

# Memo

**Meeting Date:** June 23, 2014

**To:** Planning Commission members

**From:** Roxanne Johnston, Planner

**Subject:** Z14-12: S. & L. Deckers, a request for approval of a zone change from Single-Family Residence to a Two-Family Residence (RS-2) Zoning District, on the following property:

**Location:** 715 W. Highland Boulevard, located approximately 65 feet southeast of the intersection at West Highland Boulevard and Kenwood Drive; more specifically occupying the Park Heights Addition, Block 24, E. 100' of Lots 1-3 in central San Angelo.

**Purpose:** Approval or modification of this request by the Planning Commission would forward the recommendation to City Council for a final decision on the matter.

**Contacts:** Scott & Laurie Deckers, Owners 325-650-1990  
Roxanne Johnston, Planner 325-657-4210

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**Summary:** The Planning Commission may:

- (1) **Recommend approving** the proposed zone change as requested; or
- (2) **Recommend modifying** the application to some alternative zoning classification believed to be more appropriate; or
- (3) **Deny** the proposed zone change, altogether.

**Recommendation:** Planning staff recommends **approving** the proposed zone change.

## History and Background:

The subject property, located in the Santa Rita Neighborhood, contains two fully contained dwellings; the main home and a cottage. According to the Tom Green County Appraisal District, these were built in the 1920's. This cottage was previously addressed as 713 W. Highland Boulevard (at least as far back as 1944) and existed as a legally non-conforming use in an RS-1 zone because the use as a separate residence predated the 2000 Zoning Ordinance. Such non-conforming uses are allowed to operate as such as long as they do not become vacant for a period of one year or more. Before the applicants purchased the property, the use of the apartment ceased for over a year, which meant the property could not contain two residences without a zone change. It is unclear, based on records that staff has accessed, exactly how long the use vacated; however, it has been established that it is clearly in excess of 365 days.

The subject property encompasses approximately 0.36 of an acre made up of the east part of 3 platted lots recorded in 1907 which border an alleyway to the east. This alleyway runs north and south and serves as a boundary between the Single-Family Residence (RS-1) zoning district to the west and the Two-Family Residential zoning district to the east.

### General Information

Existing Zoning: Single-Family Residence (RS-1)

Existing Land Use: Residential

Surrounding Zoning/Land Use:

North:	RS-1	Single-family residences
West:	RS-1	Single Family residences
South:	RS-1	Single-family residences
East:	RS-2	Two-family residences

Thoroughfares/Streets: West Highland Boulevard is defined as a "local street" designed to carry light neighborhood traffic at lower speeds and generally connect to collector streets.

Zoning History: The property has been part of the City Limits since 1949 with little change to residential zoning and uses to the immediate area.

Applicable Regulations:	Allowed uses for this property can be found in Section 310 (Use Table) of the Zoning Ordinance.
Development Standards:	Residential development setbacks are outlined in Section 501 of the Zoning Ordinance.
Vision Plan Map:	Neighborhood for the subject property and surrounding area.
Related Comp Plan Excerpts:	<p><i>“Establish <b>transition areas</b> between commercial areas and nearby neighborhoods.”</i></p> <p><i>“Promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo’s neighborhoods.”</i></p> <p><i>“All residents within each neighborhood boundary should be able to meet their daily needs within a reasonable and accessible distance from their home”</i></p> <p><i>"Create new physical connections to neighborhoods lined with <b>transitional and intermediate uses.</b>"</i></p>

**Special Information**

Traffic Concerns:	Changing the zoning to RS-2 will create little impact on the volume of traffic than if the property remained as-is.
Parking Requirements:	New residential units require a minimum of two off-street parking spaces. All areas used for off-street parking shall be paved, per Section 511.F.3 of the Zoning Ordinance.
Parking Provided:	It appears that adequate off-street parking is provided.
Density:	Surrounding uses are predominately residential in nature of medium density.
Notification Required:	Yes

Notifications Sent:	22
Responses in Favor:	4
Responses in Opposition:	0

### **Analysis:**

In order to approve this zone change request, the Planning Commission members are first required to consider the following criteria:

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.
2. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.
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.
4. **Changed Conditions.** Whether and the extent to which there are changed conditions that require an amendment.
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.
6. **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need.
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 staff recommendation is based upon the statements listed below.

Although staff recommends this request, it is important to note that careful consideration must be made in looking at reinstating **any** prior use that has lost its legally non-conforming status. Staff is tasked to examine whether or not reintroducing a use would be a nuisance to area development and conversely

whether the newer development would be a nuisance to the proposed reintroduction. In this case, staff finds no reason why this proposal would not blend seamlessly with area development, area zoning and also how it could have possible negative effects on the area that it had had in the past.

Sometimes when a use has lost its legally non-conforming status, staff is able to recommend a Conditional Use. In this case, the only way to render the cottage useful as a fully contained residential unit is through a zone change. In this case, staff believes the zone change would not affect area development patterns that have been established for well over 75 years.

Staff finds that all of the above criteria have been met with this request. A zone change to RS-2 would allow the owner and future owners to enjoy the same residential uses that are allowed by right as current zoning with just one exception: it allows for an accessory apartment on the property and the occupancy rate would increase only slightly; again, a use that the property experienced for several decades until recently.

Should this request be approved, there would be no reason to change the Vision Plan Map, a component of the Comprehensive Plan, since it calls for the area to develop as "Neighborhood." Additionally, the Comprehensive Plan calls for a variety of residential product types (such as a cottage) and also encourages a *"mix of age, income, and housing choices within San Angelo's neighborhoods."* Since the use as a two-family property has been evident since the 1920's, with exception again to the recent past, this proposal fits seamlessly in with the surrounding area. Additionally, this request is in keeping with the Zoning Ordinance because the property has already been built out and all building setbacks and parking requirements observed. No new nuisances would be introduced to the area.

Re-establishing the use as a two-family property abutting RS-2 zoning would not create a hardship for area residents; many of whom may not even be aware that the previous legally non-conforming use has been changed. Additionally, given the larger lot size of over 1/3 of an acre, staff believes the property is not overcrowded and the existing buildings blend in well with the surrounding area blocks. Because the cottage already exists, staff believes that no adverse change in the environment would occur.

Lastly, this proposal continues to blend in well with development patterns given its neighboring RS-2 zoning to the west; separated only by an alley. If this zone change is approved, the cottage could make a positive contribution to the City's increasing demand for housing.

**Attachments:**

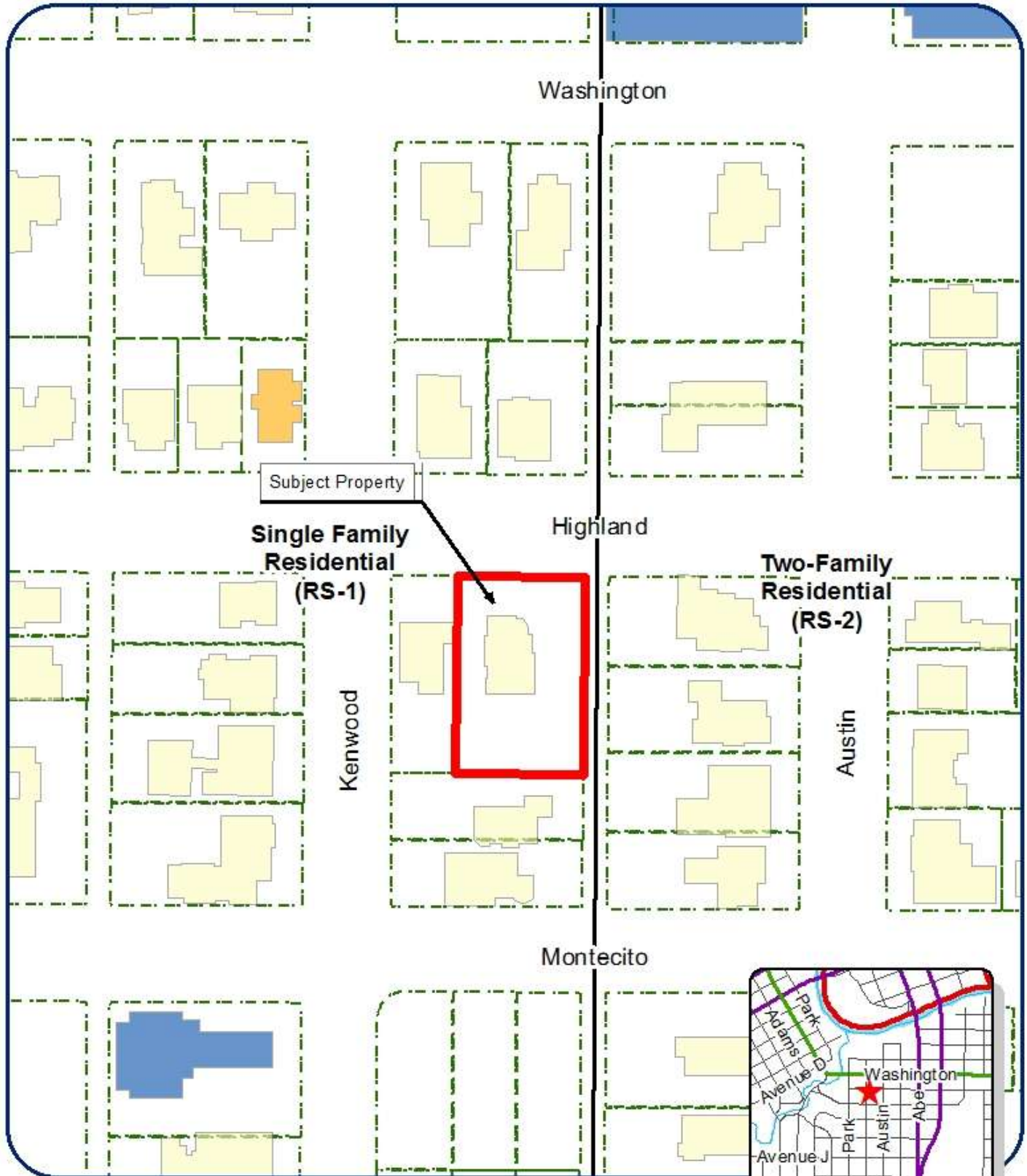
Excerpt from zoning map, highlighting subject property and area zoning;

Aerial photo, highlighting subject property; and

Excerpt from the Comprehensive Plan's Vision Plan  
Map highlighting the subject property

**Presentation:**

Roxanne Johnston, Planner



**Zoning Case File**

**Z14-12**

Council District: Elizabeth Grindstaff  
 Neighborhood: Santa Rita  
 Scale: 1" approx. = 100 ft  
 Location: 715 W. Highland Blvd

**Legend**

- Subject Properties: —
- Current Zoning: **RS 1**
- Requested Zoning Change: **RS-2**
- Vision: **Neighborhood**





**Zoning Case File**

**Z14-12**

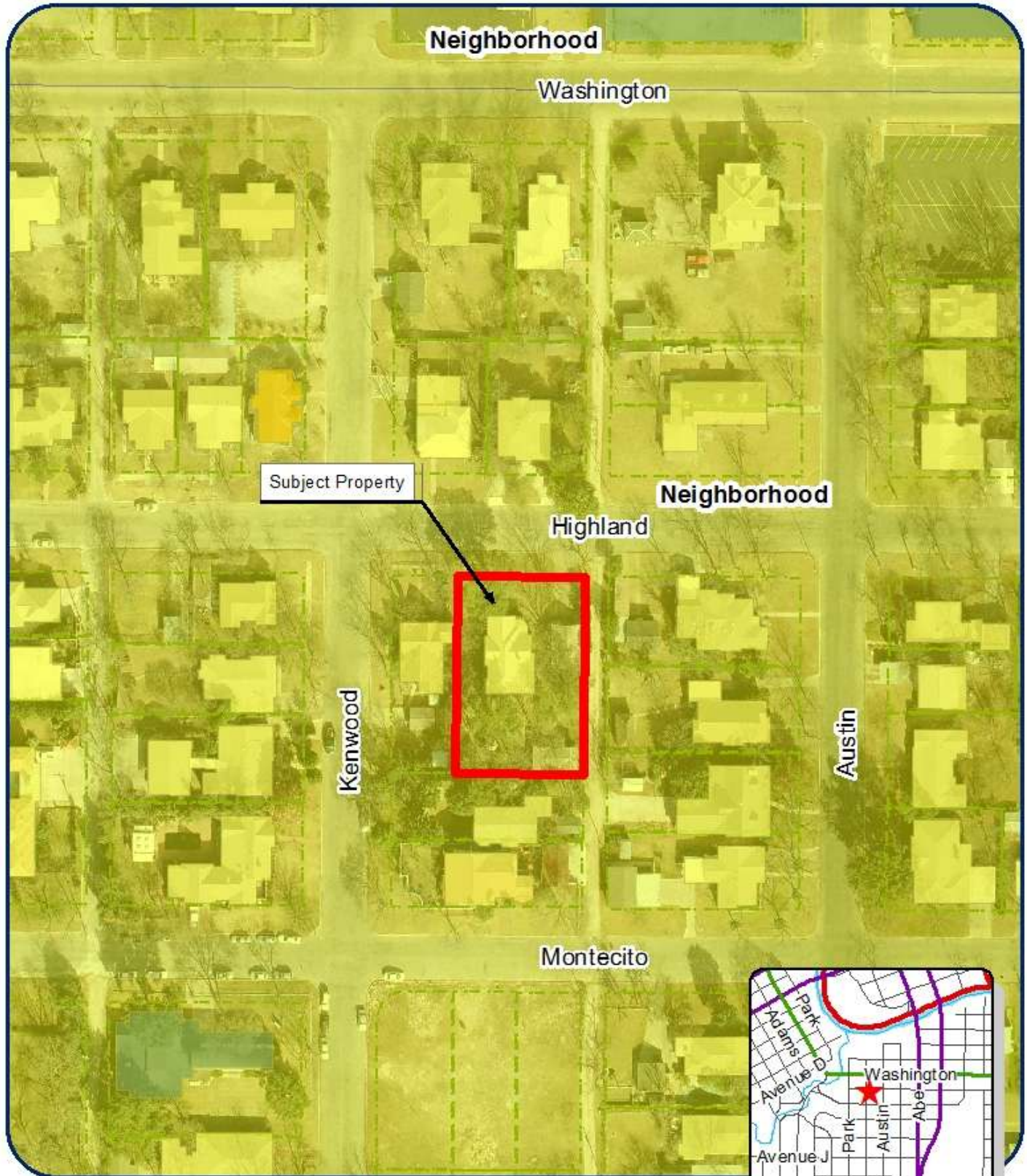
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Neighborhood

Washington

Subject Property

Neighborhood

Highland

Kenwood

Austin

Montecito



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