

# 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:** Z14-36

**Request:** Rezoning from General Commercial (CG) to Low Rise Multifamily Residential (RM-1)

**Location:** 5205 South Bryant Boulevard, located at the southwest corner of the South Bryant Boulevard and Kimrey Lane

**Legal Description:** Windwood Subdivision, Section 1, Block 1, Lot 1

**Size:** 0.915 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

## **Z14-36: Eric von Rosenberg**

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: **5205 South Bryant Boulevard, located at the southwest corner of the South Bryant Boulevard and Kimrey Lane; more specifically occupying the Windwood Subdivision, Section 1, Block 1, Lot 1, in southeast San Angelo, a request for approval of a zone change from General Commercial (CG) to Low Rise Multifamily Residential (RM-1); PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY**

**General Information**

Future Land Use: Neighborhood Center

Zoning: General Commercial (CG)

Existing Land Use: Vacant land

Surrounding Zoning / Land Use:

North:	Planned Development (PD 06-05)	Mosaic day care, offices and therapeutic horse riding
West:	Zero Lot Line, Twinhome and Townhome Residential (RS-3)	Zero Lot Line dwellings
South:	Low Rise Multifamily Residential (RM-1)	Single-family dwellings
East:	Heavy Commercial (CH), Ranch and Estate (R&E)	Trailer storage, Hosanna Church

District: CMD#1 – Rodney Fleming

Neighborhood: Glenmore Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), South Bryant Boulevard is identified as an arterial street. An arterial street connects collector streets to freeways and other arterials carrying large volumes of traffic at high speeds, access is secondary and mobility is the primary function of these streets. Kimrey Lane is classified as a local

street. 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 Low Rise Multifamily Residential (RM-1).

On November 17, 2014, the Planning Commission recommended **APPROVAL** of the applicant's request for a Rezoning to RM-1 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. The applicant is proposing a zone change from General Commercial to Low Rise Multi Family. Staff is recommending approval.

The meeting was opened for public comment: There was no public comment. There were no questions or comments made by the Commissioners.

Motion made by Commissioner Valerie Priess to approve Rezoning as requested to RM-1, seconded by Commissioner Teri Jackson. Motion to approve carried unanimously 6-0.

**History and Background:**

On October 20, 2014, the applicant met with Planning Staff in a pre-consultation meeting to consider development on the subject property, 5205 South Bryant Boulevard. Although the present zoning on the property is General Commercial (CG), the applicant was interested in building multi-family dwellings on the subject property and considered Rezoning the property to a more suitable zone category that would allow this type of development and, more importantly, be consistent with surrounding zoning designations.

On October 21, 2014, the applicant submitted an application for a Rezoning from General Commercial (CG) to Low Rise Multifamily Residential (RM-1) to allow for the construction of multi-family dwelling units on the property. Included in the application was a preliminary Site Plan and building elevations for 11 multi-family dwelling units on the 0.915-acre property. The dwelling units are proposed to be rentals, be

managed by the applicant himself, and will look like townhomes from the outside while being located on one single lot. The applicant is proposing surface parking which would be located at the center of the property. The preliminary elevations show the buildings with a combination of limestone veneer and siding. Should this Rezoning request be approved, the applicant will be required to submit for an Urban Design Review as required by Section 204.B.b. of the Zoning Ordinance for multi-family use on a single tract of land, showing final building elevations, colors, materials, lighting, fencing, landscaping and any other design features as determined by Planning Staff.

The subject property is located entirely within the Windwood Subdivision, Section 1 which was filed and recorded at the Tom Green County Clerks Office on December 17, 2007.

### **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" on the Future Land Use (FLU) map of the City's Comprehensive Plan. Neighborhood Centers support establishing "transition areas to better 'scale-down' intensity of use from commercial centers to neighborhoods." The subject property is surrounded by Commercial FLU designations to the north, east, and south and existing residential neighborhood to the west. Therefore, a low rise multi-family residential (RM-1) zoning in this area appears to be compatible with this policy as it would act as a transition between the higher intensity commercial designations and the lower intensity neighborhood designation to the west. The lots immediately to the west are zero lot line homes zoned RS-3, and the lots immediately south are single family homes in an RM-1 zone. Rezoning to an RM-1 on this property for multifamily housing would provide for a more cohesive transition between the Mosaic office and day care to the north, the commercial trailer storage and church on the east side of South Bryant Boulevard, the zero lot line homes to the west and the single family homes to the south. The Neighborhood Center designation also calls for "necessary infill and densification." This request for multifamily housing on a vacant lot next to South Bryant Boulevard would be providing necessary infill and densification, while still being in keeping with the lower density neighborhood to the west and south.

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 RM-1 Zone District including minimum lot area, minimum lot dimensions, and maximum floor area ratio, height and density. The proposed total floor area of all buildings is 9,424 square feet and the total lot area is 0.915 acres or 39, 204 square feet, for a floor area ratio (FAR) of only 0.24 whereas the Zoning Ordinance allows a FAR of 0.75 in an RM-1 Zone. The maximum density allowed on this property would be 23 units. The applicant is proposing 11 units, only 47% of what would be allowed. The site's required setbacks are 25 feet from the front property line at the South Bryant Boulevard Frontage Road, 10 feet from the side property lines to the north and south, and 20 feet from the rear property line to the west. The final site plan would have to delineate these setbacks and ensure future buildings meet these setbacks. There are 28 surface parking spaces delineated on the site, of which 18 spaces are required (9 spaces for the 6, 1-bedroom units at 1.75 per unit and 9 spaces for the 5, 2-bedroom units at 1.5 per unit). Therefore, the proposal complies with the parking standards of the 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.*

As indicated, the surrounding area to the north, east, and south is commercial which contains a mix of uses ranging from commercial storage to day cares, offices, and churches. The area to the immediate west and south is low density residential. The proposed one-story multifamily residential dwellings, which will look like townhomes from the outside, would blend into the surrounding area, being of a similar scale to the zero lot-line homes to the west and less intense than the commercial properties near the property.

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

The property remains vacant and is surrounded by commercial designations to the north, east, and further south. On August 21, 2012, City Council approved a Zone Change for the same type of request from a General Commercial (CG) to a Low Rise Multifamily (RM-1) on the property immediately south, 5221 South Bryant Boulevard (Z12-08), and the Planning Commission had also recommended approval at its meeting on July 16, 2012, by a vote of 6-0. Planning Staff recommended the change given its close proximity to South Bryant Boulevard, making it more conducive to more intense development and to act as a transition and increase synergy between the commercial areas to the south. This property appears to have the same changing conditions. With the large

amount of commercially-designated property in the area, and provided there is existing low density housing adjacent to the property, this property appears to be suitable for multifamily residential development.

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.*

As mentioned previously, the proposal would build out 47% of what would be permitted under the zoning district – tantamount to 11 units instead of 23 units. Any grading, drainage and stormwater issues would be reviewed by Engineering Staff at the building permit stage. During a site visit on Wednesday, November 12, 2014, Planning Staff noted a warning sign “Gas Pipeline Atmos Energy” near the northeast portion of the property. Staff has subsequently communicated to the applicant that he is responsible for ensuring compliance with any requirements from Atmos Energy prior to construction.

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

There appears to be a community need given that the City continues to grow with the recent oil boom and multifamily housing at this location abutting a major arterial road would provide additional rental housing. At the same time, it would be low intensity and essentially be rental one-story townhomes keeping with the low density character of this 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.*

South Bryant Boulevard is a major arterial road which can accommodate large volumes of traffic, so there would appear to be no negative impacts on surrounding properties as a result of the 11 additional housing units.

### **Notification:**

On November 7, 2014, eight (8) 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 Z14-36 for a Rezoning to the Low Rise Multifamily Residential (RM-1) zoning district.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Major Thoroughfare Map  
Notification Map  
List of Individuals/Entities Notified  
Site Concept Plan with Elevations  
Floor Plan with Elevations  
Draft Ordinance





**Zoning Case File**

**Case Z14-36: von Rosenberg**

Council District: Rodney Fleming

Neighborhood: Glenmore

Scale: 1" approx. = 200 ft

Subject Property: 5205 S. Bryant Blvd.

**Legend**

Subject Properties: —

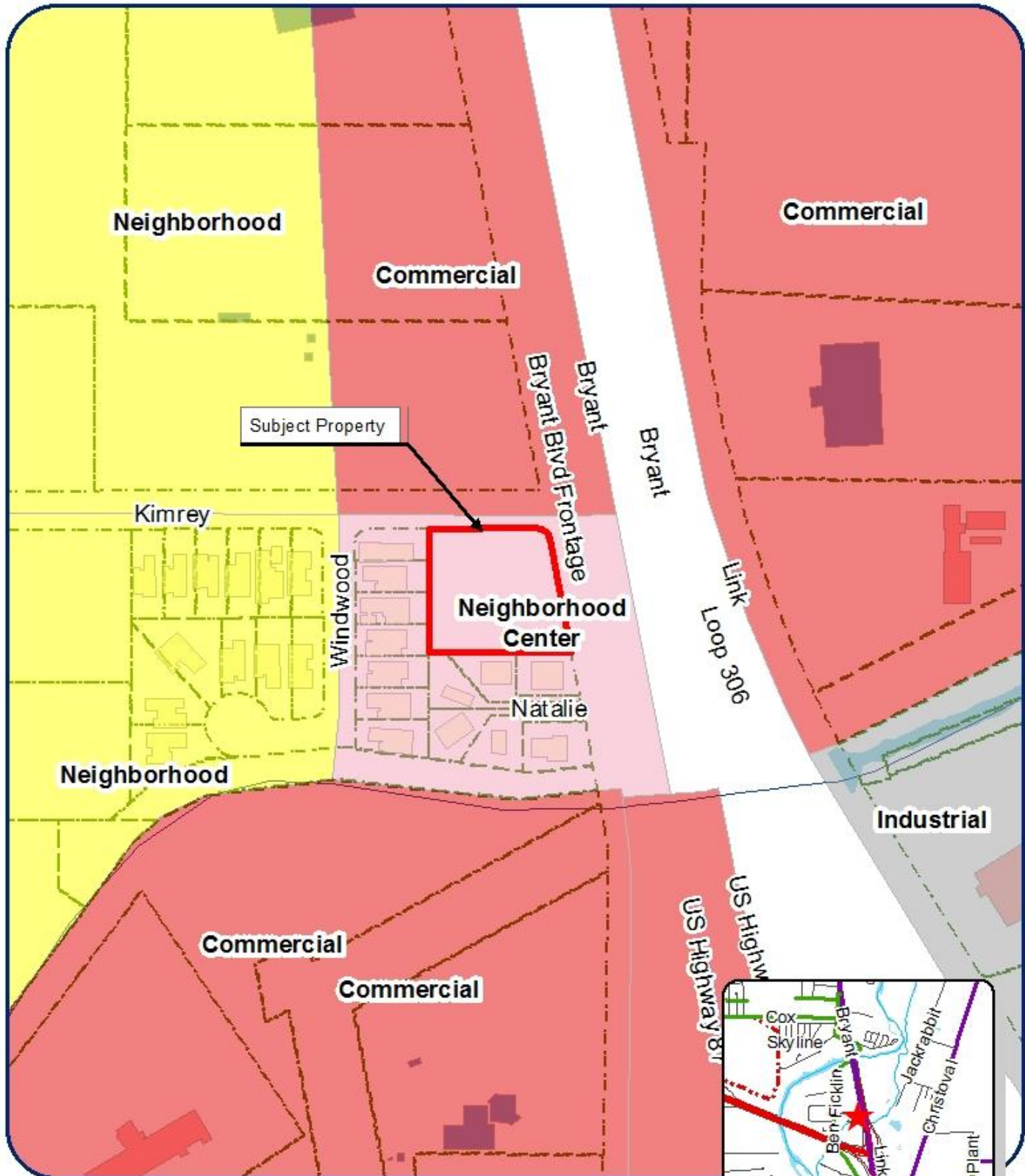
Current Zoning: **CG**

Requested Zoning Change: **RM-1**

Vision: **Neighborhood Center**







**Zoning Case File**

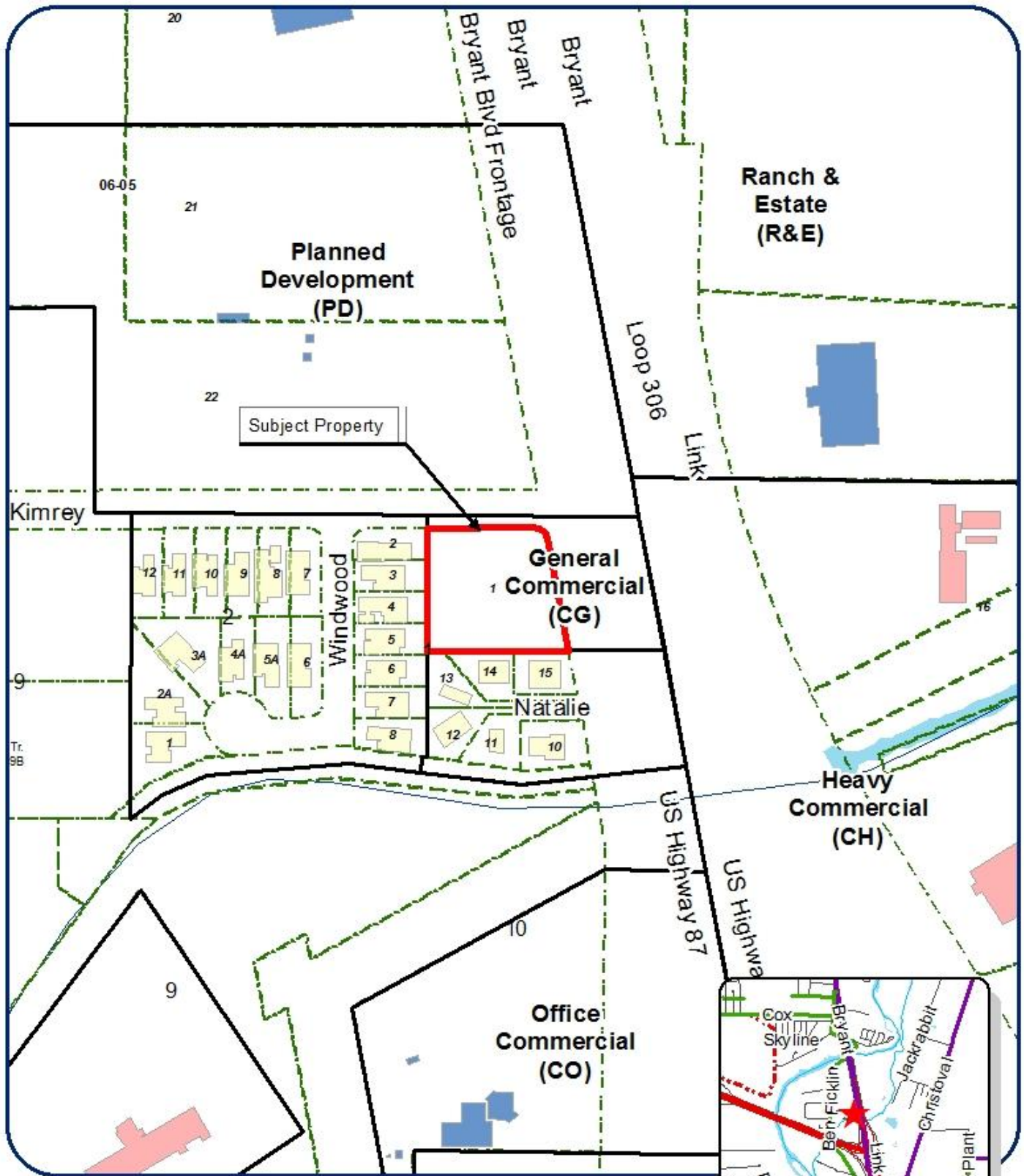
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Council District: Rodney Fleming  
 Neighborhood: Glenmore  
 Scale: 1" approx. = 200 ft  
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**Legend**

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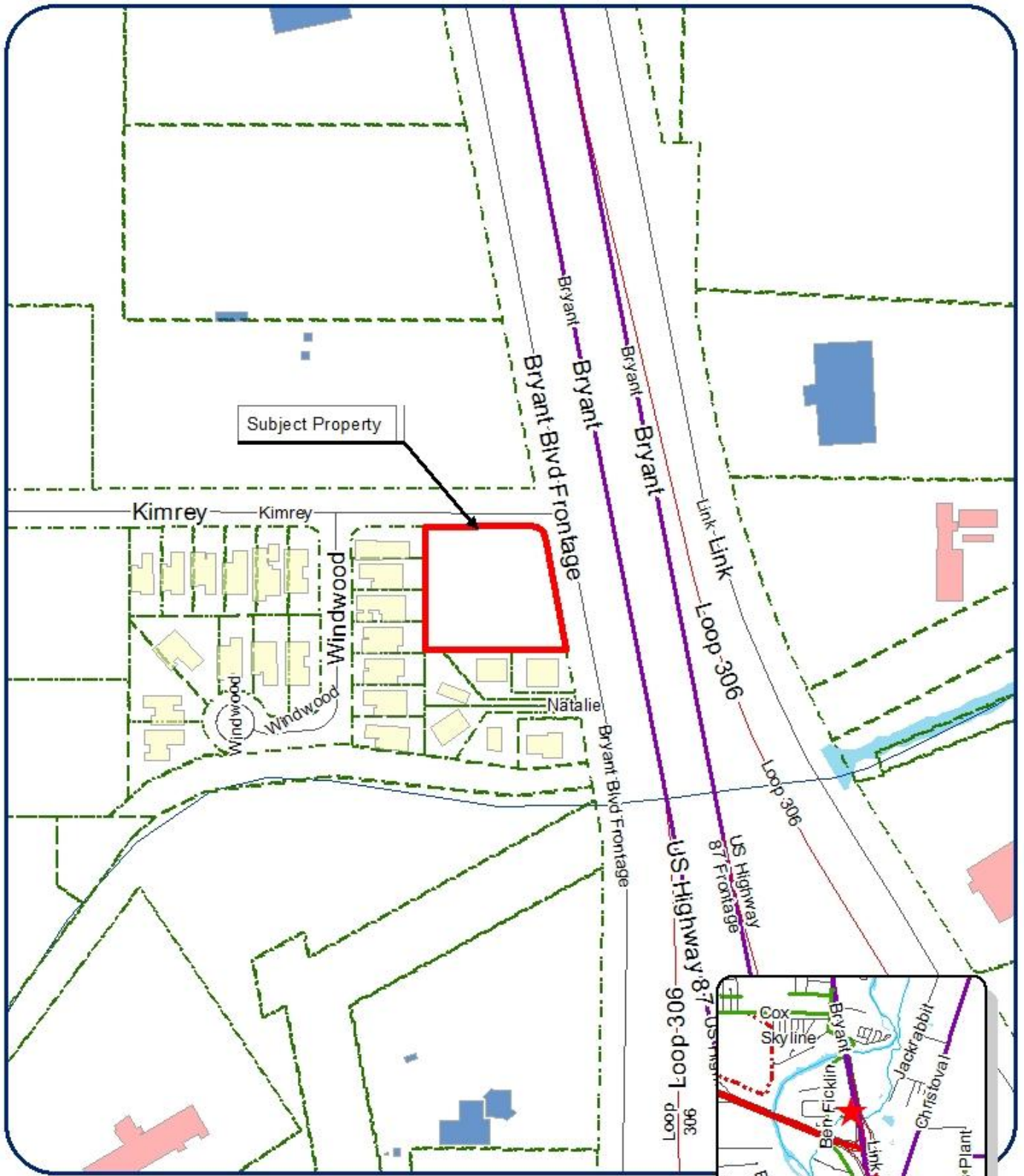
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 Council District: Rodney Fleming  
 Neighborhood: Glenmore  
 Scale: 1" approx. = 200 ft  
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**Legend**  
 Subject Properties: —  
 Current Zoning: CG  
 Requested Zoning Change: RM-1  
 Vision: Neighborhood Center

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**Zoning Case File**

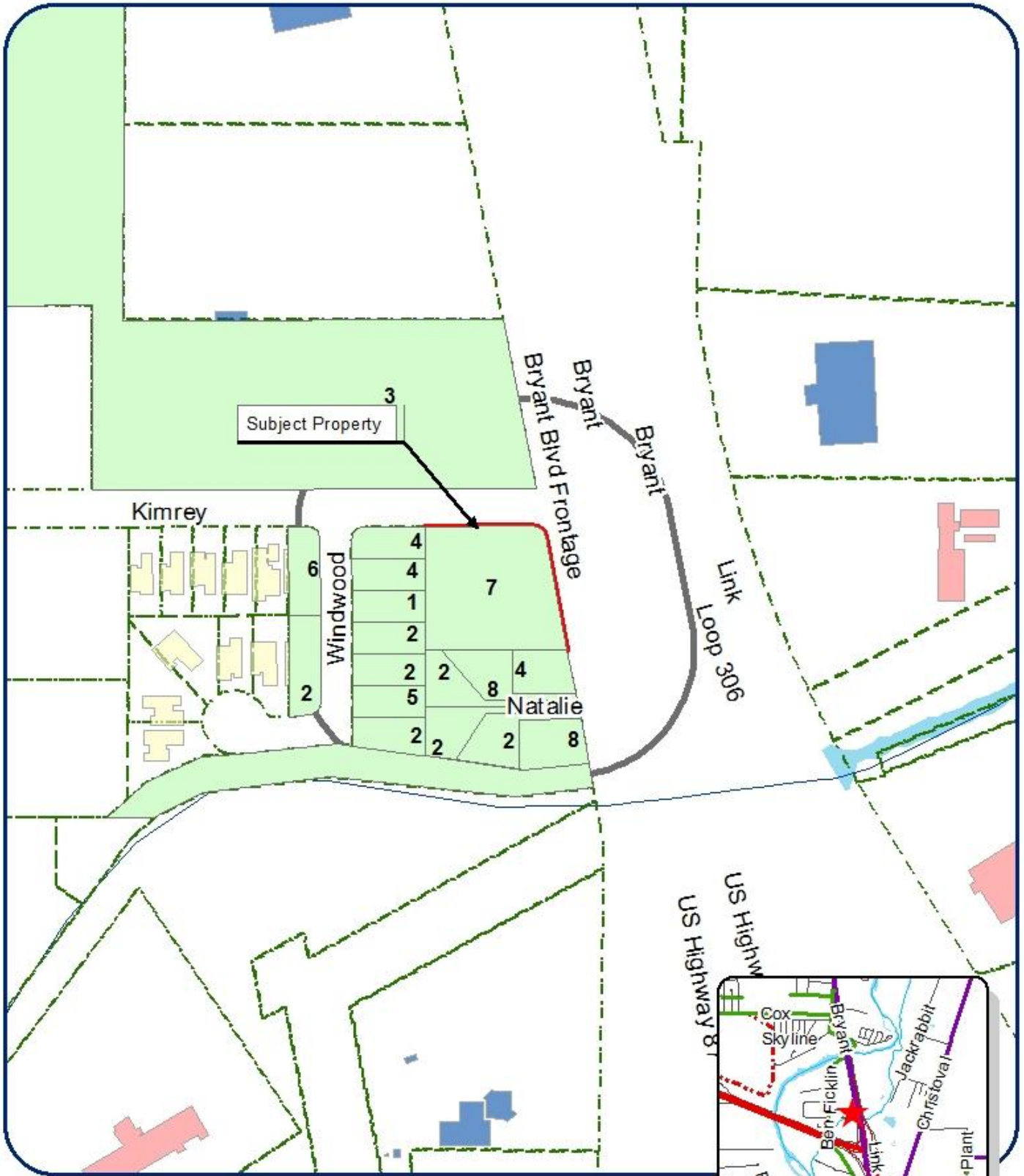
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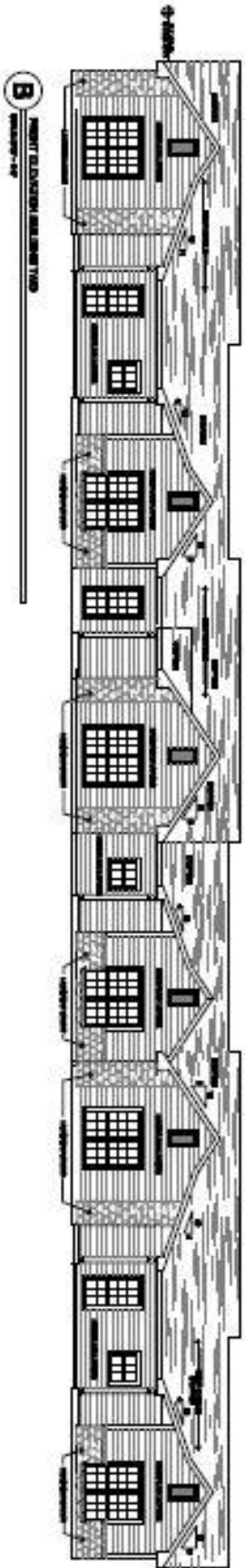


# LIST OF INDIVIDUALS / ENTITIES NOTIFIED

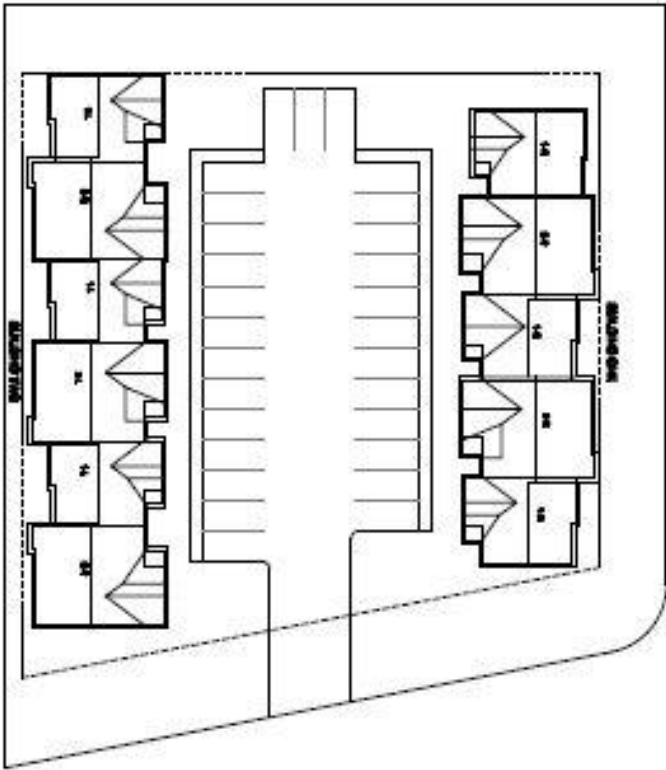
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<p>DRAGT GERRITE &amp; BRANDIE A 685 W RATLIFF RD SAN ANGELO, TX 76904-4125</p>	<p>GJR SERVICES PO BOX D SHERIDAN, WY 82801-0061</p>	<p>GOINES TIMOTHY M &amp; ASHLEA 1601 KIMREY LN SAN ANGELO, TX 76904-0500</p>
<p>PFLUGER R CLARK 704 S PARK SAN ANGELO, TX 76901-4562</p>	<p>PUCKITT LEE W &amp; SANDRA P 1002 S KOENIGHEIM SUITE C SAN ANGELO, TX 76903-7352</p>	

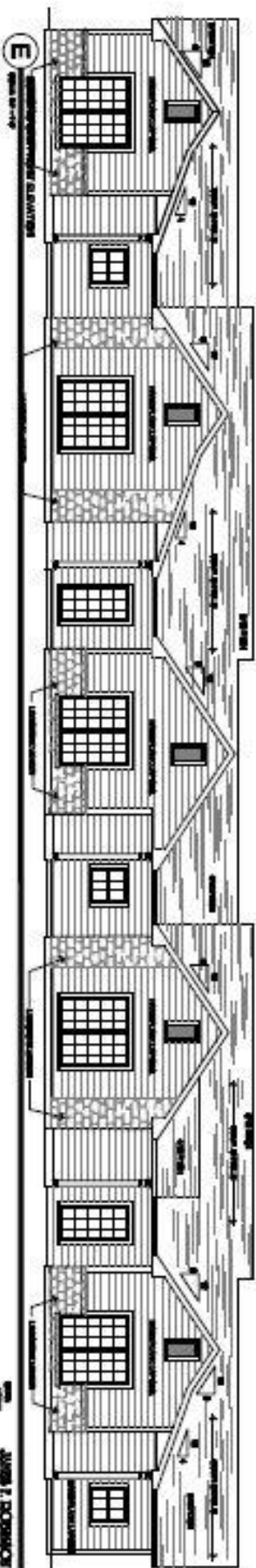


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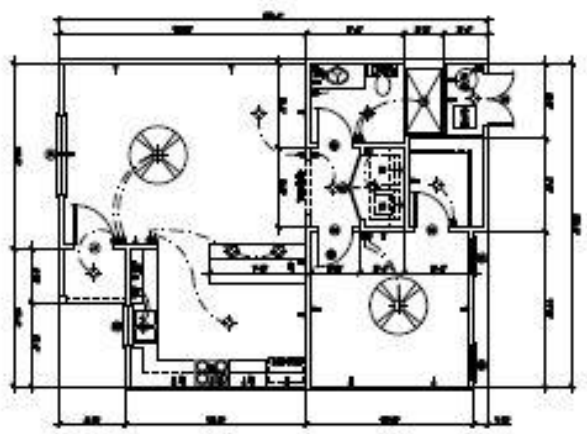
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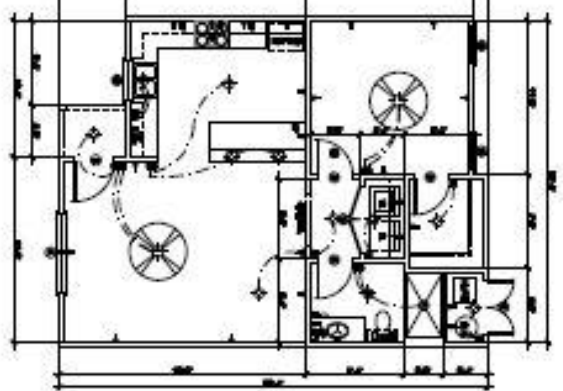
**DOOR & WINDOW SYMBOLS**

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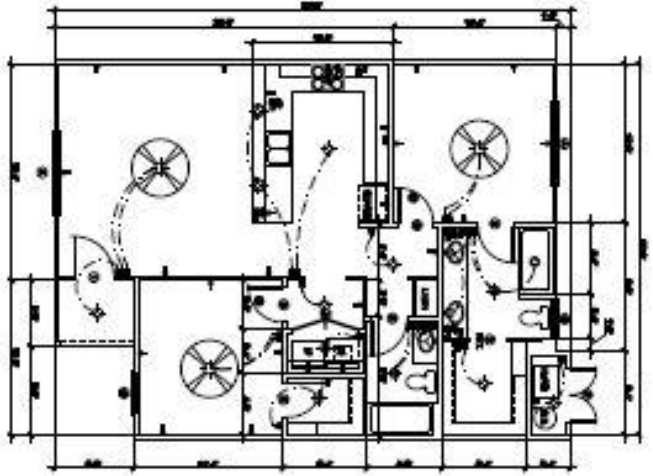
**A** 1ST FLOOR PLAN 1-R 24'0" x 36'0"



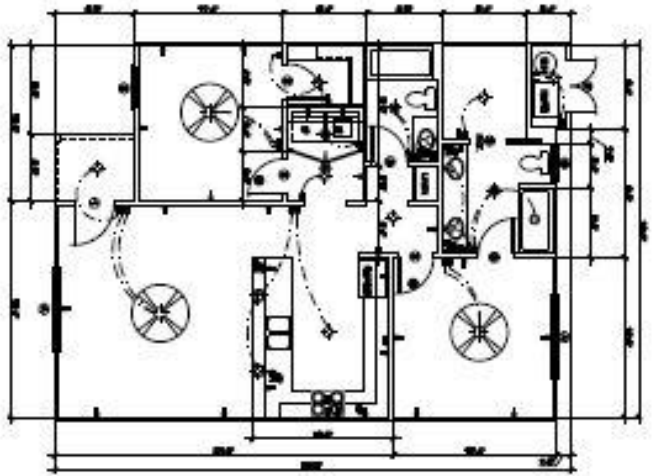
**B** 1ST FLOOR PLAN 1-L 24'0" x 36'0"



**C** 2ND FLOOR PLAN 2-R 48'0" x 36'0"



**D** 2ND FLOOR PLAN 2-L 48'0" x 36'0"



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: **5205 South Bryant Boulevard, located at the southwest corner of the South Bryant Boulevard and Kimrey Lane; more specifically occupying the Windwood Subdivision, Section 1, Block 1, Lot 1, in southeast San Angelo, a request for approval of a zone change from General Commercial (CG) to Low Rise Multifamily Residential (RM-1); PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY**

RE: Z14-36: Eric von Rosenberg

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: **5205 South Bryant Boulevard, located at the southwest corner of the South Bryant Boulevard and Kimrey Lane; more specifically occupying the Windwood Subdivision, Section 1, Block 1, Lot 1, in southeast San Angelo, a request for approval of a zone change from General Commercial (CG) to Low Rise Multifamily Residential (RM-1), shall henceforth be permanently zoned as follows: Low Rise Multifamily Residential (RM-1) 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