

Layout Plan



P.O. Box 703
Gardendale, TX 79758
1-866-296-7638

CUSTOMER: *Element Alignment LLC.*
INSPECTION REPORT NO. *2909 A+M San Angelo*
DESCRIPTION: *208-716-0497*

DATE: *1/14/2021*
PG. *1 OF 1*
BY: *Brooks*

Exhibit A

Exert of the Ordinance approved by City Council on August 21st of 2007, PD07-03 (Amended) to change the zoning classification from a Single-Family Residence (RS-1) District to a Planned Development (PD) District intended for assisted group living.

SECTION 5: Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The subject property may be used for assisted group living; however, any such use or occupancy of this property shall not include residential treatment of persons with psychiatric, alcohol or drug problems.
- B. The use and improvement of this subject property shall furthermore be as generally shown on a graphic concept plan attached as Exhibit “B” to this amending ordinance.
- C. On-site signage shall be subject to limitations ordinarily applicable to Low-Rise Multi-Family Residence (RM-1) zoning districts, unless a specific variance from such limitations shall have been duly approved by the Planning Commission.
- D. At any time during this subject property’s occupancy for assisted group living, a minimum of one (1) off-street parking space shall be available for each residential unit in buildings on this property. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo’s Zoning Ordinance.
- E. Within each off-street parking area, rows of not more than ten (10) continuous parking stalls shall be separated by raised curb “islands” at least 9 feet wide and 18 feet long. Each such raised curb island shall, at a minimum, be required to be suitably landscaped with grass cover and a single shade tree of a variety well-suited to survive in San Angelo’s climate, with a minimum 3-inch caliper, and continually maintained in good condition.

Exhibit B

Exert of the Ordinance approved by City Council on April 16th of 2013, Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy.

SECTION 5: Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The property shall not allow any retail sales except to students and attendees of gymnastics showcases and or events. Invitation for the sole purpose of retail sales shall be prohibited. Said sales shall be limited to gymnastics activities and general concessions.
- B. Office space shall be allowed for the gymnastics academy and assisted group living uses only. Other types of offices not related to the allowed uses through this amendment and PD 07-03 shall not be permitted.
- C. Gymnasium shall only be used for gymnastics activities, showcases and training limited to those enrolled in lessons or the academy. Other types of athletic clubs, events, or sports unrelated to the operation of a gymnastics academy or assisted group living facility shall not be permitted.
- D. Appeals of what constitutes a gymnastics activities shall be directed to the Zoning Board of Adjustment if not addressed within this amendment to PD 07-03.

SECTION 6: The parking requirements for this gymnastics academy shall be as follows, and as in ordinarily required in the zoning ordinance for the City of San Angelo:

- A. 1 space per 400 square foot gross or 1 space for every 10 seats for patron use; whichever is greater for the gymnastics academy. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo's Zoning Ordinance.
- B. Before any activities allowed within this Planned Development District may commence, a Certificate of Occupancy form the Building Official shall be obtained and all parking spaces required for those uses shall be provided and maintained as Section 511 of the Zoning requires.

SECTION 7: Outdoor storage of any materials or equipment or any kind shall not be permitted at any location within the bounds of the Planned Development District.

Effective October 7, 2019



City of San Angelo, Texas – Planning Division
 52 West College Avenue



Planned Development (PD) - Zone Change or Site Plan

Shelly

Section 1: Basic Information

Name of Applicant(s): JACK Gabriel
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 2626 University Ave San Angelo TX 76904
City State Zip Code

Contact Phone Number: 325-374-3457 Contact E-mail Address: spgabri121@yahoo.com

Subject Property Address: 2909 ATM San Angelo TX 76904
City State Zip Code

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

Existing Zoning: PD07-03 Proposed Zoning: Commercial Lot size: 1 Acre
(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: vacant, storage

*Proposed Use of Property: water distribution

*Use separate attachment if necessary

Section 2: Type of PD Request

1. New PD District (City Council approval required) Text Amendment to PD District (City Council approval required)
 Major Site Plan / Amendment (Planning Commission approval required) Minor Site Plan / Amendment (Planning Director approval required)

2. Site Plan attached? Yes No

* New and amended PD site plan applications require a separate scaled plan that includes all new and existing buildings and structures; location of all parking spaces to be painted and striped; and all driveway entrances, drive-thru areas, easements, and maneuvering areas

(For additional information refer to Zoning Ordinance or contact Planning Division at 325-657-4210)

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.

**PLANNING COMMISSION – FEBRUARY 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Planned Development (PD)		PD15-04 Amendment: 120 E. Harris Avenue and various properties	
SYNOPSIS:			
<p>The applicant has applied for an amendment to the Planned Development (PD15-04) Zoning District for a medical facilities campus to add two new properties and allow the additional uses of warehousing; alcohol and drug recovery facility; drug processing, pharmacy; and community services. Given its location Downtown and adjacency to the Central Business District (CBD), staff is proposing that the amendment allow all of the CBD uses which includes most of the applicant’s uses, and adding the remaining uses of hospitals and drug processing which are not allowed by right in the CBD. This will provide greater flexibility and allow the applicant to provide new uses without having to obtain subsequent ordinance amendments each time from City Council.</p>			
LOCATION:		LEGAL DESCRIPTION:	
North of East Twohig Avenue; east of Chadbourne Street; south of Woodrow Street; west of Main Street		Various platted lots	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Downtown Neighborhood	PD15-04/CBD/RM-1	D - Downtown	49 acres
THOROUGHFARE PLAN:			
<p><u>Oakes Street, Magdalen Street, Woodrow Street, Koberlin Street, College Avenue, East Twohig Avenue</u> – Urban local streets, Required: 50’ ROW & 40’ or 36’ with a 4’ sidewalk Paving Width</p> <p><u>Main Street, East Harris Avenue, East Beauregard Avenue</u> – Urban arterial streets, Required: 80’ ROW & 64’ Paving Width</p>			
NOTIFICATIONS:			
<p>73 notifications mailed within 200-foot radius on November 2, 2021. None received in support or opposition of the request to date.</p>			
STAFF RECOMMENDATION:			
<p>Staff’s recommendation is for the Planning Commission to recommend APPROVAL of an amendment to the Planned Development (PD15-04) Zoning District; being approximately 49 acres located north of East Twohig Avenue, east of Chadbourne Street, south of Woodrow Street, and west of Main Street; subject to Conditions of Approval as set forth in attached Exhibit D.</p>			
PROPERTY OWNER/PETITIONER:			
Shannon Medical Center Mr. Dale Droll			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

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Additional information: In addition to the new PD uses, the amendment will add two new properties, 114 E. Twohig Avenue and 215 N. Magdalen Street. The new properties are hatched in red on the attached concept plan.

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 properties are designed “Downtown” in the City’s Comprehensive Plan, updated in 2009. The intent of the Downtown Future Land Use is “To reinforce downtown San Angelo’s position as the principal commercial, service, and cultural center within the region, while restoring its potentialities for residential development, neighborhood services, and amenities, while promoting and enhancing its existing and historic character.” Staff believes the proposed PD achieves all of these objectives. The rezoning will allow CBD uses which are consistent with the Downtown Future Land Use, and will further continue to recognize the Shannon Medical Campus and its contribution in providing health care services to area. It will also provide more flexible development standards consistent with CBD and downtown, including the removal of parking requirements to allow new development to self-govern its parking needs.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance.*** Staff is proposing that most of the CBD District development standards apply to the properties (**see attached Comparison Chart for current and proposed standards at the end of this report**). Here are the major highlights of the new PD as recommended by Staff:
 - The front, side, and rear setbacks will remain at 0 feet, or 10 feet if abutting a residential district or use, consistent with the surrounding development pattern of downtown buildings.
 - Removal of the parking requirements consistent with CBD. This will avoid having to review for parking for each new occupancy within the 49-acre development.
 - Removal of the Floor Area Ratio (FAR) of 4.0 (gross building floor area divided by the total lot area) and replacing with a maximum 10 stories. This allows taller buildings without the FAR limitation which often prevents greater building heights on smaller lots. It would also be consistent with other tall buildings located downtown including the Cactus hotel which is 14 stories.
 - Removal of the Master Sign Plan from the PD and the requirement for a PD amendment every time a new sign is proposed.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.*** The PD uses are consistent with the uses allowed in the CBD Zoning District located immediately west and south of the PD boundary. The additional uses of hospitals and drug processing will be consistent with the existing Shannon Medical Campus.

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4. **Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.** The applicant is planning for future development that may include warehousing, alcohol drug recovery facilities, drug processing, pharmacies, and community services, which are not allowed in the current PD which was specific to a medical facilities campus. The proposed PD amendment will recognize these uses as well as expanding to allow other uses that are allowed in the CBD. The additional two properties also included a PD boundary expansion.
5. **Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Staff does not anticipate any negative environmental affects with this PD. The PD is located within an urban area of Downtown San Angelo that is paved or contains existing buildings. A review of grading and drainage will accompany any request for a new or expanded parking area.
6. **Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.** Staff believes that the expanded PD addresses a community need, allowing Shannon Medical to expand and provide additional health care services to San Angelo residents. Shannon has served the San Angelo area for over 80 years and includes a hospital, medical office building, trauma facility, and radiology services. The PD will also allow additional uses to complement the medical campus (e.g. retail stores not affiliated with the medical campus), and provide more flexible development standards to assist in new construction.
7. **Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.** The existing development pattern will not change with the PD amendment. All existing facilities have frontage onto the existing downtown street network.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of an amendment to the Planned Development (PD15-04) Zoning District to

- expand the district boundaries,
- allow all uses in the Central Business District (CBD), as well as hospitals and drug processing, and related accessory uses; and
- modify the development standards,

being approximately 49 acres located north of East Twohig Avenue, east of Chadbourne Street, south of Woodrow Street, and west of Main Street; with the **Conditions of Approval as set forth in attached Exhibit D.**

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

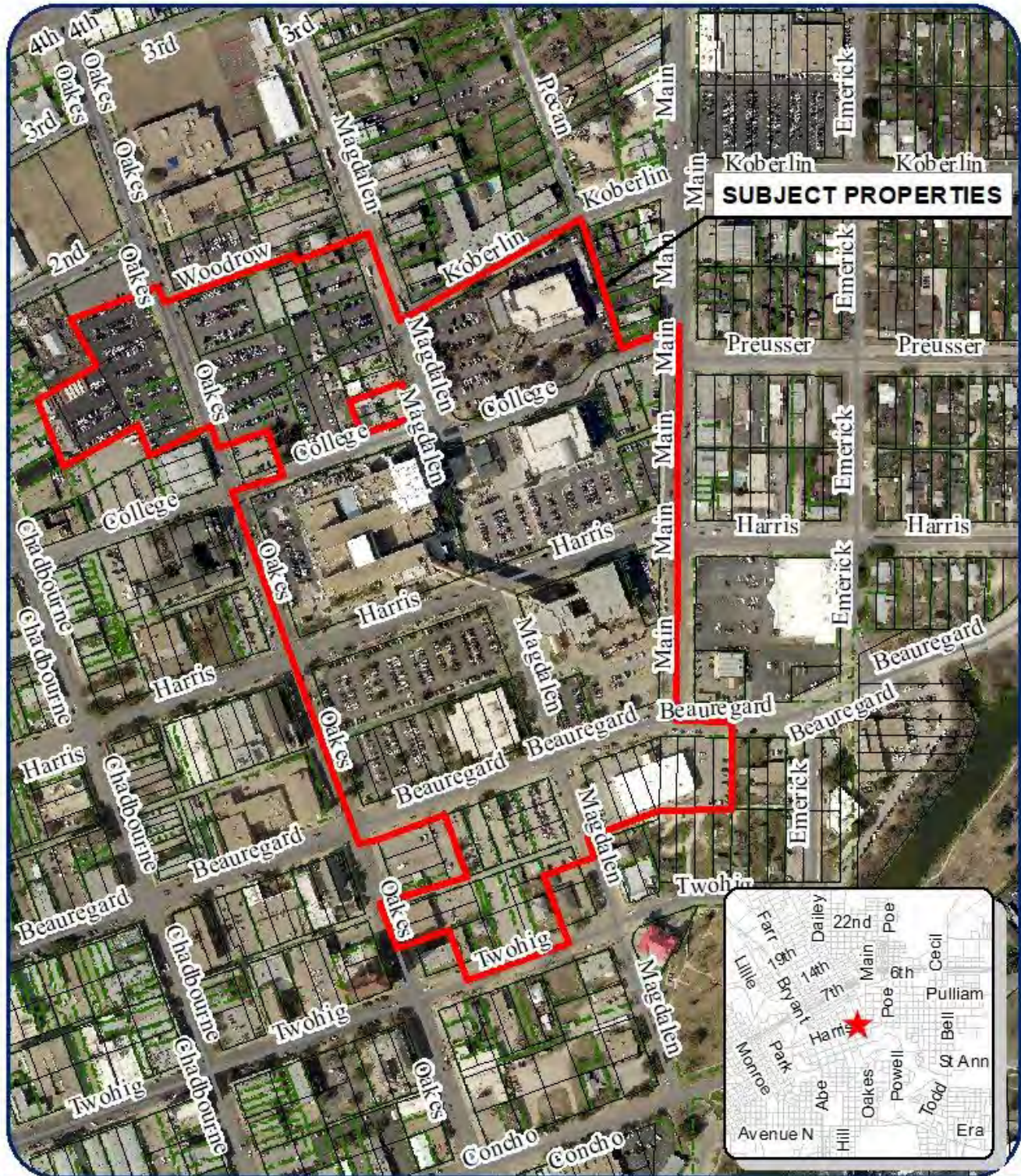
Photographs

Concept Plan

Comparison Chart – Current vs. Proposed Ordinance

Draft Regulations-Exhibit D

Application



Planned Development Zone Change
PD15-04 Amendment (Shannon Medical)

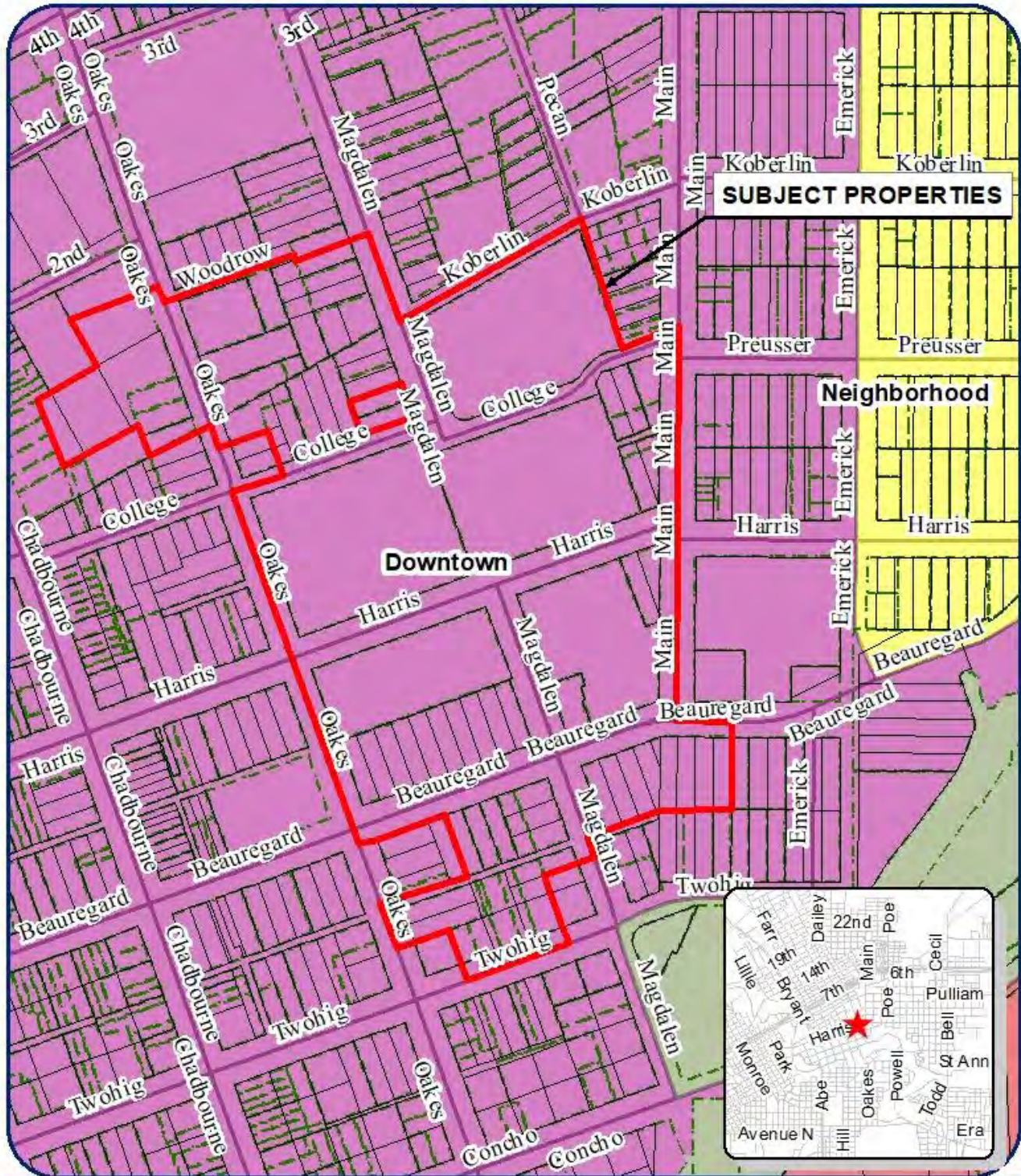
Council District: Harry Thomas - District 3
 Neighborhood: Downtown
 Scale: 1" approx. = 350 ft

120 E. Harris Ave and various addresses

Legend

- Subject Properties: —
- Current Zoning: PD15-04
- Requested Zoning Change: Amendment to PD15-04
- Vision: Downtown





Planned Development Zone Change
PD15-04 Amendment (Shannon Medical)

Council District: Harry Thomas - District 3
Neighborhood: Downtown
Scale: 1" approx. = 350 ft

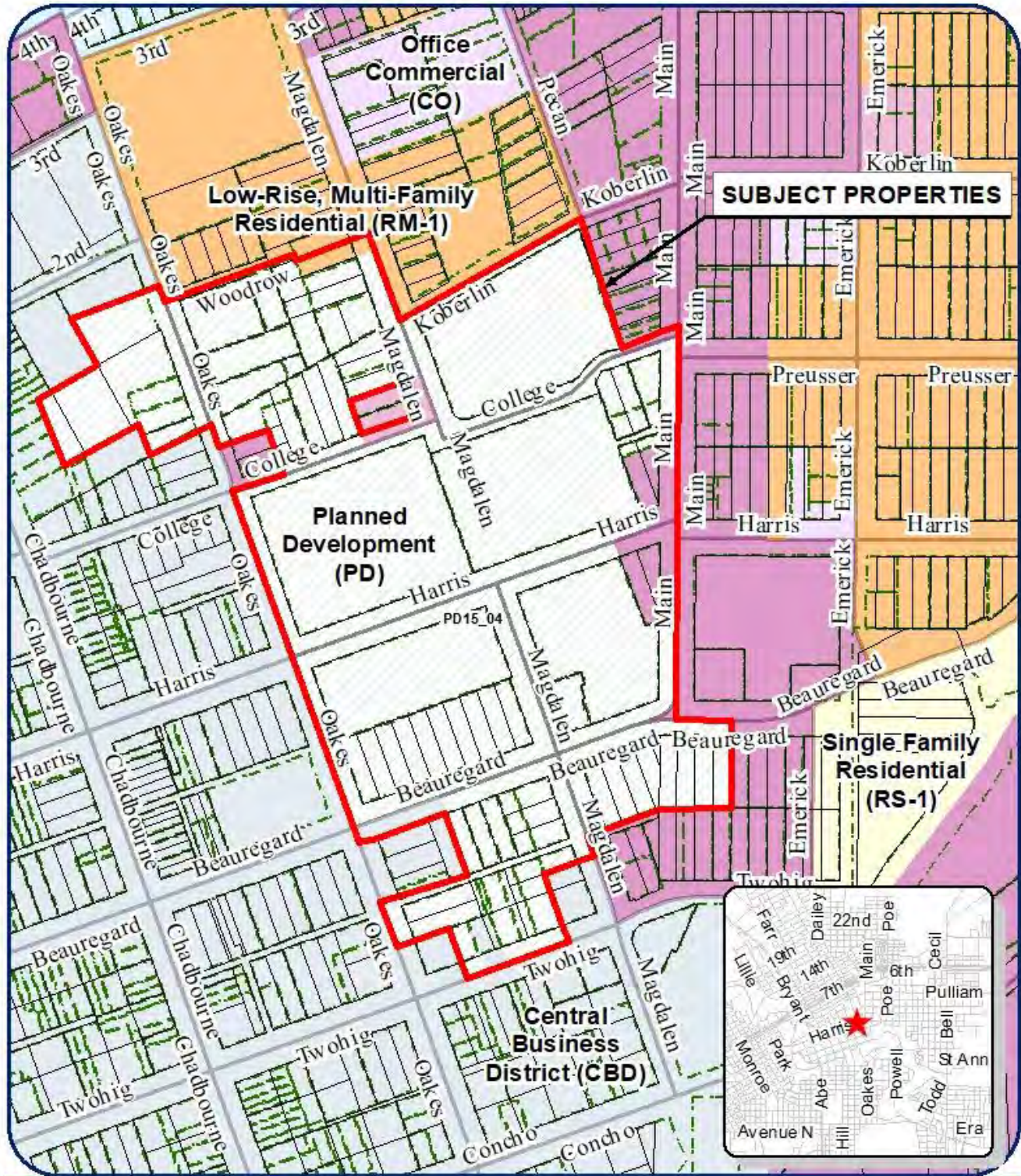
120 E. Harris Ave and various addresses

Legend

- Subject Properties: 
- Current Zoning:  PD15-04
- Requested Zoning Change:  Amendment to PD15-04
- Vision:  Downtown



February 15, 2021



Planned Development Zone Change
PD15-04 Amendment (Shannon Medical)

Council District: Harry Thomas - District 3
 Neighborhood: Downtown
 Scale: 1" approx. = 350 ft

120 E. Harris Ave and various addresses

Legend

- Subject Properties: —
- Current Zoning: PD15-04
- Requested Zoning Change: Amendment to PD15-04
- Vision: Downtown



Photos of Site and Surrounding Area

EXISTING MAINTENANCE FACILITY (WOODROW ST)



SHANNON PARKING LOT (OAKES, N. OF COLLEGE)



HOSPITAL (120 E. HARRIS AVE)



HOSPITAL (120 E. HARRIS AVE)



SHANNON CLINIC (120 E. BEAUREGARD AVE)



TWOHIG AVE. – FUTURE PARKING GARAGE



Photos of Site and Surrounding Area

SHANNON PEDIATRICS (225 E. BEAUREGARD)



SHANNON WOMEN AND CHILDRENS (201 E. HARRIS)



MEDICAL OFFICE BUILDING (220 E. COLLEGE)



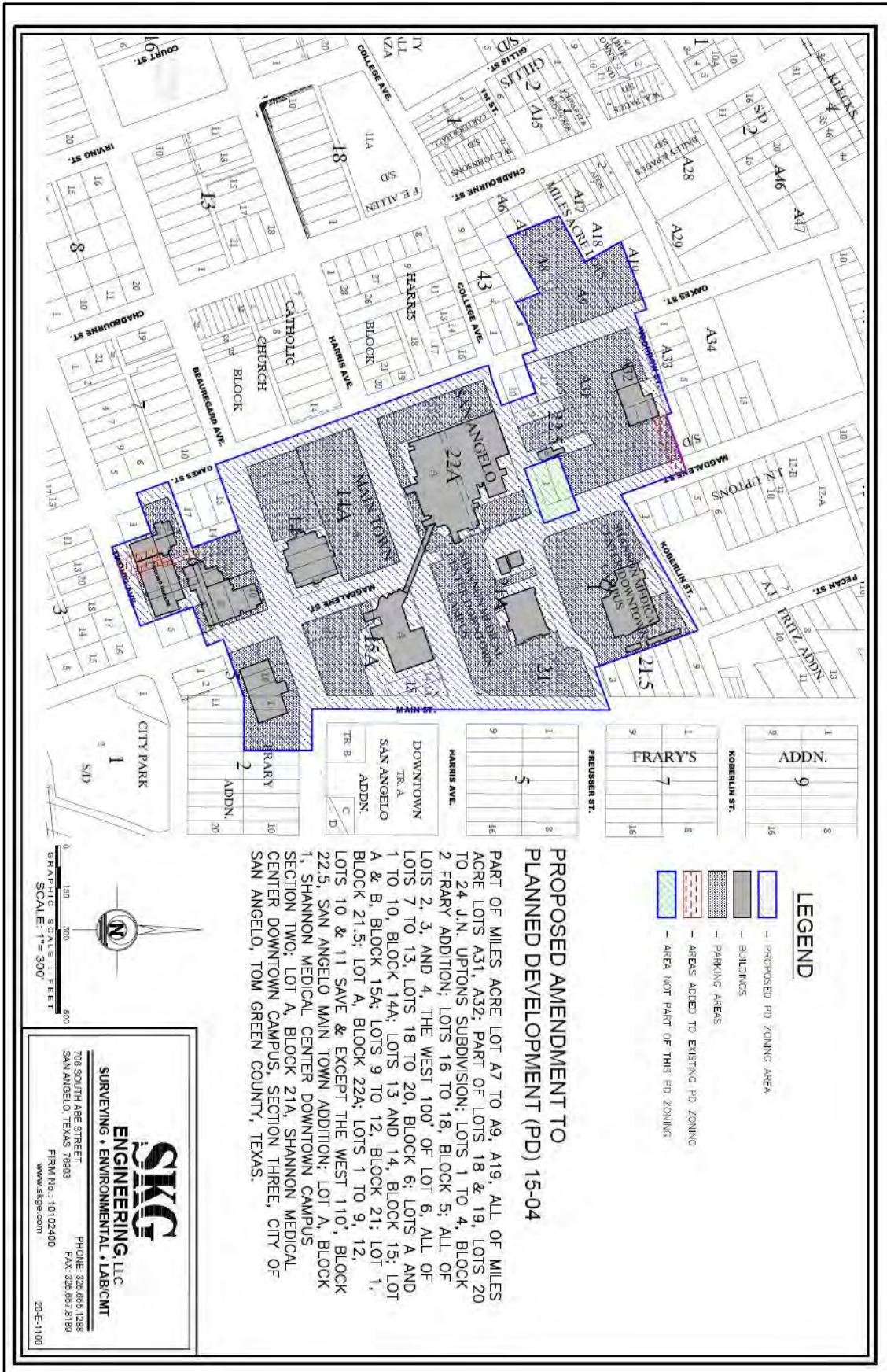
SHANNON CLINIC (102 N. MAGDALEN)



PROPERTY FOR PARKING ADDED TO PD (215 N. MAGDALEN)



PD Concept Plan



PD Comparison Chart

Standard	Current PD Ordinance (2017)	Proposed Amendment (2021)
Uses	Medical Facilities Campus only, includes medical offices, parking, housing for staff and visitors and accessory uses	All CBD uses, hospitals and drug processing (this will allow all of the medical facilities campus uses)
Height/Density	Maximum Floor Ratio (FAR) 4.0	Replace with FAR with Maximum Height of 10 stories
Setbacks	0 feet front, side and rear; 10 feet if abutting residential use	No change
Exterior Building Materials	Brick, stucco, masonry, hardiplank, field and cast stone, metal buildings less than 1,200 sq. ft., additional materials by Planning Director	No change except allow Planning Director to approve exceptions
Parking	Hospitals: 1 space/4 patient beds, 1 space per doctor, ¼ employees; Medical offices 1/300 sq. ft.; housing facilities 1/unit	No parking requirement consistent with CBD zoning (if parking provided, must meet standards in Zoning Ordinance)
Loading	Same as Section 512 of Zoning Ordinance	No loading requirement consistent with CBD zoning (if loading provided, must meet standards in Zoning Ordinance)
Signs	New signs subject to Master Sign Plan requiring PD Amendment; maximum freestanding area 220 sq. ft. and 2.0 sq. ft. per linear foot of street frontage per lot	Removal of Master Sign Plan requiring PD amendments when new signs added; maintain other standards; remove 220 sq. ft. maximum freestanding area (allowing 250 sq. ft. consistent with CBD; maintain sign area 2.0 sq. ft./1 linear foot frontage (max 1.5/1 linear foot in Sign Ordinance)

Exhibit "D"
Applicable Regulations

1. The following uses shall be allowed in the Planned Development (PD15-04) Zoning District, as amended:

- a. All of the uses allowed by right in the Central Business District (CBD);
- b. Hospitals;
- c. Drug processing
- d. Related accessory uses to an allowed use

~~1. That the following are approved as allowed uses for the described property:~~

- ~~A. Hospitals. Such use provides medical and/or surgical care to patients and offers overnight care for said patients.~~
- ~~B. Medical office buildings. Such use provides medical and/or surgical care to patients with no overnight care provided for said patients.~~
- ~~C. Parking garages. Such use provides for a multi-story structure for parking for the exclusive use of staff, trainees, patients, and their visitors.~~
- ~~D. Housing facilities for staff or trainees. Such use shall provide living quarters for the exclusive use of staff and/or trainees.~~
- ~~E. Housing facilities for visiting family of patients. Such use provides short term (less than 30 days) living quarters for the visiting family of patients in care.~~
- ~~F. Accessory uses. Such uses shall be functionally connected with the operation of a medical facilities campus and therefore are approved for the property previously described, so long as they remain "accessory" as defined in SECTION 8 below:
 - ~~I. parking for emergency vehicles that service the medical facilities;~~
 - ~~II. offices to serve the allowed uses of the medical campus for the exclusive use of staff and/or trainees;~~
 - ~~III. laboratories for the exclusive use of staff and/or trainees;~~~~

- ~~IV. teaching facilities for the exclusive use of staff and/or trainees;~~
- ~~V. maintenance facilities to service the medical campus for the exclusive use of staff and/or trainees;~~
- ~~VI. food and beverage sales to exclusively service staff, trainees, patients, and their visitors;~~
- ~~VII. retail goods sales to exclusively service staff, trainees, patients, and their visitors;~~
- ~~VIII. religious institutions and services to service staff, trainees, patients, and their visitors;~~
- ~~IX. day care to provide care, protection, and supervision for children and/or adults to exclusively service staff, trainees, patients, and their visitors; and;~~
- ~~X. meeting areas for medical related discussion.~~

~~SECTION 7: Development standards for the Shannon Medical Center Downtown shall include the following:~~

~~2. Except as otherwise specified below, development within the PD zoning district shall conform to the Central Business District (CBD) standards:~~

- ~~A. Maximum floor area ratio for each lot shall not exceed 4.0.~~
- ~~B. Setbacks (front, side, and rear) for all structures shall be 0 feet, or 10' if abutting a residential district or use.~~
- ~~C. Outdoor storage shall not exceed 5 percent of the total area of each lot.~~
- ~~A. Maximum building height for each lot is ten stories. Requests for buildings greater than 10 stories shall require an approved Conditional Use from the Planning Commission.~~

- ~~D.B. The following features shall be reasonably screened from street right-of-way:~~
- ~~1. Outdoor storage; and~~
 - ~~2. Mechanical equipment greater than 10 square feet in size.~~

~~E.C.~~ The following features shall be at least partially screened from street view by ~~fencing, walls, berms, and/or~~ landscaping ~~(as detailed in SECTION 11), by benches and other street furniture, or by the use of landscaping along with berms, walls, or decorative fences,~~ as approved by the Planning Director:

1. Water quality control facilities;
2. ~~Stormwater~~ drainage facilities;
3. Metal buildings; ~~less than 1200 square feet; and~~
4. ~~Areas where vehicles are moved, loaded, or stored.~~ Loading and maintenance areas

~~F.~~ Screening shall be of a natural material coordinating with building facades shown in Exhibit A and listed in Section 6.C. of this ordinance or landscaping as detailed in SECTION 11 of this ordinance.

~~G.~~ Metal buildings less than 1200 square feet shall be allowed.

~~H.D.~~ Opaque metal barbed, or razor wire fences shall not be allowed.

~~I.E.~~ Decorative metal fencing shall be allowed.

~~SECTION 6:~~

~~3.~~ Building façade standards within the PD zoning district shall be limited to the following: ~~for the Shannon Medical Center Downtown shall include the following:~~

~~A.~~ Building facades shall be consistent and unified in architectural style, color palette, materials, and detailed ornamental features as detailed in Exhibit A.

~~B.~~ Building entrances shall be clearly defined through architectural details, materials, and/or ornamental features, and highly visible.

~~C.~~ Exterior materials shall be limited to the following:

- ~~a.~~ Brick;
- ~~b.~~ Stucco (cementitious finish only);
- ~~c.~~ Architectural concrete masonry;
- ~~d.~~ Hardiplank or similar cementitious siding;
- ~~e.~~ Field stone, ledge stone, or other native veneer;
- ~~f.~~ Cast stone (for lintels, trim elements, and ornamentation); and
- ~~g.~~ Metal buildings less than 1200 square feet; and metal (for beams, lintels, trim elements, siding, and ornamentation).

~~h. Additional building façade material types. Exceptions that meet the intent of these standards may be approved at the discretion of the Director of the Planning & Development Department, or his/her designee.~~

~~SECTION 8: Off street parking standards for the Shannon Medical Center Downtown shall be consistent with these standards as outlined in Chapter 9 of the Zoning Ordinance:~~

- ~~A. Hospitals: 1 parking space per 4 patient beds, and 1 parking space per staff doctor, and 1 parking space per 4 employees.~~
- ~~B. Medical office buildings: 1 parking space per 300 square feet.~~
- ~~C. Housing facilities for staff or trainees: 1 parking space per residential unit.~~
- ~~D. Housing facilities for visiting families of patients: 1 parking space per residential unit.~~
- ~~E. Accessory uses shall not require off street parking.~~

~~SECTION 9: Loading space standards for the Shannon Medical Center Downtown shall be as follows:~~

- ~~A. Every nonresidential building having at least 20,000 square feet of gross floor area shall have a minimum of one off street loading space, with one additional off street loading space for each additional 60,000 square feet of gross floor area or major fraction thereof.~~
- ~~B. Each required off street loading space shall be not less than 10' in width, 45' in length, and 14' in height.~~
- ~~C. Each required off street loading space shall be located entirely outside of public rights of way for streets and alleys and on the same block as the building to which it is accessory.~~
- ~~D. No open area in a required off street loading area shall be consistently encroached upon by another use.~~
- ~~E. In no case shall off street parking spaces be used to satisfy off street loading space requirements.~~
- ~~F. Off street loading space off of an alley shall not requiring screening as detailed in Section 7.E.~~

SECTION 10:

4. Except as otherwise specified below, all signage within the PD zoning district shall conform to the Sign Ordinance:

All signage for the Shannon Medical Center Downtown shall conform to the following, as shown on Exhibit B (Master Sign Plan) and Exhibit C (Sign Details):

a. Freestanding pole signs shall not be permitted.

b. Freestanding signs shall not exceed a height of 30 feet. Freestanding signs shall not exceed 30 feet in height or 220 square feet in area.

c. All signage shall be of materials and colors as shown in Exhibit C or of a natural material and color coordinating with building facades, and listed in Section 6.C. of this ordinance.

d. All signage may be internally illuminated. All signage may be internally illuminated.

e. No signage shall be located within the future City right-of-way as depicted on Exhibit D (Future Right-Of-Way), at the southwest corner of North Main Street and East Harris Avenue.

f. Freestanding signs (including Monument, Wayfinding, Building ID, and Parking Lot ID Signs) shall comply with the following:

- I. maximum signage area shall not exceed 2.0 square feet per 1 linear foot of street frontage per lot;
- II. may be placed at any angle relative to the property line;
- III. ~~must be set back at least 5 feet from an internal side lot line;~~
- IV. may set adjacent to any right-of-way edge;
- V. shall not exceed 20 feet in height if placed within 10 feet of any right-of-way pavement edge;
- VI. signage exceeding three feet in height shall be prohibited within any 15-foot by 15-foot sight triangle at the intersection of two street lines measured from back of curb.

~~g. Attached signs (canopy, awning, fascia, projecting, sloping roof signs) shall not extend more than 5 feet above the roofline or more than 5 feet above the top of the wall of the building to which it is attached;~~

~~a. shall not extend more than 5 feet above the top of the wall to which it is attached;~~

~~b.—~~

~~i.—— maximum signage area may be up to 25 percent of the area of the wall to which the sign(s) is(are) attached;~~

~~ii.—— signs projecting over any public rights of way that are larger than 16 square feet must be approved by the City Council after notice and public hearing to consider any potentially detrimental effects;~~

~~iii.—— signs projecting over the public rights of way that are less than 16 square feet shall maintain a distance of at least 18 inches from the curb line or street edge, if no curb exists;~~

~~iv.—— signs projecting over the public rights of way that are less than 16 square feet shall maintain a minimum height of 9 feet from the grade level to the bottom of the sign.—~~

~~Viii.—— Any changes in the proposed type, location, and/or number of signs shall require a new Planned Development (PD) Amendment application and revised Master Sign Plan.~~

SECTION 11:

4.5. Landscaping standards within the PD zoning district shall comply with the following standards: for the Shannon Medical Center Downtown shall be as follows:

- A. Xeriscaping and water use reduction strategies shall be incorporated into overall landscape design through the use of drought tolerant plant species native and well suited to West Texas.
- B. Landscaped areas may include planters, brick, stone, natural forms, or other landscape features that provide a park-like setting.

-
- C. Landscaped areas, or plants, adjacent to pavement must be protected with a concrete curb or equivalent barrier such as:
1. Asphalt curbs;
 2. Railroad ties (anchored);
 3. Rock or stone curbs (anchored); or
 4. ~~Wheelstops~~ (anchored).
- D. Landscaping plant material shall be of healthy stock, be native or naturalized, and have low water requirements.
- E. Dying or diseased landscaping plant material shall be replaced with a healthy plant material.
- F. Adequate soil depth and width to encourage healthy growth shall be provided.
- G. Shannon Medical Center Downtown shall be responsible for the irrigation of required landscape areas and plant materials, utilizing one or a combination of the following methods:
1. An automatic or manual underground irrigation system;
 2. A drip irrigation system;
 3. A rainwater capture system or equivalent; or
 4. Any other comparable method.
- H. Landscaped areas planted with native grasses and wildflowers may use a temporary and above ground irrigation system and shall be required to provide irrigation only for the first growing season.
- I. Irrigation methods used shall:
1. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant material on a permanent basis; and
 2. Be maintained and kept operational at all times to provide for efficient water distribution.
- J. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
- K. On-ground parking lots shall have no less than 5 percent of the square footage landscaped.
- L. Parking lot landscaping shall be located within the boundaries of the parking lot area as follows:
1. Landscaping boundaries;

- 2. Landscaping medians;
- 3. Landscaping islands; or
- 4. Landscaping peninsulas.

- M. All landscaping plants located in or immediately adjacent to vehicular use areas shall, at maturity, be as follows:
 - 1. Shrubs and other plant material shall be a maximum of 36 inches in height.
 - 2. Trees shall have a minimum 72 inch clearance from grade to the lowest branches.

~~SECTION 12: Except as otherwise specified or limited elsewhere in this ordinance, the use and development of the Shannon Medical Center Downtown shall generally conform to Central Business (CBD) District zoning standards. All activities shall be limited to those associated with the operation of a medical facilities campus as determined by the Director of the Planning & Development Department, or his/her designee, for the City of San Angelo.~~

~~INTRODUCED on the 7th day of March, 2017 and finally PASSED, APPROVED AND ADOPTED on this the 21st day of March, 2017.~~

THE CITY OF SAN ANGELO

by: _____
Dwain Morrison, Mayor

ATTEST:

by: _____
Bryan Kendrick, City Clerk

Approved As To Form:

by: _____
Theresa James, City Attorney

Effective October 7, 2019



City of San Angelo, Texas – Planning Division
 52 West College Avenue
Planned Development (PD) - Zone Change or Site Plan



Section 1: Basic Information

Name of Applicant(s): Shannon Medical Center
 Owner Representative (Notarized Affidavit Required)

PO Box 1879 San Angelo Texas 76902
 Mailing Address City State Zip Code

325.657.8233 DaleDroll@shannonhealth.org
 Contact Phone Number Contact E-mail Address

Per PD15-04 as amended San Angelo Texas 76902
 Subject Property Address City State Zip Code

Per PD15-04 as amended
 Legal Description (can be found on property tax statement or at www.lomgreencad.com)

Existing Zoning: PD Proposed Zoning: PD Lot size: Per PD15-04
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Per Section 5 of PD15-04 as amended

*Proposed Use of Property: Per Section 5 of PD15-04 as amended with proposed revision to Section 5. F. to add Warehouse, Recovery facility, Alcohol and drug; drug processing; pharmacy; and community services

*Use separate attachment if necessary

Section 2: Type of PD Request

1. New PD District (City Council approval required) Text Amendment to PD District (City Council approval required)
 Major Site Plan / Amendment (Planning Commission approval required) Minor Site Plan / Amendment (Planning Director approval required)

2. Site Plan attached? Yes No
 * New and amended PD site plan applications require a separate scaled plan that includes all new and existing buildings and structures; location of all parking spaces to be painted and striped; and all driveway entrances, drive-thru areas, easements, and maneuvering areas

(For additional information refer to Zoning Ordinance or contact Planning Division at 325-657-4210)

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.

Effective October 7, 2019

Section 3 continued: Applicant(s) Acknowledgement

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.

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.

<u>Dale Droll</u> Owner Name (Print)	<u>[Signature]</u> Signature	Shannon Medical Center Company/Organization (If Applicable)	<u>12-28-2020</u> Date
Russell T. Gully Representative Name (Print)	<u>[Signature]</u> Signature	SKG Engineering Company/Organization	<u>12-28-2020</u> Date

FOR OFFICE USE ONLY:

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

Case No.: PD ____--____ Fully-dimensional site plan:

Select from the following:

New PD District nonrefundable fee	\$600.00	Receipt #:	____	Date paid:	____/____/____
Text Amendment to PD Ordinance	\$225.00	Receipt #:	____	Date paid:	____/____/____
PD Site Plan, major/minor amendment	\$125.00	Receipt #:	____	Date paid:	____/____/____
Newspaper Notification Fee (PD District/Text Amd)	\$125.00	Receipt #:	____	Date paid:	____/____/____
Sign Deposit (minor site plans exempt)	\$20.00	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, case no: Z ____--____

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: ____/____/____

**PLANNING COMMISSION – FEBRUARY 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Rezoning		Z21-02: 124-128 West 4 th Street	
SYNOPSIS:			
A request for approval of a rezoning from the Light Manufacturing (ML) zoning district to the Central Business District (CBD) zoning district. The applicant is proposing to use a portion of the building for a warehouse and another portion of the building for living quarters. A Conditional Use to allow for household living in the Light Manufacturing (ML) zoning district was approved on this property on January 27, 2020. Household living is allowed by-right within the CBD zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
124-128 West 4 th Street		Being 0.395 acres being out of acre Lot 45 Miles Addition & Abstract. 1848 & Tract Adj, Abstract. 1848 S-0322, Survey: C Salinger.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Downtown Neighborhood	ML	Downtown	0.396 acres
THOROUGHFARE PLAN:			
<u>West 4th Street</u> – Urban Local Street – ROW 50’ Required (40’ Existing) – Pavement Width 40’ or 36’ with 4’ Sidewalk Required (29’ Existing)			
NOTIFICATIONS:			
12 notifications were mailed within a 200-foot radius of the property on February 2, 2021. No response was received in favor or against for the case.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Light Manufacturing (ML) Zoning District to the Central Business District (CBD).			
PROPERTY OWNER/PETITIONER:			
Lori Lara			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

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 proposed rezoning to Central Business District is in keeping with the Future Land Use of the City’s Comprehensive Plan. The Downtown Designation intends “To reinforce downtown San Angelo’s position as the principal commercial, service, and cultural center within the region, while restoring its potentialities for residential development, neighborhood services, and amenities, while promoting and enhancing its existing and historic character.” The proposed uses, warehousing and living quarters, meet the intent of the comprehensive plan and this rezoning will allow additional future development possibilities.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** Once the property is rezoned the development requirements for the Central Business District will apply, including reduced requirements for setbacks and parking. This will allow the applicant to develop/utilize the property as desired. Part of the intent of the zoning ordinance is to help protect existing uses from undue impact. In this case the conversion of part of this structure into living quarters is in keeping with the intent of the zoning code and the end result will allow compatibility with the surrounding uses.
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.** Most of the surrounding uses are warehousing or industrial. A portion of the existing structure will remain the same, as a warehouse, so there is no anticipated impact to the surrounding area. The addition of a portion of the building being utilized for living quarters should not impact the surrounding properties.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The subject property has been a warehouse for many years. As the Downtown area continues to grow and redevelop, as it has in the last several years, the need for new housing will continue to grow. Rezoning this property to CBD will help encourage this type of growth and redevelopment.
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.** Staff does not believe that there will be any

adverse effects on the natural environment. The area is already developed and is part of the downtown area.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The City's recently conducted housing study indicates a need for additional housing, including rental housing in the downtown area. This rezoning will allow the existing warehousing use to continue, but with the addition of living space as well.

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.* As an area in transition, this application is consistent with that pattern and should not have a negative effect on the development within this area.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Light Manufacturing (ML) Zoning District to Central Business District (CBD).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
Application



Zoning Case Map
124-128 West 4th Street

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

Legend
 Subject Properties: 
 Current Zoning: **ML**
 Requested Zoning Change: **CBD**
 Vision: **Downtown**

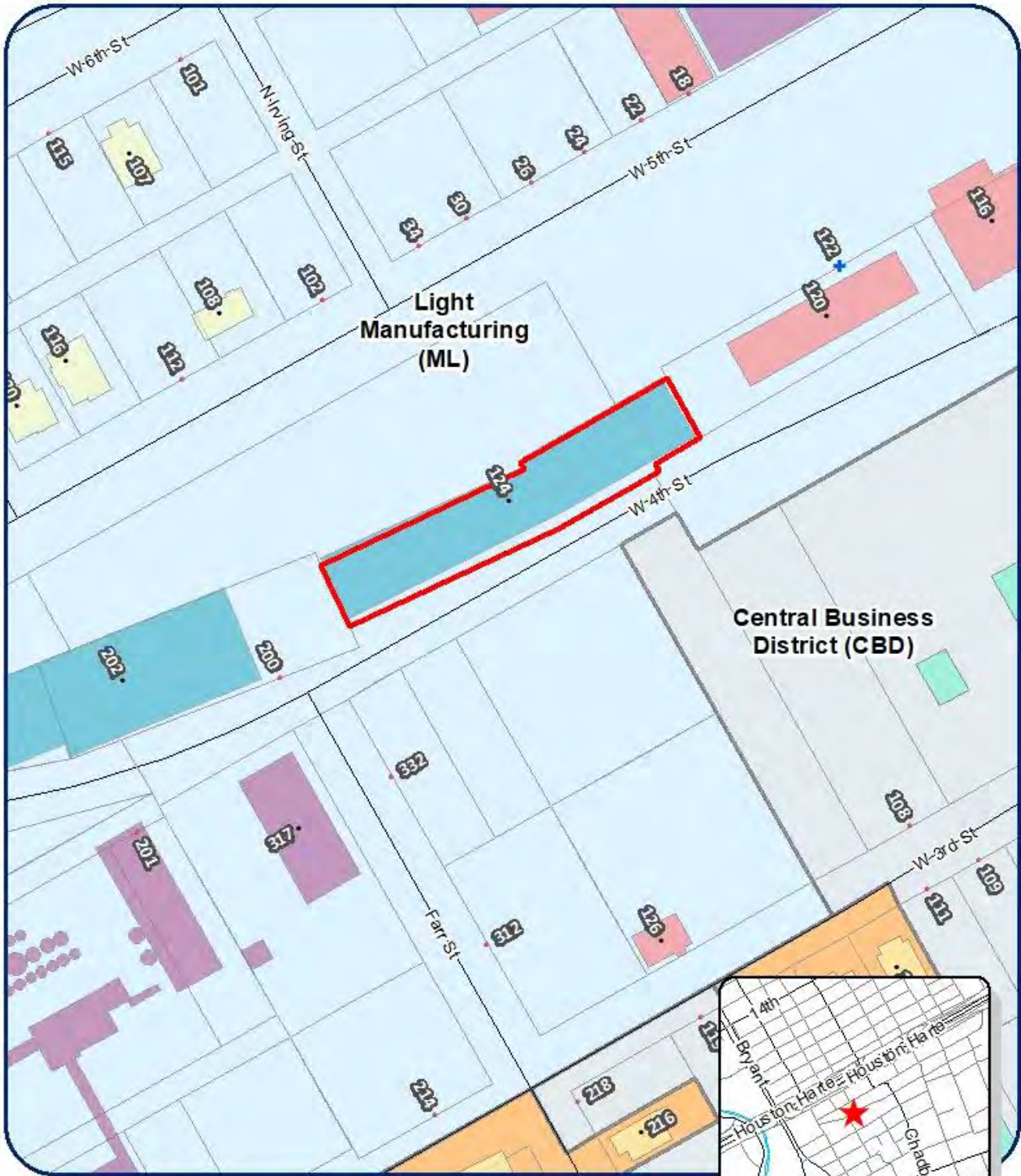




Zoning Case Map
124-128 West 4th Street
 Council District: SMD #3 - Harry Thomas
 Neighborhood: Downtown
 Scale: 1" approx. = 100 ft

Legend
 Subject Properties:
 Current Zoning: **ML**
 Requested Zoning Change: **CBD**
 Vision: **Downtown**

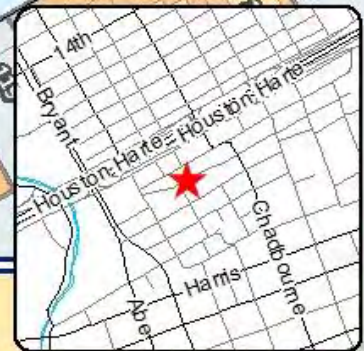




Zoning Case Map
124-128 West 4th Street

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

Legend
Subject Properties: 
Current Zoning: **ML**
Requested Zoning Change: **CBD**
Vision: **Downtown**



Photos of Site and Surrounding Area



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): LORI LARA

Owner Representative (Notarized Affidavit Required)

PO BOX 62702 SAN ANGELO TX 76906
 Mailing Address City State Zip Code
 325-650-5061 TWOFOLDJPLLC@GMAIL.COM

Contact Phone Number Contact E-mail Address
 124/128 W. 4TH ST SAN ANGELO TX 76903
 Subject Property Address City State Zip Code
 : 0.396, Abst: A-1848 S-0322, Survey: C SALINGER, 0.395 ACRES BEING OUT OF ACRE LOT 45 MILES ADD & ABS 1848 & TRACT ADJ
 Legal Description (can be found on property tax statement or at www.tamarencad.com)

Existing Zoning: ML Proposed Zoning: CBD Lot size: 17,250 sq. ft

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

Section 2: Site Specific Details

Existing Use of Property: 128TH WAREHOUSE 124TH OFFICE/GRAPHIC PAPER SUPPLY COMPANY (LEASE DOWNSTAIRS)

*Proposed Use of Property: 124TH MIXED USE-WAREHOUSE-RESIDENTIAL-128TH VENUE-WAREHOUSE -FUTURE LONG TERM RESIDENTIAL

*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.

Lori Lara [Signature] Twofold Journey Properties LLC 1-7-21
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: 1, 19, 21

Case No.: Z _____

Fully-dimensional site plan:

Nonrefundable fee: \$ 625.00

Receipt #: 130124

Date paid: 1, 19, 21

Sign Deposit ~~\$37.50~~ 20.00

Receipt #: 130124

Date paid: 1, 19, 21

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: ____/____/____

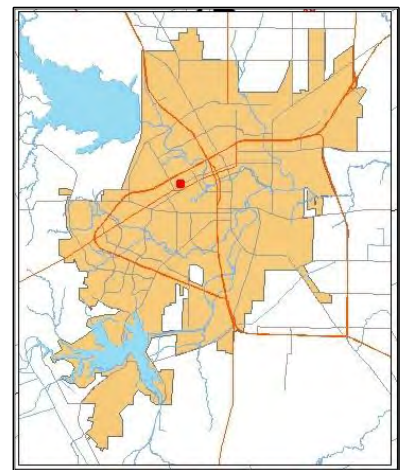
Publication date: ____/____/____

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

**PLANNING COMMISSION – February 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU21-01: 112 North Milton Street	
SYNOPSIS:			
The applicant is requesting approval of a Conditional Use for Household Living in the Neighborhood Commercial Zoning District. The applicant would like to use one of the existing residential structure to accommodate visiting interns or new staff. The exterior of the structure will not change and fit into the neighboring area.			
LOCATION:		LEGAL DESCRIPTION:	
112 North Milton Street		Lot: 6, Block 1B, Smith Subdivision of Freeland Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #5 – Lane Carter Central Neighborhood		Neighborhood Commercial (CN)	N – Neighborhood
			SIZE: 0.144 acres
THOROUGHFARE PLAN:			
<u>North Milton Street</u> – Urban Local Street – ROW 50’ Required (50’ Existing) – Pavement Width 40’ or 36’ with 4’ Sidewalk Required (30’ Existing)			
NOTIFICATIONS:			
21 notifications mailed within 200-foot radius on January 26 2021. Zero received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use to allow for household living in the Neighborhood Commercial (CN) zoning district, at 112 North Milton Street, subject to Two Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
Owner: Dr. J. T. Henderson Agent: Jon McCool II			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information: In 2017, the applicant requested a rezoning from Single Family Residential (RS-1) and Two Family Residential (R-2) to Neighborhood Commercial (CN) in order to expand his veterinarian clinic. Until that time he had been conducting his clinic out of one duplex and using the other duplex as a hospital. He has since built a new structure and is using only one of the existing residential structures as an office. He would like to return the second duplex (residential structure) to a residential use in order to accommodate visiting interns or new staff. The residential structure that he is requesting the Conditional Use for is immediately adjacent to the house on the corner of this block. Essentially, he is returning a structure to its original use which will benefit his practice and benefit the residential neighborhood. He will not be changing any of the exterior of the home, it will still look like a residence. However, he will be remodeling the interior to be more accommodating for a number of employees in either an intern situation or a work situation.

Conditional Uses: Section 208(F) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, six (6) factors in determining the appropriateness of any Conditional Use request.

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** There will be no adverse impacts to this conditional use. The building looks like a house and will remain as a home with ample parking. The footprint will not be changed.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The subject property, a Veterinarian Clinic, is zoned CN, Neighborhood Commercial, which will remain. The Conditional Use will allow the building that looks like a home to be a residential home for temporary employees or a longer term resident doctor.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.** The entire area will not change in looks. The home will remain looking like a home. The Office will remain an office and the hospital pet area will remain looking like a larger home with a neighborhood commercial use established in it.
- 4. Effect on Natural Environment. Whether and the extent to which the proposed conditional use 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.** Planning Staff believes there will not be any adverse impacts on the natural environment. The area will not change.
- 5. Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** Staff believes this is a creative solution to perplexing problem. Interns are usually not paid well, and housing cost can easily mount up. Having a residential home facility as part of your inducement is a good practice for both the doctor and the intern considering placement.

6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* There will be no change to the existing development pattern. The impact to the neighborhood will be non-existent.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** the Conditional Use to allow Household living in the Neighborhood Commercial (CN) zoning district with **two conditions of approval**.

1. The property owner shall maintain the residential nature of the home and meet all of the city ordinances pertaining to household living including two parking spaces.
2. A building permit must be obtained for all work from the City's Permits and Inspections Division for the residential unit as required.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
Application



Location Map CU21-01
112 North Milton Street
Council District 5 - Lane Carter
Neighborhood: Central
Scale: 1" approx. = 125 ft
0.144 Acres, Lot 6, Block 1B, Smith Subdivision of Freeland Addition

Legend
Subject Properties: 
Current Zoning: **Neighborhood Commercial (CN)**
Requested Zoning Change: **Conditional Use**
Vision: **Neighborhood**



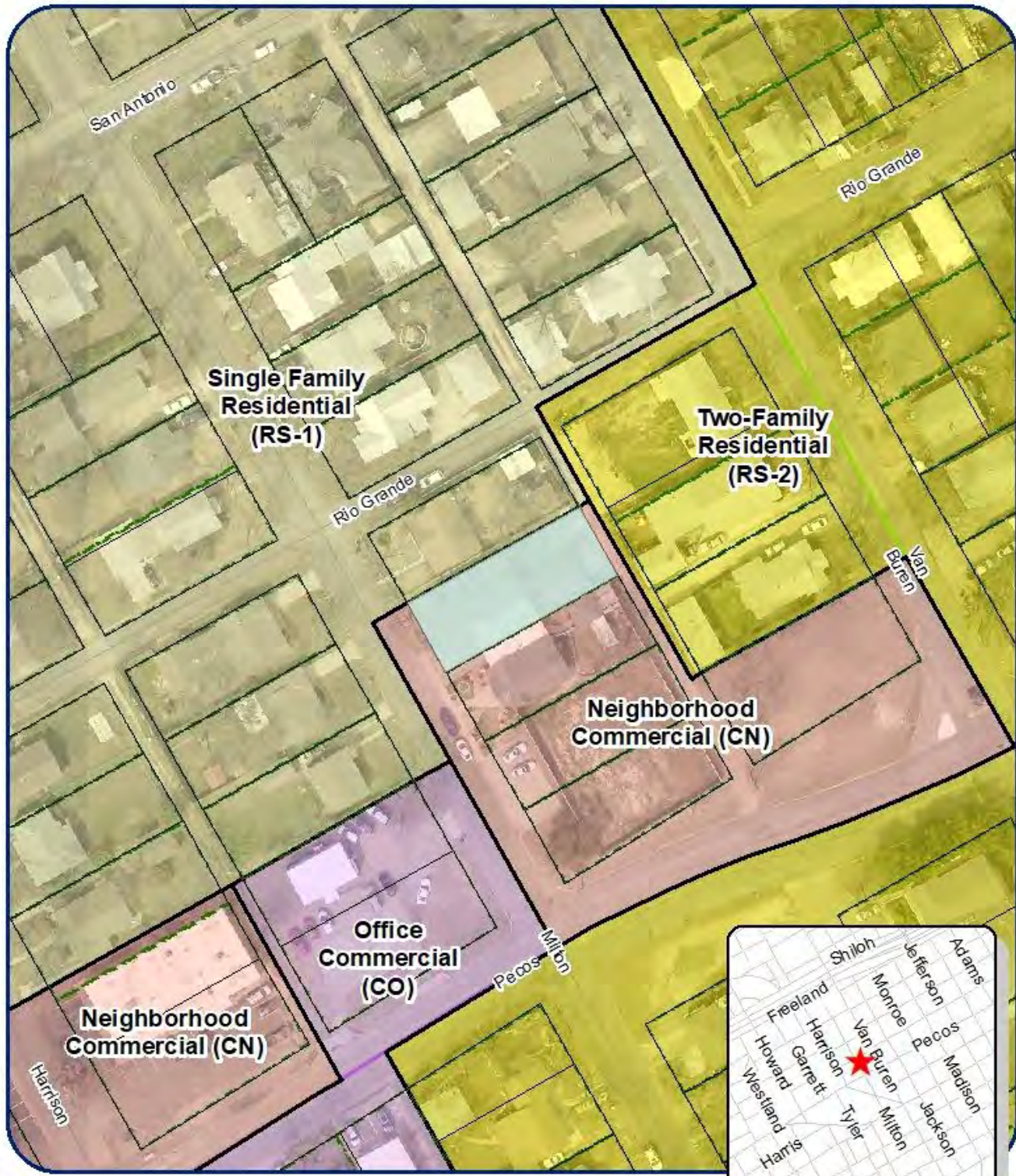





Location Map CU21-01
112 North Milton Street
 Council District 5 - Lane Carter
 Neighborhood: Central
 Scale: 1" approx. = 80 ft

Legend
 Subject Properties:
 Current Zoning: **Neighborhood Commercial (CN)**
 Requested Zoning Change: **Conditional Use**
 Vision: **Neighborhood**




0.144 Acres, Lot 6, Block 1B, Smith Subdivision of Freeland Addition





<p>Location Map CU21-01 112 North Milton Street Council District 5 - Lane Carter Neighborhood: Central Scale: 1" approx. = 80 ft 0.144 Acres, Lot 6, Block 1B, Smith Subdivision of Freeland Addition</p>	<p>Legend Subject Properties:  Current Zoning: Neighborhood Commercial (CN) Requested Zoning Change: Conditional Use Vision: Neighborhood</p>	<p>N  </p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>Location Map CU21-01 112 North Milton Street Council District 5 - Lane Carter Neighborhood: Central Scale: 1" approx. = 125 ft 0.144 Acres, Lot 6, Block 1B, Smith Subdivision of Freeland Addition</p>	<p>Legend Subject Properties:  Current Zoning: Neighborhood Commercial (CN) Requested Zoning Change: Conditional Use Vision: Neighborhood</p>	<p>N  </p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Photos of Site

Existing home on the corner adjacent to the subject property.



Existing house being remodeled for household living.





Existing office that will remain. Next door to Conditional Use structure.



Newly built animal hospital and treatment structure next door to office.

Effective January 3, 2017

Section 2 continued: Site Specific Details

Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.

Explanation: _____

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

Explanation: _____

Section 3: Applicant(s) Acknowledgement

Please initial the following:

- JMM If approved, a Conditional Use is applied to the property, not the property owner.
- JMM The Planning Commission makes the final decision on Conditional Use requests; appeals may be directed to City Council
- JMM Approval of this Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- JMM If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.

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

Jaw M. McLoel II
 Signature of licensee or authorized representative

1/4/21
 Date

Jaw m. McLoel II
 Printed name of licensee or authorized representative

Jaw McLoel
 Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: 21 -- 01 Planning Commission date: ___/___/___

Nonrefundable application Fee: \$ 405.00 Receipt #: 0111547 Date paid: 1, 4, 21

Reviewed/Accepted by: _____ Date: ___/___/___

Original request in 2017, approval granted at that time. The owner has accomplished everything he intended to accomplish when he first applied. This is the last stage.



The City Of
San Angelo, Texas
Planning Division
52 West College Avenue, 76903

December 18, 2017

Dr. J. Todd Henderson
108 North Milton Street
San Angelo, TX 76901

Subject: Z17-14: Henderson, a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on the following properties:

Properties: 104, 108 and 112 North Milton Street and an unaddressed tract; generally located north of Pecos Street between North Milton Street and North Van Burren Street; more specifically being Lots 1, 6-9 in Block 1B of the Smith Subdivision of Freeland Addition, comprising a total of 0.74 acres.

Dear Dr. Henderson:

At its meeting on **Tuesday, December 12, 2017**, the City Council for the City of San Angelo **approved** your request for a Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on the aforementioned properties.

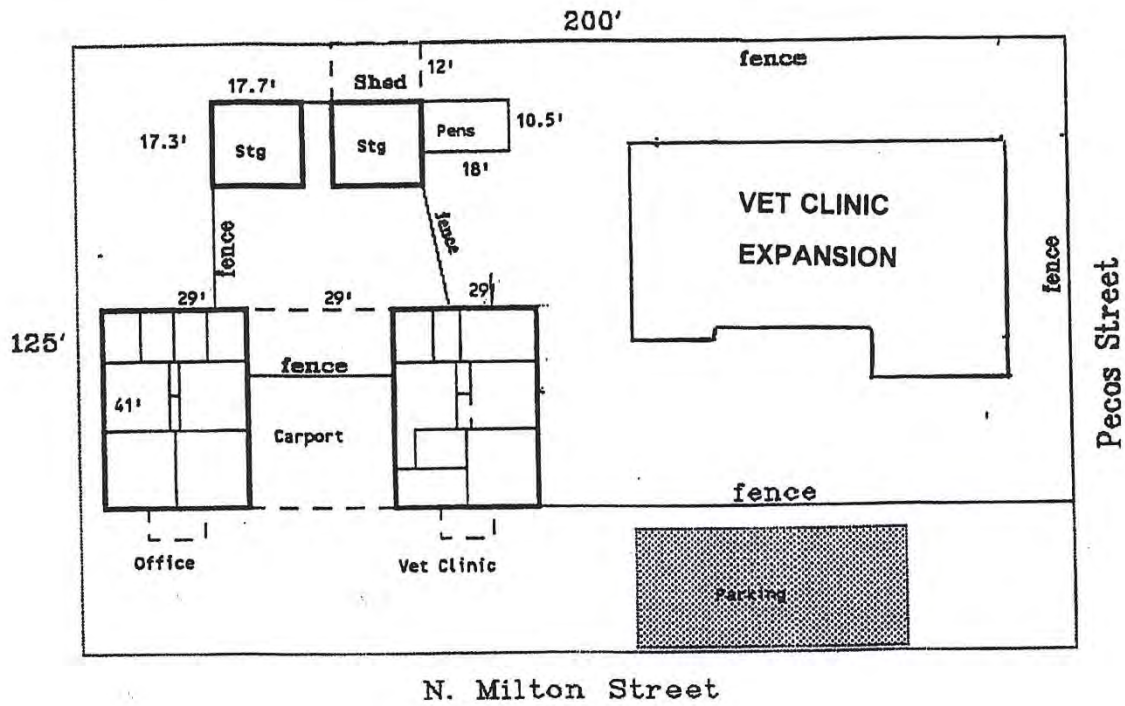
Please be advised that a permit is still necessary for any construction on the property, obtainable from the City's Permits and Inspections Division. Their offices are located at 52 W. College Avenue, north of San Angelo's City Hall. They may also be reached by phone at (325) 657-4420. If you have any questions concerning these proceedings, please contact Jeff Fisher, Senior Planner at (325) 657-4210, Extension 1550.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Fisher".

Jeff Fisher, AICP
Senior Planner

Original plan which has been accomplished.



**PLANNING COMMISSION – FEBRUARY 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Street Right-of-way Abandonment		200 Block of West 23 rd Street (Pfluger)	
SYNOPSIS:			
<p>The applicant has applied to abandon a portion of the south side of West 23rd Street between Martin Luther King Drive and Farr Street. The purpose of the abandonment is to allow Franco’s restaurant to expand to the north facing West 23rd Street and achieve the required front yard setback from West 23rd Street. The applicant’s original request was to abandon 7,455 square feet, which would have provided an additional 25 feet of right-of-way. However, Engineering Services and the Operations Department have discussed with Planning Staff and the applicant and have decided to abandon only 22 feet to allow for an existing water line located near the right-of-way. The revised abandonment area is now 6,582 square feet and will allow the applicant to expand the building with an administrative variance for a 22.5-foot front setback from West 23rd Street.</p>			
LOCATION:		LEGAL DESCRIPTION:	
South of West 23 rd Street between Martin Luther King Drive and Farr Street		Being 6,582-square feet of street right-of-way on the south side of West 23 rd Street between Martin Luther King Dr. and Farr St.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #4 – Lucy Gonzales Reagan Neighborhood	CG/CH and RS-1	Commercial and Neighborhood	0.151 ac. (6,582 sq. ft.)
THOROUGHFARE PLAN:			
<p>West 23rd Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 40’ pavement</p>			
NOTIFICATIONS:			
<p>20 notifications were mailed within a 200-foot radius of the property on February 2, 2021. No responses have been received for or against to date.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of the Street Right-of-Way Abandonment of 6,582 square feet (0.151 ac.) on the south side of the West 23rd Street right-of-way between Martin Luther King Drive and Farr Street, subject to three Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
Big Lake Ranch LP Lee Pfluger			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Ext. 1550 jeff.fisher@cosatx.us			

Analysis:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. Staff received responses from City Engineering and Operations, AEP, and Altice (formerly Suddenlink), indicating they would support the abandonment provided various easements are provided for their utilities/equipment. City Engineering and Operations recommends a 5-foot unobstructed utility and maintenance easement across the north 5 feet of abandonment area for an existing city water line and for any future road maintenance. AEP requires a 10-foot unobstructed easement for overhead electrical lines along the south 10 feet of the abandonment area. Altice has confirmed that this easement will be sufficient for their equipment located on the AEP electric poles in the area to be abandoned. Staff has discussed with AEP and the proposed drive-thru in this area for Franco's is allowed provided no permanent structures are located in this area.

Planning Staff conducted a site visit to the property on Wednesday, February 3, 2021. Staff noted no issues that would restrict the abandonment or create concerns for the surrounding area if the abandonment is approved, provided that the above easements are dedicated, and the entire length the 22-foot wide strip between Martin Luther King Drive and Farr Street is abandoned. Planning Staff is recommending that the 5-foot easement include pedestrian access to allow for a future sidewalk.

The proposed abandonment would not contradict any applicable City Ordinance. West 23rd Street is a local road and has the minimum required 40-foot paving width. With the additional 22 feet of right-of-way, the new building addition will be able to obtain an administrative setback variance from West 23rd Street, allowing space for the new building addition and drive-thru lane.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and as indicated above, conducted a site visit to the property to determine the appropriateness of abandoning this public right-of-way.

- *Traffic patterns:* Staff does not believe that traffic patterns would be negatively affected by the street abandonment. A condition of approval will be that the applicant replat the abandoned area into the adjacent properties. Through the platting process, the applicant can dedicate required easements and make any necessary adjustments to curbing for public safety. Once the subject area is abandoned, there will be adequate space for a future building addition and drive-thru queue.
- *Utilities:* As indicated, the utility providers with poles, lines, and equipment in the right-of-way (City of San Angelo, AEP and Altice) support the abandonment if easements are provided.
- *Community Impact:* Staff sees no negative community impact if this street portion is abandoned. By adding the abandoned areas to the properties, there will be adequate space for a future building addition and drive-thru for Franco's Restaurant. In addition, the deficient front yard setbacks for the two homes at 201 and 205 West 23rd Street would comply with the required 25-foot front yard setbacks.
- *Public Benefit:* Abandoning this street portion would not remove any current public benefit and

would create the additional public benefit of allowing a commercial business (Franco's) to expand and providing additional front yard space for adjacent residential properties.

Recommendation:

Staff recommends **APPROVAL** of the Street Right-of-Way Abandonment of 6,582 square feet (0.151 ac.) on the south side of the West 23rd Street right-of-way between Martin Luther King Drive and Farr Street, subject to **three Conditions of Approval:**

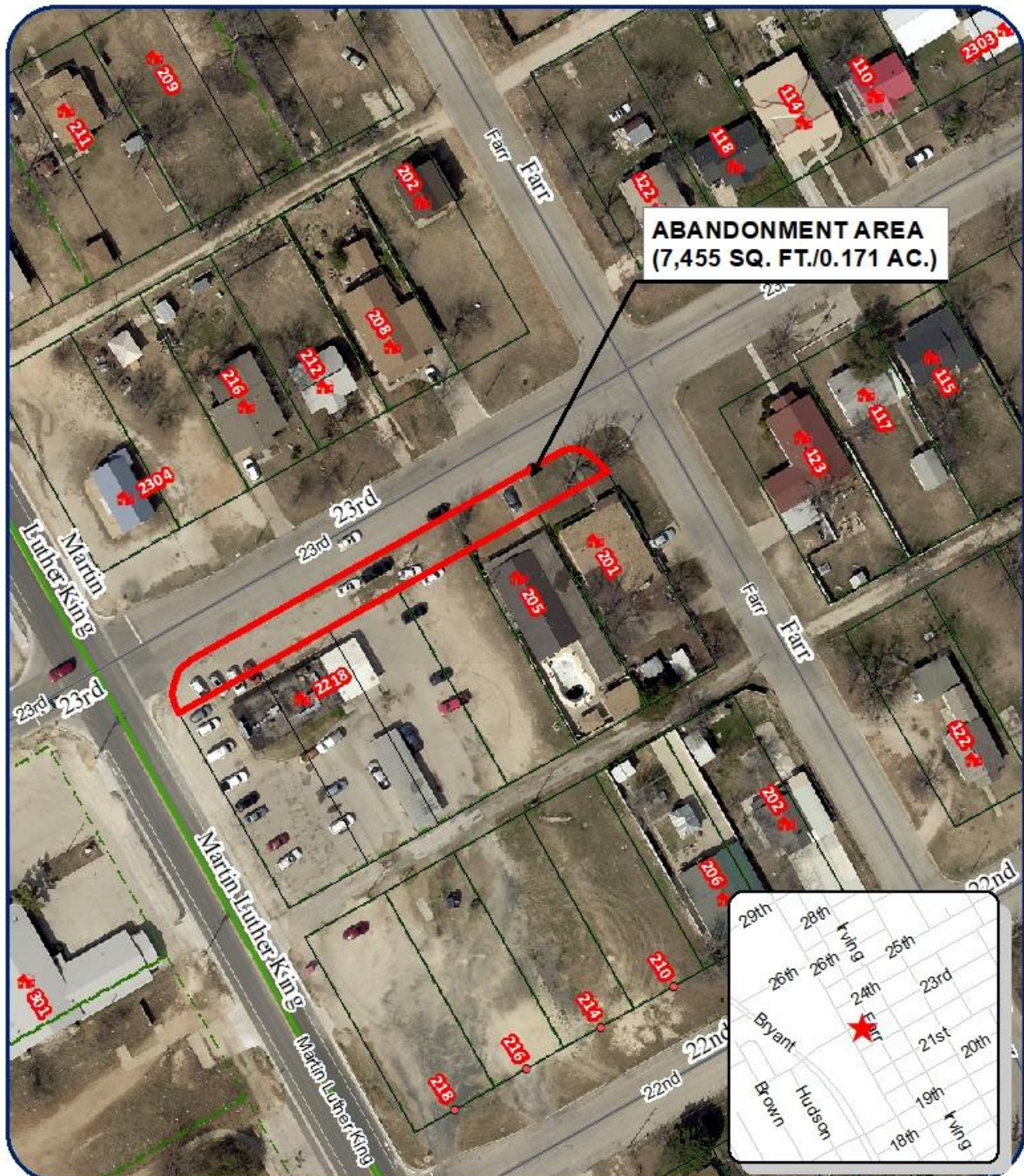
1. Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval of, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, within 36 months of City Council's decision. On the replat, the area within the abandonment shall include an unobstructed utility, maintenance, and pedestrian access easement.
2. Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.
3. After approval of the associated plat and payment, verify the recordation of quitclaim deed(s) effectively completing the City's claim to the entirety of the abandoned alley(s) shall be provided.

NOTES:

1. Future replatting may require roadway improvements, including changes to the street to ensure that the entire street and curbing is within the new right-of-way.
2. No buildings or other permanent structures may be placed within the unobstructed access easements.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Abandonment Area Plan
Application



Street Right-Of-Way Abandonment

200 Block of West 23rd Street

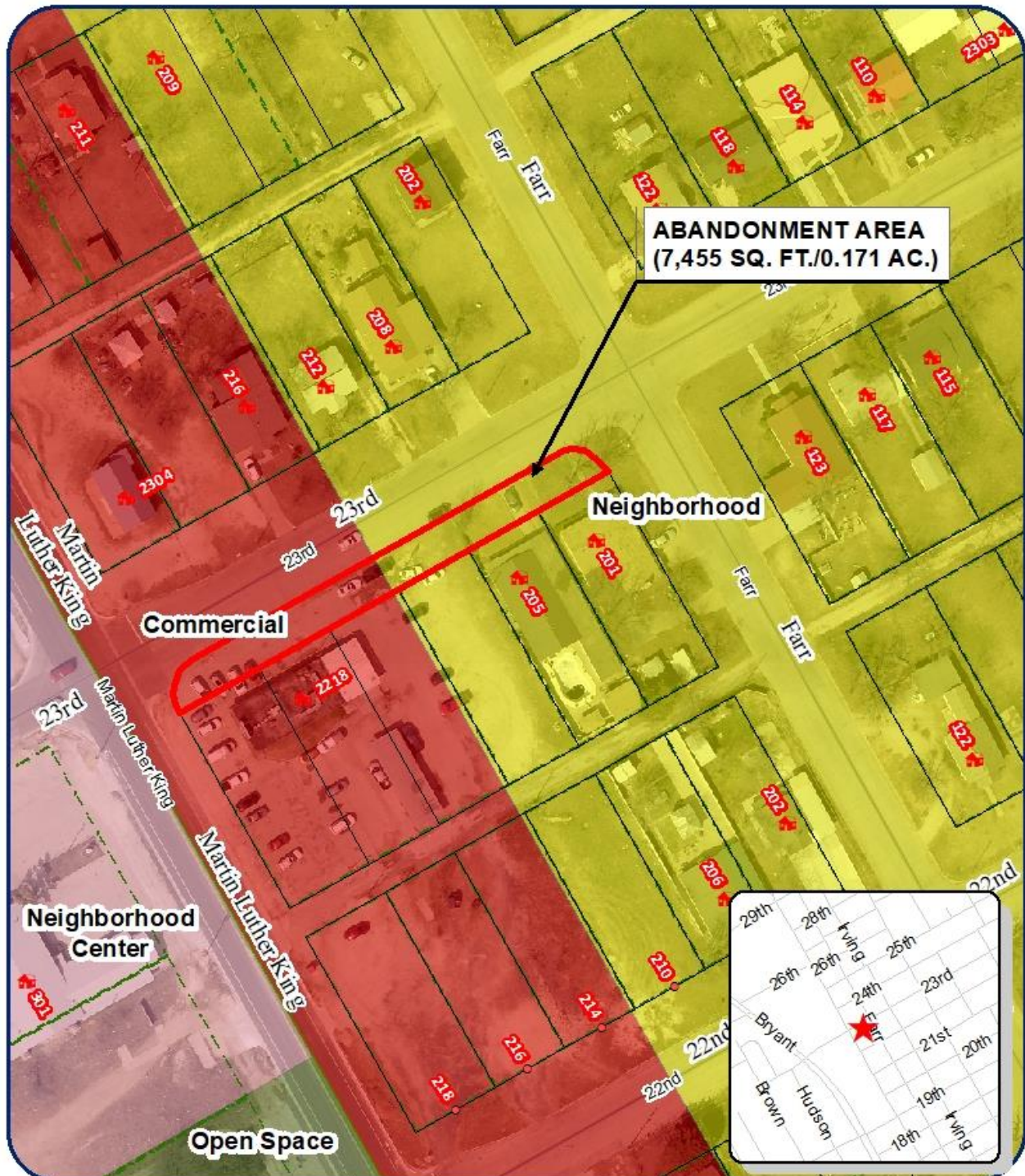
Council District: Lucy Gonzales - District 4
 Neighborhood: Reagan
 Scale: 1" approx. = 80 ft




200 Block of W. 23rd between MLK Dr. and Farr St.

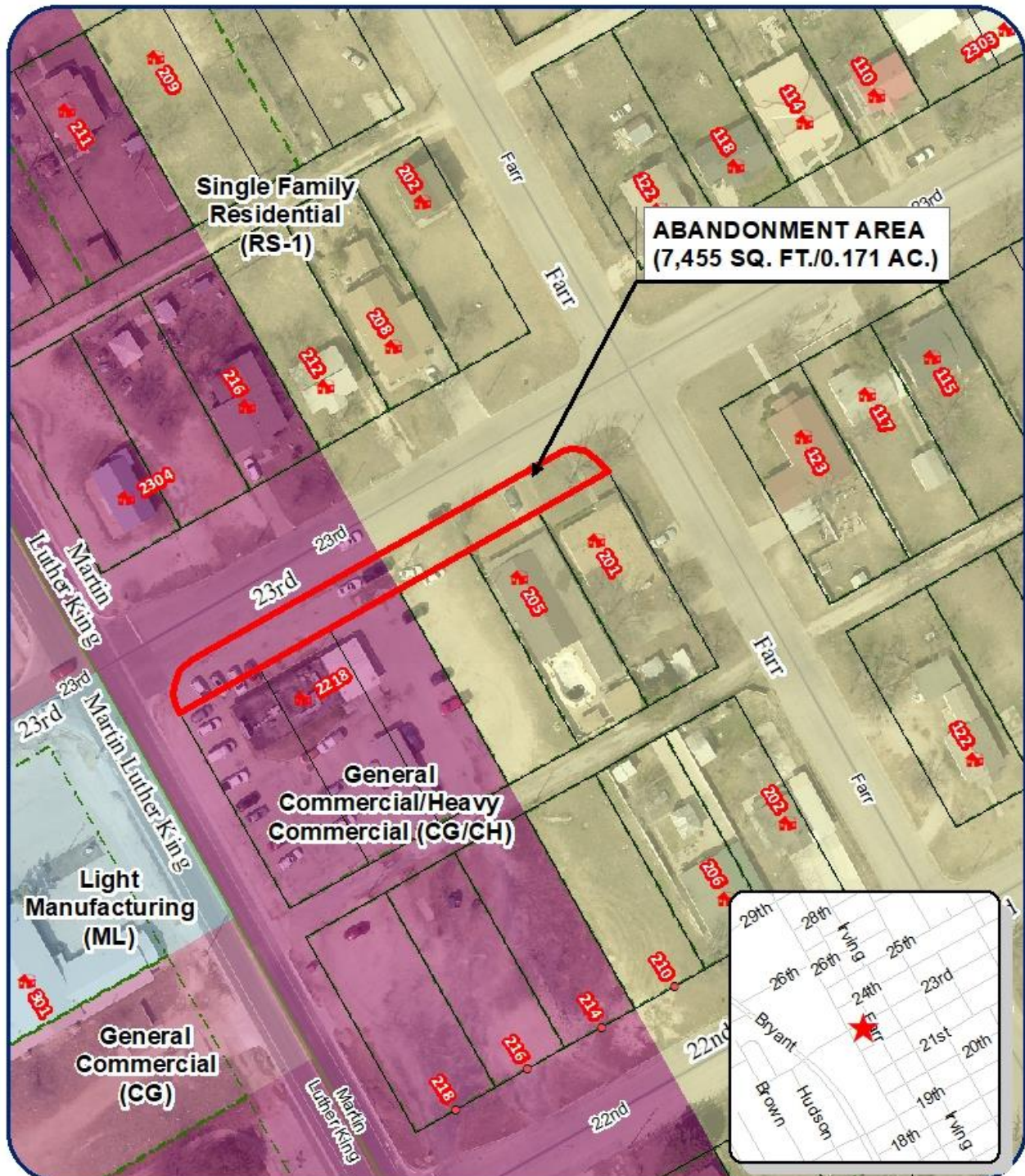
Legend




Subject Properties: 
 Current Zoning: CG/CH, RS-1
 Requested Zoning Change: CG
 Vision: Commercial, Neighborhood





Street Right-Of-Way Abandonment		Legend			
200 Block of West 23rd Street		Subject Properties: 			
Council District: Lucy Gonzales - District 4		Current Zoning: CG/CH, RS-1			
Neighborhood: Reagan		Requested Zoning Change: CG			
Scale: 1" approx. = 80 ft		Vision: Commercial, Neighborhood			
200 Block of W. 23rd between MLK Dr. and Farr St.					



Street Right-Of-Way Abandonment		Legend		 
200 Block of West 23rd Street		Subject Properties:  CG/CH, RS-1 Current Zoning: CG Requested Zoning Change: CG Vision: Commercial, Neighborhood		
Council District: Lucy Gonzales - District 4 Neighborhood: Reagan Scale: 1" approx. = 80 ft 200 Block of W. 23rd between MLK Dr. and Farr St.				

Photos of Site and Surrounding Area

2218 MARTIN LUTHER KING DR. (FRANCO'S)



2218 MARTIN LUTHER KING DR. (FRANCO'S)



LOT 4 – W. 23RD ST. (OVERFLOW PARKING)



LOTS 10-12 – W. 22ND ST. (OVERFLOW PARKING)



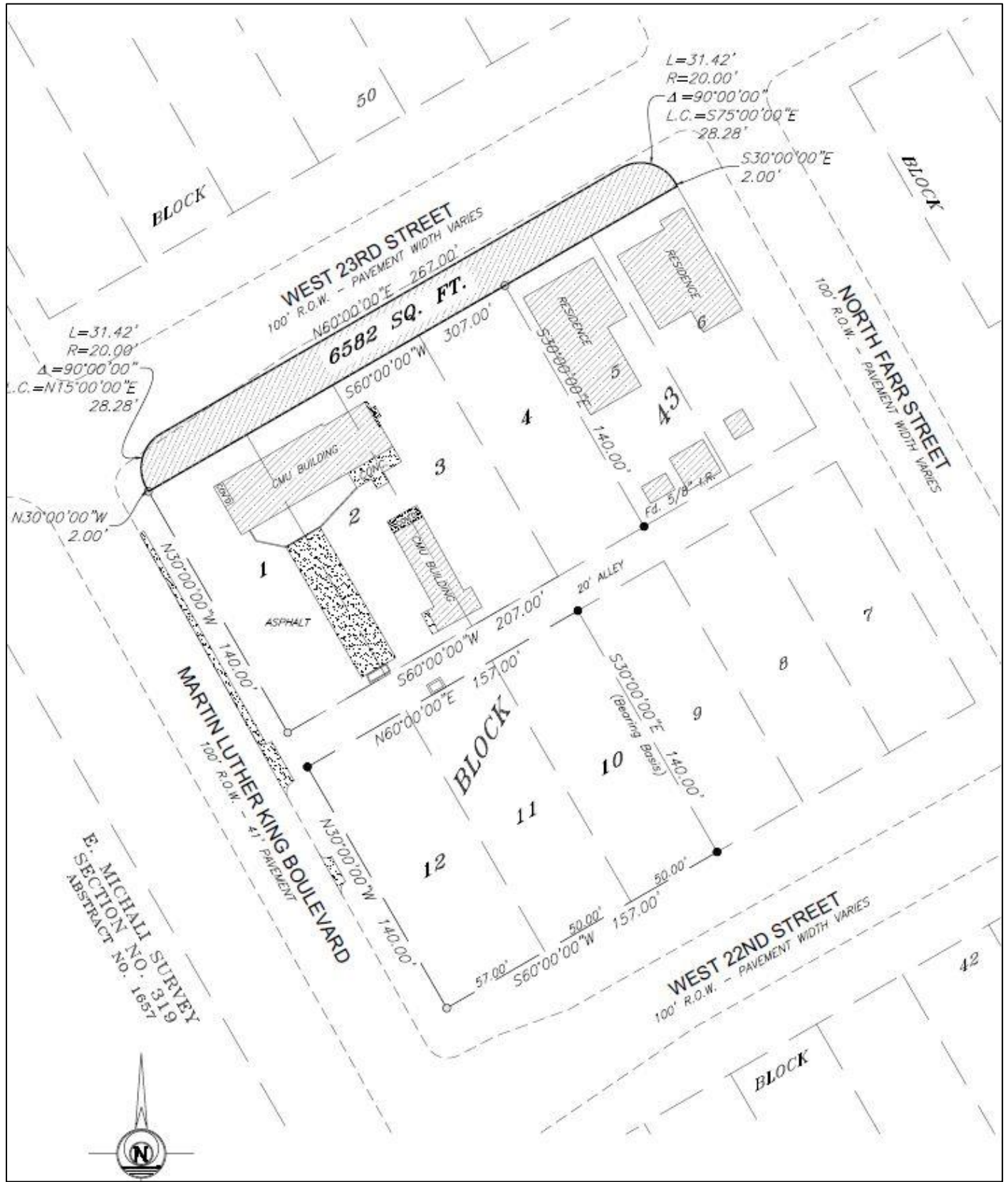
MARTIN LUTHER KING DR. LOOKING SOUTH



WEST 23RD ST. LOOKING EAST (FUTURE ABANDONMENT AREA)



Abandonment Area Plan



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application to Abandon Right-of-way for
Street(s) and/or Alley(s)

Jeff



Section 1: Basic Information

Name of Applicant(s): 2218 Martin Luther King Property LLC

Owner Representative (Affidavit Required)

P.O. Box 1991 San Angelo TX 76902
Mailing Address City State Zip Code

325-234-7777 lee.pflugner@cactushotel.net
Contact Phone Number Contact E-mail Address

2218 MLK San Angelo TX 76903
Subject Property Address City State Zip Code

Lots 1, 2, 3, 4, 10 and 12 Block 43 LASKER ADDITION City of San Angelo, TX
Legal Description (can be found on property tax statement or at www.tamarsencad.com)

Lot Size: _____ Zoning: _____

Section 2: Site Specific Details

Subdivision Name: LASKER ADDITION

Lots and/or Blocks Affected: Lots 1, 2, 3, 4, 10 and 14 Block 43

General Description of Location: Southeast Corner of MLK and 23rd Street

Reason for Abandonment: To expand the 2218 MLK building currently
on the property toward 23rd street

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Addison Lee Pflugger
Signature of licensee or authorized representative
affirming the truth of the above statement.

29 December 2020
Date

Addison Lee Pflugger
Printed name of licensee or authorized representative

2218 MLK Property LLC
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

Non-Refundable Fee: \$ ____ Receipt #: ____ Date paid: ____/____/____

Date of hearing by Planning Commission: ____/____/____ Date of hearing by City Council: ____/____/____

Reviewed/Accepted by: _____