



The City Of

San Angelo, Texas

Planning Division

52 West College Avenue, 76903

NOTICE OF A PUBLIC MEETING

**AN AGENDA OF A REGULAR MEETING OF
THE ZONING BOARD OF ADJUSTMENT
FOR THE CITY OF SAN ANGELO, TEXAS**

1:30 p.m. – Monday, November 3, 2014

**McNease Convention Center, in Council Chambers
(or South Meeting Room)
501 Rio Concho Drive**

THE MCNEASE CONVENTION CENTER IS ACCESSIBLE TO PERSONS WITH DISABILITIES. ACCESSIBLE ENTRIES AND SPECIALLY MARKED PARKING SPACES ARE AVAILABLE AT BOTH MAIN ENTRANCES ON SURBER DRIVE AND RIO CONCHO DRIVE. IF ADDITIONAL ASSISTANCE IS NEEDED TO OBSERVE OR COMMENT, PLEASE NOTIFY THE PLANNING DIVISION OFFICE AT (325) 657-4210 OR IN SAN ANGELO'S DEVELOPMENT SERVICES BUILDING AT 52 WEST COLLEGE AVENUE, AT LEAST 24 HOURS PRIOR TO THE MEETING.

ALL MATTERS LISTED ON THE AGENDA ARE SUBJECT TO INDIVIDUAL DISCUSSION AND ACTION BY THE ZONING BOARD OF ADJUSTMENT.

- I. **Call to order and establish that a quorum is present.**
- II. **Review and take any action related to minute record of the regular meeting held on Monday, October 6, 2014.**
- III. **Consideration of requested variance from zoning regulations.**

**A. ZBA 14-36: Kimley-Horn and Associates.....Mr. Nowlin
(CDM#1 Rodney Fleming)**

A variance from Section 509.B.3.a for an 8-foot high screening wall in lieu of 4-foot high screening wall, along the southern property boundary adjacent to South Jackson Street in a Planned Development (PD) Zoning District, on the following property:

3518, 3522, 3526 and 3602 Ben Ficklin Road and unaddressed tracts located in the southeast corner of South Bryant Boulevard and Ben Ficklin Road; more specifically being around 18.8 acres out of the E.


Hermes Survey 174, Abstract 349 and 2.699 acres of Century Terrace,
Block 1, in south central San Angelo.

IV. Next meeting agenda.

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on Monday, December 1st of 2014 in the McNease Convention Center.

V. Adjournment.

This notice of meeting was posted on the bulletin board at the City of San Angelo's City Hall before 1:30 p.m. on the 29th day of October 2014, in accordance with Chapter 551 in the Government Code of the State of Texas.


Rebeca Guerra, AICP, LEED-AP, CPD,
Secretary to the Zoning Board of
Adjustment

STAFF REPORT



Meeting: November 3, 2014

To: Planning Commission

From: Patrick B. Howard, AICP
Director

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

Staff Planner: Jeff Fisher
Planner

Case: ZBA14-36

Request: Variance from Section 509.B.3.a for an 8-foot high screening wall in lieu of 4-foot high screening wall, along the southern property boundary adjacent to South Jackson Street in a Planned Development (PD) Zoning District

Location: 3518, 3522, 3526 and 3602 Ben Ficklin Road and unaddressed tracts located at the southeast corner of South Bryant Boulevard and Ben Ficklin Road; in south central San Angelo.

Legal Description: 18.8 acres out of the E. Hermes Survey 174, Abstract 349 and 2.699 acres of Century Terrace, Block 1

General Information

Future Land Use: Neighborhood Center

Zoning: Planned Development (PD) with Neighborhood Commercial (CN) underlay.

Existing Land Use: Mostly vacant commercial tracts, some single-family residences

Surrounding Zoning/Land Use:

North:	Planned Development (PD)	Rio Vista Park and approved RV campground
West:	General Commercial / Heavy Commercial (CG/CH)	Housley Communications and S Bryant Blvd
South:	Neighborhood Commercial (CN) and Low Rise Multi-Family Residential (RM-1)	Century Terrace Apartments and townhomes
East:	Ranch & Estate (R&E)	Vacant resident tract

District: CMD # 1 Rodney Fleming

Neighborhood: Rio Vista Neighborhood

Notification Required: Yes

Notifications Sent: 13

Responses in Favor: 1

Responses in Opposition: 0

Recommendation:

The Planning Division recommends APPROVAL of a variance from Section 509.B.3.a for an 8-foot high screening wall in lieu of 4-foot high screening wall, along the southern property boundary adjacent to South Jackson Street in a Planned Development (PD) Zoning District.

History and Background:

On September 16, 2014, City Council approved a Rezoning to the Planned Development (PD) District on the subject property for a big box retail store

(PD14-02). The PD approved a Neighborhood Commercial (CN) zoning underlay, as well as a Concept Plan and Ordinance outlining Conditions of Approval. These conditions included the construction of a screening wall along the southern property boundary adjacent to South Jackson Street. This wall was at the request of the Century Park Homeowners Association (HOA) which represented the residential development on the south side of South Jackson Street near the proposed big box retail store. The HOA wanted additional screening and sound buffering given the close proximity to the proposed development.

At the September 16, 2014, City Council meeting, Council indicated their support for an 8-foot high screening wall to be erected along South Jackson Street. At the same meeting, the HOA representative also expressed a desire for an 8-foot high screening wall to be constructed in the same area. However, in order for an 8-foot to be constructed along South Jackson Street, a variance is required to allow an 8-foot high screening wall as 4 feet is the maximum allowed under the Zoning Ordinance.

Analysis:

Section 207(D)(2) of the Zoning Ordinance allows the Zoning Board of Adjustment to grant a variance if it will further an overriding public interest or concern. In this case, the Century Park Homeowners Association (HOA) and the many residents involved in the application process for the Planned Development Rezoning case PD14-02 supported the 8-foot high screening wall. Therefore, there is justification to consider this case now before the Zoning Board of Adjustment.

In addition to the above, Section 207(F) of the Zoning Ordinance requires that an applicant for a Variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met.

- 1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;**

The proposed big box retail development is unique in that it faces a large residential development complex to the south. There is a substantial amount of traffic already using South Jackson Street, and the proposed building would be approximately 190,024 square feet, substantially larger than other existing retail stores. The southerly building wall would be directly across the street from the residential complex to the south. As mentioned, the maximum height of a fence or enclosure in a required front yard is 4 feet as outlined in Section 509.3.B.a of the Zoning Ordinance. This would not appear to provide adequate screening to

the residents, which based on site lines, would be able to see the building and parking areas from their properties. An 8-foot high screening wall would appear to provide an adequate buffer.

2. These special circumstances are not the result of the actions of the applicant;

The 8-foot high screening wall was at the request of the Century Park Homeowners Association and agreed upon by the property owner/developer at the September 16, 2014, City Council meeting. Furthermore, City Council expressed their desire at that same meeting for an 8-foot high screening wall to be erected along South Jackson Street.

3. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;

A literal interpretation of the Zoning Ordinance would not be reasonable in this case because as mentioned, a screening wall only 4-foot high would not appear to provide adequate screening from the proposed development. The 8-foot high screening wall would provide the adequate buffer and not cause unnecessary hardship to anyone as the applicant has agreed to install the structure at this height.

4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice;

Allowing an 8-foot high screening wall would not appear to be contrary to the public interest as the public is in support of the structure at this height and has indicated their express desire for its construction. It is the minimum action that would provide adequate screening and keep with the intent of the Zoning Ordinance.

5. Granting the variance will not adversely affect adjacent land in a material way;

There would not appear to be any negative impacts if the privacy screening wall was constructed at 8 feet high as opposed to 4 feet high. The impact would be beneficial as additional and appropriate screening would be provided to the adjacent residences.

6. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.

Staff believes this variance may be consistent with the purposes and intent of Zoning Ordinance as the intent of a screening wall is to provide a visual and sound buffer to residences from any adjacent nonresidential activity. Furthermore, there is an expressed desire by the public for an 8-foot high screening wall to be erected along South Jackson Street. The addition appears to comply in all other respects with the Zoning Ordinance.

Action Requested:

The action requested is for the Zoning Board of Adjustment to APPROVE Case ZBA14-36.

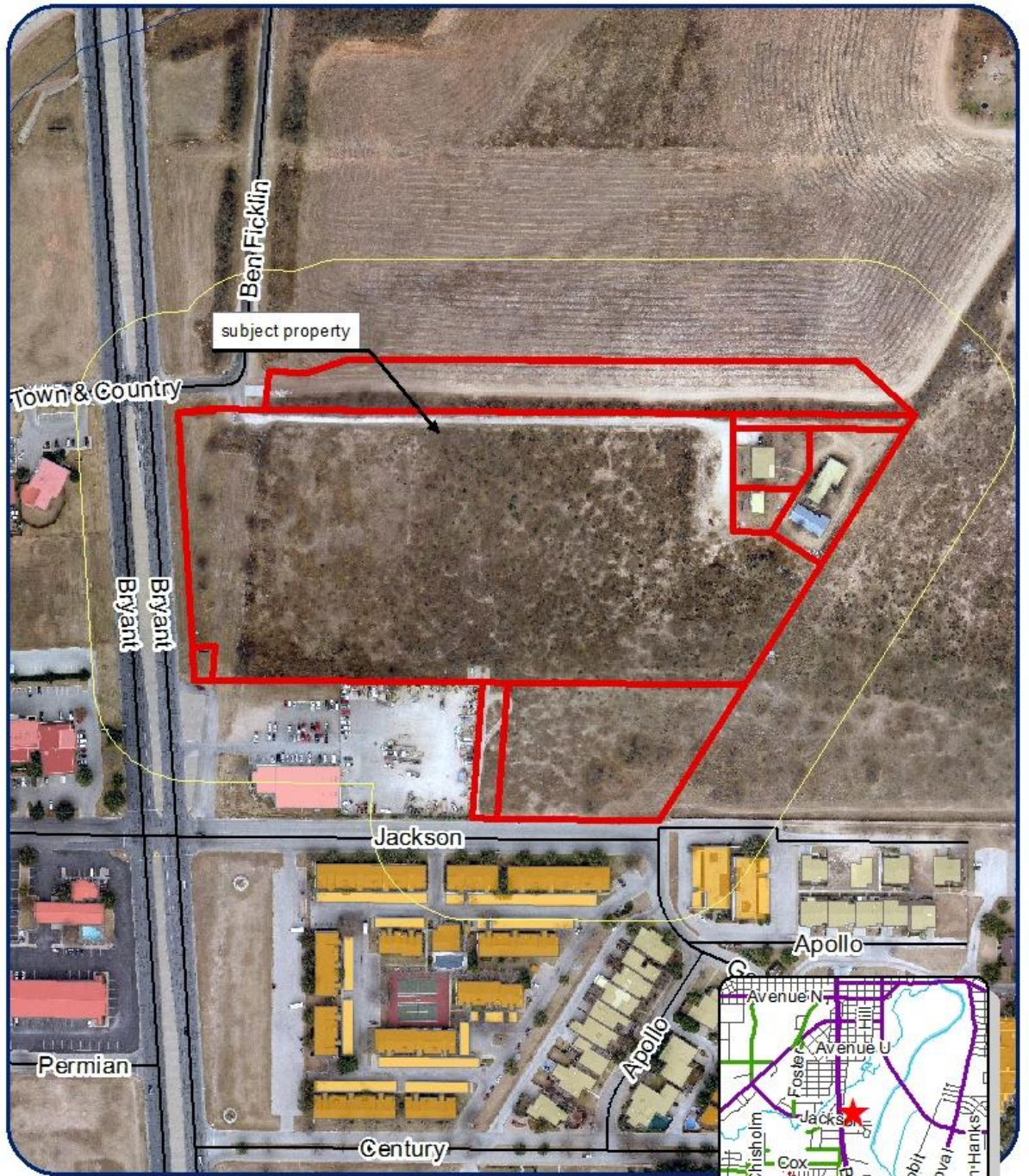
Effect of Variance:

Per Section 207(H) of the Zoning Ordinance:

1. Issuance of a Variance shall authorize only the particular variation which is approved in the Variance. A Variance shall run with the land.
2. Unless otherwise specified in the Variance, an application to commence construction of the improvements that were the subject of the Variance request must be applied for and approved within 12 months of the date of the approval of the Variance; otherwise, the Variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension from the 12-month period may be granted by the Planning Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

Attachments: Aerial Map
 Site Plan
 Application for Variance

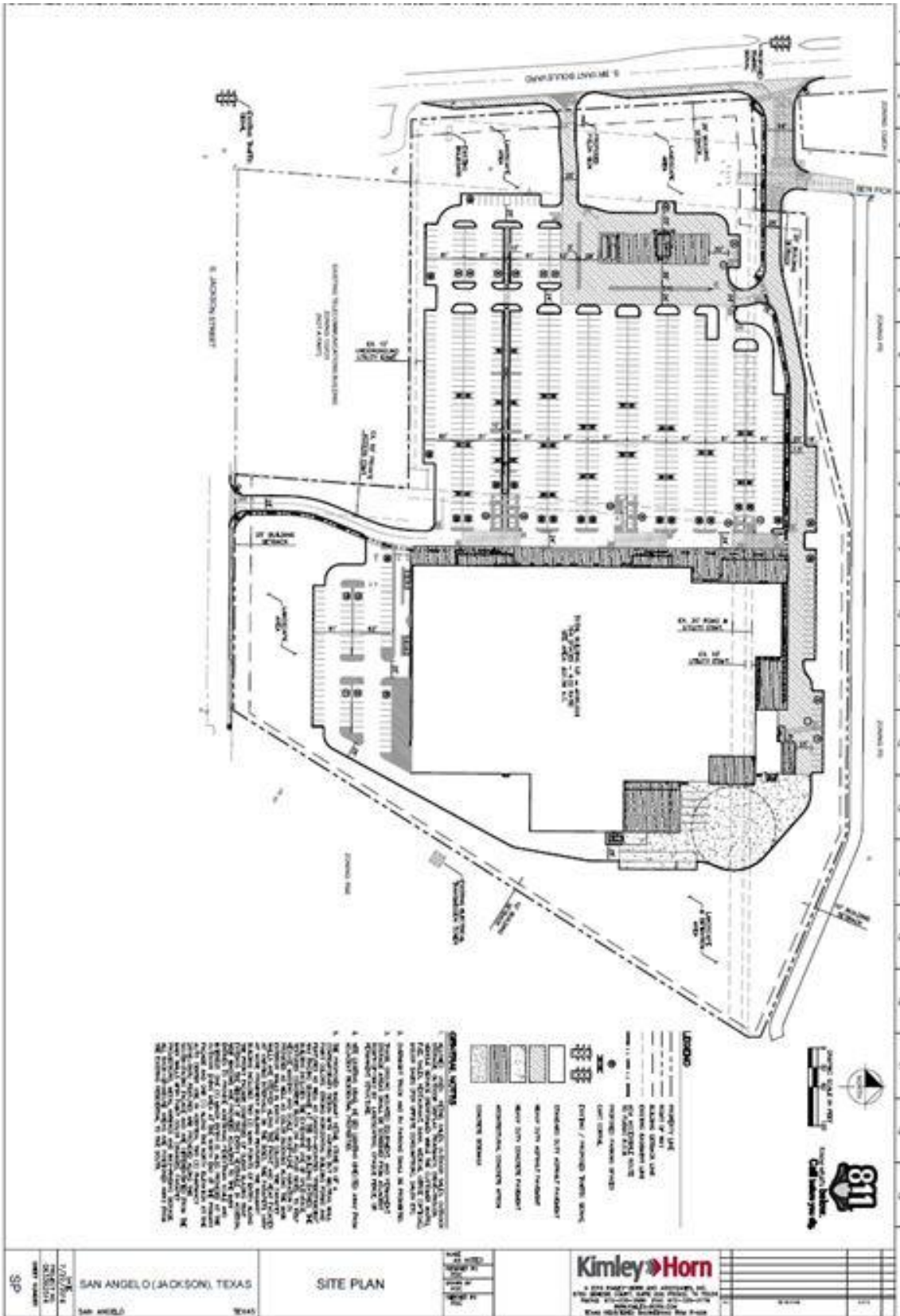
NOTE: At the time of this report, updated Zoning and Vision Plan maps were not yet available for the recently approved cases PD14-02 and VP14-04. At their meeting of September 16, 2014, City Council Approved a Planned Development (PD) Zoning District with a Neighborhood Commercial (CN) underlay, and Approved a “Neighborhood Center” Vision Plan designation for the subject land.



Variance File
Case: ZBA14-36: Kimley-Horn
 Council District: Rodney Fleming
 Neighborhood: Rio Vista
 Scale: 1" approx. = 250 ft
 Subject Property: NE corner of S Bryant Blvd & Jackson St

Legend
 Subject Properties: —
 Current Zoning: Various
 Requested Zoning Change: Variance
 Vision: See Attached



NOTES
 1. SEE EXHIBIT FOR PROPOSED EXHIBIT POINTS AND BEARING TOWERS.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS AMERICAN INSTITUTE OF ARCHITECTS (TAI) STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 3. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 5. ALL UTILITIES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 7. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
 9. ALL WASTE MATERIALS SHALL BE PROPERLY DISPOSED OF AT A DESIGNATED LOCATION.
 10. THE CONTRACTOR SHALL MAINTAIN CLEAR ACCESS TO ALL PAVED AREAS AND DRIVEWAYS.
 11. ALL UTILITIES SHALL BE DEPTH MARKED AND COLOR CODED IN ACCORDANCE WITH THE TEXAS STANDARD SPECIFICATIONS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS.
 13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TAI STANDARD SPECIFICATIONS.
 14. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT CONSTRUCTION.
 15. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 16. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
 17. ALL WASTE MATERIALS SHALL BE PROPERLY DISPOSED OF AT A DESIGNATED LOCATION.
 18. THE CONTRACTOR SHALL MAINTAIN CLEAR ACCESS TO ALL PAVED AREAS AND DRIVEWAYS.
 19. ALL UTILITIES SHALL BE DEPTH MARKED AND COLOR CODED IN ACCORDANCE WITH THE TEXAS STANDARD SPECIFICATIONS.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS.

LEGEND

█ EXHIBIT POINTS
 █ EXHIBIT BEARING TOWERS
 █ EXHIBIT BOUNDARY
 █ EXHIBIT AREA
 █ EXHIBIT POINTS
 █ EXHIBIT BEARING TOWERS

SYMBOLS

○ EXHIBIT POINTS
 △ EXHIBIT BEARING TOWERS

LEGEND

█ EXHIBIT POINTS
 █ EXHIBIT BEARING TOWERS
 █ EXHIBIT BOUNDARY
 █ EXHIBIT AREA
 █ EXHIBIT POINTS
 █ EXHIBIT BEARING TOWERS

dps
 SAN ANGELO (JACKSON), TEXAS
 SAN ANGELO TX 76901

SITE PLAN



1355 N. HIGHWAY 175, SUITE 200
 DENVER, COLORADO 80202
 303.440.0700
 WWW.KIMLEY-HORN.COM

City of San Angelo, Texas - Planning Division
Application for Variance from Zoning Regulations

Name of Applicant(s): Kimley-Horn & Associates/Dan Skeeahan

Owner

Tenant

Representative (Affidavit required)

Mailing Address: 990 South Broadway, Suite 200

Telephone: 303-228-2318

City/State/Zip: Denver, Colorado 80209

Fax/other: _____

Email Address: Dan.Skeeahan@kimley-horn.com

Subject Property Address and/or Location*:

21.5 acres out of the E. Hermes Survey 174, Abstract 349 and 2.699 acres of Century Terrance

Block 1, in south central San Angelo, located generally at the intersection of Bryant and Jackson Streets

Legal Description*:

See attached Exhibit "A".

Zoning: Re-Zoned PDD on first reading by City Council; prior zoning classifications were (CG/CH), (R&E), (CO), (PD), and (RM-1).

Specific Description of Request*:

Request for variance for eight foot pre-cast concrete panel screening to be located on the south boundary of the Property along Jackson Street.

The request for an eight foot screening wall is at the urging of Councilman Fleming whose district the property is located in.

* use attachment, if necessary

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


Signature

9/22/2014
Date

- I understand that the Zoning Board of Adjustment is bound by criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;
- I/We the undersigned acknowledge that the information provided above is true and correct. I/We understand that any variation(s) authorized by the Zoning Board of Adjustment will require me/us to obtain a building permit for that stated variation within **twelve (12) months** of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any appeal of a decision made by the Zoning Board of Adjustment must be presented to a court of record with a verified petition stating that the decision of the Zoning Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality. This petition for appeal must be presented within ten (10) days after the date the decision is filed in the board's office.

I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

- Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;

Explanation: The property is the subject of a contested zoning case. The re-zoning of the Property to a PDD has been approved by the City Council on first reading. The request for an eight foot screening wall was strongly urged by Councilman Fleming to provide increased screening for an nearby residential neighborhood.

- These special circumstances are not the result of the actions of the applicant;

Explanation: City staff proposed four foot masonry screening wall as a condition to the PD. However, the height is insufficient to provide the screening to the nearby residential neighborhood. Council member Fleming desires the 8' screening wall.

- Literal interpretation and enforcement of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;

Explanation: In the request for the re-zone to the PDD, the increase in the screening height was strongly urged by the City Council in approving the re-zoning request. Second reading and final approval could be withheld if the variance is not granted.

- Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;

Explanation: The zoning ordinances indicate a preference for screening of commercial property adjacent to residential districts. Although not immediately adjacent, it is appropriate to provide screening for the nearby residential neighborhood.

- Granting the variance will not adversely affect adjacent land in a material way, and

Explanation: The adjacent and nearby property owners support the request for variance.

- Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.

Explanation: The zoning ordinances indicate a preference for screening of commercial property adjacent to residential districts. Although not immediately adjacent, it is appropriate to provide screening for the nearby residential neighborhood if similar fence is constructed at the North Bryant location.

OFFICE USE ONLY

Case no.: ZBA 14 - 36

Date of application: 9/25

Fully-dimensioned site plan:

Nonrefundable fee:

\$225

Date paid: 9/25

Date to be heard by ZBA: 11/3

Received by: Kevin

Receipt Number: 234687

Ordinance section(s) from which variance(s) is/are requested: