

STAFF REPORT



Meeting Date: December 2, 2014

To: City Council members

From: Patrick Howard, AICP
Planning & Development Services Director

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

Case: VP14-05

Request: Comprehensive Plan (aka Vision Plan) Amendment VP14-05 in the name of Christ Evangelical Lutheran Church for a proposed amendment to the 2009 Update of the Comprehensive Plan from Neighborhood to Neighborhood Center

Location: 3417 Sherwood Way, located at the southeast corner of Sherwood Way Service Road and Diana Lane

Legal Description: Clar-Mor Heights Addition, Block 1, Lot 11 and part of the adjacent alley; and three (3) unaddressed tracts at the southwest corner of Sherwood Way Service Road and Moritz Circle, more specifically occupying the Clar-Mor Heights Addition, Block 1, Lots 1-3 and part of the adjacent alley

Size: 1.665 acres

Caption: CONSIDERATION OF APPROVING AN AMENDMENT TO VISION PLAN COMPONENT OF THE SAN ANGELO COMPREHENSIVE PLAN UPDATE ADOPTED IN 2009, SPECIFICIALLY AN APPROXIMATELY 1.665 ACRE TRACT LOCATED IN THE SOUTHWEST CORNER OF THE INTERSECTION OF SHERWOOD WAY SERVICE ROAD AND MORITZ CIRCLE, MORE

SPECIFICALLY OCCUPYING THE CLAR-MOR ADDITION, BLOCK 1, LOTS 1-3 AND 11, AND THE ADJACENT ALLEY, BRYANT BOULEVARD AND BEN FICKLIN ROAD, IN WESTERN SAN ANGELO.

General Information

Future Land Use: Neighborhood

Zoning: Single-Family Residential (RS-1)

Existing Land Use: Lot 11 and Alley: C.E. Lutheran Church
 Lots 1-3: Vacant Land

Surrounding Future Land Use Map/ Current Land Use:

North:	Neighborhood Center	Kozy Kitchen, Olive’s Nursery, Cactus Car Wash
West:	Neighborhood	Single family dwellings
South:	Neighborhood	Single family dwellings, vacant residential land
East:	Neighborhood Center	Sonic, HEB, Dollar Tree retail plaza

District: CMD#5 – Elizabeth Grindstaff

Neighborhood: ASU – College Hills

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), the Sherwood Way Service Road, Diana Lane, and Moritz Circle are classified as local streets. A local street carries light neighborhood traffic at low speeds. The MTP lists Moritz Circle, Diana Road, and Sherwood Way Frontage Road as existing streets to have a minimum paving width of 36 feet and a minimum right-of-way width of 50 feet. Diana Road is approximately 30 feet wide and the Sherwood Way Service Road is approximately 32 feet. Should the applicant be required to replat the subject properties, a dedication of half of the required right-of-ways along Diana Road of approximately 3 feet and along the Sherwood Way Service Road of approximately 2 feet shall be required.

Recommendation: Planning staff recommends APPROVAL of the proposed Comprehensive Plan (aka Vision Plan) Amendment to Neighborhood Center.

The Planning Commission recommended APPROVAL of this request by a 6–0 vote, on November 17, 2014. 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 the request. Staff recommends approval for a Rezoning to Office Commercial, as opposed to General Commercial.

Public Comment: Glinda Martindale, realtor. Asked for clarification regarding neighborhood center vs. office commercial vs. just neighborhood/residential.

Planning Manager Rebeca Guerra explained the zoning change process and clarified the neighborhood center zoning district.

The Planning Commission opened up for discussion. Some concerns were raised on the land use change to something more intense than Neighborhood. Ms. Guerra discussed the future land use and zoning process change steps.

Motion made to approve by Commissioner Teri Jackson, seconded by Commissioner Heidi Brooks. Motion to approve carried unanimously 6-0.

History and Background:

The subject land comprises 1.665 acres and is currently designated “Neighborhood” on the Future Land Use (FLU) Map with a Single-Family Residential (RS-1) zoning underlay. It is currently owned by the Christ Evangelical Lutheran Church and is within the Clar-Mor Heights Addition Subdivision which was filed for record by the Tom Green County Clerk on February 24, 1956. The existing church is located on Lot 11 next to the alley. Lots 1-3 located immediately east of the alley are presently vacant. Lots 1-3 have remained vacant for years and now the church plans to sell its entire holdings which include all of Lots 1-3, Lot 11, and the portion of the alley adjacent to the lots.

On October 7, 2014, the applicant submitted a request to amend the Comprehensive Plan from a FLU designation of “Neighborhood” (a residential designation) to “Neighborhood Center” in order to allow for potential commercial development. The applicant representing the church did not provide any anticipated land uses, but mentioned the church was considering retail commercial uses in order to maximize the potential use of the land. This action would also require a Rezoning application. On October 14, 2014, the applicant submitted an associated Rezoning application (Z14-33) on the properties from “Single-Family Residential” to “Neighborhood Commercial (CN),” one possible underlay zone district of a Neighborhood Center Future Land Use.

After further review and several site visits to the property, Planning Staff communicated via telephone and e-mail with the applicant on November 7, 2014, that it could support the Vision Plan Amendment to “Neighborhood Center,” but not the Rezoning to a Neighborhood Commercial (CN) given that three of the lots front onto Moritz Circle, a local road intended for residential traffic, and that all of the lots are part of the Clar-Mor residential subdivision which were never intended or planned for commercial uses. It was communicated that Staff will be recommending the alternate zoning category of “Office Commercial (CO)” with the primary use as professional offices, which would appear to be more suitable given that the properties immediately abut single family dwellings and the area was intended for residential. The CO zone would appear to provide a more suitable transition between the more intense retail commercial to the east and north and the residential neighborhood to the west and south.

Analysis:

From a land use perspective, a Neighborhood Center designation appears to be appropriate in this area. The other 3 quadrants formed by the intersection of Sherwood Way and West Avenue N are already designated Neighborhood Center. Most of the development to the north and east is retail commercial, which includes Kozy Kitchen, Olive’s Nursery and Cactus Car Wash to the north, and the Dollar Tree plaza and HEB grocery store to the east. What appears to be underrepresented is the availability of professional offices in the area. An underlying Office Commercial (CO) zone district at this location would provide needed office space for the surrounding residential community and provide a transitional buffer between the existing residential neighborhood to the south and west, and the more intense retail commercial area to the north and east.

Several zoning districts exist in the area. Furthermore, the Future Land Use designation of “Neighborhood Center” appears to be compatible with the Neighborhood Commercial (CN) and while these 4 lots are designated “Neighborhood” in the Future Land Use Plan and zoned Single-Family Residential (RS-1), given the close proximity to Sherwood Way, the lots appear trending towards low intensity, localized nonresidential development. However, “retail commercial” would not be appropriate given that the properties immediately back onto residential lots. Also, a site visit on November 12, 2014, shows an example of a retail commercial plaza, the Dollar Tree plaza, across Moritz Circle facing the site with large garbage dumpsters outside. Even if these dumpsters were screened, the increased traffic, noise and smell from such uses would not be appropriate next to existing residential lots. Alternatively, an office commercial zone district would prohibit outside storage to within 5 feet of the building wall, and the permitted uses would be mainly offices and clean, less intense uses.

The Neighborhood Center policies in the Comprehensive Plan “promote a mix of uses at key intersections to encourage the necessary infill, densification and walkability necessary” and support “establishing transition areas to better “scale-down” intensity of use from commercial centers to neighborhoods.” The subject lands are located

immediately between a residential neighborhood and commercial centers and therefore a lower intensity commercial for offices would appear to be suitable in this location and would provide infill development at a smaller scale than general or heavy commercial. In addition, the properties front onto Sherwood Way, a major arterial road, which can accommodate larger volumes of traffic and would keep traffic off of residential streets.

Notification:

On November 7, 2014, 19 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 1 response in opposition of the request.

Action Requested:

The action requested is for City Council to **APPROVE** the proposed Comprehensive Plan (aka Vision Plan) Amendment VP14-05 from Neighborhood to **Neighborhood Center**.

Attachments: Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
List of Individuals/Entities Notified
Response Letters



Subject Properties

Vision Plan Case File

Case VP14-05: C.E. Lutheran Church

Council District: Elizabeth Grindstaff

Neighborhood: ASU - College Hills

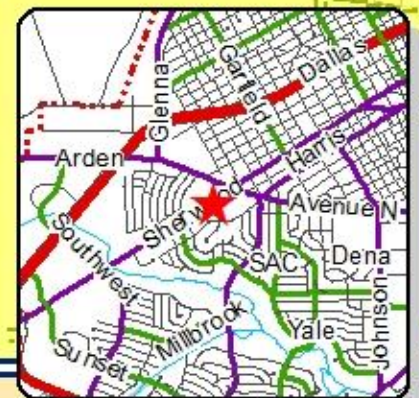
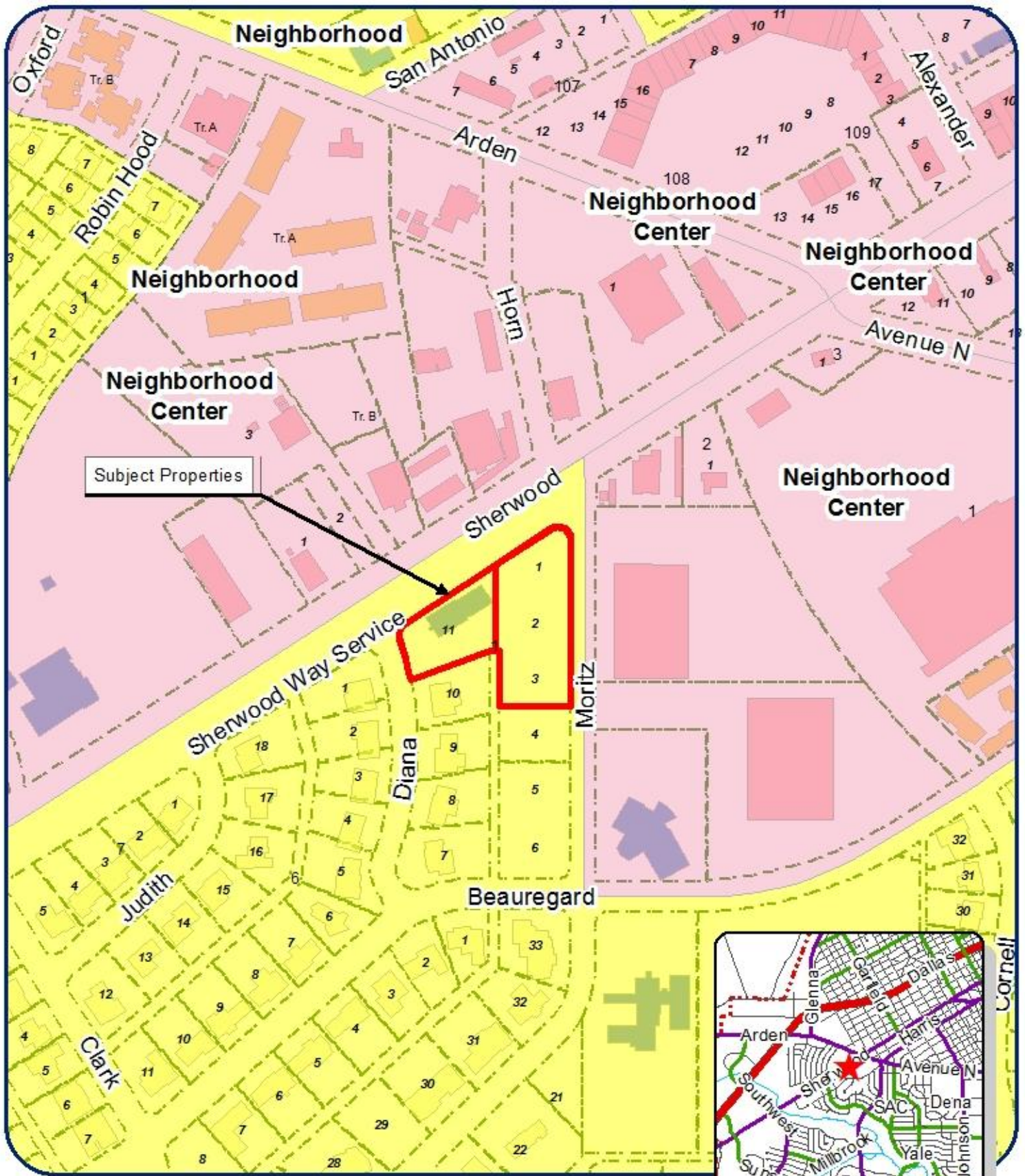
Scale: 1" approx. = 250 ft

Subject Property: SW Corner of Sherwood Way Service Rd/Moritz Circle

Legend

- Subject Properties: █
- Current Designation: **Neighborhood**
- Requested Vision Plan Designation: **Neighborhood Center**
- Current Zoning: **RS-1**





Vision Plan Case File

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Neighborhood: ASU - College Hills

Scale: 1" approx. = 250 ft

Subject Property: SW Corner of Sherwood Way Service Rd/Moritz Circle

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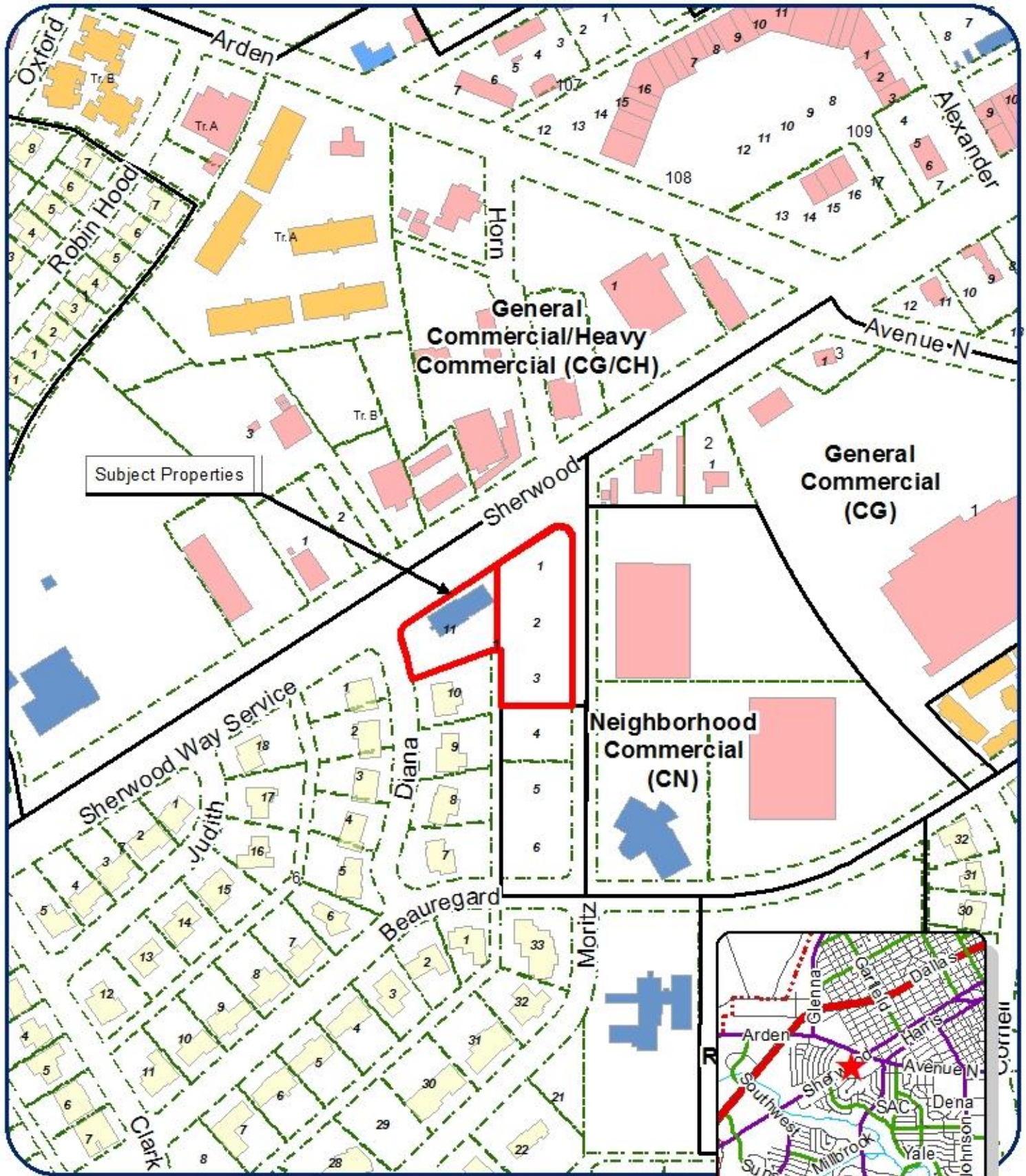
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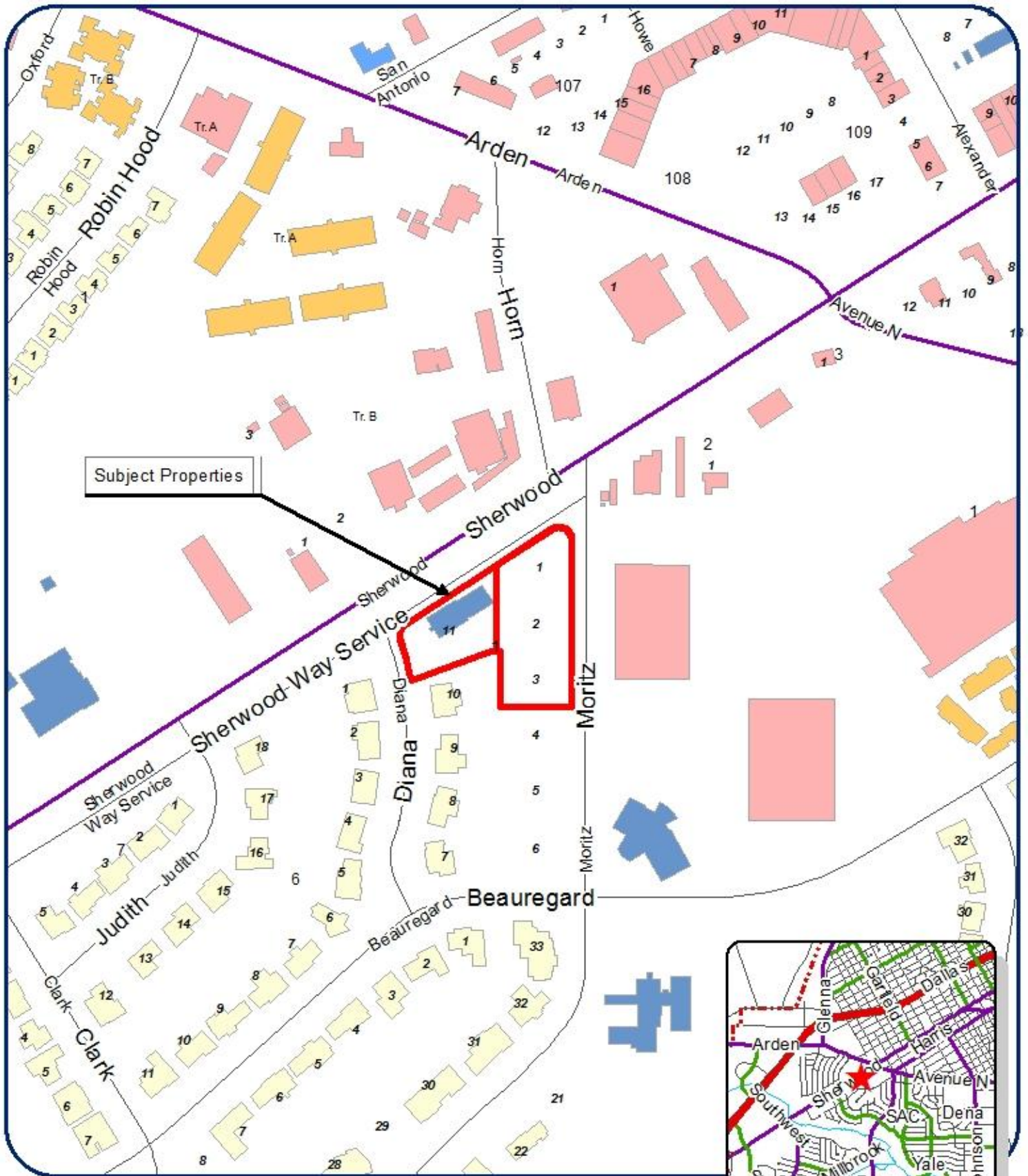
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Current Designation: █ Neighborhood

Requested Vision Plan Designation: █ Neighborhood Center

Current Zoning: █ RS-1





Vision Plan Case File

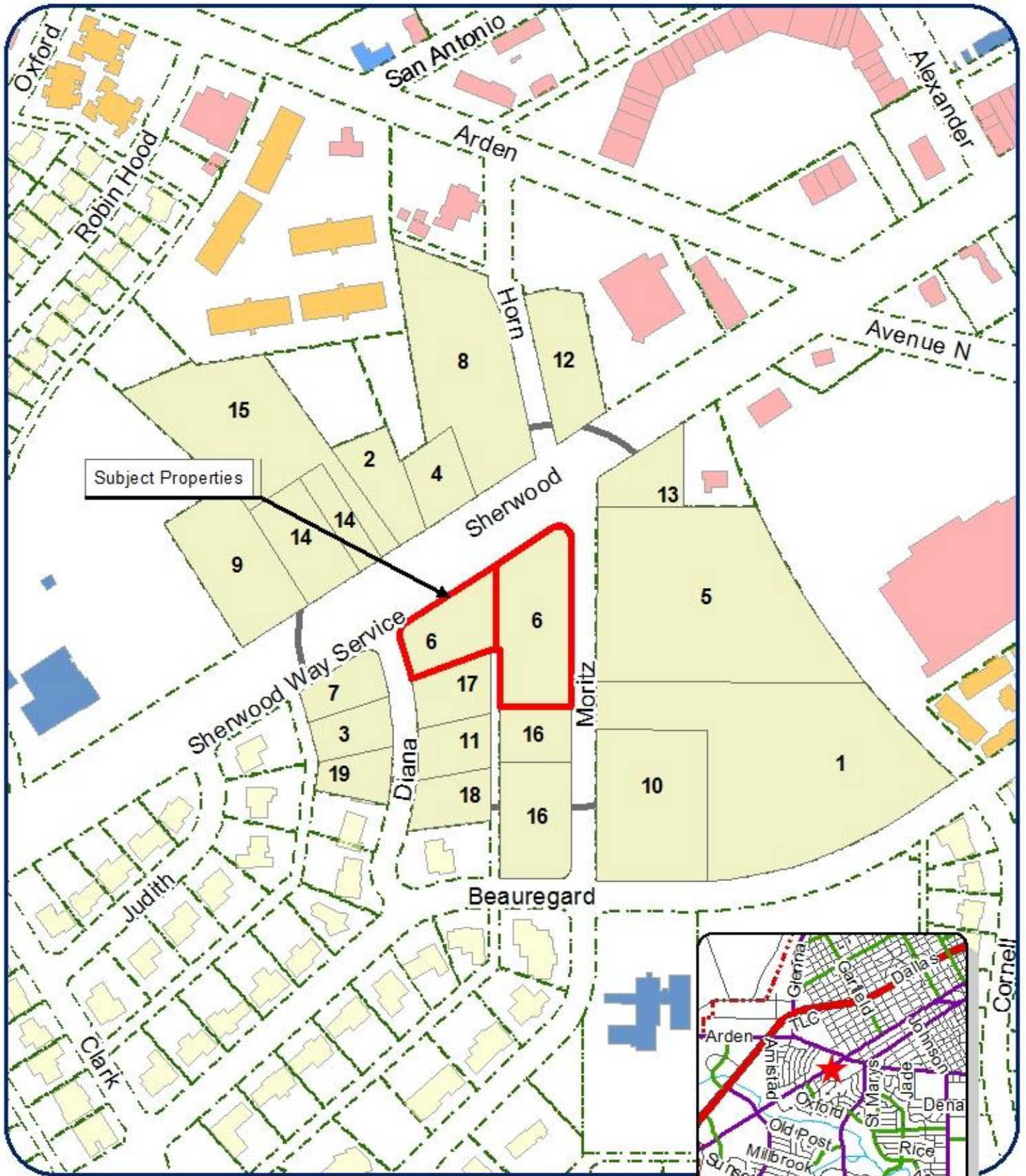
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Neighborhood: ASU - College Hills

Scale: 1" approx. = 250 ft

Subject Property: SW Corner of Sherwood Way Service Rd/Moritz Circle

Legend

Subject Properties:

Current Designation: Neighborhood

Required Vision Plan Designation: Neighborhood Center

Current Zoning: RS-1



LIST OF INDIVIDUALS / ENTITIES NOTIFIED

<p>A R INTERESTS SAN ANGELO LLC 4629 MACRO DR SAN ANTONIO, TX 78218-5420</p>	<p>AULDRIDGE JACK(DEC) & BETH 5218 BEVERLY DR SAN ANGELO, TX 76904-8034</p>	<p>BINGHAM LAURA & RONNY 11 DIANA LN SAN ANGELO, TX 76904-4941</p>
<p>BROOKS CONOLYO III PO BOX 60673 SAN ANGELO, TX 76906-0673</p>	<p>BURNS MARTIN TRUSTEE 24910 JOHN FREMONT ROAD HIDDEN HILLS, CA 91302-1133</p>	<p>CHRIST EVANGELICAL LUTHERAN CHURCH 3417 SHERWOOD WAY SAN ANGELO, TX 76901-3530</p>
<p>CHRIST EVANGELICAL LUTHERAN CHURCH 3417 SHERWOOD WAY SAN ANGELO, TX 76901-3530</p>	<p>DOBBS CHARLES D & STEPHANIE B 1 DIANA LN SAN ANGELO, TX 76904-4941</p>	<p>DRAPER VICTORIA J - TTEE OF OLIVE FAMILY TRUST 2420 W TWOHIG AVE SAN ANGELO, TX 76901-3729</p>
<p>ELLIOTT PARTNERS LTD PO BOX 630610 NACOGDOCHES, TX 75963-0610</p>	<p>FIRST CHURCH OF THE NAZARENE 3354 W BEAUREGARD AVE SAN ANGELO, TX 76904-4904</p>	<p>GEORGE ROBERT S II & CHRISTINE M 16 DIANA LN SAN ANGELO, TX 76904-4942</p>
<p>JEM PROPERTIES INC 6959 LEBANON RD SUITE 212 FRISCO, TX 75034-6738</p>	<p>KMOORE INVESTMENTS LP MOORE KEITH & JULIANN PO BOX 60006 SAN ANGELO, TX 76906-0006</p>	<p>MALLEN COMPANY INC PO BOX 459 LOVINGTON, NM 88260-0459</p>
<p>MALLEN CO INC PO BOX 459 LOVINGTON, NM 88260-0459</p>	<p>NOLAND JAMES S & SANDRA 3436 SHERWOOD WAY SAN ANGELO, TX 76901-3531</p>	<p>PLATEAU DEVELOPMENT LLC PO BOX 2038 SAN ANGELO, TX 76902-2038</p>
<p>PLATEAU DEVELOPMENT LLC PO BOX 2038 SAN ANGELO, TX 76902-2038</p>	<p>SIEWERT KERRY A & EDITH ELAINE 8 DIANA LN SAN ANGELO, TX 76904-4942</p>	<p>ZAPATA JOE R SR & MARY E 10 DIANE LANE SAN ANGELO, TX 76904-4942</p>
<p>ZEMLOCK REBECKA & MAGNESS BILLY JR 17 DIANA LANE SAN ANGELO, TX 76904-4941</p>		

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. THIS FORM CAN ALSO BE FAXED TO THE PLANNING DIVISION AT 325-657-4227.

() IN FAVOR

(X) IN OPPOSITION

REASON(S) _____

Violates Vision Plan

NAME: AR Interests San Angelo, LLC

ADDRESS: 3315 Sherwood Way

San Angelo, TX 76901

SIGNATURE: *Scott Bangerter*

VP14-05: Christ Evangelical Lutheran Church, property owner number: 1

If you have any questions about these proceedings, please call Mr. Jeff Fisher with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.