

STAFF REPORT



Meeting: December 2, 2014

To: City Council

From: Patrick B. Howard, AICP
Director

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

Case: Z14-34

Request: Rezoning from Single-Family Residential (RS-1) to
Neighborhood Commercial (CN)

Location: 518 San Jacinto Street, located at the northeast corner of San
Jacinto Street and Monterrey Street

**Legal
Description:** Monterrey Addition, Block 4, Lot 13

Size: 0.16 acres

Caption: First Public Hearing and consideration of introduction of an
Ordinance amending Chapter 12, Exhibit "A" (Zoning
Ordinance) of the Code of Ordinances, City of San Angelo

Z14-34: Max Jacobs

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING

AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: **518 San Jacinto Street, located at the northeast corner of San Jacinto Street and Monterrey Street; more specifically occupying the Monterrey Addition, Block 4, Lot 13, in south San Angelo, a request for approval of a zone change from Single-Family Residential (RS-1) to Neighborhood Commercial (CN); PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY**

General Information

Future Land Use: Neighborhood Center

Zoning: Single-Family Residential (RS-1)

Existing Land Use: Vacant residential land

Surrounding Zoning / Land Use:

North:	Single-Family Residential (RS-1)	Mix of single-family residences and vacant residential lots
West:	Single-Family Residential (RS-1)	Mix of single-family residences and vacant residential lots
South:	General Commercial (CG)	Vacant commercial land
East:	Single-Family Residential (RS-1)	Vacant residential lots

District: CMD#3 – Johnny Silvas

Neighborhood: Rio Vista Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), San Jacinto Street and Monterrey Street are classified as local streets. A local street carries light neighborhood traffic at low speeds. This request appears to be consistent with the MTP, as no roads are being extended, widened, or proposed for abandonment in the immediate area.

Recommendation:

The Planning Division recommends **APPROVAL** of a Rezoning request for Neighborhood Commercial (CN).

On November 17, 2014, the Planning Commission recommended **APPROVAL** of the applicant's request for a Rezoning to CN by a unanimous 6–0 vote. The following is the complete excerpt of the minutes from the November 17, 2014, meeting for this case:

Planner Jeff Fisher introduced the application and project. He stated that CN would be consistent with the Comprehensive Plan and that Staff recommended approval. There were no questions from the Commissioners.

Public comment: Applicant Max Jacobs reminded Commissioners that the 5 lots to the east went through a zone change that will have its second reading the following day.

A motion was made by Commissioner Sammy Farmer to approve the Rezoning as requested by applicant to CN, seconded by Commissioner Teri Jackson. The motion to approve carried unanimously 6-0.

History and Background:

On October 20, 2014, the Planning Commission passed a unanimous motion 6-0 to recommend approval of a Zone Change from Single-Family Residential (RS-1) to Neighborhood Commercial (CN) for eighteen properties owned by the applicant in the Rio Vista Neighborhood of south San Angelo, bounded by Monterrey Street to the west, Avenue Y to the north, Ben Ficklin Road to the east, and San Jacinto Street to the south (Z14-32). On November 4, 2014, City Council approved the zone change on First Reading, and a final vote will take at the next City Council meeting of November 16, 2014.

The applicant is now submitting this request to rezone an additional property he has recently purchased, 518 San Jacinto Street, being Lot 13 of Block 4 of the Monterrey Addition from Single-Family Residential (RS-1) to Neighborhood Commercial (CN). This property would adjoin Lots 8-12 of Block 4 immediately to the east which were part of the previous rezoning Z14-32 and also requested to be rezoned to CN pending second reading from City Council.

Analysis:

Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request. The following analysis has been done for a proposed Rezoning to “Neighborhood Commercial.”

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

The subject property is designated “Neighborhood Center” in the Future Land Use (FLU) map of the Comprehensive Plan which supports a CN Zoning underlay. The Neighborhood Center policies in the Comprehensive Plan support “transition areas to better ‘scale-down’ intensity of use from commercial centers to neighborhoods.” As mentioned, the property would adjoin Lots 8-12 owned by the applicant immediately to the east adjacent to South Bryant Boulevard that are also proposed as CN. The properties immediately to the south are zoned General Commercial (CG), which is a heavier classification than Neighborhood Commercial (CN). Therefore, the CN zoning here would act as a transitional buffer between the higher intensity CG to the south and the lower intensity residential RS-1 zoning to the west and north.

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

The subject proposal would comply with all of the provisions of the CN Zone District. The minimum lot area in the CN Zone is 6,000 square feet and the property is 6,950 square feet. The CN Zone requires a minimum width of 50 feet and a minimum depth of 80 feet, and the property is 50 feet wide by 139 feet long. The CN district allows a wide range of commercial uses including offices, retail sales and service, and limited vehicle service, as well as community services and day cares. Given the lot is only 0.16 acres, requires a 25 foot building setback, and parking requirements for various uses, future commercial development would likely require the property be developed along with the applicant’s properties immediately to the east, Lots 8-12. Outdoor storage is strictly prohibited in the CN district, except for Type 1 storage which restricts outdoor display to 5 feet from a principal building wall. Section 509 of the Zoning Ordinance will require the erection of a 6-foot high opaque privacy fence along the west and north property lines abutting residential zoning districts.

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 area is zoned predominantly Single-Family Residential (RS-1) to the west and north. The CN zoning district would appear to provide an adequate buffer from the more intensive CG zoning to the south, and the less intense abutting RS-1 zoning to the west and north.

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

The subject property is zoned RS-1, is vacant, and is not presently being formally utilized. Given the large commercial area to the east and south, it appears that there are changing conditions and that this particular area is more suitable for commercial development than residential. However, being adjacent to a predominantly residential area to the north and west warrants a lower intensive commercial zone, and the CN district would appear to be appropriate in this regard.

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.*

CN zoning districts generally service local neighborhoods, limit outside storage to 5 feet from the building wall, and allow for a smaller Floor Area Ratio (FAR) of 0.6 than the more intensive CG zoning district at 2.0. Therefore, effects on the natural environment would appear to be minimal. Future commercial development will require building permits which would include a review of grading, drainage and stormwater runoff to further ensure there are no negative environmental impacts.

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

As previously mentioned, the property is presently vacant and not being formally utilized. There appears to be a community need for more low intensive commercial development given the higher intensive commercial zoning to the south and east, and also to service the residential neighborhood to the west and north.

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.*

South Bryant Boulevard is a Major Arterial Road which can accommodate large volumes of traffic, and it is expected that most of the commercial traffic would gain access to San Jacinto Street directly from South Bryant Boulevard, thereby minimizing impacts on the adjacent residential areas. Whereas the adjacent lots to the east are also in the process of being rezoned to CN, traffic generated by a future development would exit South Bryant Boulevard onto San Jacinto Boulevard and not cross through other lots with residential homes.

Notification:

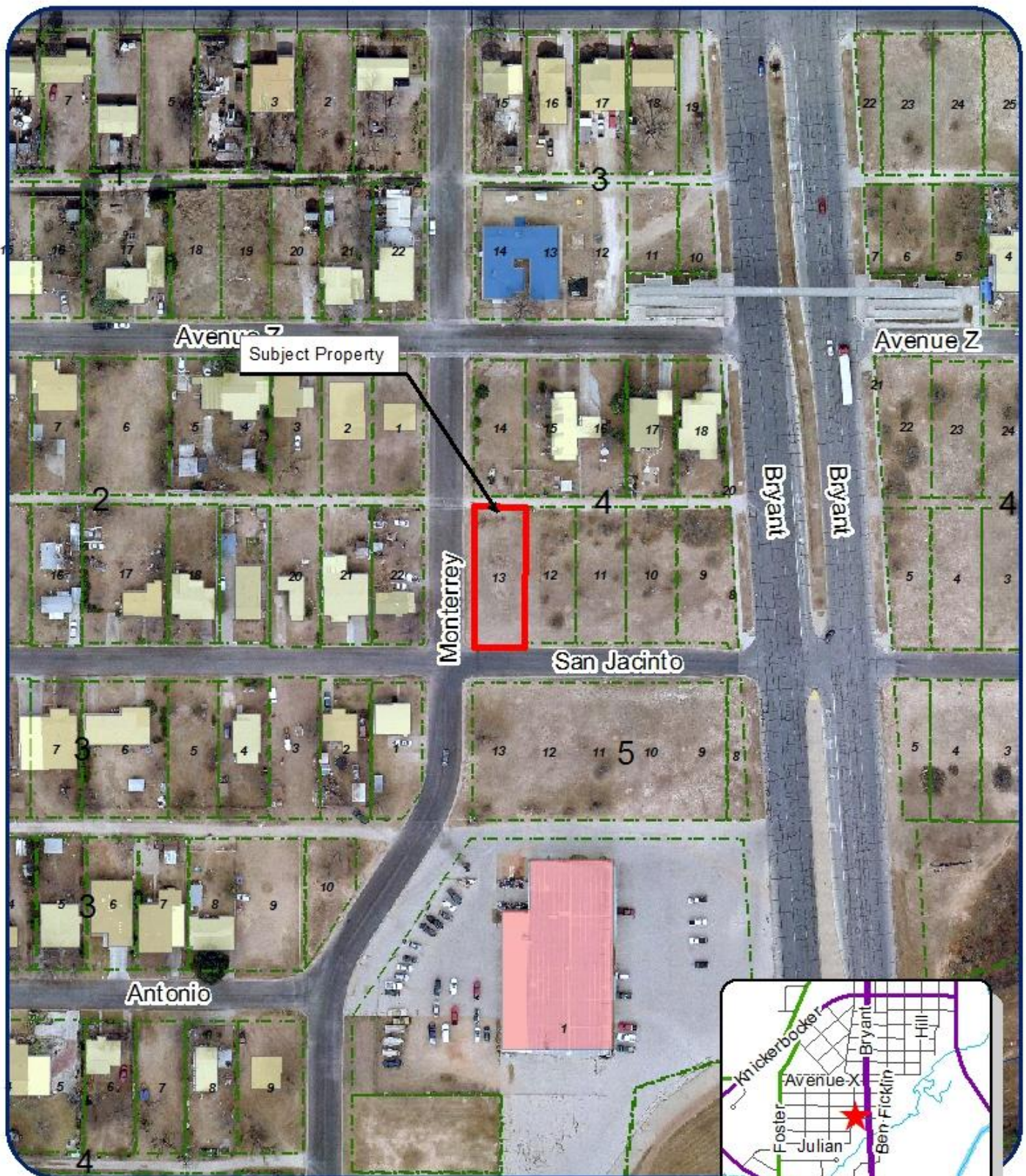
On November 7, 2014, 16 notifications were mailed out within a 200-foot radius of the subject site. As of November 21, 2014, there were 0 responses in favor and 0 responses in opposition of the request.

Action Requested:

The action requested is for City Council to **APPROVE** Case Z14-34 for a Rezoning to the **Neighborhood Commercial (CN)** zoning district.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
List of Individuals/Entities Notified
Draft Ordinance



Zoning Case File

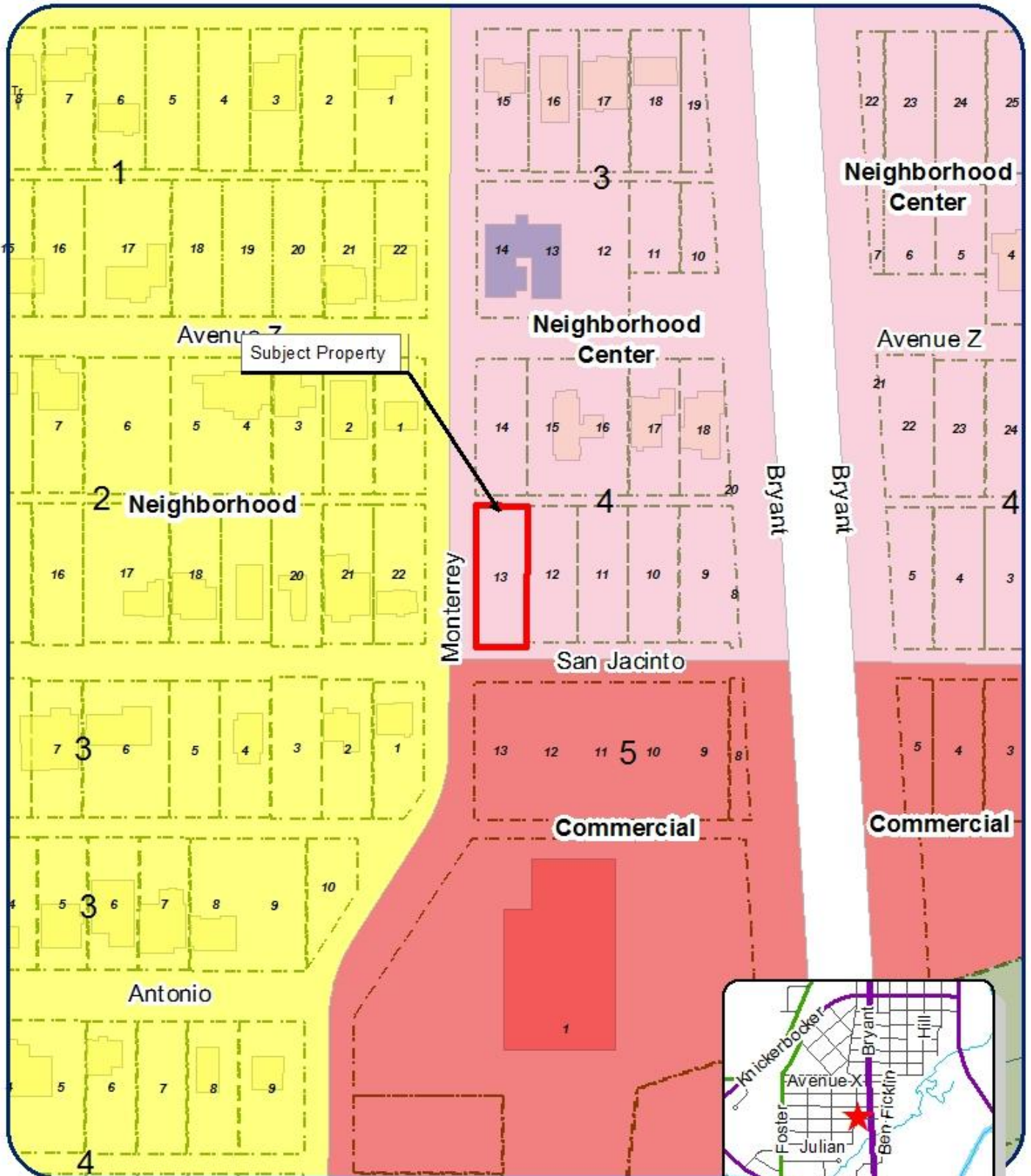
Case Z14-34: Jacobs

Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft
 Subject Property: 518 San Jacinto Street

Legend

- Subject Properties: █
- Current Zoning: █ RS-1
- Requested Zoning Change: █ CN
- Vision: █ Neighborhood Center





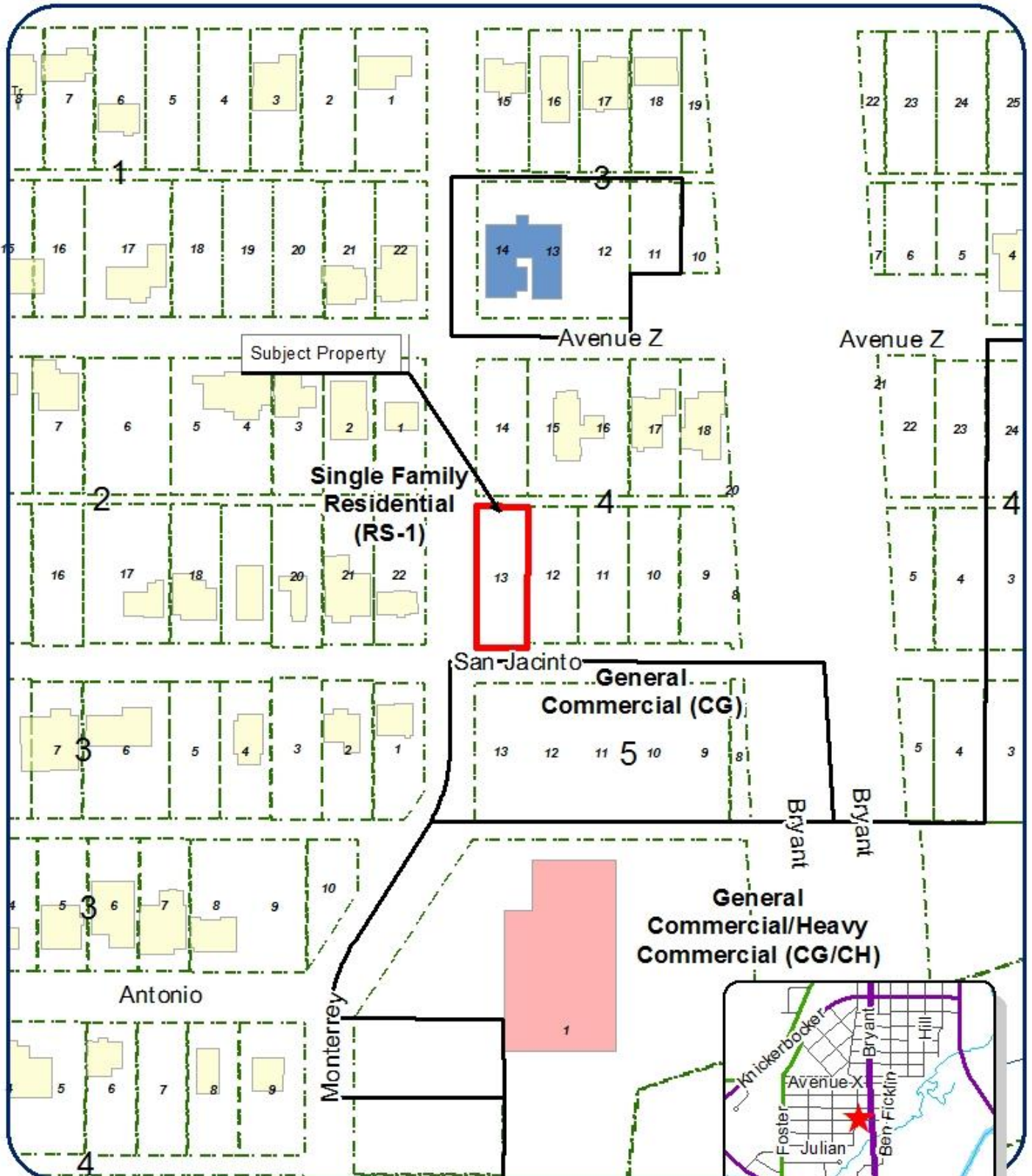
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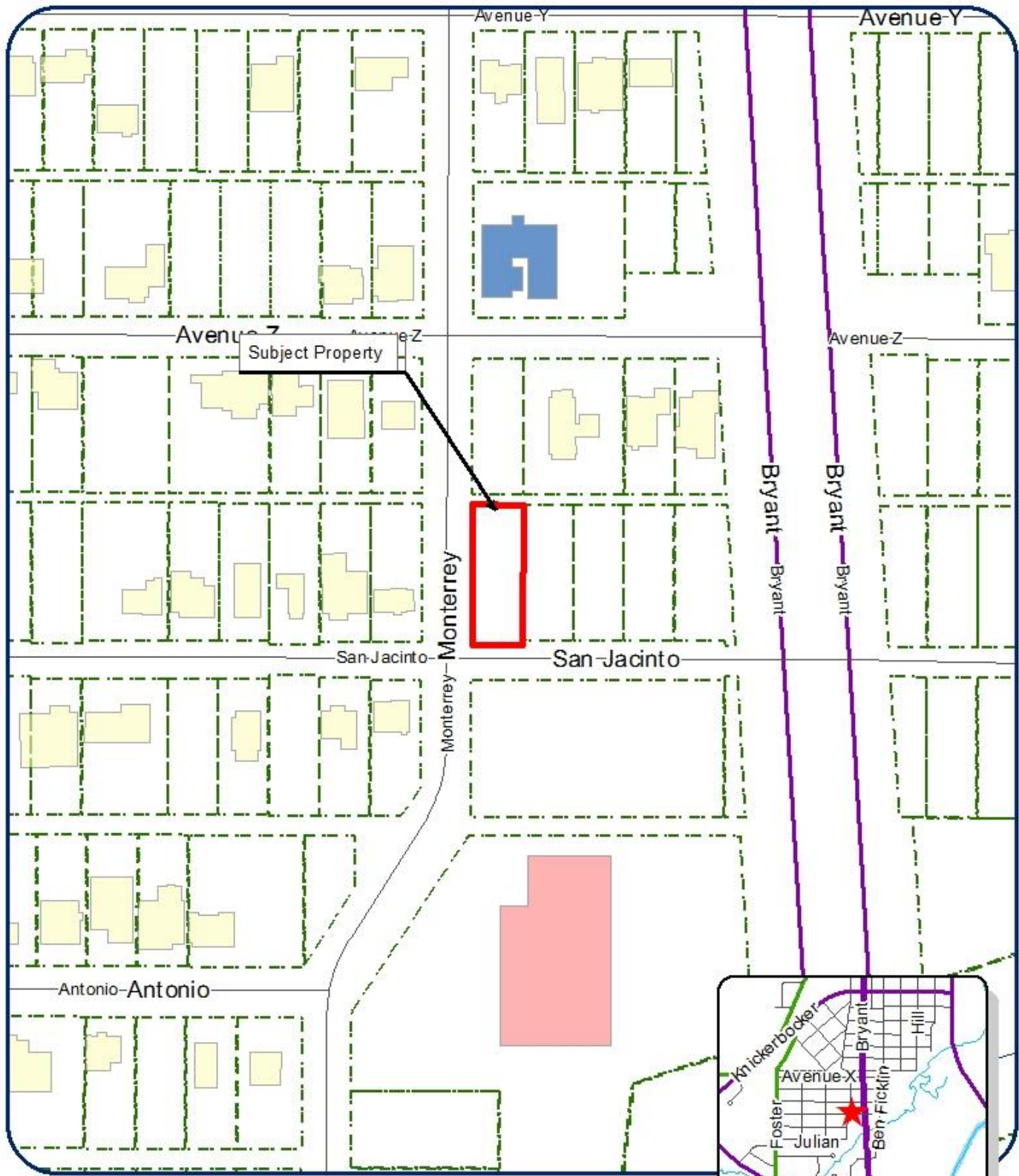
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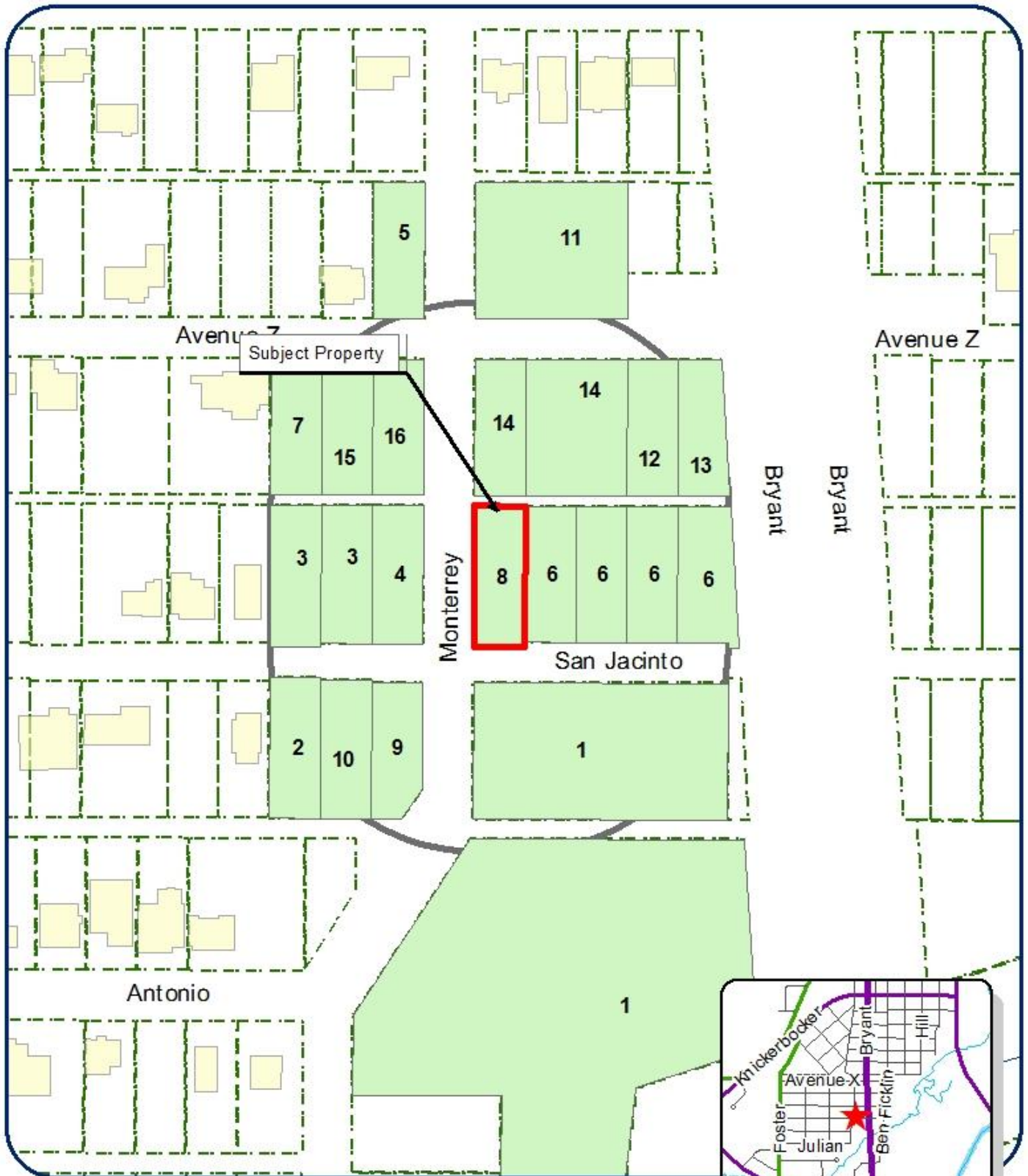




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Legend
 Subject Properties:
 Current Zoning: **RS-1**
 Requested Zoning Change: **CN**
 Vision: **Neighborhood Center**



LIST OF INDIVIDUALS / ENTITIES NOTIFIED

<p>3003 WORKHORSE LLC 3003 S BRYANT BLVD SAN ANGELO, TX 76903-9211</p>	<p>AREVALO JOSE NOE 614 SAN JACINTO SAN ANGELO, TX 76903-9227</p>	<p>ARROYO JOSE - DECEASED % MARY MARTHA ARROYO 606 SAN JACINTO ST SAN ANGELO, TX 76903-9227</p>
<p>ARROYO TORIBO - DECEASED YOLANDA GONZALES 602 SAN JACINTO SAN ANGELO, TX 76903-9227</p>	<p>DE LA GARZA LEANDRO SR 602 W AVENUEZ SAN ANGELO, TX 76903-9236</p>	<p>FRONTIER REAL ESTATE INVESTMENTS INC & CONN JOHN & 5102 BEN FICKLIN ROAD SAN ANGELO, TX 76904-9569</p>
<p>GARZA JUAN 1306 E 18TH ST SAN ANGELO, TX 76903-3202</p>	<p>GARZA JULIAN 615 W AVEZ SAN ANGELO, TX 76903-9235</p>	<p>GREER PARTNERS LLC PO BOX 61041 SAN ANGELO, TX 76906-1041</p>
<p>GUERRERO BLAS & ANDREA 605 SAN JACINTO SAN ANGELO, TX 76903-9226</p>	<p>HOUSE OF FAITH 321 MONTECITO SAN ANGELO, TX 76903-7340</p>	<p>LOPEZ DANIELA 501 W AVENUEZ SAN ANGELO, TX 76903-9233</p>
<p>LOPEZ JOHN G - DECEASED 437 W AVENUEZ SAN ANGELO, TX 76903-9031</p>	<p>MATA GUADALUPE A 1301 STATE ST SAN ANGELO, TX 76905-8035</p>	<p>NUNEZ VIRGINIA 805 W AVEZ SAN ANGELO, TX 76903-9239</p>
<p>VAN DUINEN CALEB & JAMI 601 W AVEZ SAN ANGELO, TX 76903-9235</p>		
		

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: **518 San Jacinto Street, located at the northeast corner of San Jacinto Street and Monterrey Street; more specifically occupying the Monterrey Addition, Block 4, Lot 13, in south San Angelo, a request for approval of a Rezoning from Single-Family Residential (RS-1) to Neighborhood Commercial (CN); PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY**

RE: Z14-34: Max Jacobs

WHEREAS, the Planning Commission for the City of San Angelo and the governing body for the City of San Angelo, in compliance with the charter and the state law with reference to zoning regulations and a zoning map, have given requisite notice by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners and persons interested, generally, and to persons situated in the affected area and in the vicinity thereof, is of the opinion that zoning changes should be made as set out herein; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: That the basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo on January 4, 2000 and included within Chapter 12 of the Code of Ordinances for the City of San Angelo, be and the same is hereby amended insofar as the property hereinafter set forth, and said ordinance generally and the zoning map shall be amended insofar as the property hereinafter described: **518 San Jacinto Street, located at the northeast corner of San Jacinto Street and Monterrey Street; more specifically occupying the Monterrey Addition, Block 4, Lot 13, in south San Angelo, a request for approval of a Rezoning from Single-Family Residential (RS-1) to Neighborhood Commercial (CN), shall henceforth be permanently zoned as follows: Neighborhood Commercial (CN) District.**

The Director of Planning is hereby directed to correct zoning district maps in the office of the Director of Planning, to reflect the herein described changes in zoning.

SECTION 2: That in all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 3: That the following severability clause is adopted with this amendment:

SEVERABILITY:

The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 4: That the following penalty clause is adopted with this amendment:

PENALTY:

Any person who violates any provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided for in Section 1.106 of the Code of Ordinances for the City of San Angelo. Each day of such violation shall constitute a separate offense.

INTRODUCED on the **2nd day of December, 2014** and finally PASSED, APPROVED AND ADOPTED on this the **16th day of December, 2014**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, Interim City Clerk

Approved As To Content:

Approved As To Form:

Patrick Howard, AICP, Director

Lysia H. Bowling, City Attorney