



City Council Agenda 6/18/2019

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on June 18, 2019 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

- 1. Call to Order**
- 2. Chaplain Prayer**
- 3. Pledges**
- 4. Proclamations/Recognitions**
- 5. Public Comment**

Issues or items that are not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, begin by stating their name and limit remarks to less than three minutes. Council members may request that a discussed item be placed on a future agenda. The Council takes public comment on all Regular Agenda items during the discussion of those items.

6. Consent Agenda

- a. Consider approving the June 4, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Cindy Preas)
 1. 1605 Turtle Dr.; Lot 67, Block 5, Section 1, Group Shady Point, Lake Nasworthy Addition (\$28,300)
 2. 2674 Sleepy Hollow Rd.; Lot 53, Block 1, Section 1, Group Fishermans Road, Lake Nasworthy Addition (\$91,389)
- c. Consider authorizing the City Manager to reject all bids received for RFB WU-09-19 Industrial Electrical Services (Allison Strube)
- d. Consider authorizing the City Manager to reject all bids received for RFP FIN-01-19 Audit Services & Comprehensive Annual Financial Report Preparation (Tina Dierschke)
- e. Consider authorizing the City Manager to execute an amendment to the existing Professional Services Agreement with Armstrong, Backus, & Co., LLC. for the comprehensive annual audit of the City's financials and other audit services (Tina Dierschke)
- f. Consider authorizing City staff to apply for a HUD grant to fund a Rapid Rehousing for Homeless program through the Texas Homeless Network in the amount of \$150,000 and authorizing the City Manager to execute all related documents (Bob Salas)
- g. Consider approving revised bylaws approved by the Parks and Recreation Advisory Board (Carl White)

- h. Consider approving revised bylaws adopted by the Tax Increment Reinvestment Zone Board (Jon James)
- i. Consider approving revised bylaws adopted by the Zoning Board of Adjustment (Jon James)
- j. Second reading of an ordinance amending Appendix A “Fee Schedule”, by amending Article A6.005(a) “Park Facility and Activity Fees” for youth leagues and tournaments (Tina Dierschke)

7. Regular Agenda

- a. First reading and public hearing of an ordinance to modify the Code of Ordinances to remove the policy for Lake Nasworthy lot leases, sale of leased lots, and the lease of city-owned property through recreational leases and to require such policy to be adopted by Resolution (Presentation made by City Attorney Theresa James)
- b. Public hearing, discussion, and deliberation on requested projects to be considered for funding with grant year 2019 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) grant funds from the U.S. Department of Housing and Urban Development (Presentation made by Neighborhood & Family Services Director Bob Salas)
- c. First reading and public hearing of an ordinance approving PD19-04, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development (PD) Zoning District to allow for existing uses and uses permitted in the General Commercial (CG) Zoning District, an overall use plan, and an off-site sign; comprising a total of 2.38 acres generally located at 1909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)
- d. First reading and public hearing of an ordinance approving PD19-05, a rezoning from the Single-Family Residential (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental, retail sales, boat slips, and an office on the City of San Angelo special lease property located at 2138 Mary E. Lee Park Rd., comprising 1.23 acres (Presentation made by Planning & Development Services Director Jon James)
- e. First reading and public hearing of an ordinance approving case SU19-02, a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on 21.536 acres, located at 2838 S. College Hills Blvd. (Presentation made by Planning & Development Services Director Jon James)
- f. First reading and public hearing of an ordinance approving Z19-06, a rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, on 0.2 acres located at 4014 Coliseum Dr. (Presentation made by Planning & Development Services Director Jon James)
- g. First reading and public hearing of an ordinance approving Z19-07, a rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 0.915 acres located at 5205 S. Bryant Blvd. (Presentation made by Planning & Development Services Director Jon James)

- h. First reading and public hearing of an ordinance approving Z19-08, a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District, on 2.49 acres located at 5050 N. Chadbourne St. (Presentation made by Planning & Development Services Director Jon James)
- i. First reading and public hearing of an ordinance approving the abandonment and vacation of a 15-ft wide by 200-ft long, 0.0685 acres (3,000-sq ft) public alley; located south of W. Beauregard Ave., north of W. Colorado St. between S. Tyler St. and S. Polk St. (Presentation made by Planning & Development Services Director Jon James)
- j. First reading and public hearing of an ordinance amending Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance", Chapter 5 "Procedural Requirements for Processing Subdivisions", Section III "Stages of Development Review", Subpart C "Administrative Subdivisions" by including the review process (Presentation made by Planning & Development Services Director Jon James)
- k. Update and discussion of Hotel Occupancy Tax performance and eligible capital improvement projects (Presentation made by Finance Director Tina Dierschke)
- l. Update on Sales Tax revenue performance (Presentation made by Finance Director Tina Dierschke)

8. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

- a. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding water rights and contracts for Lake Nasworthy
- b. Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, regarding the annual evaluation of the City Manager
- c. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, regarding Friedrich Heinemann S-327 & Windstone Park Addition

9. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Announcements and consideration of Future Agenda Items

10. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 14th day of June 2019, at 1:42 p.m.



Julia Antilley, City Clerk

All agenda items are subject to action. All contracts/agreements may be subject to further negotiation prior to execution. The City Council reserves the right to consider business out of posted order and/or meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 325-657-4405.

City Council regular meetings are broadcast on Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day for two weeks beginning on the Thursday after each meeting.

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, June 4, 2019

Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Lucy Gonzales, SMD 4
Council Member Billie F. DeWitt, SMD 6

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:30 a.m. on Tuesday, June 4, 2019 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer

An invocation was provided by San Angelo Fire Department Chaplain Jay Teague.

3. Pledges

Pledges were led by 3rd grader Archer Hurt, 2nd grader Emry Hurt, and Kindergartener Inara Hurt.

4. Proclamations/Recognitions

June 19, 2019 was proclaimed Juneteenth 2019 Celebration Day

June 2019 was proclaimed National Homeownership Month

5. Public Comment

Economic Development Director Guy Andrews wished citizen Nadine Johnson a happy 93rd birthday, sent her wishes to get well soon, and thanked her for her interest in the City business.

Mayor Gunter reiterated the happy birthday wishes to Ms. Johnson.

6. Consent Agenda

- a. Approval of the May 21, 2019 City Council emergency and regular meeting minutes (Julia Antilley)
- b. Approval of a resolution of the City of San Angelo Development Corporation authorizing a lease agreement with Jason Hill, d/b/a JT Hill & Company, for office space in the Business Resource Center (Guy Andrews)
- c. Award of FS-09-19 Service Beds to Century Trailer San Angelo (San Angelo, TX) in the amount of \$59,706 per fiscal year, for the purchase of six units, and authorizing the City Manager to execute any related documents (Ryan Kramer)
- d. Award of WU-07-19 Water Distribution / Wastewater Collection Warehouse Inventory to two vendors (Morrison Supply Company & Western Industrial Supply, LLC) based on the lowest unit bid in compliance with the bid requirements for each specific item for one year with two additional one-year term extensions, budgeted for purchase FY2019, FY2020, and FY2021, and authorizing the City Manager to execute any related documents (Allison Strube)
- e. Award of WU-06-19 Martin Luther King Blvd. & 3rd St. valve replacement and water main repair to Darnell Construction, LLC in the amount of \$501,716.25, budgeted for purchase FY2019, and authorizing the City Manager to execute any related documents (Allison Strube)

- f. Ratification of COSADC's resolution authorizing and executing a professional service marketing and promotion agreement with McLaughlin Advertising, to include the promotion of the 2019 Business Plan Competition in an amount not to exceed \$5,000 and other promotional services upon request (Guy Andrews)
- g. Adoption of a resolution declaring a public purpose for the use of funds for financial assistance programs and authorizing the City Manager to execute agreements with Concho Valley Community Action Agency for administering the Low Income Assistance Program and the Senior Assistance Program (Allison Strube) (Pg. 263, 2019-076)
- h. Approval of an interlocal agreement between the City of San Angelo and the Concho Valley Council of Governments (CVCOG) for E9-1-1 Public Safety Answering Point (PSAP) Services and authorizing the City Manager to execute all related documents (Frank Carter)
- i. Adoption of a resolution authorizing the adoption of the 2019-2024 Capital Improvement Plan for the City of San Angelo (Kimberly Holle) (Pg. 264, 2019-077)
- j. Approval of restated bylaws adopted by the City of San Angelo Development Corporation (Guy Andrews)
- k. Ratification of COSADC's resolution authorizing reimbursement to the City for purchase of one truck in an amount not to exceed \$35,000, plus associated costs, for City Administrative Services (Guy Andrews)
- l. Ratification of COSADC's resolution in support of the service of Guy Andrews on the Permian Basin Freight Advisory Committee established by the Permian Basin MPO and finding a benefit to the corporation (Guy Andrews)
- m. Second reading and adoption of Utility Fee Ordinances for:
 - Amendment of conservation discounts under Chapter 11 "Utilities," Article 11.02 "Water and Sewer Systems", Section 11.02.031 "Rates"
 - Addition of senior assistance rates to Appendix A "Fee Schedule", Article A8 "Utility Related Fees" (Allison Strube) (Pg. 266, 2019-078)
- n. Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019, for new programs and capital improvements (Tina Dierschke) (Pg. 268, 2019-079)

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to approve the consent agenda, with the exception of items 6e, 6i, and 6n. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 6e, as presented by Water Utilities Director Allison Strube. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member Gonzales made a motion, seconded by Council Member Hiebert, to approve item 6i, as presented by Finance Director Tina Dierschke and Operations Director Shane Kelton. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 6n, as presented by Finance Director Tina Dierschke and Operations Director Shane Kelton. The motion carried unanimously (6) ayes to (0) nays.

7. Regular Agenda

- a. Approval of amendments to plans and agreements:
 - 1. Adoption of a resolution adopting an Annexation Plan for the City of San Angelo (Pg. 271, 2019-080)

2. Adoption of a resolution amending the City of San Angelo Comprehensive Plan by amending the Annexation Program Map (Pg. 272, 2019-081)

3. Authorization of the City Manager to execute amendments to the Interlocal Agreement between the City and Tom Green County providing for subdivision regulation within the extraterritorial jurisdiction (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- b. Ratification of COSADC's resolution authorizing the use of sales and use tax funds in an amount not to exceed \$60,000 to provide an Economic Development Incentive to Jack P. Graves and Kimberly D. Graves, D/B/A J's Deer & Wild Game Processing (Presentation made by Economic Development Director Guy Andrews)

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- c. Authorization to apply for 2019 Federal Build Grant Application for College Hills (Presentation made by City Engineer Lance Overstreet and Assistant City Manager Rick Weise)

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- d. Public hearing and first reading of an ordinance amending Appendix A "Fee Schedule", by amending Article A6.005(a) "Park Facility and Activity Fees" for youth leagues and tournaments (Presentation made by Finance Director Tina Dierschke)

[Recreation Manager Brent Casey responded to fee questions.]

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- e. Discussion and direction regarding Hotel Occupancy Tax fiscal year 2020 budget allocations and funding of eligible capital asset needs (Presentation made by Finance Director Tina Dierschke)

[President and CEO of San Angelo Chamber of Commerce Bruce Partain spoke regarding the Convention and Visitors Bureau.]

Consensus: Direction was given to prepare a proposed budget with specific dollar amount allocations and justification for each HOT recipient (increasing funding for the San Angelo Convention and Visitors Bureau in alignment with projected HOT revenue and leaving San Angelo Cultural Affairs Council at a percentage per their contract), factoring in the Civic Events facility maintenance component for fiscal year 2020 budget discussions.

8. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

- a. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding water rights and contracts for Lake Nasworthy
- b. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the

governmental body in negotiations with a third person regarding Lake Nasworthy Residential Lot Leases

9. Follow Up and Administrative Issues

a. Consider items discussed in Closed Session, if needed

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to authorize the City Manager to negotiate and execute a Diversion Facilitation Agreement with Bentwood C.C., LLC in accordance with the discussions and direction given. The motion carried unanimously (6) ayes to (0) nays.

b. Approval of various board nominations:

Construction Board of Adjustment & Appeals: Bill Ford (SMD2) to a second term ending February 2021

Keep San Angelo Beautiful: Emily Lloyd (SMD5) to a first term ending September 2021

Public Art Commission: Teri Covert (SMD1) to a third term ending April 2021, Heidi Meyer-Brooks (SMD5) to a third term ending April 2021, Julie Raymond (SMD6) to a third term ending April 2021, and Richard Round (Mayor) to a first full term ending April 2021

Motion: Council Member Thompson made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

c. Announcements and consideration of Future Agenda Items

10. Adjournment

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to adjourn the meeting. The motion carried unanimously (6) ayes to (0) nays.

There being no further business, the meeting was adjourned at 11:17 a.m.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

In accordance with Chapter 2, Article 2.300, of the Official Code of the City of San Angelo, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office or a video of the entire meeting may be purchased from the Public Information Officer at 481-2727. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4407

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Cindy Preas)

1. 1605 Turtle Dr.; Lot 67, Block 5, Section 1, Group Shady Point, Lake Nasworthy Addition (\$28,300)
2. 2674 Sleepy Hollow Rd.; Lot 53, Block 1, Section 1, Group Fishermans Road, Lake Nasworthy Addition (\$91,389)

Summary/History:

If the sale is approved at the appraised value, title examination will be performed and legal staff will prepare Real Estate Contract of Sale, Special Warranty Deed and Surrender of Lease.

Sale of the surface estate of city-owned Lake Nasworthy residential lots is governed by City of San Angelo Code of Ordinances, Article 9.03, Sec. 9.03.004.

Financial Impact:

Upon approval, proceeds from the sale of residential lots will be placed in the Lake Nasworthy Trust Fund.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. 1605 Turtle Dr. Summary Appraisal | 1605 Turtle Dr. Summary Appraisal.pdf |
| 2. 2674 Sleepy Hollow Summary Appraisal | 2674 Sleepy Hollow Summary Appraisal.pdf |

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

APPRAISAL OF REAL PROPERTY

LOCATED AT

1605 Turtle Dr
San Angelo, TX 76904-7708
Lot 67, Block 5, Section 1, Group Shady Point, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

05/29/2019

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

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05/30/2019

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 1605 Turtle Dr
San Angelo, TX 76904-7708
Borrower: Donna Ford
File No.: R19-0160

Opinion of Value: \$ 28,300
Effective Date: 05/29/2019

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership (surface only).

This report is based on a physical analysis of the site only, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2020
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2021
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

2674 Sleepy Hollow Rd
San Angelo, TX 76904-7879
Lot 53, Block 1, Section 1, Group Fishermans Road, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

05/16/2019

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 110
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
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(325) 655-1278
www.halfmannrealty.com

05/30/2019

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 2674 Sleepy Hollow Rd
San Angelo, TX 76904-7879
Borrower: Dunn, James & Irasema
File No.: R19-0120

Opinion of Value: \$ 91,389
Effective Date: 05/16/2019

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as though unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

This report is based on a physical analysis of the site only, an analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Real Estate Uniform Standards of Professional Appraisal Practice.

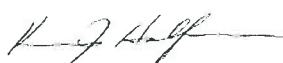
The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2020
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2021
(325)655-1278
kevin@halfmannrealty.com

Supplemental Addendum

File No. R19-0120

Borrower	Dunn, James & Irasema				
Property Address	2674 Sleepy Hollow Rd				
City	San Angelo	County	Tom Green	State	TX
				Zip Code	76904-7879
Lender/Client	City of San Angelo				

ADDENDA:

Stated Hypothetical Condition

Hypothetical condition is defined by The Dictionary of Real Estate Appraisal, fifth edition, copyright 2010, page 97, as being "That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."

You are requested to estimate the value of City of San Angelo's (City) interest (leased fee - subject to a current lease which will be furnished to Appraiser by City, or fee simple) in the subject property. The value of the City's interest should be developed under the hypothetical condition that annual rent is based upon the formula, fee simple market value x 0.08 = annual rent, rather than the current ordinance that states annual rent will be based on fee simple market value x 0.015 = annual rent. Because the City will agree to sell these lots only under circumstances in which the Lessee has 15 or fewer years remaining (which may require additional legal instruments to be executed), consideration (i.e., discount) shall be given to any stated lease terms that are remaining up to 15 years or until the point that the annual payment would be based on fee simple market value of the lot. No consideration shall be given to improvements made by Lessee, with the exception of grass and trees. The appraisal shall take into consideration the value of public improvements (including, but not limited to, water, sewer, streets, street lights).

The City acknowledges that using the hypothetical condition results in a value for the City's interest that is much greater than the value of City's interest without the hypothetical condition.

Comments on Market Data

Please note that the sales price for the Comparable Sales in the sales grid is for the Fee Simple Interest of the Land Only. If any building or site improvements were found on the comparable sale property, the contributory value of these improvements was subtracted from the total sales price to arrive at a Land Only value for the sale. Based upon the analysis of these Comparable Sales to the subject property, it is my opinion that the market value of the Fee Simple Interest - Land Only of the subject property is **\$112,400**.

Comments & Conditions of Appraisal

As authorized by the City of San Angelo this appraisal is being conducted to determine the value of the unimproved Land Only - Leased Fee Interest owned by the City of San Angelo. To obtain the value of the Leased Fee Interest, the unimproved Land Only - Fee Simple value (**\$112,400**) was first calculated. The Land Only - Fee Simple value adjustments were made to the comparable sales for dissimilarities when compared to the subject property. The factors of comparison adjusted for in this appraisal were location, site/view, site size, topography, lake frontage and access. The exact dollar amount of each adjustment is shown in the preceding market data analysis section of this report. After making these adjustments for dissimilarities between the subject and the comparable sales, an indicated market value of the Land Only - Fee Simple Interest was obtained.

This Fee Simple Interest value is utilized in calculating the reversionary value of the lot based upon the lease as of the effective date of this appraisal. The reversionary value of this lot (**\$81,528**) is then combined with the present value (**\$9,859**) of the lease to reach the value of the Leased Fee Interest owned by the City of San Angelo.

Final Reconciliation

It is my opinion that the market value of the unimproved Land Only - Leased Fee Interest in the subject property as of May 16, 2019, was:

\$91,389

Definitions:

Fee Simple Estate:	Absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power and taxation.
Leased Fee Interest:	An ownership interest owned by a landlord with the right of use and occupancy conveyed by lease to others; usually consists of the right to receive rent and the right to repossession at the termination of the lease.
Leasehold Interest:	The right to use and occupy real estate for a stated term and under certain conditions; conveyed by a lease.
Reversionary Value:	The right to repossess and resume full and sole use and ownership of real property that has been temporarily alienated by a lease, an easement, etc.; may become effective at a stated time under certain conditions, e.g., the termination of a leasehold, the abandonment of a right of way, the end of the estimated economic life of the improvements.

*The Dictionary of Real Estate Appraisal by The American Institute of Real Estate Appraisers, copyright 1984.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Allison Strube, Water Utilities Director, Water Utilities, 325-657-4209

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Manager to reject all bids received for RFB WU-09-19 Industrial Electrical Services (Allison Strube)

Summary/History:

In May 2019 the city solicited bids from local contractors. The contract was for 3 years to provide 24/7 industrial electrical and industrial instrumentation and control services. The bid tab is such that a vendor can bid on either "Industrial Electrical" and "Instrumentation and Controls" or both. One bid was received from Bunyard Hasty Electric, Inc. that only gave pricing for the "Industrial Electrical" portion of the bid.

Texas Local Government Code 252.043 (f) authorizes the Governing Body to reject any and all bids received through formal competitive bidding processes such as the Request for Bids described herein.

We will be rebidding the contract in an effort to attract multiple vendors and a vendor that can perform the "Instrumentation and Controls" portion of the bid.

Financial Impact:

No fiscal impact associated with rejecting the bid.

Other Information/Recommendation:

It is recommended the bid be rejected and the City Manager or City Manager Designee be authorized to execute any related documents. Water Utilities will work with Purchasing to get the bid re-advertised as soon as possible and bring back for a future bid award in July.

Attachments:

Presentation:

Approvals/Reviews:

Allison Strube
Allison Strube
Theresa James
Anthony Wilson
Candice Blake
Nolan Sosa

Created/Initiated
Approved
Approved
Approved
Approved
Approved

Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Nolan Sosa, Purchasing Manager, Finance, 325-657-4219

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Manager to reject all bids received for RFP FIN-01-19 Audit Services & Comprehensive Annual Financial Report Preparation (Tina Dierschke)

Summary/History:

The City solicited proposals from qualified persons (or firms) to contract for the professional services for an annual audit of the City's financial accounts, including the preparation of the Comprehensive Annual Financial Report (CAFR).

The City received three (3) proposals in response to this solicitation.

Texas Local Government Code 252.043 (f) authorizes the Governing Body to reject any and all bids received through formal competitive bidding processes such as those received in response the Request for Proposals described herein. The Audit Committee met on June 10, 2019, and voted unanimously to recommend a rejection of all proposals.

Financial Impact:

Other Information/Recommendation:

Staff recommends authorization for the City Manager to reject all bids received for RFP FIN-01-19 Audit Services & Comprehensive Annual Financial Report Preparation.

Attachments:

- | | | |
|----|--------------------------------------|--|
| 1. | FIN-01-19 Committee Member Worksheet | FIN-01-19 Committee Member Worksheet.pdf |
|----|--------------------------------------|--|

Presentation:

Tina Dierschke

Approvals/Reviews:

Nolan Sosa	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval



CITY OF SAN ANGELO

RFP Acknowledgment * FIN-01-19 / Audit Services & Comprehensive Annual Financial Report Preparation

May 22, 2019 at 2:00pm

	Proposals Received	City	State
1	Eide Bailly	Abilene	TX
2	Weaver and Tidwell, LLP	Midland	TX
3	Pattillo, Brown, & Hill	Waco	TX

	Mailed to:	City	State
1	Armstrong, Backus, & Co	San Angelo	TX
2	Davis Kinard & Co, PC	Abilene	TX
3	Eckert & Company	San Angelo	TX
4	Jones, Hay, Marschall & McKinney, P.C.	San Angelo	TX
5	KPMG	Dallas	TX
6	Webb & Webb	San Angelo	TX
7	Oliver, Rainey, & Wojtek, LLP	San Angelo	TX
8	Chilton, Wilcox & Fortenberry	San Angelo	TX
9	Brooks Cardiel, PLLC	Houston	TX
10	Condley and Company, LLP	Abilene	TX

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Nolan Sosa, Purchasing Manager, Finance, 325-657-4219

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute an amendment to the existing Professional Services Agreement with Armstrong, Backus, & Co., LLC. for the comprehensive annual audit of the City's financials and other audit services (Tina Dierschke)

Summary/History:

In October 2014, the City entered into an agreement with Armstrong, Backus & Co., LLP following a formal procurement soliciting the services of a certified public accountant to perform and independent audit on an annual basis as required by charter and state law.

The existing agreement became effective on October 1, 2014 for an initial term of three (3) years with two (2) options to extend for one (1) year each.

Armstrong, Backus & Co., LLP is currently under contract to perform the comprehensive annual audit of the City's financials until September 30, 2019 when the final one (1) year extension option of the original agreement is set to expire. The Audit Committee met on June 10, 2019, and voted unanimously to recommend an extension of this agreement.

Financial Impact:

Budgeted amount for fiscal year 2018: \$79,500

Other Information/Recommendation:

Staff recommends approval for the City Manager to execute an amendment to the existing Professional Services Agreement with Armstrong, Backus, & Co., LLC. for the comprehensive annual audit of the City's financials and other audit services for an initial term of three (3) years with two (2) options to extend for one (1) year each. Any further extensions shall be brought before this governing body for consideration.

Attachments:

Presentation:

Tina Dierschke

Approvals/Reviews:

Nolan Sosa
Tina Dierschke
Theresa James

Created/Initiated
Approved
Approved

Becky Dunn
Julia Antilley

Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider authorizing City staff to apply for a HUD grant to fund a Rapid Rehousing for Homeless program through the Texas Homeless Network in the amount of \$150,000 and authorizing the City Manager to execute all related documents (Bob Salas)

Summary/History:

Request approval to allow Neighborhood & Family Services staff to apply for a \$150K HUD grant through the Texas Homeless Network (THN). THN serves as the "Collaborative Applicant" for the Texas Balance of State Continuum of Care (CoC) and leads the HUD CoC Grant process. THN provides technical assistance and guidance to agencies and communities applying for funding to create new housing and service programs. Applicants are required to submit proposals through THN in the annual CoC Program competition.

The grant will fund a Rapid Rehousing program to help homeless individuals and families obtain housing quickly while undergoing supportive services concurrently. The program will be a collaborative effort with the Concho Valley Homeless Planning Coalition.

Financial Impact:

If grant is approved, \$150K will be added to the Department's budget.

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation, 325-657-4450

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider approving revised bylaws approved by the Parks and Recreation Advisory Board (Carl White)

Summary/History:

On October 2, 2018, City Council approved an Ordinance revising Chapter 2, Article 2.07 of the City Code of Ordinances to standardize provisions related to City Boards and Commissions, requiring these Boards and Commissions to review and revise their bylaws to conform to these changes. These new provisions are intended to standardize general requirements among all boards, committees and commissions, included, but not limited to, term limits, absences, duties, city staff roles, etc.

The proposed and revised bylaws will regulate and provide legal authoritative guidelines by which the Parks and Recreation Advisory Board can conduct its meetings.

Financial Impact:

There is no financial impact related to this item.

Other Information/Recommendation:

On May 23, 2019, the Parks and Recreation Advisory Board recommended approval of the restated bylaws, as presented here, of the Parks and Recreation Advisory Board unanimously.

Attachments:

- | | | |
|----|---|---|
| 1. | Code of Ordinances, Article 2.07 Boards, Committees and Commissions October 2, 2018 | Code of Ordinances, Article 2.07 Boards, Committees and Commissions October 2, 2018.pdf |
| 2. | Code of Ordinances, Parks and Recreation Advisory Board, October 2, 2018 | Code of Ordinances, Parks and Recreation Advisory Board, October 2, 2018.pdf |
| 3. | 13-226 Parks Recreation Advisory Board By-Laws FINAL | 13-226 Parks Recreation Advisory Board By-Laws FINAL.doc |

Presentation:

Approvals/Reviews:

Carl White	Created/Initiated
Carl White	Approved
Theresa James	Approved
Anthony Wilson	Approved
Nolan Sosa	Approved

Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Final Approval

Official Minute Record
October 2, 2018

Volume 2018
Page 511

ORDINANCE 2018-121

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS BY DELETING AND REPLACING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.07 "BOARDS, COMMITTEES, AND COMMISSIONS"; DELETING CHAPTER 4 "BUILDING AND CONSTRUCTION"; ARTICLE 4.02 "ADMINISTRATION", SECTION 4.02.01 "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; DELETING SECTION 4.02.002 "APPEALS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) **THAT**, Chapter 2, Article 2.07, is hereby deleted and replaced as shown on Exhibit "A".
- 2) **THAT**, Chapter 4, Article 4.02, Sections 4.02.001 and 4.02.002 be deleted in the entirety.
- 3) **THAT**, all Boards and Commissions of the City of San Angelo are hereby instructed to revise their bylaws to conform with these changes within six months of the passage of this ordinance.
- 4) **THAT** the City Clerk is hereby instructed to create staggered terms for the City of San Angelo Development Corporation Board and to adjust all other boards as necessary to ensure appropriate of members.

5) **THAT**, all remaining provisions not amended by this ordinance remain in full force and effect.

6) **THAT**, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That 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.

7) **THAT**, this Ordinance shall be effective on, from, and after the date of its passage and publication as required by law.

INTRODUCED on the 18th day of September, 2018, and finally **PASSED, APPROVED and ADOPTED** on this the 2nd day of October, 2018.

THE CITY OF SAN ANGELO:

DocuSigned by:

Mayor Gunter

65CCT2TDADB4UF...

Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

Bryan Kendrick

EE8993EDAE1475...

Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Theresa James

E822428D610A4D4...

Theresa James, City Attorney

Exhibit A

ARTICLE 2.07 BOARDS, COMMITTEES AND COMMISSIONS

Division 1. Generally

Sec. 2.07.001 Organization and Procedure. Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

(1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council.

(2) *Attendance.* Any member who fails to attend at least 2/3 of the meetings in a rolling one year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.

(3) *Number of members.* Boards shall be composed of seven members.

(4) *Compensation.* All members shall serve without compensation.

(5) *Conflict of interest.*

(A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 in the Texas Local Government Code, as amended.

(B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

(C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

- 1) The member of the board;
- 2) A person related to a board member within the second degree by consanguinity or affinity;
- 3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer, director or member;
- 4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer, director or member.

(D) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or

affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.

(E) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.

(6) *Election of Officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.

(7) *Meetings.* Each board shall hold regular monthly meetings on a day to be selected by the commission and on other such occasions as may be called by the chairman. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.

(8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.

(9) *Qualifications.* Members shall be at least 18 years of age and a resident of the City.

(10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.

(11) *Removal.* Members may be removed at any time by a 2/3 vote of the City Council without cause.

(12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.

(13) *Term:* The term of office for each member of the boards shall be two years.

(14) *Term Limit.* No member may serve more than 3 consecutive terms, not including an unexpired term. Members who term out of a position are eligible for reappointment after one year. For the purposes of this Article, the current number of terms held as of the date of passage of this Article stands, with respect to established term limits.

(15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.

Secs. 7.02.002 through 7.02.010 Reserved

DIVISION 12. - PARKS AND RECREATION ADVISORY BOARD

Sec. 2.07.176 - Creation; members

A parks and recreation advisory board is hereby created and established within the city. Said parks and recreation advisory board shall be composed of eight members, seven of whom shall be appointed by the city council. The eighth member shall be a member of the park commission, nominated by the park commission and approved by the city council. The appointments to the board shall be on the basis of the nominee's educational and professional qualifications and general knowledge of, interest in, and experience relevant to youth or adult sports, senior activities, recreation activities, other organized social activities, parks, nature or conservation.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.177 - Duties

The parks and recreation board shall act as an advisory board to the city council in matters of oversight, policy and administration relating to city parks, recreation programs and facilities, with the exception of the Santa Fe Parks, for which the parks commission shall continue to act as the advisory commission to the city council. The responsibility of the parks and recreation board within the scope of its general authority shall include to:

- (1) Communicate with and make recommendations to the city manager and parks and recreation director regarding parks, recreation programs and senior services programs.
- (2) Make recommendations to the city manager, parks and recreation director and city council regarding the administration of parks, recreation programs and senior services programs.
- (3) Make recommendations to the city manager, parks and recreation director and city council regarding the creation of a parks and recreation system.
- (4) Make recommendations to the city manager, parks and recreation director and city council regarding maintenance of parks and park improvements.
- (5) Make recommendations to the city manager, parks and recreation director and city council regarding maintenance of recreation and/or senior facilities.
- (6)

Make recommendations to the city manager, parks and recreation director and city council regarding the acquisition of physical improvements and equipment for parks, recreation and senior services programs.

- (7) Make recommendations to the city manager, parks and recreation director and city council regarding rules or regulations for parks, recreation and senior services programs.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Sec. 2.07.178 - Quorum and voting

Five duly appointed members of the board shall constitute a quorum. The affirmative vote of a majority of the members present at a properly called meeting with a quorum present shall be the act of the board.

(Ord. No. 2018-121, § 1(Exh. A), 10-2-18)

Secs. 2.07.179—2.07.190 - Reserved

BY-LAWS
OF THE
CITY OF SAN ANGELO
Parks & Recreation Advisory Board



ADOPTED: _____

ARTICLE I

Purpose, Duties and Powers

Section 1. Purpose. The purpose of the Parks & Recreation Board as approved by City Council is to act as an advisory Board to the City Council in matters of oversight, policy and administration relating to City parks, recreation programs and facilities, with the exception of the Santa Fe Parks, for which the Parks Commission shall continue to act as the advisory commission to the City Council.

Section 2. Duties. The responsibilities of the Parks & Recreation Advisory Board, are defined in Chapter 2 of the San Angelo Code of Ordinances.

ARTICLE II

MEMBERS OF THE PARKS & RECREATION ADVISORY BOARD

Section 1. Members. The membership of the Parks and Recreation Board is defined in Chapter 2 of the San Angelo Code of Ordinances.

Section 2. Appointment. The Parks & Recreation Advisory Board members shall be appointed in the manner approved by City Council as found in Chapter 2 of the San Angelo Code of Ordinances.

Section 3. Qualifications. The qualifications of members of the board are defined in Chapter 2 of the San Angelo Code of Ordinances.

Section 4. Terms of Office. The terms of office are defined in Chapter 2 of the San Angelo Code of Ordinances.

Section 5. Vacancies. Any vacancy occurring on the Parks & Recreation Advisory Board shall be filled by the appointment of the City Council under such procedures as approved by City Council and found in Chapter 2 of the San Angelo Code of Ordinances.

ARTICLE III

MEETINGS

Section 1. Meetings. The Board shall meet as required by Chapter 2 of the San Angelo Code of Ordinances.

Section 2. Committees. The Board may create ad hoc or standing committees of less than a quorum of the Board members, which may include residents of the City who are not Board members, as needed or deemed desirable to address specific matters within the purview of the Board. Committees shall report to the Board and shall have the authority to gather information, make reports and prepare recommendations for consideration by the Board.

Section 3. Attendance. Members shall meet the attendance requirements adopted by the San Angelo City Council and found in Chapter 2 of the San Angelo Code of Ordinances. Excused

absences shall be those resulting from a family emergency, work-related commitments, medical necessity or vacation outside the City of San Angelo.

Section 4. Quorum and Vote. All members of the Board shall have voting rights. A quorum shall be approved by City Council as found in Chapter 2 of the San Angelo Code of Ordinances.

Section 5. Staff Liaison. The Parks and Recreation Director shall be designated as the Parks & Recreation Advisory Board's staff liaison and shall cause copies of the Parks & Recreation Advisory Board's agenda, minutes and notices to be filed with the City of San Angelo City Clerk. Said liaison may designate other City staff to facilitate matters of the Parks & Recreation Advisory Board as he/she deems necessary.

ARTICLE IV

OFFICERS

Section 1. Designation and Election of Officers. At a regular meeting, generally in February, each year, the members shall elect a Chair and Co-Chair. The method for nomination and election shall be determined by a vote of the majority of those members in attendance at such meeting. The Chair shall appoint committees for any purpose deemed necessary by the Board in order to execute more effectively its duties and responsibilities.

Section 2. Terms. The officers shall serve a term of one year and thereafter until their successors are elected. Any member chosen as an officer shall be eligible for reelection not to exceed two consecutive terms; but having served two consecutive terms in an office, such person shall not be eligible for reelection to the same office until the expiration of one year after the completion of such second consecutive term.

Section 3. Duties and Authority of Officers.

a. Chair: Shall preside at all meetings of the Parks & Recreation Advisory Board, have responsibility for the accomplishment of all directions of the City Council and be primarily responsible for the accomplishment of the purpose and discharge of the duties and responsibilities imposed on the Board by the City Council. The Chair shall appoint members of all committees and shall appoint such committees as deemed necessary and appropriate to carry on the business of the Parks & Recreation Advisory Board and shall designate the Chair of such committees.

b. Co-Chair: Shall, in the absence of or disability of the Chair, perform the duties and exercise the powers of the Chair and shall perform such other duties as the Parks & Recreation Advisory Board may prescribe.

ARTICLE V

AMENDMENTS

The Board shall adopt and may amend from time to time its bylaws, establishing rules for its regulation, effective upon approval of the City Council. Said bylaws and amendments thereto as approved by the City Council shall be filed with the City Clerk. The Board may adopt rules or regulations in conformity with its bylaws relating to the administration of its business.

ADOPTED AND APPROVED by the Parks & Recreation Advisory Board on this ____ day of _____, _____.

[SIGNATURE PAGE TO FOLLOW]

BYLAWS
PARKS & RECREATION ADVISORY BOARD

Chair, Parks & Recreation Advisory Board

ATTEST:

Director, Parks & Recreation Department

APPROVED by the City Council on _____.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jon James, Director of Planning & Development Services, Planning and Development Services, x1180

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider approving revised bylaws adopted by the Tax Increment Reinvestment Zone Board (Jon James)

Summary/History:

These bylaws restate in their entirety and supersede the bylaws of the Board in effect upon their adoption and shall be effective upon approval by the City Council.

In October 2018 the City Council approved Article 2.07 "Boards and Commissions" Unification Ordinance. Much of what was originally in the Tax Increment Reinvestment Zone bylaws was covered in Art. 2.07. At the direction of the City Council each board or commission is to approve new bylaws that incorporate Art. 2.07, where an item is unique to that board or commission identify it in their new bylaws.

Financial Impact:

N/A

Other Information/Recommendation:

At their meeting on May 28, 2019 the TIRZ Board unanimously approved the bylaws as presented.

Attachments:

- | | | |
|----|-------------|-----------------|
| 1. | TIRZ Bylaws | TIRZ Bylaws.pdf |
|----|-------------|-----------------|

Presentation:

Approvals/Reviews:

Jon James	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

BY-LAWS OF THE TAX INCREMENT REINVESTMENT ZONE BOARD
OF THE CITY OF SAN ANGELO

These bylaws restate in their entirety and supersede the bylaws of the Board in effect upon their adoption and approval by the City Council for the City of San Angelo.

Article 1. General Governing Statutes, Ordinances and Rules

The Tax Increment Reinvestment Zone Board, hereinafter referred to as the “Board”, shall be governed by the following statutes and rules, to the extent that they remain in force and effect, as they are amended, and as they may be added to:

- 1.1 Chapter 551 of the Texas Government Code, concerning the open conduct of meetings and posting of meeting agendas.
- 1.2 Chapter 311 of the Texas Tax Code
- 1.3 Divisions 1 and 7 of Article 2.07 “Boards, Committees and Commissions”, Chapter 2 of the Code of Ordinances of the City of San Angelo, Texas.
- 1.4 By-laws of the Tax Increment Reinvestment Zone Board.

Article 2. Membership of the Board

- 2.1 A member proposing to resign, shall give notice of that intent to the chair and board Secretary. When a member resigns or a position otherwise becomes vacant, the Secretary shall promptly notify the City Clerk that a vacancy exists.
- 2.2 A member shall continue to serve until his successor is duly appointed and qualified.
- 2.3 The Secretary shall make periodic attendance reports to the Board which may form the basis for declaration of a vacancy by the Board.

Article 3. Meeting date, time and place.

- 3.1 Regular meetings of the Board shall be on the fourth Tuesday of each month, at 3:00 p.m. in an appropriate venue made available by the City Manager and located inside the corporate limits of the City of San Angelo, unless otherwise as provided herein.
 - a. The number of meetings per month, the schedule of meeting dates, and the place of meetings, may be changed by the Board at any regularly scheduled meeting or upon call of the chair or secretary.
 - b. Additional special meetings may be held at any time, upon the call of the chair or by a majority of voting members of the Board or upon request of the City Council, following at least a seventy-two (72) hour notice to each member of the Board. Call of a special meeting at a specified time and place and for stated purpose at a regular meeting shall be notice thereof to members in attendance at such regular meeting,

but other members shall receive written notice thereof. If a special meeting is called on a matter subject to notice of public hearing, the required notice provisions for the public hearing shall be complied with.

Article 4. Conduct of Meetings

- 4.1 Motions. All deliberations and actions by the board shall be made in an open meeting. Action shall be by motion, seconded, and voted upon by each member present by voice vote or a show of hands at the request of the chair or secretary.
- 4.2 Chair to Vote. It shall be customary for the chair to vote on all matters pending before the Board, except whereas he or she may otherwise be disqualified from voting.
- 4.3 Open Meetings. All meetings of the Board shall be open to the public in compliance with Chapter 551 of the Texas Government Code. This requirement for open meetings does not prevent the board from convening in executive session, under the limitations of Chapter 551.
- 4.4 Adoption of Rules. The Board shall adopt rules of order and procedure to regulate meetings and other business of the Board. The rules of order and procedures shall govern procedural matters, shall be kept on file with the Director of Planning, and shall be available for inspection by the public.
- 4.5 Meeting Procedure. The following procedure shall generally be observed for the presentation of matters coming before the Board, subject to discretion of the chair for the expeditious conduct of business:
- a. The chair shall introduce the agenda item as described on the meeting agenda to be considered.
 - b. City staff shall present a staff report, explanation, and other relevant information, and make a recommendation that staff may have.
 - c. The board may ask questions of the staff, concerning its presentation and report.
 - d. Members of the public shall be given an opportunity to speak and present relevant information prior to a decision by the board.
 - e. The Board may question members of the public who speak.
 - f. Staff may respond with any additional information.
 - g. The board may make any motion and proceed to discussion, deliberation and vote.
- 4.6 Postponement. The chair may elect, subject to being overruled by a majority of the board members in attendance, on a motion duly passed, to:
- a. proceed immediately to determination and decision, on conclusion of the hearing on the particular agenda item
 - b. postpone further deliberation or action until later in the same meeting; or
 - c. postpone further deliberation or action until another specified regular or special meeting of the Board.
- 4.7 Recess. Any regular or special meeting of the Board may be recessed, or adjourned to the following business day, or adjourned to the time of any future regular or special meeting properly convened with notice as required by law.
- 4.8 Cancellation. If no business is scheduled before the board, or if it is apparent that a quorum will not be available, a scheduled meeting of the Board may be canceled by the chair or Secretary.

Article 5. Minutes

- 5.1 The board shall keep a record of its proceedings in a permanent book.
- 5.2 The draft minute record of a board meeting shall be presented for approval at any subsequent meeting of the Board. This minute record must be approved by a majority of the members who were present at the meeting applicable to the subject minutes. If this not possible due to resignations, deaths, or the fact that other members were present at the applicable meeting and not present at the current meeting, then a majority of the members present and voting shall be all that is necessary to approve the minutes.
- 5.3 The minutes shall be considered filed after each of the following has occurred: a) the minutes have been approved by the Board, b) the Chair or Vice Chair has signed the minutes, and c) the board Secretary has posted the minutes in the record book filed and maintained in the office of the City of San Angelo's Planning and Development Services Department..

Article 6. Officers of the Tax Increment Reinvestment Zone Board

- 6.1 Election of Chair and Vice-Chair. The City Council shall appoint a chair, as required in Section 311.009.f of the Texas Tax Code, for a term of one year, beginning in January. The Board shall elect a vice-chair, for the same term.
- 6.2 Succession of Vice-Chair to office of Chair. If the chair resigns his office or the office of chair otherwise becomes vacant, the vice-chair shall succeed to office of chair for the remainder of the chair's term. If the vice-chair succeeds to the office of chair and resigns his office, or the office of vice-chair otherwise becomes vacant, a special election shall be held at the next regular meeting of the Board to select a vice-chair to serve for the remainder of the term.
- 6.3 Presiding at Meetings.
 - (a) The chair shall preside at all meetings and hearings. If the chair is absent or unable to preside, the vice-chair shall preside. If both the chair and vice-chair are absent or unable to preside, the members present shall by majority vote appoint a temporary chair to preside.
 - (b) In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The presiding officer shall administer oaths to all witnesses or arrange for such oaths to be administered before a person authorized to administer oaths.
- 6.4 Other Responsibilities and Duties of Chair. The chair shall have further duties and responsibilities, as indicated below:
 - (a) The chair shall appoint such committees as may be found desirable by the Board.
 - (b) Delegate specific duties to the vice-chair or authorize the vice-chair to perform specific duties, during the chair's absence or disability.
- 6.5 Appointment of Secretary. The Director of Planning or his/her designee shall serve as Secretary to the Board. The Secretary shall attend to all correspondence of the board, send out or cause to be published all notices

required; attend all meetings of the board and all hearings (except when excused by the chair and with temporary services arranged); prepare staff reports and make recommendations on individual items to be heard by the board; scrutinize all matters to assure compliance with State law and municipal regulations and these rules; compile all required records; maintain the necessary schedule, files and indexes; and generally perform or supervise all clerical work of the board. The Secretary is not a member of the Board and may not vote on items pending before the Board.

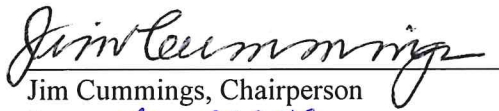
Article 7. Miscellaneous

- 7.1 The deadline for submission of a request for funding or for the placement of an item on an agenda of the Board shall be no less than fifteen (15) days before the regular scheduled meeting of the Board.
- 7.2 All materials related to said requests including maps, site plans, photographs or any other exhibits (or copies thereof) presented to staff or the Board shall become property of the City and maintained as part of the file record on the matter, subject to City policies for retention and disposal.

Article 8. Amending or Waiving These By-laws

- 8.1 Amending By-Laws. These bylaws may be amended at any regular or special called meeting of the Board, by a majority of a quorum of the board members present, provided that each of the following conditions is met:
- a. The amendment is not in conflict with applicable State law or City ordinance.
 - b. Written notice of said proposed amendment is furnished to each board member, at least seven days prior to the open meeting at which the amendment is to be considered.
 - c. The amendment is approved by City Council.
- 8.2 Suspension of Rule of Procedure. A rule of procedure may be suspended at any meeting by a majority vote of all board members present, unless such rule is set by State law or City ordinance.

DULY ADOPTED by the Tax Increment Refinance Zone Board this 28 day of May, 2019, subject to approval of the City Council of the City of San Angelo, Texas,


Jim Cummings, Chairperson
Date: May 28, 2019

APPROVED AND ADOPTED BY the City Council for the City of San Angelo, Texas,
this _____ day of _____, 2019.

Brenda Gunter, Mayor
ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT

Jon Janes, Planning and Development
Services Director

APPROVED AS TO FORM

Dan T. Saluri, Deputy City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jon James, Director of Planning & Development Services, Planning and Development Services, x1180

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Consider approving revised bylaws adopted by the Zoning Board of Adjustment (Jon James)

Summary/History:

These bylaws restate in their entirety and supersede the bylaws of the Board in effect upon their adoption and shall be effective upon approval by the City Council for the City of San Angelo.

In October 2018 the City Council approved Article 2.07 "Boards and Commissions" Unification Ordinance. Much of what was originally in the Zoning Board of Adjustment's bylaws was covered in Art. 2.07. At the direction of the City Council each board or commission is to approve new bylaws that incorporate Art. 2.07, where an item is unique to that board or commission identify it in their new bylaws.

Financial Impact:

N/A

Other Information/Recommendation:

These revised bylaws were approved by the Zoning Board of Adjustment at their meeting on June 3, 2019 by a vote of 6-0.

Attachments:

- | | |
|----------------------------------|-----------------------------------|
| 1. Memo to CC | Memo to CC.docx |
| 2. 19-374_PL_ZBA_RESTATED_BYLAWS | 19-374_PL_ZBA_RESTATED_BYLAWS.doc |
| 3. Exhibit B - Art. 2.07 ord | Exhibit B - Art. 2.07 ord.rtf |

Presentation:

Approvals/Reviews:

Jon James	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

MEMO



Date: March 5, 2019
To: City Council
From: Sherry Bailey
Principal Planner

Agenda Item: Zoning Board of Adjustment Proposed Bylaws

Background:

In October 2018 the City Council approved Article 2.07 "Boards and Commissions" Unification Ordinance. Much of what was originally in the Zoning Board of Adjustment's bylaws was covered in Art. 2.07. At the direction of the City Council each board or commission is to approve new bylaws that incorporate Art. 2.07, where an item is unique to that board or commission identify it in their new bylaws. The restated by-laws are Exhibit A in your packet. Exhibit A is the last approved by-laws with the portions that pertain to the new Art. 2.07 Unification Ordinance deleted and some areas of the by-laws restated to make it easier to understand and to make sure all elements of state law are included in the ZBA by-laws. The Zoning Board of Adjustment considered approval of the restated by-laws at a special meeting on March 18, 2019.

Attached you will find a copy of Art. 2.07 Exhibit B; Exhibit A the proposed restated bylaws for the Zoning Board of Adjustment that excludes those areas that duplicate or conflict with Art. 2.07.

Attachment:

Exhibit A Bylaws

Exhibit B Article 2.07 City of San Angelo Code of Ordinance "Boards and Commissions Unification – Ord. as it pertains to the Zoning Board of Adjustment

BY-LAWS OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF SAN ANGELO

Article 1. General Governing Statutes, Ordinances and Rules

1.01 **Restated Articles.** These bylaws restate in their entirety and supersede the bylaws of the Board in effect upon their adoption and shall be effective upon approval by the City Council for the City of San Angelo.

1.02 **Governing law.** The Zoning Board of Adjustment shall be governed by the following statutes, ordinances and rules, as amended and supplemented from time to time and to the extent that such statutes, ordinances and rules remain in force and effect.

- Chapter(s) 211 of Texas Local Government Code.
- Article(s) 2.07 “Boards, Committees and Boards, Division I and Division 3 of the Code of Ordinances, City of San Angelo, Texas (hereinafter “Code of Ordinances”).
- Chapter 12 of the Code of Ordinances, Exhibit “A” Zoning Ordinance
- Appendix A to the Code of Ordinances, Fee Schedule
- Bylaws of the Zoning Board of Adjustment

Article 2. Membership of the Board

The following additional rules shall apply to the Board:

- 3.01 Removal For Cause. In compliance with Chapter 211 of the Texas Local Government Code, the City Council may remove a regular Board member or alternate Board member for cause, on a written charge and after a public hearing on the matter.
- 3.02 Resignation. When members propose to resign, they shall give notice of their intent to the Board chair and secretary. When any member resigns or a position otherwise becomes vacant for other causes, the secretary shall promptly indicate to the City Council that a vacancy exists.
- 3.03 Board Members Record. The City Clerk shall maintain a record of Board members that includes the Board member’s designation as regular or alternate Board member, whether the nomination is by mayor or single member district council member, including the designated single member district, the date of appointment by city council, and the date of expiration of the term of appointment.

Article 4. Meeting date, time and place.

Regular meetings of the Zoning Board of Adjustment shall be on the first Monday of each month, beginning at 1:30 p.m. in the City Council chambers of City Hall or other appropriate location in San Angelo, Texas.

- 4.01 Meeting Schedule. The number of meetings per month and schedule of meeting dates, as well as the place of meetings, may be altered or changed at any regularly scheduled meeting or upon call of the Chair or Secretary.
- 4.02 Special Meetings. Special meetings may be held at any time, upon the call of the Board chair or upon written request of three (3) Board members, following at least seventy-two hours' notice to each member of the Board. Call of special meeting to be held at a stated time and place, for a stated purpose, made at a regular meeting on the record shall be sufficient notice thereof to all Board members in attendance. Board members not then in attendance shall be provided written notice thereof. If a special meeting is called on a matter requiring notice of hearing, the required notice provisions for the hearing shall be met.

Article 5. Conduct of Meetings

- 5.01 Motion Approval. The concurring vote of a simple majority of members present (and constituting a quorum) is required to approve any motion on a matter except as otherwise required under Article 2.07 of the Code or Ordinance or Chapter 211 of the Texas Local Government Code.
- 5.02 Chair Vote. It shall be customary for the chair to vote on all matters pending before the Zoning Board of Adjustment except in case of recusal for conflict of interest.
- 5.03 Agenda Order. The following order of procedure shall generally be observed for the presentation of relevant evidence and information; however, it may be rearranged by the chair for individual items, if necessary for the expeditious conduct of business:
- a. The chair shall introduce the matter described on the meeting agenda, summarizing the nature of the matter including location of subject property.
 - b. City staff shall describe in more detail the nature of the request and its relation to applicable ordinances and regulations. Other relevant evidence may be presented by staff and a recommendation made. If staff recommends approval of a variance, then one or more criteria incorporated by reference in subsection 11.01 of these

bylaws shall be identified as the basis for its recommendation.

- c. The Board may ask questions of the staff, concerning its presentation and report.
- d. The applicant/appellant shall outline the nature of the request and present supporting evidence including witnesses, if so desired.
- e. Board members may ask questions of the applicant/appellant and supporting witnesses.
- f. Members of the public in attendance shall be provided an opportunity to speak and present evidence in favor of or in opposition to the request.
- g. Staff may make rebuttal or add points not previously covered.
- h. The applicant/appellant may also cross-examine any witness or member of the staff.
- i. At the discretion of the Chair, members of the public are given a second opportunity to make rebuttal or add points not previously covered.
- j. Board members may ask final questions of the applicant/appellant or staff, and proceed with deliberation and making a decision on the matter.

5.04 Orderly Procedure. The applicant, staff, witnesses, representatives, and members of the public shall speak only after being recognized by the chair to proceed. Interruption of persons so recognized shall be avoided.

5.05 Questions during Hearing. During the hearing, the chair, Board members and the staff may ask questions and make appropriate comment pertinent to the case; however, no member should debate or argue an issue with the applicant.

5.06 Question Pertaining to Facts. The chair and Board members may direct any questions to the applicant/appellant or to any person speaking, in order to bring out all relevant facts, and may call for questions from members of the staff.

5.07 Evidence Procedure. The Board shall not be bound by strict rules of evidence, or be limited to consideration of such evidence as would be admissible in a court of law, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The chair shall rule on all questions relating to admissibility of evidence, but may be overruled by a majority of board members present.

5.08 Motion Requires a Show of Hands. All decisions of the Board shall be made at a public meeting by a motion made and seconded, and by a show of hands.

5.09 Chair's Hearing Discretion. The chair may elect, subject to being overruled by a majority of the Board members in attendance, on a motion duly passed, to:

- a. Proceed immediately to determination and decision, on conclusion of the hearing on the particular case; or
- b. Defer determination and decision until later in the same meeting; or
- c. Defer determination and decision until another specified regular or special meeting of the Board, in order to obtain additional information or for other good cause.

5.10 Recess. Any regular or special meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting.

5.11 Cancellation. If no business is scheduled before the Board, or if it is apparent that a quorum will not be available, any meeting may be canceled by the chair.

Article 6. Minutes

6.01 Minute Book. The Board shall maintain a minute book which shall be kept posted to date. In the minute book shall be recorded the Board's proceedings, showing attendance and all absences, any disqualifications of members, the records of its examinations and all other official actions, as well as the vote of each member voting on every question.

6.02 Approval of Draft Minutes. The draft minute record of a Board meeting shall be presented for approval at a subsequent scheduled meeting of the Board. The draft minute record must be approved by a majority of the members who were present at the meeting for which the minutes are transcribed. If this not possible due to resignations, deaths, or the fact that alternate members were present at the applicable meeting and not present at the current meeting, then a majority of the members present and voting shall be all that is necessary to approve the minutes.

6.03 Filed Minutes. The minutes shall be considered filed after each of the following has occurred: a) the minutes have been approved by the Board, b) the Chair or Vice Chair has signed the minutes, and c) the Secretary has posted the minutes in the record book kept in the office of the Planning and Development Services Department.

Article 7. Requests to Withdraw, to Defer or Continue Hearings, or to Amend Applications and Appeals

- 7.01 Withdrawn Appeal. On written request from the applicant/appellant or authorized agent, an application or appeal may be withdrawn at any time before the Board makes its decision in the case.
- 7.02 Deferral or Continuance. On its own motion, or on approval of request by an applicant/appellant or authorized agent, the Board may defer the hearing or provide for continuance. Deferral or continuance of a hearing shall be permitted only for good cause, stated in the motion, shall require re- notice, and shall be conditioned upon repayment of fees by applicant/appellant when deferral or continuance is at the applicant's/appellant's request or is the result of applicant's/appellant's action.
- 7.03 (a) Application Amendment. An applicant/appellant or authorized agent, may amend an application or appeal as a matter of right on written notice of the amendment received by the secretary of the Board not less than fifteen (15) days prior to the scheduled hearing date. An applicant/appellant or authorized agent may submit a written motion to the Board to accept an amendment to an application or appeal less than fifteen (15) days prior to the scheduled hearing date. The Board, shall consider potential prejudice to any other interested party or the public and consider if there is just cause in support of the applicant's/appellant's motion. Granting of such motion shall require the vote of at least four of the Board members present.
- (b) Amendment Once Advertised. On deliberation of an applicant's/appellant's motion to amend, the Board shall make findings regarding: (1) whether there is a substantive difference between the matter as described in public notice and as amended; and, (2) whether the motion to amend includes more restrictive conditions than described in the public notice. If the motion substantively amends the pending application such that prior public notice of the purpose of the hearing is deemed ineffective by the Planning Department Director, re-notice of hearing shall be required, and additional fees shall be paid by the applicant/appellant. Counsel and Planning Department staff shall be permitted to file an amended or updated report and recommendation to the Board prior to deliberation and decision of the Board on an amended application or appeal. Should the Board determine that the proposed amendment involves no substantive change or seeks more restrictive conditions than the application or appeal initially filed, then the Board may waive re- notice and proceed with the hearing as scheduled.

Article 8. Second Hearings

Second Application or Appeal. The Director of the Planning and Development Services Department, or his/her designee, shall determine whether a second application is substantially different from an application or appeal which has been denied during the previous six months and which affects the same piece of property. If the second application or appeal is determined by the Director to be substantively different from and not the same as the former application, it may be deemed by the Director as being an initial application for different relief rather than a second application for the same relief .

Article 9. Officers

- 9.01 Election of Chair and Vice-Chair. Annually, as the first item of new business at the first regular meeting of the Board, the Board shall elect a chair and vice-chair. The election shall be determined by a majority vote of those members present and constituting a quorum at said meeting. If such regular meeting is canceled or a quorum is lacking, the election shall be held at the next regular meeting of the board, subject to call of a special meeting for that purpose. If no quorum can be obtained within thirty-six (36) days of the first regularly scheduled annual meeting, the secretary shall notify the City Council which shall appoint a chair and vice-chair to serve until the next annual regular election.
- 9.02 Succession of Vice-Chair to office of Chair. If the chair resigns his office or the office of chair otherwise becomes vacant, the vice-chair shall succeed to office of chair for the remainder of the chair's term. If the vice-chair succeeds to the office of chair and resigns his office, or the office of vice-chair otherwise becomes vacant, a special election shall be held at the next regular meeting of the Board to select a vice-chair to serve for the remainder of the term.
- 9.03 Presiding at Meetings. (a) The chair shall preside at all meetings and hearings. If the chair is absent or unable to preside, the vice-chair shall preside. If both the chair and vice-chair are absent or unable to preside, the members present shall by majority vote appoint a temporary chair to preside.
- (b) In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. Subject to exception for presentations by city staff, the presiding officer shall administer oaths to all witnesses or arrange for such oaths to be administered before a person authorized to administer oaths.
- 9.04 Other Responsibilities and Duties of Chair. The chair shall have additional duties to:
- a. Designate members of the Board to make personal inspections of premises, when necessary or desirable for the proper consideration of matters coming before the Board.
 - b. Assign duly appointed alternates to serve in the absence or disability of regular Board members, or refer this duty to the secretary of the Board.
 - c. Appoint such committees as may be found desirable by the Board relating to duties of the Board or matters coming before the Board.

- 9.05 Delegation to Vice-Chair. The chair may delegate specific duties generally to be performed by the vice-chair, or may authorize the vice-chair to perform specific duties of the chair, during the chair's absence or disability, so that necessary Board functions are performed in a timely manner. The vice-chair shall perform all duties so delegated. In case of absence or incapacity of the chair, and on approval by a majority of the Board, the vice-chair shall perform any or all duties of the chair, whether or not so delegated.
- 9.06 Appointment of Secretary; Duties. The Director of the Planning and Development Department, or designee, shall serve as secretary to the Zoning Board of Adjustment. The secretary shall attend to all correspondence of the Board; provide for service or cause to be published all notices required; attend all Board meetings and hearings (except when excused by the chair and with temporary services arranged); receive and distribute staff reports; assist the Board in articulating and transcribing proper findings and motions; scrutinize all matters to assure compliance with the Zoning Ordinance and these rules; compile all required records; maintain the necessary scheduled, files and indexes; and generally, perform or supervise all clerical work of the Board.

Article 10. Conduct of Board Members

- 10.01 Expressions of Bias, Prior to Hearing. Board members may receive information from the Secretary, counsel to the Board or staff serving the Board, as well as from applicants or appellants, prior to public hearing; however, a Board member shall not express an opinion, bias, or prejudice on a matter coming before the Board prior to its consideration in an open meeting.
- 10.02 No Representation by a Board Member. No member of the Board shall represent an applicant or appellant on any matter that may come before the Board. This provision does not limit the right of a Board member to represent himself or herself, on his or her own application or appeal.
- 10.03 Members Not to Vote Unless Present at Hearing. A Board member shall not vote on any matter deciding an application or appeal, except upon attending the scheduled public hearing on the application or appeal. Should an application or appeal be decided at a meeting of the Board other than when heard at the scheduled public hearing, a board member not being in attendance at the scheduled hearing and not voting pursuant to this provision shall not participate in the Board discussion or deliberation on the matter for a vote, but shall remain and be counted for quorum purposes.

Article 11. Findings and Other Considerations for Approval of Variances from Zoning Regulations

- 11.01 Criteria. In exercising its power to grant a variance in accordance with zoning regulations, the Zoning Board of Adjustment, in making its findings, shall articulate and reflect in its minute record the specific findings required in support of its decision as required under applicable provisions of the Zoning Ordinance.

Article 12. Miscellaneous

- 12.01 Submission Deadline. The deadline for submission of a complete application for consideration of an appeal, variance or special exception shall be no less than twenty-one (21) days before the regularly scheduled meeting of the Zoning Board of Adjustment at which application is to be considered. A complete application fee, as determined by City Council must accompany the application.
- 12.02 All maps, plats, site plans, photographs or any other exhibits (or copies thereof) presented to the Board shall become the property of the City and maintained by the Board as part of the file record for that matter subject to city policies for retention and disposal.

Article 13. Amendment of Bylaws

- 13.01 Amending Bylaws. These bylaws may be amended at any regular or special called meeting of the Zoning Board of Adjustment, by a majority of a quorum of Board members present, provided that each of the following conditions is met:
- a. The amendment is not in conflict with applicable State law or City ordinance.
 - b. Written notice of the proposed amendment is furnished to each Board member at least seven (7) days prior to the open meeting at which the amendment is to be considered.
 - c. The amendment is approved by city council.

13.02 Suspension of Rule of Procedure. A rule of procedure set forth in the bylaws may be suspended at any meeting by a majority vote of all Board members present, unless suspension of the procedure would be in conflict with applicable State law or City ordinance.

DULY ADOPTED by the Zoning Board of Adjustment,

SUBJECT TO APPROVAL of the City Council of the City of San Angelo, Texas,
this 3rd day of June, 2019.

_____, Chairperson
Date: June 3, 2019

APPROVED AND ADOPTED BY the City Council for the City of San Angelo, Texas,
this 18th day of June, 2019.

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT

Jon James, Planning and Development
Services Director

APPROVED AS TO FORM

Dan Saluri, Deputy City Attorney

Official Minute Record
October 2, 2018

Volume 2018
Page 511

ORDINANCE 2018-121

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS BY DELETING AND REPLACING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.07 "BOARDS, COMMITTEES, AND COMMISSIONS"; DELETING CHAPTER 4 "BUILDING AND CONSTRUCTION"; ARTICLE 4.02 "ADMINISTRATION", SECTION 4.02.01 "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; DELETING SECTION 4.02.002 "APPEALS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) THAT**, Chapter 2, Article 2.07, is hereby deleted and replaced as shown on Exhibit "A".
- 2) THAT**, Chapter 4, Article 4.02, Sections 4.02.001 and 4.02.002 be deleted in the entirety.
- 3) THAT**, all Boards and Commissions of the City of San Angelo are hereby instructed to revise their bylaws to conform with these changes within six months of the passage of this ordinance.
- 4) THAT** the City Clerk is hereby instructed to create staggered terms for the City of San Angelo Development Corporation Board and to adjust all other boards as necessary to ensure appropriate of members.
- 5) THAT**, all remaining provisions not amended by this ordinance remain in full force and effect.
- 6) THAT**, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That 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.
- 7) THAT**, this Ordinance shall be effective on, from, and after the date of its passage and publication as required by law.

INTRODUCED on the 18th day of September, 2018, and finally PASSED, APPROVED and **ADOPTED** on this the 2nd day of October, 2018.

THE CITY OF SAN ANGELO:

DocuSigned by:

Mayor Gunter

65CC121DADB40F...

Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

Bryan Kendrick

EE6995EDA4E1475...

Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Theresa James

E822428D610A4D4...

Theresa James, City Attorney

Exhibit A

ARTICLE 2.07 BOARDS, COMMITTEES AND COMMISSIONS

Division 1. Generally

Sec. 2.07.001 Organization and Procedure. Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

(1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council.

(2) *Attendance.* Any member who fails to attend at least 2/3 of the meetings in a rolling one year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.

(3) *Number of members.* Boards shall be composed of seven members.

(4) *Compensation.* All members shall serve without compensation.

(5) *Conflict of interest.*

(A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 in the Texas Local Government Code, as amended.

(B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

(C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

1) The member of the board;

2) A person related to a board member within the second degree by consanguinity or affinity;

3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer, director or member;

4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer, director or member.

(D) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or

affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.

(E) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.

(6) *Election of Officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.

(7) *Meetings.* Each board shall hold regular monthly meetings on a day to be selected by the commission and on other such occasions as may be called by the chairman. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.

(8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.

(9) *Qualifications.* Members shall be at least 18 years of age and a resident of the City.

(10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.

(11) *Removal.* Members may be removed at any time by a 2/3 vote of the City Council without cause.

(12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.

(13) *Term:* The term of office for each member of the boards shall be two years.

(14) *Term Limit.* No member may serve more than 3 consecutive terms, not including an unexpired term. Members who term out of a position are eligible for reappointment after one year. For the purposes of this Article, the current number of terms held as of the date of passage of this Article stands, with respect to established term limits.

(15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.

Secs. 7.02.002 through 7.02.010 Reserved

Division 3. Zoning Board of Adjustment

Sec. 2.07.026 Creation and Appointment of Members

(a) There shall be a zoning board of adjustment that consists of seven (7) regular board member seats and four alternate board member seats to be filled by nomination and appointment by the city council as follows:

(1) Four alternate board member seats shall be designated to be filled by nominations of the mayor and mayor pro-tem with each nominating two of the alternates

(b) Each case before the zoning board of adjustment must be heard by at least six (6) members.

(c) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(d) Removal for Cause. The city council may remove a regular board member or alternate board member for cause on a written charge after a public hearing.

Sec. 2.07.027 Authority

(a) The zoning board of adjustment may:

(1) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this division or the zoning ordinance.

(2) Hear and decide special exceptions to the terms of the zoning ordinance when the ordinance requires the board to do so.

(3) Authorize in specific cases, and subject to appropriate conditions and safeguards, a variance from the terms of the zoning ordinance, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the regulation is observed and substantial justice is done.

(b) In exercising its authority under subsection (a), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for the purpose of the board has the same authority as the administrative official.

(c) The concurring vote of six (6) members of the board is necessary to:

(1) Reverse an order, requirement, decision, or determination of an administrative official;

(2) Decide in favor of any applicant on a matter on which the board is required to pass under the zoning ordinance; or

(3) Authorize a variation from the terms of the zoning ordinance;

Sec. 2.07.028 Appeal to the board

(a) Any of the following persons may appeal to the zoning board of adjustment a decision made by an administrative official:

(1) A person aggrieved by the decision; or

(2) Any officer, department, board, or bureau of the city affected by the decision.

(b) The appellant must file with the board and the official from whom the appeal is taken a notice of

appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

(c) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

(d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.

(e) Prior to the public hearing in which the zoning board of adjustment shall hear an appeal, the following actions shall be made by the board at a separate public hearing:

- (1) Designating of the parties in interest;
- (2) Setting of a reasonable time and date for the appeal hearing;
- (3) Giving of due notice of the appeal hearing to parties in interest;
- (4) Giving of public notice of the appeal hearing; and
- (5) Establishing of protocol for conducting the appeal hearing.

(f) The public hearing for any appeal shall follow the following procedural order except as may otherwise be directed by consensus of the board:

- (1) Identification of parties.
- (2) Identification of documents constituting the record on appeal to the board.
- (3) Identification and admission as evidence of pre-filed documents and any additional documents offered into evidence.
- (4) Presentation by city staff.
- (5) Presentations by identified parties in interest.
- (6) Public comment.
- (7) Rebuttals.
- (8) Discussion and deliberation by board members.
- (9) Motion and decision to affirm, modify, or reverse the decision of the administrative official, with supporting findings of fact applicable under the zoning ordinance.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget Manager, Budget, 325-657-4211

Meeting Date: June 18, 2019

Item type: Consent Item

Caption:

Second reading of an ordinance amending Appendix A "Fee Schedule", by amending Article A6.005(a) "Park Facility and Activity Fees" for youth leagues and tournaments (Tina Dierschke)

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process, we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Recreation, the following changes are recommended:

- Summer track meet events: \$10 per athlete/ \$5 per spectator
- Athletic leagues/ tournaments: \$50 per entry

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$1,700.

Other Information/Recommendation:

Attachments:

1. Recreation - Proposed Fee Changes Worksheet FINAL Recreation - Proposed Fee Changes Worksheet FINAL.pdf
2. Recreation - Ordinance FINAL Recreation - Ordinance FINAL.docx

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle
Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Final Approval

City of San Angelo

Fee Review

Department: Recreation

Fee Title: Track

Current Fee: \$5

Proposed Fees: \$5/spectator; \$10/athlete

Cost of Service: \$15.61

Volume per year: \$140

Financial Impact: \$700

Survey of Benchmark Cities:

City	Fee Amount	Notes
Wichita Falls	N/A	Do not offer track
Abilene	N/A	Do not offer track
Midland	\$7	Price per event entered/Regional meet only
Waco	\$7	Price per event entered/Regional meet only
Lubbock	\$7	Price per event entered/Regional meet only

Additional Information:

San Angelo has one of the best youth track programs around, we hold a circuit meet each year and every other year we hold the regional meet. The off year we do not hold the regional meet it travels to Midland and our athlete will travel there.

City of San Angelo

Fee Review

Department: Recreation

Fee Title: Tournaments

Current Fee: \$0

Proposed Fees: \$50

Cost of Service: \$48.03

Volume per year: \$20

Financial Impact: \$1,000

Survey of Benchmark Cities:

City	Fee Amount	Notes
Wichita Falls	N/A	Do not offer
Abilene	N/A	Do not offer
Midland	N/A	Do not offer
Waco	N/A	Do not offer
Lubbock	N/A	Do not offer

Additional Information:

The cities mentioned above do not offer small tournament as the city, but the events are held in Wichita Falls and other cities such as a 3 on 3 basketball tournament. They charge a lot more than we propose due to having referees and a four game guarantee. It was stated that they are done to raise money for different areas such as East Side in Wichita Falls and Midwestern State University Senior Games as a fundraiser. COSA Recreation is looking to offer small tournament such as a sand volleyball tournament or a 3 on 3 basketball tournament which customers come in and request we do.

AN ORDINANCE AMENDING APPENDIX A “FEE SCHEDULE” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, BY AMENDING ARTICLE A6.005(a) “PARK FACILITY AND ACTIVITY FEES”; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, the Code of Ordinances is hereby amended by ADDING TO Article A6.005(a) “Park Facility and Activity Fees” the following:

Sec. A6.005 - Park facility and activity fees

(a) Fees for sports tournaments and leagues:

<u>Other</u>	
Summer track meet events	\$5 per spectator \$10 per athlete
Athletic leagues/tournaments	\$50 per entry

2) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That 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.

3) THAT, this Ordinance shall be effective on, from and after the 1st day of July, 2019.

INTRODUCED with public hearing on the 4th day June, 2019, and finally PASSED, APPROVED and ADOPTED on this the 18th day of June, 2019.

CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

Approved as to Form:

Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4407

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to modify the Code of Ordinances to remove the policy for Lake Nasworthy lot leases, sale of leased lots, and the lease of city-owned property through recreational leases and to require such policy to be adopted by Resolution (Presentation made by City Attorney Theresa James)

Summary/History:

The Code of Ordinances spells out a detailed policy for the lease or sale of residential and commercial lots at Lake Nasworthy, along with the lease of city-owned properties through short term recreational leases. Changes to the Code of Ordinances requires two readings of Council to modify. Throughout the updating of the Code of Ordinances, the City Attorney has recommended removing all policy level items from the City's Code of Ordinances.

Therefore, the attached ordinance creates a procedure by which the City Attorney and real estate manager will develop a policy for the lease and sale of residential and commercial lots at Lake Nasworthy, and the lease of city-owned property through short term recreational leases. The policy will reflect City Council directives.

The policy will be approved by Council by written resolution and will thereafter govern the lease and sale of residential and commercial lots at Lake Nasworthy and the lease of city-owned property through recreational leases. Changes to the adopted policy will require approval by the City Council.

Financial Impact:

Other Information/Recommendation:

Attachments:

1. Ordinance amending Chapter 9 Nasworthy leases and Ordinance amending Chapter 9 Nasworthy leases and sales sales.docx

Presentation:

Approvals/Reviews:

Cynthia Preas
Cynthia Preas
Theresa James
Anthony Wilson

Created/Initiated
Approved
Approved
Approved

Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Final Approval

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 9.03 "LAKE NASWORTHY-TWIN BUTTES" OF THE SAN ANGELO CODE OF ORDINANCES BY REMOVING AND REPLACING SECTIONS 9.03.002 THROUGH 9.03.004; DELETING SECTION A6.001 APPENDIX A OF THE SAN ANGELO CODE OF ORDINANCES "LAKE NASWORTHY AND SOUTH CONCHO RIVER LEASE FEES", PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) That**, Article 9.03, Sections 9.03.002 through Section 9.03.004 of the San Angelo Code of Ordinances is hereby amended by deleting those sections in the entirety and replacing with the following:

"Section 9.03.002 Lot Leases and Sale of Leased Lots at Lake Nasworthy

The City Manager of the City of San Angelo is authorized to negotiate and execute all documents related to the sale and lease of lots owned by the City of San Angelo in accordance with a policy adopted by the City Council by Resolution.

Section 9.03.003 Reserved.

Section 9.03.004 Reserved."

- 2) That** Article A6.001 of the San Angelo Code of Ordinances, is hereby deleted in its entirety.

- 3) That**, the following severability clause is hereby adopted with this amendment:

Severability:

That 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.

- 4) That**, this Ordinance shall be effective on, from and after the date of its passage.

INTRODUCED on the ____ day of _____, 2019, and finally PASSED, APPROVED and ADOPTED on this the ____ day of _____, 2019.

THE CITY OF SAN ANGELO

Attest:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

Approved As to Form:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

Public hearing, discussion, and deliberation on requested projects to be considered for funding with grant year 2019 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) grant funds from the U.S. Department of Housing and Urban Development (Presentation made by Neighborhood & Family Services Director Bob Salas)

Summary/History:

This is a public hearing for the 2019 CDBG and HOME funds allocations and the discussion and deliberation of those funds. After Council makes its allocation decisions in accordance with the Citizen Participation Plan, staff will prepare the Annual Action Plan for Council approval. The attached project descriptions and funding spreadsheets outline available funding and staff's recommendations. In addition to federal grants, funding amounts include local funds managed by the Division.

The City expects to receive approximately \$651,073 in CDBG funds and \$294,961 in HOME funds from the U.S. Department of Housing and Urban Development (HUD) for Grant Year 2019, Oct 1, 2019 - Sep 30, 2020. Additionally, we anticipate receiving \$30,000 in CDBG program income, \$23,000 in HOME program income for a total of \$999,034 to be allocated to 2019 projects.

Project descriptions provide a synopsis of the applications for funding which were reviewed and analyzed by staff. The other attachment is the 2019 CDBG/HOME Projects Funding Worksheet which provides a summary of all proposed projects recommended for funding. Two separate public hearings were held to obtain citizen input and citizen recommendations were taken into account in staff's recommended allocations.

Financial Impact:

The City will receive \$946,034.00 of new CDBG and HOME grant funds, plus approximately \$53,000.00 in program income to operate programs in the Housing Support Division.

Other Information/Recommendation:

Attachments:

1. Proposed Allocs 2019 ALL FUNDING - Council meeting Proposed Allocs 2019 ALL FUNDING - Council meeting.xlsm
2. Project Descriptions 2019 Project Descriptions 2019.docx

Presentation:

Bob Salas

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

City of San Angelo

2019 CDBG Projects Funding Worksheet

CDBG Federal Entitlement	651,073
Program Income: Housing Rehab Loans	30,000
Program Year Funds Available	681,073
CHS Administration Cap	136,215
Public Service Cap	134,815
Prior Year Funds Available	0
Total Available to Allocate	681,073

	<u>Prior Year Allocation</u>	<u>Proposed CDBG Allocation</u>
Administration/Planning		
CHS Admin ($\leq 20\%$ EN+PI))	140,132	116,000
Rehab/Preservation		
Hsg Rehab Program Delivery	131,232	112,000
Hsg Rehab Program (Neighborhood Blitz)	148,000	186,113
Emergency Repairs	100,304	125,000
Homeless Prevention	30,000	0
Debt Payment Services	144,154	141,960
Total Requests		681,073

City of San Angelo

2019 HOME Projects Funding Worksheet

HOME Federal Entitlement	294,961
Program Income: Revitalization Loans	23,000
Program Year Funds Subject to Caps	317,961

Prior Year Funds Available	50,000
Total Available to Allocate	367,961

	Prior Year Allocation	Proposed HOME Allocation
City Requests		
CHS - HOME Admin ($\leq 10\%$ EN+ PI)	36,149	31,796
CHS - Neigh Revitalization(Down Pmt)	135,346	131,165
Community Requests		
MHMR - TBRA	80,000	85,000
Galilee CDC (CHDO Set-Aside)	110,000	120,000
		367,961

PROPOSED CDBG/HOME PROJECT DESCRIPTIONS

Listed below are detailed descriptions of activities recommended for funding under 2018 CDBG and HOME grant programs. Descriptions include timelines for each project, additional funding received for specific use of the project, and what national/local objectives the project addresses.

CDBG FUNDED PROJECTS

\$116,000 CDBG Administration/Planning

Staff and related costs required for overall program management, coordination, monitoring, reporting, and evaluation of CDBG and HOME programs.

Additional Funding:	None
NATIONAL OBJECTIVE:	NA
CONS. PLAN OBJECTIVE:	Non-Housing Community Development
ELIGIBLE ACTIVITY:	21A General Program Administration §570.206

\$423,113 City's Housing Program

Continues funding for the Housing Rehabilitation/Preservation Program which includes:

- Emergency Repairs
- Neighborhood Paint Blitz
- Program Delivery

Emergency Repairs - \$125,000 will fund 100% grant for low/moderate income homeowners for up to \$5,000.00 in Emergency Repairs. An emergency is a situation or condition that occurred without warning (within two (2) weeks), is detrimental to life, health, or safety and requires immediate action. Action must be taken within 24-72 hours to remediate the emergency situation. Modifications to provide barrier-free living space, when feasible, for homes occupied by either disabled or elderly individuals requiring such modifications will also be included. The goal for this funding is to complete repairs for at least 25 unduplicated households. Services continue throughout the year.

Additional Funding:	None
NATIONAL OBJECTIVE:	Benefit 100% low/moderate income households
CONS. PLAN OBJECTIVE:	Affordable Housing
ELIGIBLE ACTIVITY:	14A Rehabilitation §570.202

Housing Rehab and Neighborhood Blitz - \$186,113 will be for Housing Rehab Neighborhood Blitz projects. Assistance will be provided to at least 25 eligible low/moderate income citizens (homeowners or rental units) within the city limits of San Angelo. Projects will consist primarily of siding replacement and painting. However, some housing units may need additional repairs such as windows and insulation. Landlords will be required to adhere to affordability timelines and HUD rent limits and caps for the duration of the affordability period. Projects are scheduled first come first served and will be executed throughout the year.

Program Delivery - \$112,000 will fund salaries and benefits for program staff and provide funds for operating the Rehab programs.

Additional Funding:	None
NATIONAL OBJECTIVE:	Benefit 100% low/moderate income households
CONS. PLAN OBJECTIVE:	Affordable Housing
ELIGIBLE ACTIVITY:	14A Rehabilitation §570.202

\$141,960 Debt Service

Repayment of the Section 108 Loan for Rio Vista Park Renovation and the Producer's Park Development. This loan totaling \$2,035,000 plus interest will be paid back over period not to exceed 20 years.

Additional Funding:	None
NATIONAL OBJECTIVE:	Benefit at least 51% low/moderate income persons
CONS. PLAN OBJECTIVE:	Public Facilities
ELIGIBLE ACTIVITY:	Parks, Recreational Facilities §570.201(c)

HOME FUNDED PROJECTS

\$162,961 City's Affordable Housing Program

Funds provided for HOME administration and Homebuyers Assistance Programs to continue to revitalize the current City Council identified Rio Vista, Blackshear, Reagan and Fort Concho target areas through down payment and closing cost assistance. Of the amount allocated, \$31,796 of HOME funds will provide for administration costs. In addition, \$131,165 will provide approximately 10 families down payment and closing cost assistance to purchase a home. Projects will be executed throughout the year.

Additional Funding: None

NATIONAL OBJECTIVE: Benefit Low/Moderate Income Persons Benefit

CON. PLAN OBJECTIVE: Affordable Housing

ELIGIBLE ACTIVITY: Homebuyer §92.205(a)

\$85,000	MHMR Tenant-based Rental Assistance
----------	-------------------------------------

Funds provide tenant-based rental assistance (TBRA) to 30 clients with a chronic mental illness residing within the San Angelo city limits over a period of a year. HOME funds will provide rental assistance, one time security deposit assistance, and one-time utility deposit assistance. TBRA may be used on any rental property within the City of San Angelo that meets HUD's minimum Housing Quality Standards. Yearlong services will be provided.

Additional Funding: None

NATIONAL OBJECTIVE: Benefit Low/Moderate Income Persons

CONS. PLAN OBJECTIVE: Special Needs/Homeless Populations

ELIGIBLE ACTIVITY: 05S Tenant-Based Rental Assistance §92.205(a)

\$120,000 Galilee Community Development Corp – CHDO Construction Grant

Funds provide for new home construction for low/moderate income residents. GCDC's current goal is to build at least 3 homes with the 2018 allocation and with other resources.

Additional Funding: None

NATIONAL OBJECTIVE: Benefit Low/Moderate Income Persons

CONS. PLAN OBJECTIVE: Affordability Housing

ELIGIBLE ACTIVITY: 12 Construction and Housing §92.2.05(a)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving PD19-04, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development (PD) Zoning District to allow for existing uses and uses permitted in the General Commercial (CG) Zoning District, an overall use plan, and an off-site sign; comprising a total of 2.38 acres generally located at 1909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant submitted a request for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PF) Zoning District to allow for existing uses permitted within the General Commercial (CG) Zoning District, an overall use plan relating to auto body repair and an off-site monument sign with landscaping, to be located in the triangle at the Beauregard Ave. and Sherwood Way split.

Financial Impact:

N/A

Other Information/Recommendation:

Planning Commission that the City Council approve the application recommended unanimously (6-0) at their May 20, 2019 meeting.

Attachments:

1. Staff Report PD19-04 (2).docx
2. Ordinance PD19-04 19-0XXX_PD19-04 ordinance.docx

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Julia Antilley

Final Approval

CITY COUNCIL – June 18, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	PD19-04: Concho Collision		
SYNOPSIS:			
The applicant has submitted a request for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an existing use plan and an off-site monument sign.			
LOCATION:		LEGAL DESCRIPTION:	
1909 W. Beauregard, 101, 103, 107 & 113 S Tyler, & alley plus triangle lying south of Sherwood Way & W. Beauregard Ave. to S. Colorado Ave. along W Tyler St. to S. Harrison St.		Being 2.38 acres described as: Blk. 189 Ward Subdivision a Resubdivision of Wards Annex that lies south of Sherwood way, north of Beauregard and east of Tyler; L 1-4 & alley & L 1 Blk. 190 Wards Annex; L 1-4, Blk. 3 VE Miller Resubdivision of Garrett Addition & alley.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 5 – Lane Carter Neighborhood: Santa Rita	CG/CH	Commercial	2.38 acres
THOROUGHFARE PLAN:			
Sherwood Way – Urban Major Arterial Street Provided: 90' right-of-way, 64' pavement W. Beauregard Ave. Urban Minor Arterial Provided: 60' right-of-way, 50 pavement Colorado Ave., S. Tyler St. & S Harrison St. – Urban Local Street Provided: 50' right-of-way, 40' pavement or 30' pavement on S. Tyler (some sidewalk)			
NOTIFICATIONS:			
43 notifications mailed within 200-foot radius May 2, 2019. Two received in support at this time. None against the request.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development with the underlying zoning to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an existing use plan and an off-site monument sign generally at 1909 W. Beauregard.			
PROPERTY OWNER/PETITIONER:			
<i>Jim Osborn</i> <i>Concho Collision</i>			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The applicant presently has an auto body, vehicle glass replacement, and auto repair facility at the split of W Beauregard and W Sherwood Way. The applicant maintains his existing commercial facility in a professional, clean, maintained manner that is part of the solid commercial base of this area of the City. Mr. Osborn is wanting to combine his facilities and the new areas he purchased in order to expand his business. He has also requested the abandonment of the existing unpaved alley off S Tyler with the intent to acquire that property. He has also acquired the triangle piece at the Sherwood/Beauregard split that has a cement pad and weeds with the intent to have it landscaped and to have his business monument sign placed there. The business owners who called or came in about his intent were all supportive and appreciative of what he is trying to do in the area.

Rezoning: 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:

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 has a Future Land Use Commercial designation. The primary factor in the request for a Planned Development District zoning designation is to create an overall development plan for all the property owned by the applicant. This request also seeks to include the triangle piece between Beauregard and Sherwood Way as a landscaped entrance into this section of the commercial district and to provide for a monument sign on that triangle that ties the property together.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing uses and the applicant's proposed expanded use for these properties are consistent and compatible. The auto body repair is main existing use, while the storage of auto waiting for repair and the chain link security fencing are all accessory uses. The applicant is wanting to expand the existing uses and fencing to the property he has bought on S Tyler with an intent to purchase additional property and amend his PD in the future. His intention to work with the City to abandon and purchase the existing alley that is not improved and maintained and incorporate it into his overall plan as was done on the original property at 1909 W Beauregard.
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 stated above, most of this area is presently being used as an auto body, auto repair facility, the applicant intends on continuing to expand in this this use and to beautify the triangle entrance into this commercial section of Sherwood Way.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The only changed condition is the request by the applicant to be allowed to expand his existing uses and to landscape and place a monument sign on the triangle piece of property that presently is an eyesore.

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.* There is no anticipated environmental impacts as a result of this zone change. The use is essentially the same and all of the original environmental/drainage plans are only minimally affected by the expansion.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The applicant believes there is a demonstrated need for the expansion of his business and for the landscaped entrance of the triangle piece that provides the entrance into the Sherwood Way/Beauregard Ave. commercial street split area.
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 requested zone change is anticipated to have no impact on the pattern of urban development in this area.

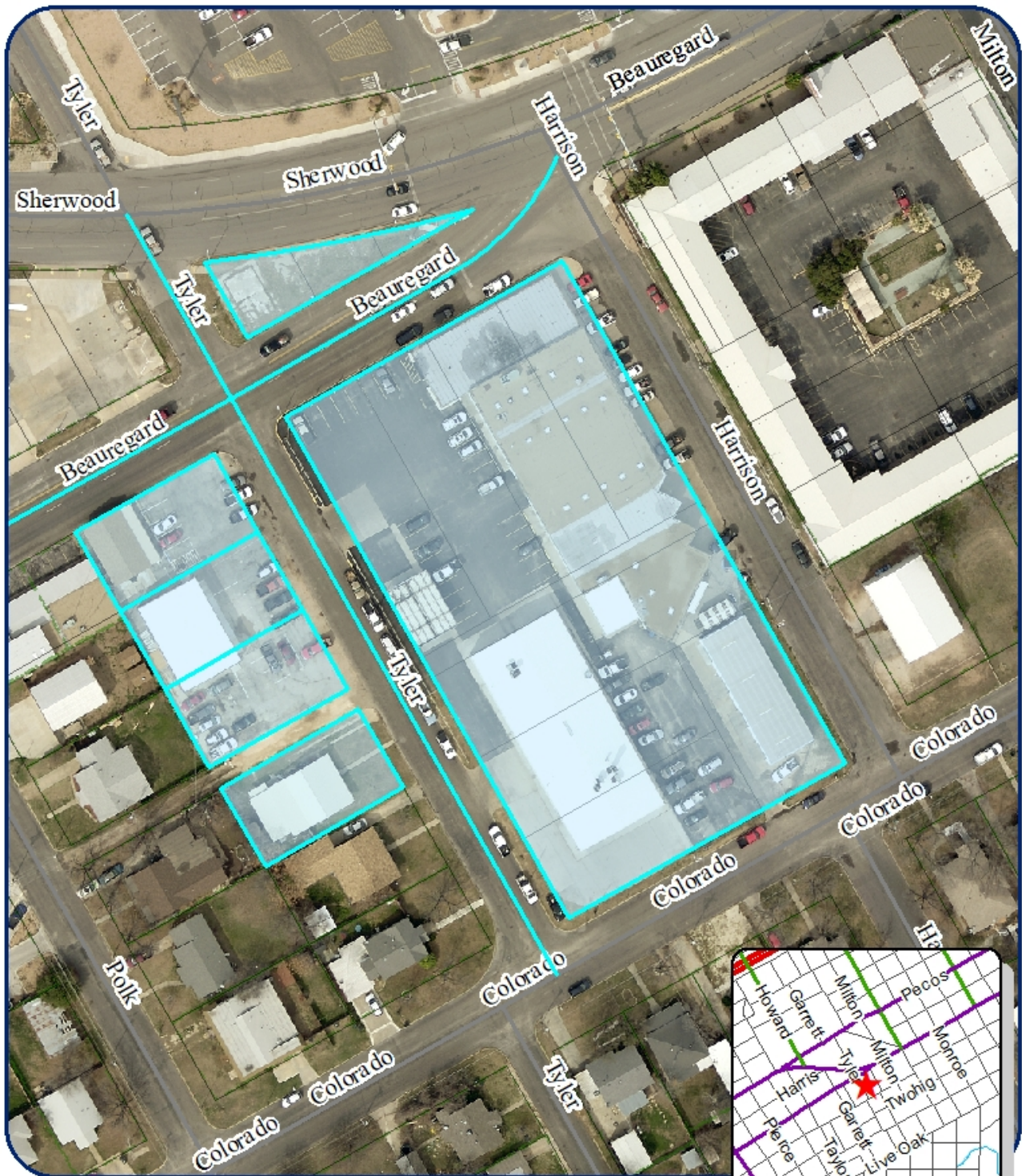
Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed rezoning from the CG/CH Zoning District to Planned Development Zoning District (PD), on the subject property with the underlying zoning to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an existing use plan and an off-site monument sign generally at 1909 W. Beauregard **subject to three conditions:**

1. The existing use and buildings that now comprise the Concho Collision complex function as the plan as the overall plan. Any additional property, building construction or change of use must come back as an amendment to the Planned Development District.
2. One monument sign will be permitted in the triangle entrance property where Beauregard Avenue and Sherwood Way split. The approved sign must generally match the design attached to this PD package pertaining to size, height and message limited to Concho Collision.
3. The existing facilities applies to the privacy fencing, security fencing, height, material and placement. Any additional fencing associated with additional property must be submitted as an amendment to the Planned Development District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Letters
Photographs
Application
Proposed sign



Planned Development District - Aerial Map

PD19-04: Concho Collision

Council District 5: Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 80 ft

1909 W. Beauregard Ave.

Legend

Subject Properties: 
Current Zoning: **CG/CH Commercial District**
Requested Zoning Change: **N/A**
Vision: **Neighborhood Center**





Planned Development District - Aerial Map

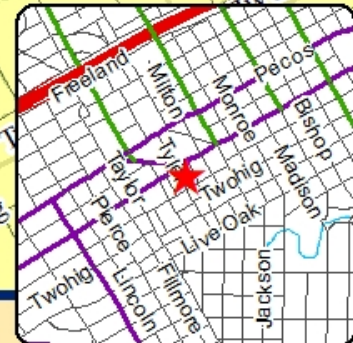
PD19-04: Concho Collision

Council District 5: Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 117 ft

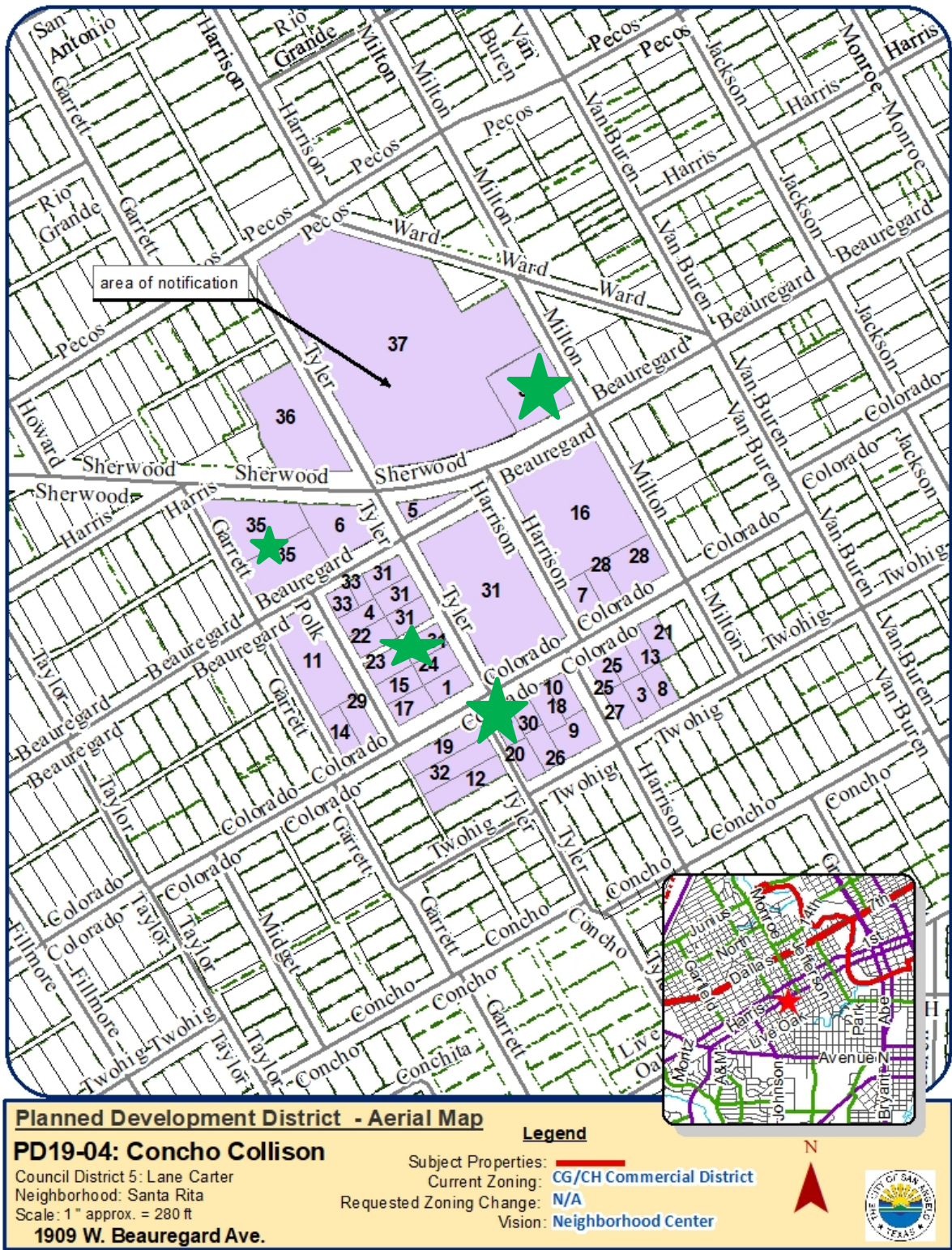
1909 W. Beauregard Ave.

Legend

Subject Properties: —
Current Zoning: CG/CH Commercial District
Requested Zoning Change: N/A
Vision: Neighborhood Center



Notification Map of Property



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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR () IN OPPOSITION

REASON(S) It will make our City look
more uniform & Beautiful.

NAME: Tom Smith

ADDRESS: 1909 W. Beauregard
San Angelo TX 76901

SIGNATURE: [Signature]

PD19-04: Concho Collision

Property owner number: 31

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or by email at sherry.bailey@cosatx.us.

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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR (☐) IN OPPOSITION

REASON(S) _____

NAME: Shaffer Funeral Home (Gary & Sella Shaffer)

ADDRESS: 1939 Sherwood Way
San Angelo, TX 76901 # 35 & 36

SIGNATURE: Sella Shaffer

PD19-04: Concho Collision

Property owner number: 35

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or by email at sherry.bailey@cosatx.us.

CONCHO COLLISION OPERATION AND PROPERTY



MAIN STRUCTURE AND OFFICE



STRUCTURE OFF TYLER



TRIANGLE AREA AT SHERWOOD AND BEAUREGARD – WALMART ACROSS SHERWOOD



RECENTLY PURCHASED PROPERTY, ALLEY OFF TYLER REQUEST ABANDONMENT

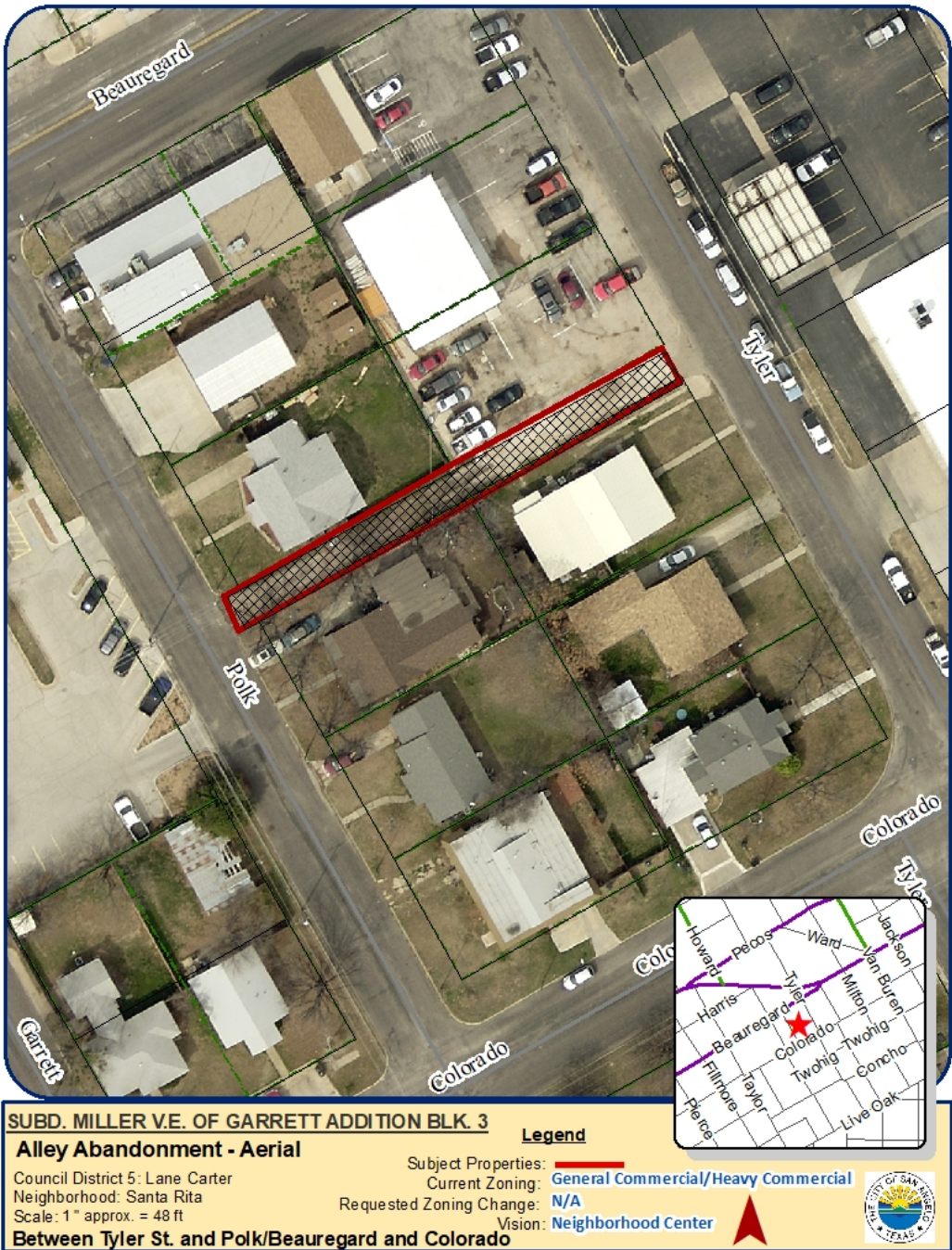


POLK STREET SHOWING ALLEY TO BE ABANDONED WITH ADJACENT RENT HOUSES



CLOSEUP OF EXISTING FENCING ALONG HARRISON AND COLORADO

Aerial Map Showing Proposed Alley Abandonment



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue

Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): Concho Collision

☒ Owner ☐ Representative (Notarized Affidavit Required)

1909 W. Beauregard San Angelo TX 76901

Mailing Address City State Zip Code

325-947-9473 jim@conchocollision.com

Contact Phone Number Contact E-mail Address

1909 W. Beauregard San Angelo TX 76901

Subject Property Address City State Zip Code

Legal Description (can be found on property tax statement or at www.tomgreencad.com)

1.630, Lot: 1 THRU 4 & ALLEY ADJ ON SOUTH & LOTS 1, Blk: 190, Subd: WARDS ANNEX

Existing Zoning: _____ Proposed Zoning: _____ Lot size: _____

(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Automobile repair

*Proposed Use of Property: automobile repair

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;

☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.

☒ If approved, a zone change is applied to the property, not the property owner.

☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.

☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.

☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.

☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.

☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 www.cosatx.us/planning

Effective January 3, 2017

Section 3: Applicant's acknowledgement

I/We the undersigned acknowledge that the information provided above is true and correct.

Signature of licensee or authorized representative
affirming the truth of the above statement.

Date

4-16-19

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

PD 19-04

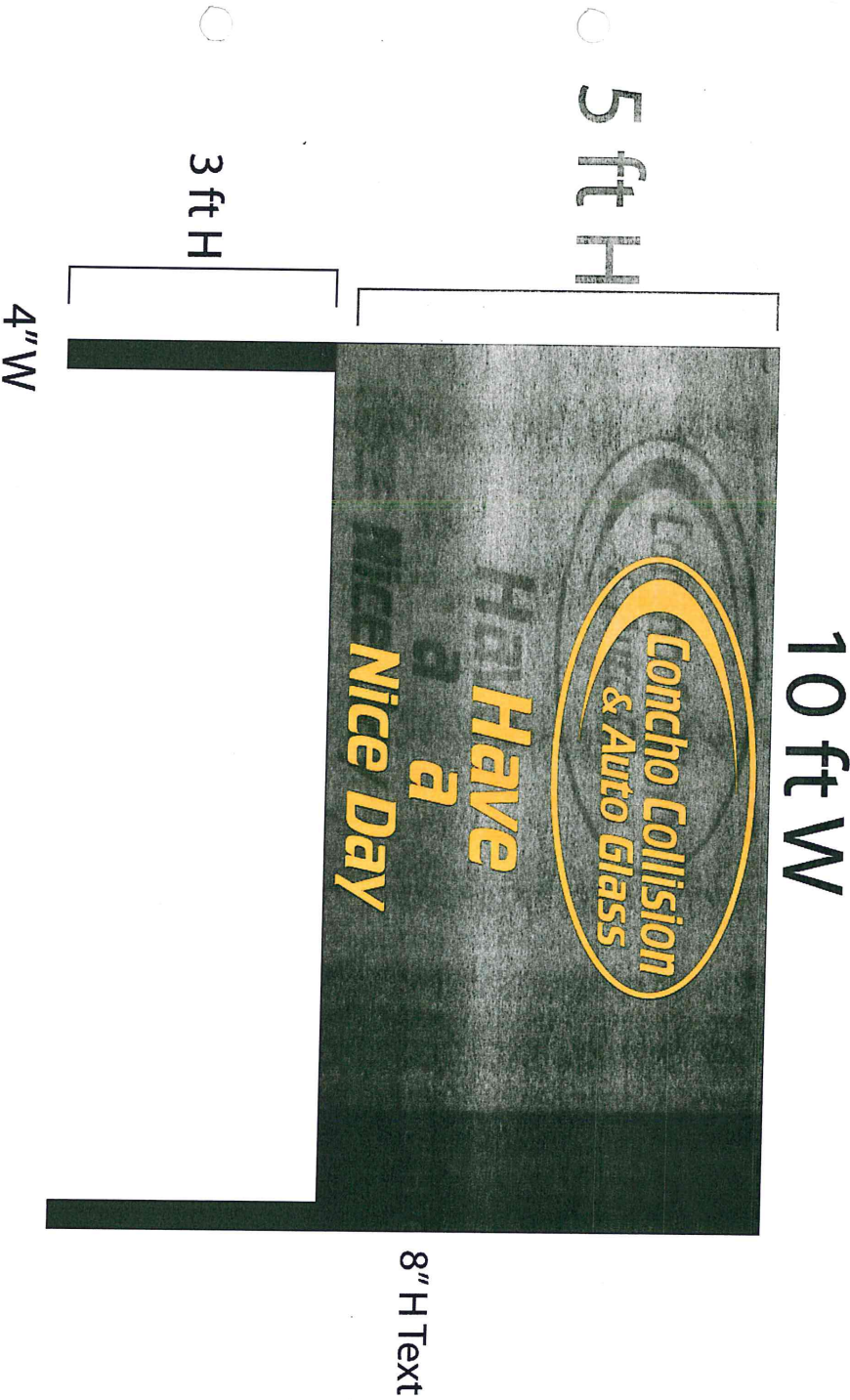
Non-Refundable Fee: \$ 560.00

Receipt #: 213265

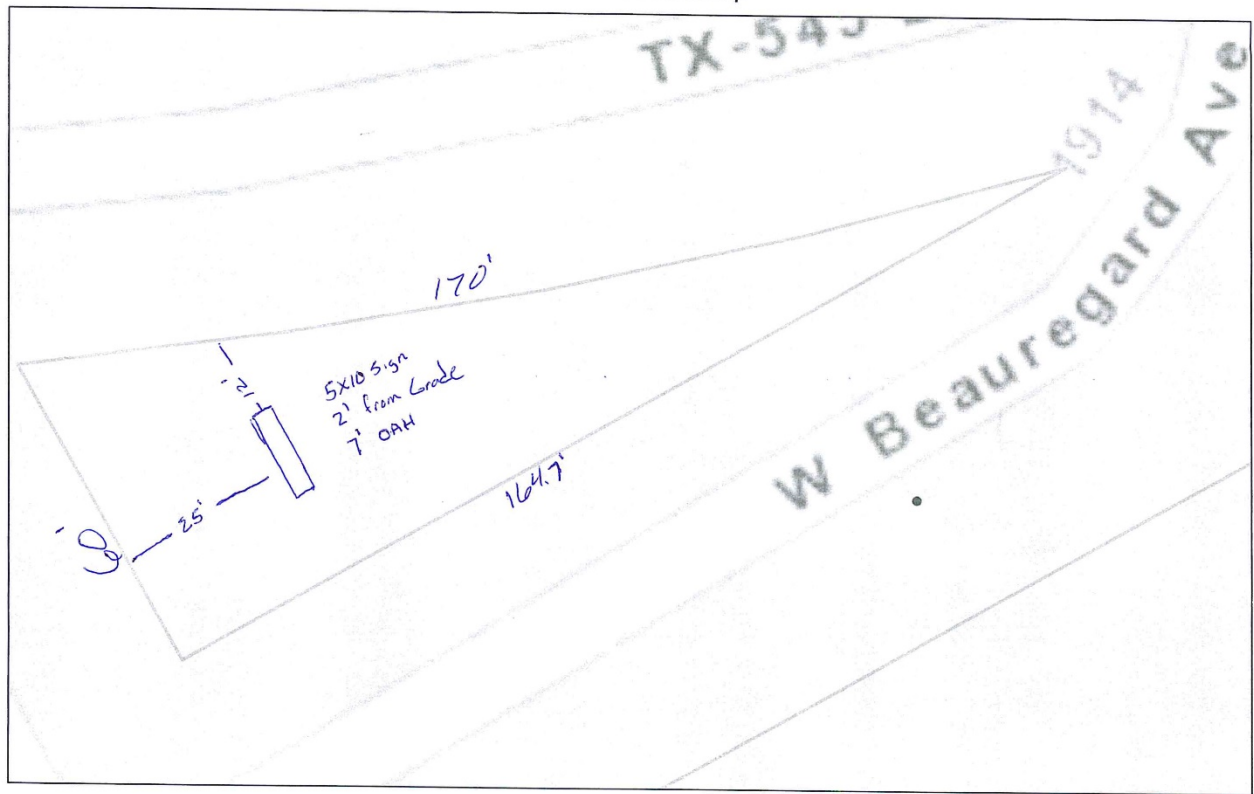
Date paid: 04 / 22 / 19

Date of hearing by Planning Commission: ____/____/____ Date of hearing by City Council: ____/____/____

Reviewed/Accepted by: _____



ArcGIS Web Map



4/16/2019, 3:09:06 PM

Parcel Lines ETJ

Parcel popup

1:282
0 0 0 0.01 mi
0 0 0.01 0.01 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,
Web AppBuilder for ArcGIS
Esri, HERE, Garmin, INCREMENT P, NGA, USGS

All properties in question for Planned Development

Legal: Acres: 1.630, Lot: 1 THRU 4 & ALLEY ADJ ON SOUTH & LOTS 1, Blk: 190,
Subd: WARDS ANNEX

Situs: BEAUREGARD 1909 W (Concho Collision main lot)

Legal: Acres: 0.130, Lot: 3, Blk: 3, Subd: MILLER V E OF GARRETT ADN, *** FKA
101 S TYLER ***

Situs: BEAUREGARD 1951 W (1 of 3 lots across street from main location)

Legal: Acres: 0.130, Lot: 1, Blk: 3, Subd: MILLER V E OF GARRETT ADN, *** FKA
101 S TYLER ***

Situs: BEAUREGARD 1951 W (1 of 3 lots across street from main location)

Legal: Acres: 0.130, Lot: 1, Blk: 3, Subd: MILLER V E OF GARRETT ADN, *** FKA
101 S TYLER ***

Situs: BEAUREGARD 1951 W (1 of 3 lots across street from main location)

Legal: Acres: 0.130, Lot: 4, Blk: 3, Subd: MILLER V E OF GARRETT ADN

Situs: TYLER 113 S (house to be removed) next to alley to be abandoned

Triangle that separates Sherwood way and Beauregard

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH 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: **Being 2.38 ACRES LOCATED SOUTH OF W. BEAUREGARD AVE., NORTH OF COLORADO AVE., ALONG W TYLER ST. TO HARRISON ST. AND ENCOMPASSING THE TRIANGLE AT THE W. BEAUREGARD AND W SHERWOOD WAY SPLIT** FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR EXISTING AUTO BODY, VEHICLE GLASS REPLACEMENT, AND AUTO REPAIR FACILITY, USES PERMITTED IN THE GENERAL COMMERCIAL ZONING DISTRICT, AN OVERALL USE PLAN AND AN OFF-SITE MONUMENT SIGN; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD19-04: Concho Collision

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Planned Development Zoning District with uses allowed in the General Commercial Zoning District an overall existing use plan and an off-site monument sign;

WHEREAS, on the 18th day of June, 2019, City Council held a public hearing on PD19-04, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property

permanently zoned PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR EXISTING AUTO BODY, VEHICLE GLASS REPLACEMENT, AND AUTO REPAIR FACILITY USES, USES PERMITTED IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, AN OVERALL USE PLAN AND AN OFF-SITE MONUMENT SIGN AT THE FOLLOWING DESCRIBED PROPERTY;

The real property being Lots 1 through 8 and the adjacent alley right-of-way , Blk. 190, Re-subdivision of Wards Annex; Lots 1through 4, Blk. 3, VE Miller Re-subdivision of Garrett Add.; and all of Blk. 189 Re-subdivision of Wards Annex that lies South of Sherwood Way, North of Beauregard Ave. and East of Tyler St. City of San Angelo, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Planned Development (PD) Zoning District with an underlying existing use as an auto body, vehicle glass replacement and auto repair facility, and uses allowed in the General Commercial Zoning District, an overall use plan and an off-site monument sign. .

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (“PD” Boundary Map).

SECTION 3: Except as otherwise specified or limited herein, the use and development of the subject property shall generally conform to the General Commercial Zoning District.

SECTION 4: 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 5. The existing use and buildings that now comprise the Concho Collision complex can continue as part of the overall plan. Any additional property, building construction or change of use must come back as an amendment to the Planned Development District.

SECTION 6. One monument sign will be permitted in the triangle entrance property where Beauregard Avenue and Sherwood Way split. The approved sign must generally match the design attached to this PD package pertaining to size, height and message limited to Concho Collision.

SECTION 7. The present plan approval applies to the security fencing, height, material and placement. Any additional fencing associated with additional property must be submitted as an amendment to the Planned Development District. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 8 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 9: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **18th day of June, 2019**, and finally PASSED this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

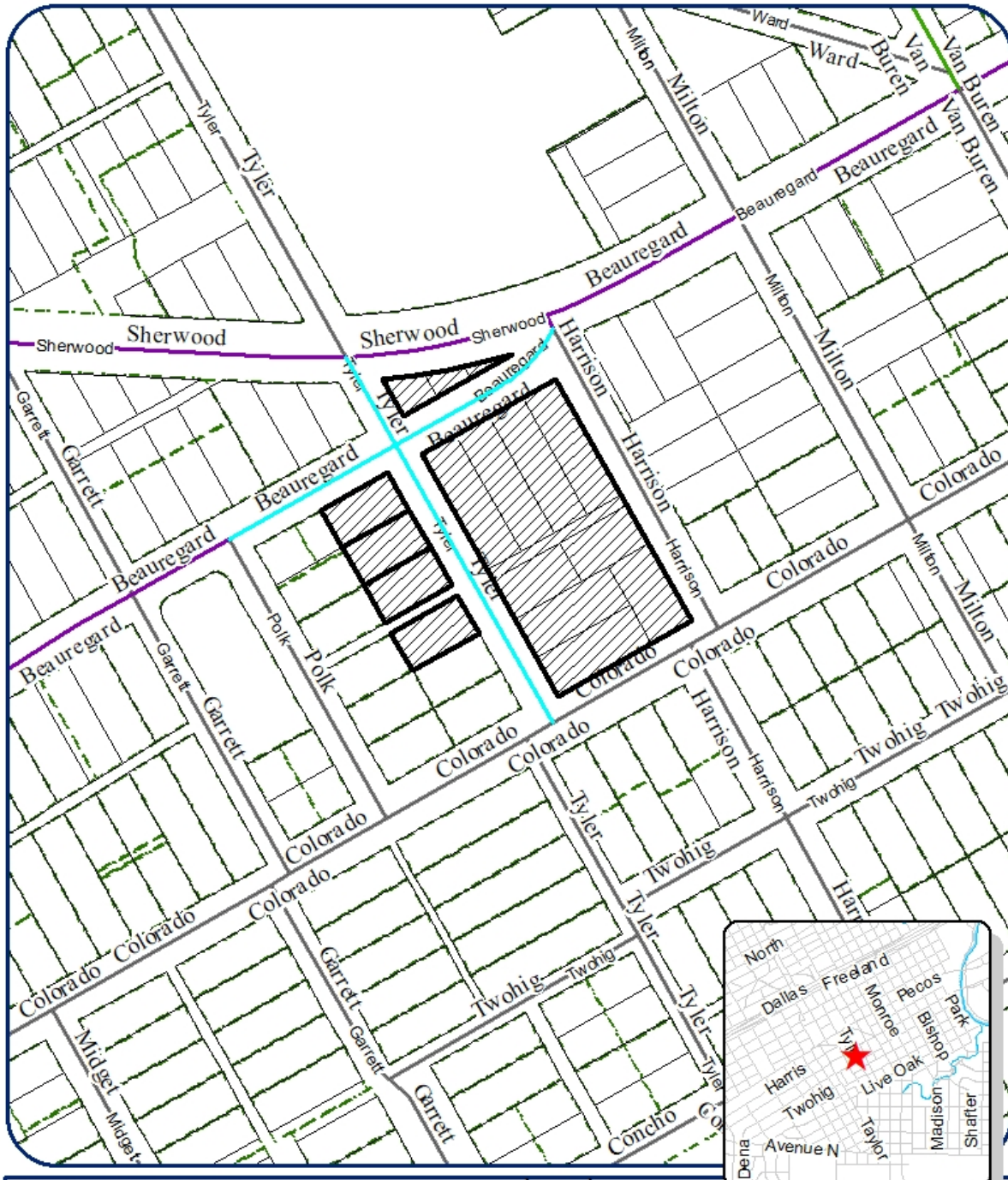
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Location Map PD19-04

PD19-04: Concho Collision

Council District 5 - Lane Carter

Neighborhood: Santa Rita

Scale: 1" approx. = 165 ft

Legend

Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **Planned Development**

Vision: **Neighborhood**

L 1-8 & the alley adjacent, Blk. 190, Re-sub. of Wards Annex; L 1-4, Blk. 3, VE Miller Re-sub. of Garrett Add.; all of Blk. 189 Re-sub. of Wards Annex s. of Sherwood Way, n. of Beauregard Ave., e. of Tyler St.



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving PD19-05, a rezoning from the Single-Family Residential (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental, retail sales, boat slips, and an office on the City of San Angelo special lease property located at 2138 Mary E. Lee Park Rd., comprising 1.23 acres (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for approval of a rezoning from the Single-Family Residential(RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental sales, retail sales, boat slips, and an office on the subject property. The City of San Angelo is intending to legalize a lease area which includes a the commercial boats uses, water sports rental and sales , retail sales and an office. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. Previous approved leases provided for the uses on the lease site. Rezoning to the Planned Development District will allow the existing uses.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission at their May 20, 2019 meeting voted unanimously to recommend approval of the request to the City Council. (6-0)

Attachments:

- | | |
|-------------------------|---------------------------|
| 1. Staff Report PD19-05 | Staff Report PD19-05.docx |
| 2. 19-0XXX_PD19-05_ORD | 19-0XXX_PD19-05_ORD.docx |

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved

Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Final Approval

CITY COUNCIL – JUNE 18, 2019

STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning – Planned Development		PD19-05: Water Dawgs - COSA	
SYNOPSIS:			
A request for approval of a rezoning from the Single-Family Residence (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the underlying General Commercial (CG) Zoning District with a principal use of water sports rental and commercial sales, boat slip, water sports equipment repair, retail sales and an office on the subject property. The City of San Angelo is intending to comply a lease area which includes a commercial boats sales and rental, retail sales and an office. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. These uses have been permitted under previous leases.			
LOCATION:		LEGAL DESCRIPTION:	
2138 Mary E. Lee Park Rd.		Approximately 1.23 acres Tract 1 & Tract 2, Special Leases Mary E. Lee Park, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood		RS-1 – Single Family Residential	Open Space
			SIZE:
			1.23 acres
THOROUGHFARE PLAN:			
Mary E. Lee Park Rd._ Urban Local Street, No ROW Existing, 20' Pavement Width Existing.			
NOTIFICATIONS:			
1 notifications was mailed within a 200-foot radius on May 5, 2019 Zero response has been received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from Single-Family Residence (RS-1) to Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with underlying uses for Retail Sales and Service, water sports facilities sales and repair, boat slips) and an office, subject to 7 Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
City of San Angelo – Water Dawgs			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Rezoning: 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:

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 “Open Space” in the City’s Comprehensive Plan which intends to “Provide a balanced system of parks, open space, and recreational facilities in terms of function and location.” The proposed rezoning would legalize the current retail sales and rental, water sports supplies and commercial boat uses, and fit into the adjacent park uses. The proposed rezoning, if approved, would allow the leasee’s to make improvements to their lease site consistent with approved planning policies.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The purposes of a Planned Development District include allowing a diversification of uses, structures, and open spaces and to promote flexibility of design in a manner compatible with existing uses of land on adjacent properties. In lieu of relying on conventional standards for a rather unconventional and unique project, special development standards that are responsive to the lake’s environment and character of the project are being implemented through the use of a Planned Development. The Planned Development will allow complementary and logical accessory uses while providing some limitations.
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 intent of the Planned Development is to offer a balance between new recreational amenities, the existing Lake Nasworthy environment, and the surrounding residential neighborhoods. The Planned Development will balance the need for additional recreational facilities while protecting the residents and property owners within the greater surrounding neighborhoods some additional protections included in the development limitations.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The increasing popularity of Lake Nasworthy as a regional recreation venue has prompted the City to reexamine its economic value and proceed accordingly. The City currently maintains four parks along the lake, and short-term activities such as boating and fishing have proven very popular for both local residents and visitors. The lake is also home to annual regional events. Updates to the Comprehensive Plan, recent economic studies concerning the lake and their conclusions, and increasing outside popularity and interests in the lake, have now changed the direction of development along the lake. By rezoning the area Planned Development the city can provide for meeting recreational needs while at the same time providing for the growing property owner concerns.

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.* The rezoning is anticipated to have little to no adverse impact on the natural environment. Future 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.* According to past studies for Lake Nasworthy, the Planned Development area is prime for tourism development as an “action sports” destination area, ideal for such items as boat races and wake boarding. Increasing demand for lake recreation supports the need for the current development as well as future expansions. The proposed PD would allow legalizing the current development while ensuring development standards are met.
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.* Since the early 1950s, Lake Nasworthy has evolved into a regional recreational destination spot. Along with recreation, a mixture of various stakeholders in the form of private ownerships, ground leases, and public holdings that have developed into numerous residential neighborhoods, park facilities, and commercial/recreational ventures. The existing development are has been providing services for a significant time period and will continue to function in this capacity.

Recommendation:

The Planning Commission met on May 20, 2019 and **voted 6-0** to recommend **Approval**.

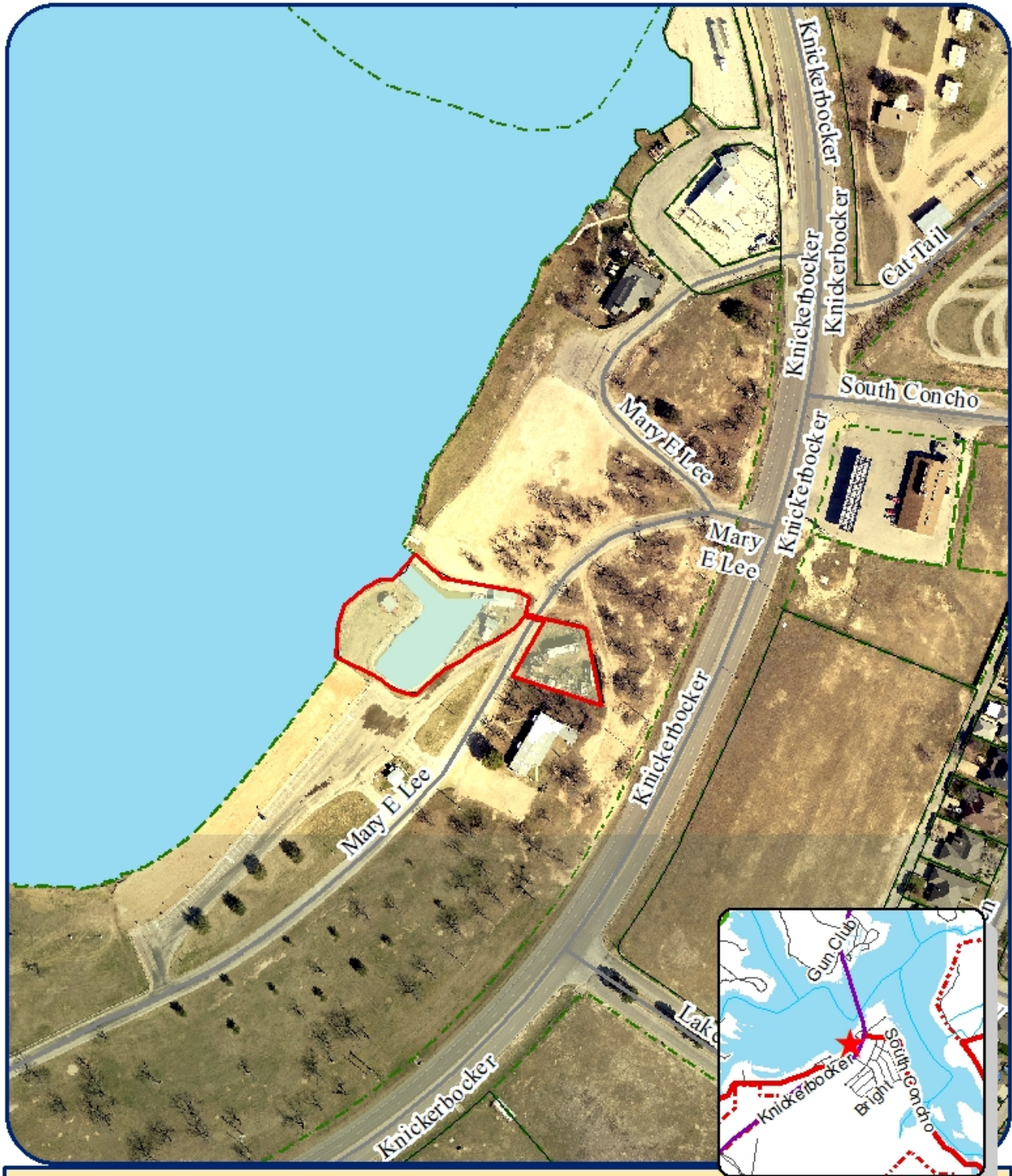
Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from Single-Family Residence (RS-1) to Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with underlying uses for Retail Sales and Service, Entertainment and water sports facilities, and an office, subject to **7 Conditions of Approval**.

1. Prior to any future development and/or building permits being issued on the property, the applicant shall submit a final site plan to the Planning Director for review and approval.
2. The following are allowed accessory uses, included but not limited to,
 - Off-street paved and striped parking
 - Retail sales and service use
 - Offices for water sports retail and rental and maintenance support
 - Boat slips
 - Outdoor guest amenities
 - Commercial recreational rentals
 - Fuel Sales
 - Paddle boat rentals
 - Beer and wine package sales
3. The outer perimeter of the RV pads is across Mary E. Lee Park Rd. from the office and retail sales area.

4. Office area is adjacent to the paddle boat area and will be used for primary site access and shall be maintained by the lease as part of the property lease agreement.
5. Existing improvements in current configuration may be maintained in current condition. New improvements or adjustments to layout configuration must comply with ordinance development standards in place at the time of development.
6. Prior to issuance of a sign permit, each commercial vendor shall present a signage plan to be considered by the Planning Director for approval.
7. It is understood that this is a five year plan and may be subject to change and review. The applicant will provide any changes to the Planning Director for review and a Planned Development District Amendment, if necessary.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Photographs
Site Plan



Planned Development District- Aerial Map

PD 19-05: Water Dawgs

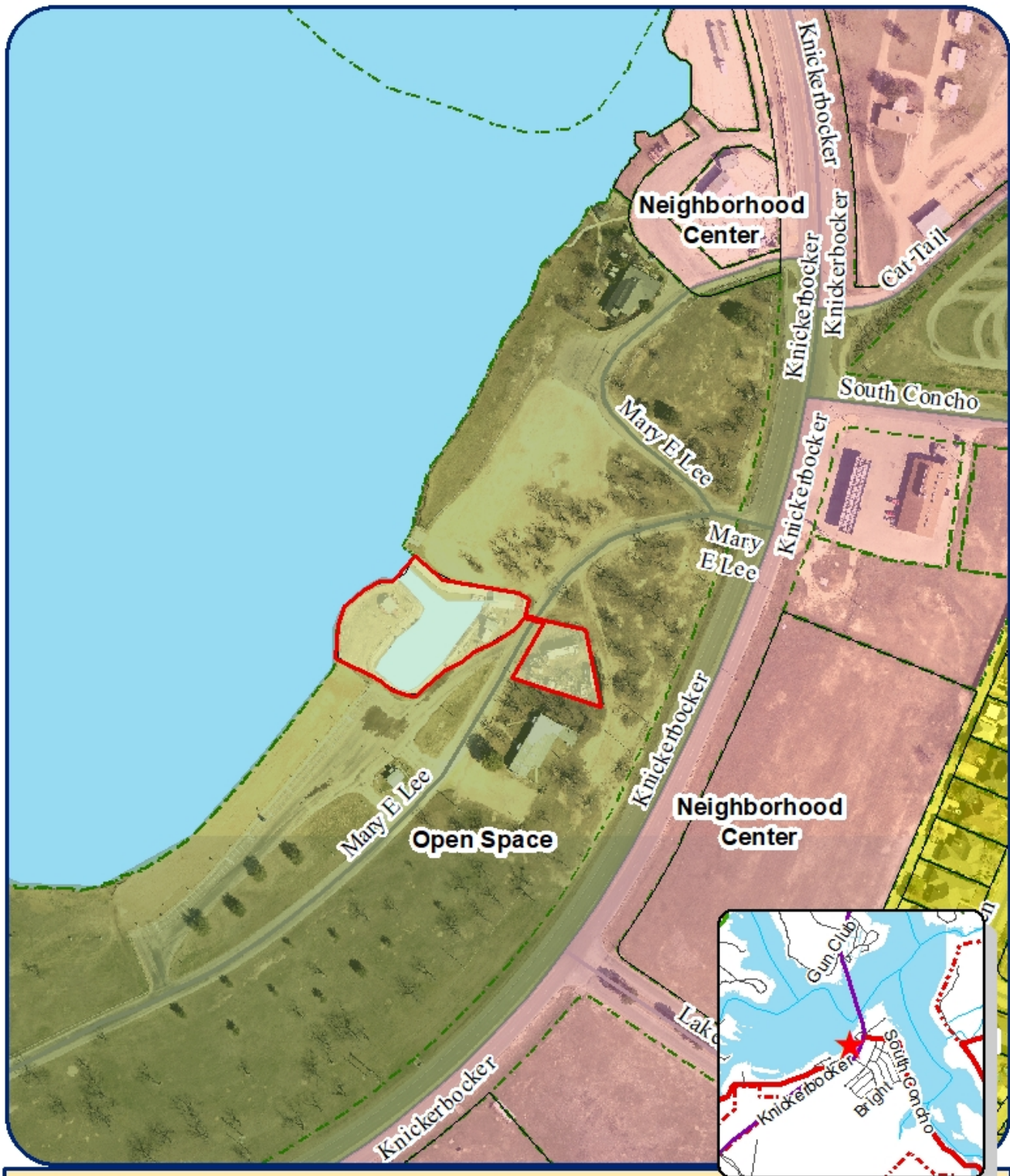
Council District 1: Thomas Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 200 ft

2138 Mary E. Lee Park Rd.

Legend

Subject Properties: —
Current Zoning: **Single-Family Residence District (RS-1)**
Requested Zoning Change: **Planned Development (PD)**
Vision: **Open Space**





Planned Development District- Zoning Map

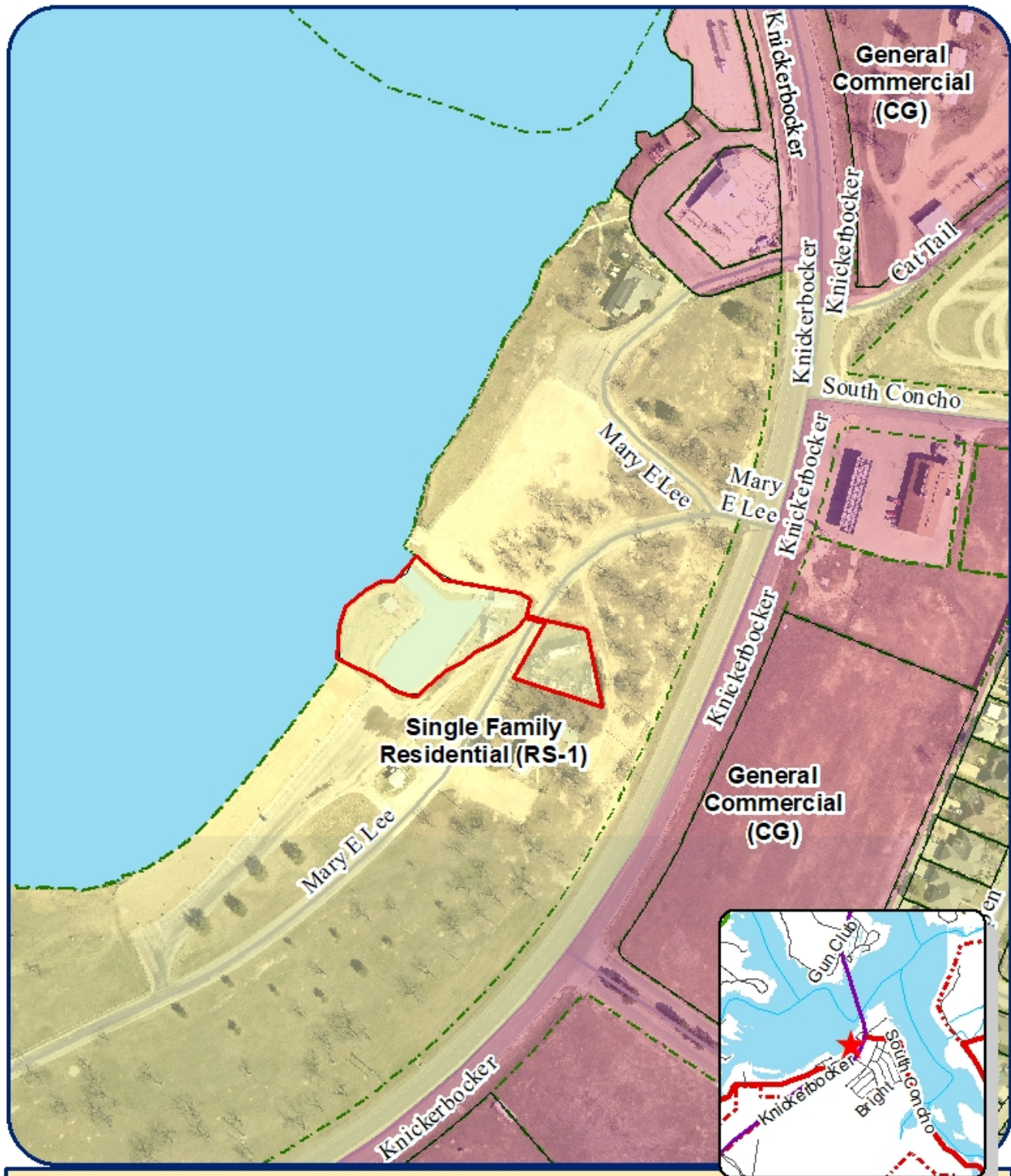
PD 19-05: Water Dawgs

Council District 1: Thomas Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 200 ft
2138 Mary E. Lee Park Rd.

Legend

Subject Properties: —
Current Zoning: **Single-Family Residence District (RS-1)**
Requested Zoning Change: **Planned Development (PD)**
Vision: **Open Space**





Planned Development District- Zoning Map

PD 19-05: Water Dawgs

Council District 1: Thomas Hiebert

Neighborhood: Nasworthy

Scale: 1" approx. = 200 ft

2138 Mary E. Lee Park Rd.

Legend

Subject Properties: —
Current Zoning: **Single-Family Residence District (RS-1)**
Requested Zoning Change: **Planned Development (PD)**
Vision: **Open Space**

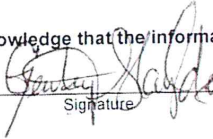


City of San Angelo, Texas – Planning Division 52 West College Avenue	
Application for Approval of a Zone Change	
Section 1: Basic Information	
Name of Applicant(s): <u>Water Dawgs Home & Boat, LLC</u>	
☒ Owner ☐ Representative (Notarized Affidavit Required)	
Mailing Address <u>3237 Reel Bluff Rd W</u>	City <u>San Angelo</u> State <u>TX</u> Zip Code <u>76904</u>
Contact Phone Number <u>325-481-3210</u>	Contact E-mail Address <u>info@waterdawgsrentals.com</u>
Subject Property Address <u>2138 Mary E Lee Park Rd</u>	City <u>San Angelo</u> State <u>TX</u> Zip Code <u>76904</u>
Legal Description (can be found on property tax statement or at www.tamgreenad.com) <u>7000076572</u>	
Existing Zoning: <u>RS-1/CG</u> Proposed Zoning: <u>PD</u> Lot size: <u>40,570 sq ft / 12,835 sq ft</u>	
(Zoning Map available on CityMaps)	
Section 2: Site Specific Details	
Existing Use of Property: <u>Water Sports rental</u>	
Proposed Use of Property: <u>Addition of amenities to expand the business:</u> <u>Water Sports rental</u>	
*Use separate attachment if necessary	
Section 3: Applicant(s) Acknowledgement (By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)	
☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner.	
☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.	
☒ If approved, a zone change is applied to the property, not the property owner.	
☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.	
☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.	
☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.	
☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.	
☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.	

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

Gentry Skayden  Water Dawgs Home Boat 4/18/19
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z 19 -- 08

Fully-dimensioned site plan: ☒

Nonrefundable fee: \$To be pd by Parks Dept. Receipt #: ____ Date paid: ____/____/____

Sign Deposit \$37.50 Receipt #: ____ Date paid: ____/____/____

Affidavit attached? ☐ Yes ☐ No ☐ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☐ No If yes, ZCI case no.: ____--____

River Corridor Commission? ☐ Yes ☐ No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: 05/20/19 Date notifications due: ____/____/____

City Council hearing date: ____/____/____ Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: ____ Date: ____/____/____

Site Photos



Existing Facilities





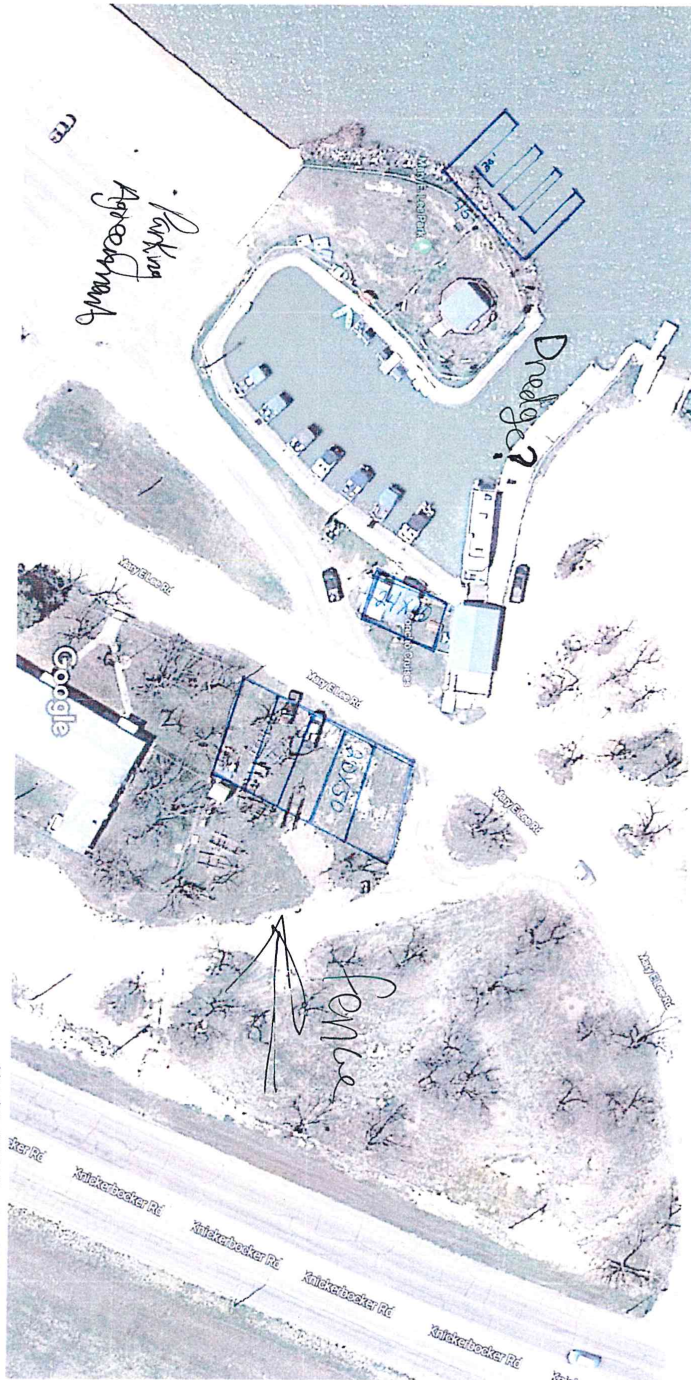




Current Parking in Grass

Google Maps

5 yr plan



Office building - 24' x 40'
Shops - 36' x 45' (3rd water)
RV spots - 20' x 50' (5 units)

Separate addressing for RV for beer
consumption
Platt
local



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH 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: **BEING 1.23 ACRES LOCATED AT 2138 MARY E. LE PARK RD. IN MARY E. LEE PARK ADJACENT TO LAKE NASWORTHY** FROM SINGLE FAMILY RESIDENTIAL (RS-1) TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR USES PERMITTED IN THE GENERAL COMMERCIAL ZONING DISTRICT WITH THE PRINCIPAL USE OF WATER SPORTS RENTAL AND SALES, BOAT SLIPS, WATER SPORTS EQUIPMENT REPAIR, RETAIL SALES AND AN OFFICE WITH AN OVERALL USE PLAN; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

RE: PD19-05: Water Dawgs

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Planned Development Zoning District with uses allowed in the General Commercial Zoning District and overall existing use plan;

WHEREAS, on the 18th day of June, 2019, City Council held a public hearing on PD19-05, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR

USES PERMITTED IN THE GENERAL COMMERCIAL ZONING DISTRICT (CG) WITH THE PRINCIPAL USE OF WATER SPORTS RENTAL AND SALES, BOAT SLIPS, WATER SPORTS EQUIPMENT REPAIR, RETAIL SALES, AND AN OFFICE, WITH AN OVERALL USE PLAN FOR THE FOLLOWING DESCRIBED PROPERTY;

The real property being Tract 1 and Tract 2, Special Leases Mary E. Lee Park, City of San Angelo, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Planned Development (PD) Zoning District with an underlying existing use as General Commercial Zoning District including Water Sports Rental and Sales, boat slips, water sports equipment repair, retail sales and an office, and an overall use plan.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (“PD” Boundary Map).

SECTION 3: Except as otherwise specified or limited herein, the use and development of the subject property shall generally conform to the General Commercial (CG) Zoning District.

SECTION 4: 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 5. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 6 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **18th day of June, 2019**, and finally PASSED this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

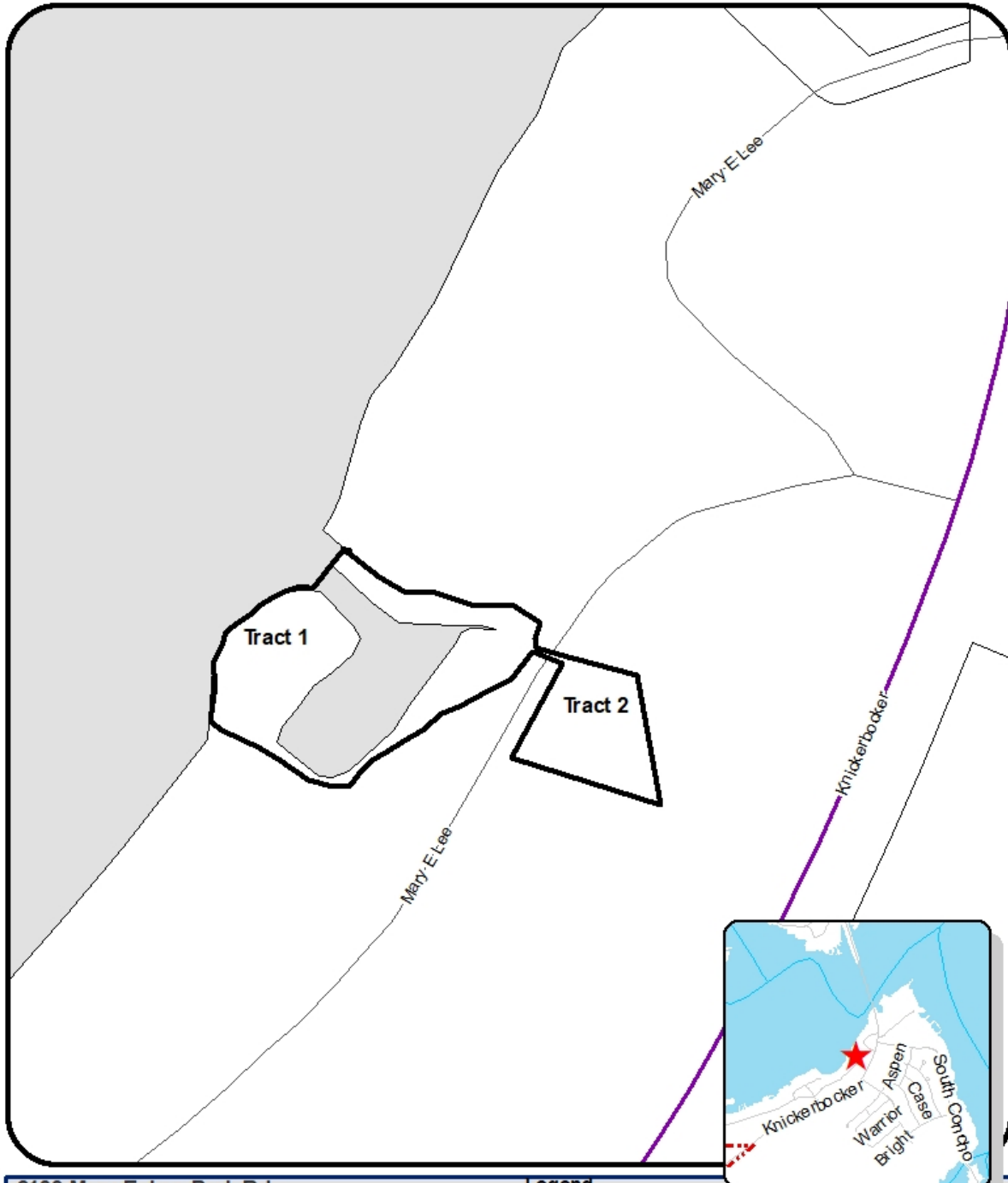
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



2138 Mary E. Lee Park Rd.

Water Dawgs

Council District 1 - Tommy Hiebert

Neighborhood: Naseworthy

Scale: 1" approx. = 117 ft

Legend

Subject Properties: 

Current Zoning: **CG/CH**

Requested Zoning Change: **Planned Development**

Vision: **Neighborhood**

N



Tract 1 and Tract 2, Special Leases Mary E. Lee Park, City of San Angelo, Tom Green County, Texas

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving case SU19-02, a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on 21.536 acres, located at 2838 S. College Hills Blvd. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has applied for a Special Use on the subject property owned by the City to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. The applicant intends to lease 21.536 acres of the 71.16-acre property zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District. The applicant's concept plan delineates two new outdoor baseball fields; a new outdoor multi-use field with three volleyball courts; three new indoor multi-sport buildings, gym, and retail store; and the existing driving range, restaurant, and parking lot. The miniature golf course would be removed for the present time. The indoor facilities are already permitted uses in the CG district, but the outdoor uses require a Special Use.

Financial Impact:

N/A

Other Information/Recommendation:

On May 20, 2019, Planning Commission unanimously recommended APPROVAL by a vote of 7-0, subject to seven conditions of approval as outlined in the Staff Report.

Attachments:

- | | |
|------------------------------|--------------------------------|
| 1. Council SU19-02 report | Council_SU19-02 report.docx |
| 2. Council SU19-02 Ordinance | Council SU19-02 Ordinance.docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved

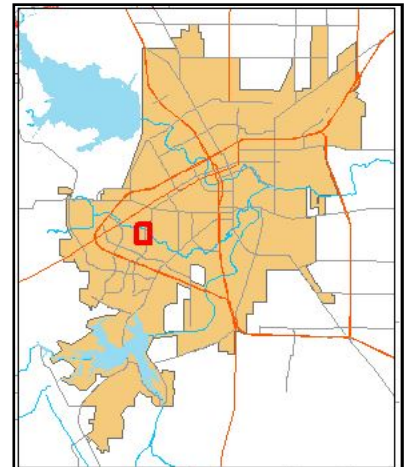
Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Final Approval

CITY COUNCIL – June 18, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Special Use	SU19-02: Box		
SYNOPSIS:			
The applicant has applied for a Special Use on the subject property owned by the City to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. The applicant intends to lease 21.536 acres of the 71.16-acre property zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District. The applicant's concept plan delineates two new outdoor baseball fields; a new outdoor multi-use field with three volleyball courts; three new indoor multi-sport buildings, gym, and retail store; and the existing driving range, restaurant, and parking lot. The miniature golf course would be removed for the present time. The indoor facilities are already permitted uses in the CG district, but the outdoor uses require a Special Use (See additional information).			
LOCATION:		LEGAL DESCRIPTION:	
2838 South College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive		Being 21.536 acres in the J. McNeese Survey.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #6 – Billie DeWitt Vista Del Arroyo Neighborhood	CG and RS-1	C – Commercial	21.536 acres
THOROUGHFARE PLAN:			
South College Hills Boulevard – Urban Arterial Street (complied at the time of platting) Required: 80' right-of-way, 64' pavement Provided: 100' right-of-way, 64' pavement			
NOTIFICATIONS:			
6 notifications mailed within 200-foot radius on May 10, 2019. One received in support; none opposition.			
STAFF RECOMMENDATION:			
Staff's recommendation is for the Planning Commission to recommend <u>APPROVAL</u> of the Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, subject to seven Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
Property Owner: City of San Angelo Applicant: Mr. Shawn Box			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information: An original Special Use Permit 613 to allow a “public golf course with related golf activities and other recreational activities” was applied for in 1978 but not approved. On October 2, 1979, City Council approved a Zone Change from the Single-Family (R-1) Zoning District to the Commercial Entertainment and Recreation District (CE&R) Zoning District for a “par-3, 9-hole golf course and an 18-hole miniature golf course.” These outdoor uses were allowed by-right until 2000 when the new CG zoning took effect, prohibiting them and other outdoor entertainment uses without a Special Use. Presently, there is a miniature golf course and driving range on the property recognized in the current 2004 lease agreement with the City. This agreement, as amended, also allows related recreational activities, sale and consumption of beer and wine, and year-round family events. The new Special Use would legalize the existing outdoor driving range which the applicant plans to continue, as well as the new outdoor multi-use sports facilities, related recreational activities, outdoor miniature golf and outdoor events which could be established in future. A new lease from the City is required.

1. **Impacts Minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.** Planning Staff believe that impacts on nearby uses will remain minimal. Outdoor uses including the golf driving range and miniature golf facility have already been operating since at least the mid-1990s within the same 21.536-acre leased area. The new outdoor fields will not extend past the existing driving range, the closest use to residential development, which is still over 600 feet west of the nearest residential subdivision. Conditions of approval including shielded lighting, no outdoor activity after 11:30pm, and an Urban Design Review prior to building permit issuance will ensure minimum design standards and reduce any potential impacts on nearby properties.
2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.** The subject leased area is over 21 acres and greatly exceeds the minimum lot area requirement of 6,000 square feet, minimum frontage of 50 feet, and minimum lot depth of 80 feet in the CG Zoning District. The new buildings will be required to be at least 25 feet back from the front property line facing South College Hills Boulevard which should be easily met given the large lot size. The large existing paved parking area would be able to accommodate over 100 vehicles, and new parking is proposed along the north end of the site. The current parking standards in the Zoning Ordinance require one parking space per 200 square feet for retail uses; and one parking space per the greater of 1/400 square feet or 1/10 seats for indoor and outdoor entertainment uses.
3. **Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.** The proposed uses would be compatible with the surrounding area, and is located in close proximity to other recreational uses including the Red Arroyo Trail and College Hills Swim and Racquet Club, as well as several retail areas to the west and north. As indicated, the new uses will not expand past the existing leased area, nor further east than the existing driving range. For these reasons, Planning Staff is satisfied that the proposed uses will be compatible with the surrounding area.

4. **Traffic Circulation. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.** The proposed development will not alter existing traffic patterns. Sole access to the property will continue to be from South College Hills Boulevard, a major arterial road designed to accommodate large traffic volumes. The existing sidewalk along College Hills Boulevard connects into the Red Arroyo Trail, allowing customers to walk and bike to the facilities as well.
5. **Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** A large portion of the outdoor areas are located within the FEMA floodway. As a condition of approval, the applicant will be required to obtain approval from the City's Operations Division, and obtain any required studies.
6. **Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.** If approved, the Special Use would provide additional sports and entertainment facilities to San Angelo residents. Although on City land, the new venue will provide a private facility that includes a wide range of sports including baseball, volleyball, and the continued golf driving range, as well as indoor facilities.
7. **Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.** Current development patterns would not change. As indicated, access would continue to be from South College Hills Boulevard which can accommodate large traffic volumes.

Planning Commission Recommendation:

On May 20, 2019, the Planning Commission recommended unanimous **APPROVAL** by a vote of **7-0** of the proposed Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, subject to the seven Conditions of Approval outlined at the end of this Staff Report.

The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He explained that the proposed development is on City leased land and the lease will be presented at tomorrow's City Council for ratification. Mr. Fisher outlined the proposed special uses which include a golf driving range, outdoor multi-use sports facilities and events. He explained that the indoor uses were already allowed by right in the existing CG Zoning District.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the outdoor uses have been operating on the property since 1979; that the proposed development will comply with the underlying CG standards; and that the site is adjacent to the Red Arroyo Trail and park area.

Chair Stribling opened the meeting for public comment.

Mr. Shawn Box, the applicant, explained that this was a good location for his proposal given its proximity to existing walking trail, park, and future YMCA across the street.

Chair Stribling closed public comment. He expressed his opinion that the project looks great.

Commissioner Smith made a Motion to recommend APPROVAL of a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. Commissioner Self seconded the motion. The motion carried unanimously, 7-0.

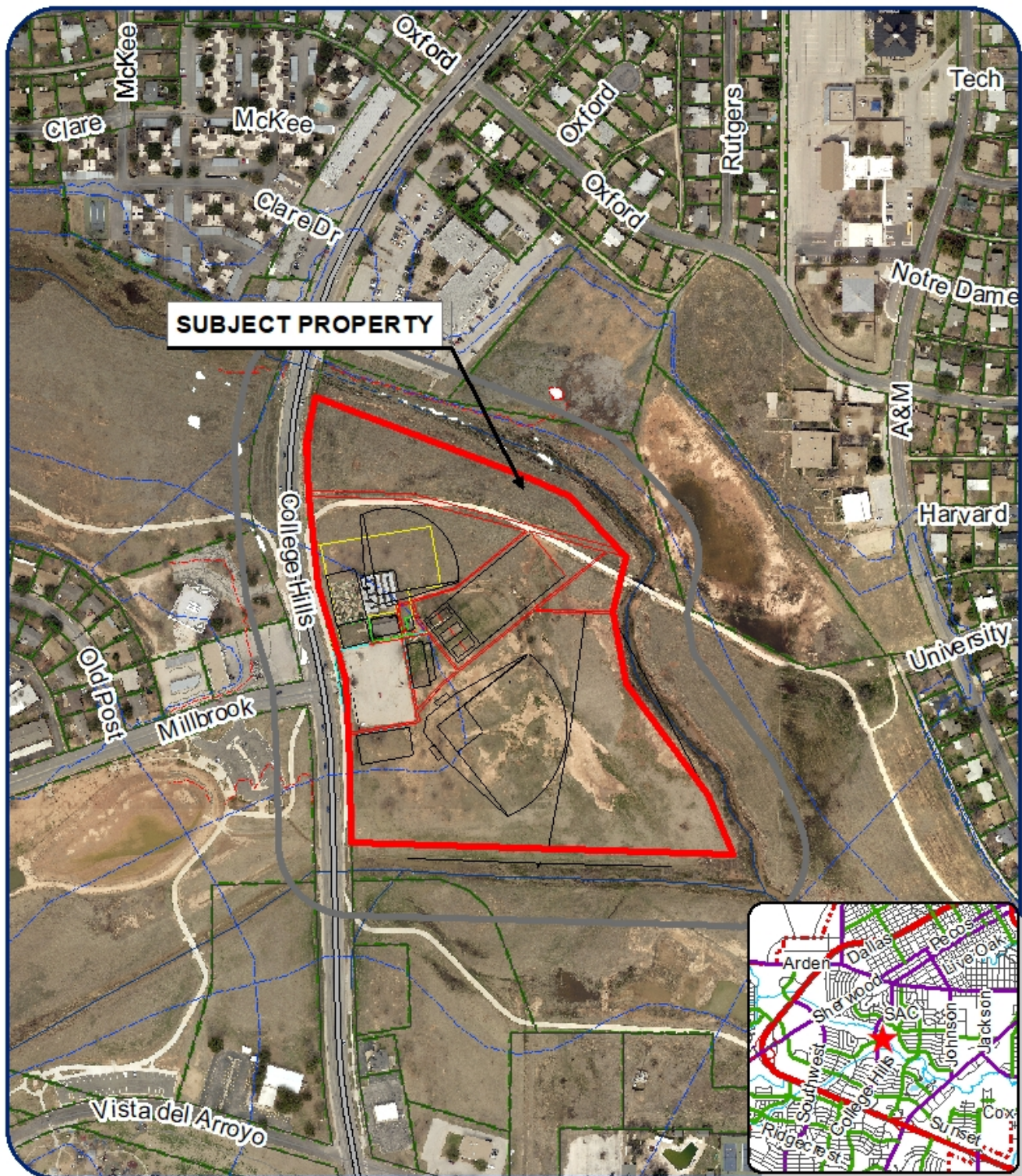
Recommendation:

Staff's recommendation is for City Council to **APPROVE** the Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, subject to the **following seven Conditions of Approval:**

1. The applicant shall obtain from the City a transfer of the existing lease and enter into a new lease agreement with the City for a term of 20 years in order to operate.
2. The applicant shall obtain approval from the City's Flood Plain Manager including any required studies prior to development in the FEMA floodplain or floodway.
3. The applicant shall require an Urban Design Review to be approved by the Planning Director prior to development.
4. Major changes to the approved site concept plan shall require approval by the Planning Director, including a revised Urban Design Review. Minor modifications may be approved without a new site concept plan or Urban Design Review provided they are generally consistent with the original approvals.
5. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
6. Hours of operation for all outdoor events shall be limited to between 6:30 a.m. and 11:30 p.m. and any proposed illuminated signage shall be turned off between 11:30 p.m. and 6:30 a.m.
7. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.

Attachments:

- Aerial Map
- Future Land Use Map
- Zoning Map
- Photographs
- Response Letter
- Site Concept Plan
- Application



Zoning Case File

SU19-02: Box

Council District: Billie DeWitt (SMD#6)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

Legend

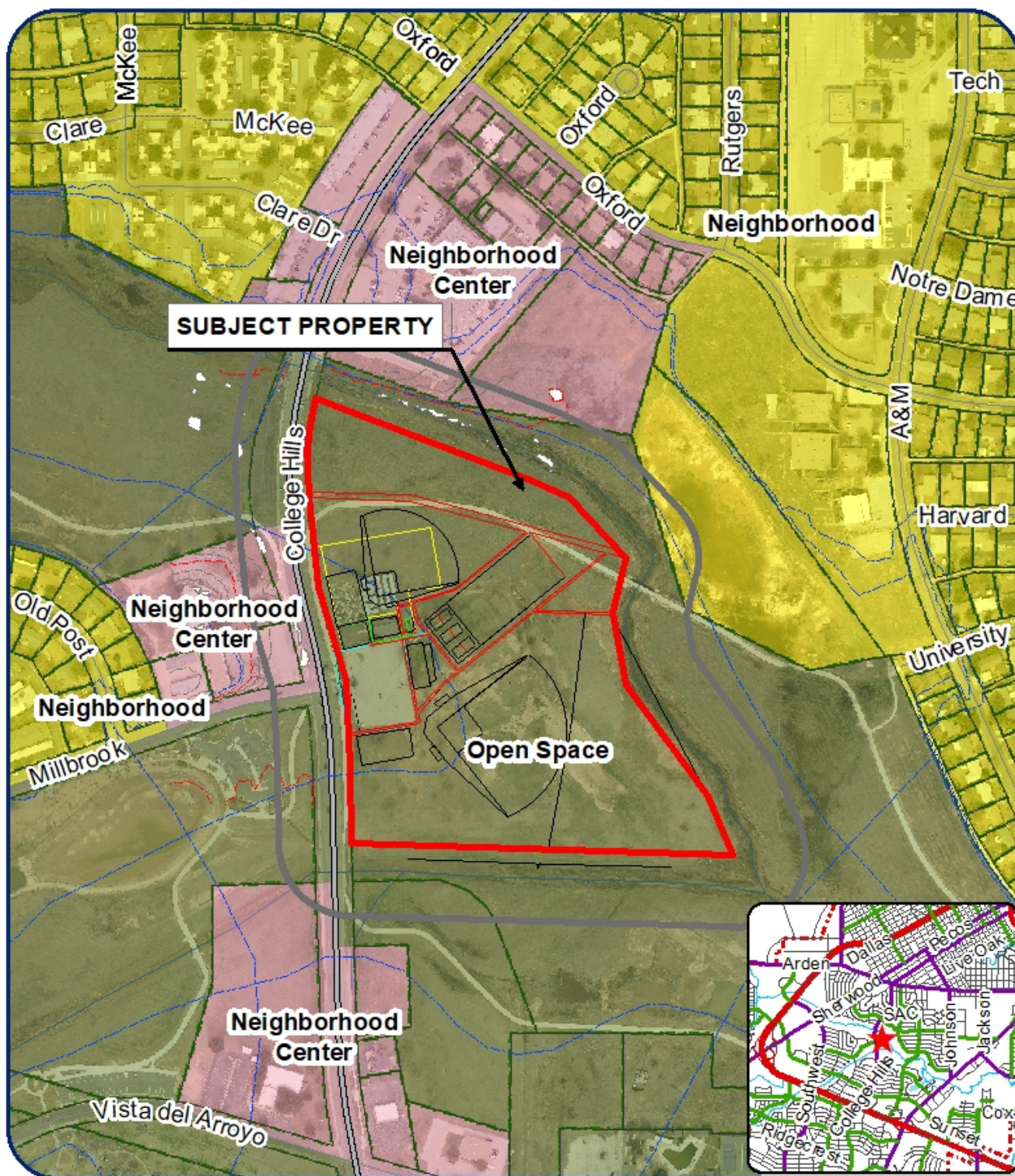
Subject Properties: —

Current Zoning: CG and RS-1

Requested Zoning Change: N/A

Vision: Commercial





Zoning Case File

SU19-02: Box

Council District: Billie DeWitt (SMD#6)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

Legend

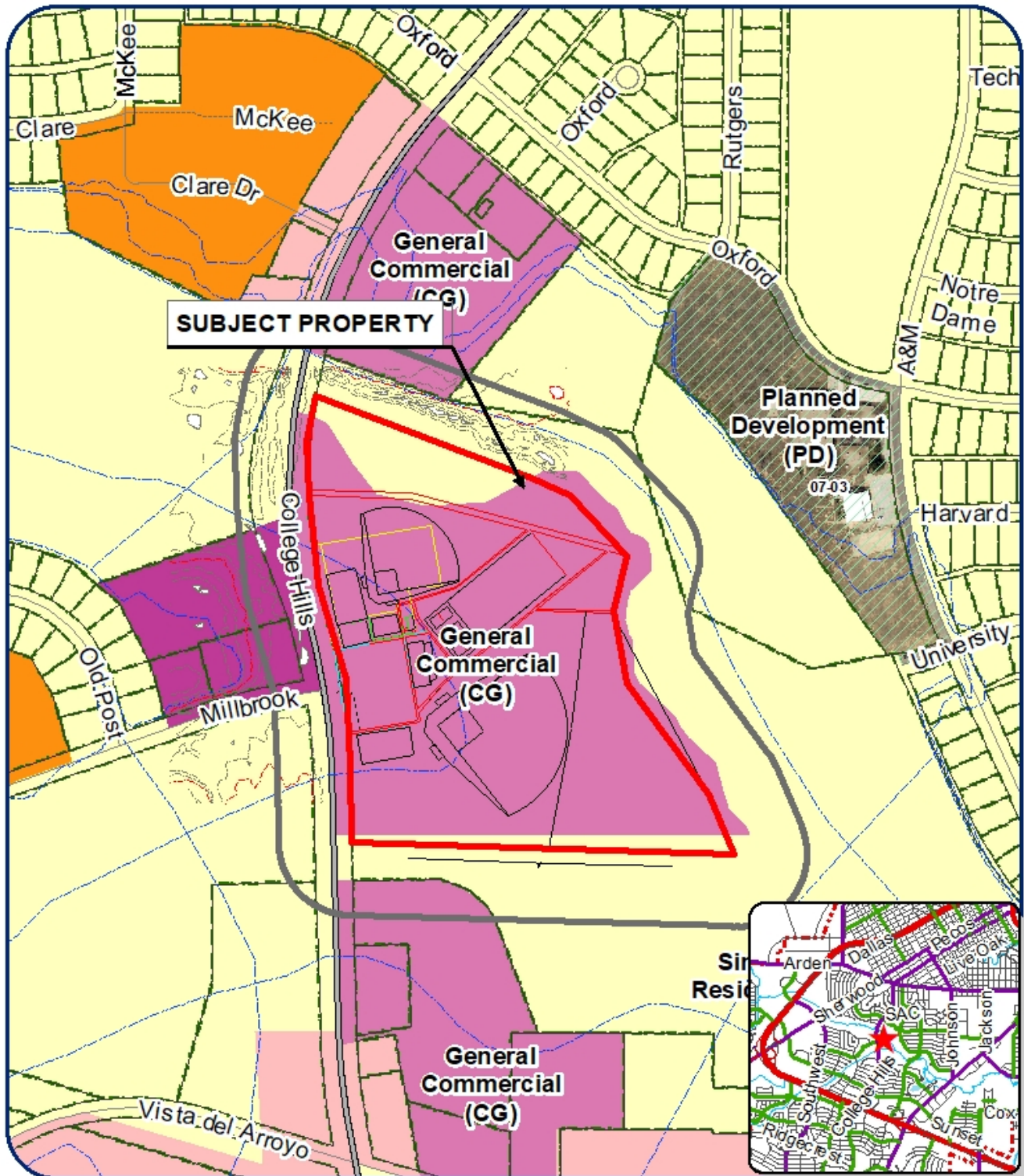
Subject Properties: —

Current Zoning: CG and RS-1

Requested Zoning Change: N/A

Vision: Commercial





Zoning Case File

SU19-02: Box

Council District: Billie DeWitt (SMD#6)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

Legend

Subject Properties: —
Current Zoning: CG and RS-1
Requested Zoning Change: N/A
Vision: Commercial



Photos of Site and Surrounding Area

WEST



NORTH



SOUTH



EAST AT PROPERTY (PARKING LOT)



NORTH AT PROPERTY (RESTAURANT BUILDING)



EAST AT PROPERTY (DRIVING RANGE)



Photos of Site and Surrounding Area

FURTHER NORTH TOWARDS INSTITUTIONAL



FURHTER EAST TOWARDS RESIDENTIAL



EXISTING BUILDINGS



EXISTING PARKING



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.

(✓)

IN FAVOR

()

IN OPPOSITION

REASON(S)

This is exactly what San Angelo needs more of. Perfect area!!

NAME: *San Angelo YMCA A. J. Moore - CEO*

ADDRESS: *353 S. Randolph St. San Angelo TX 76903*
2833 College Hills Blvd. San Angelo, TX 76904

SIGNATURE:

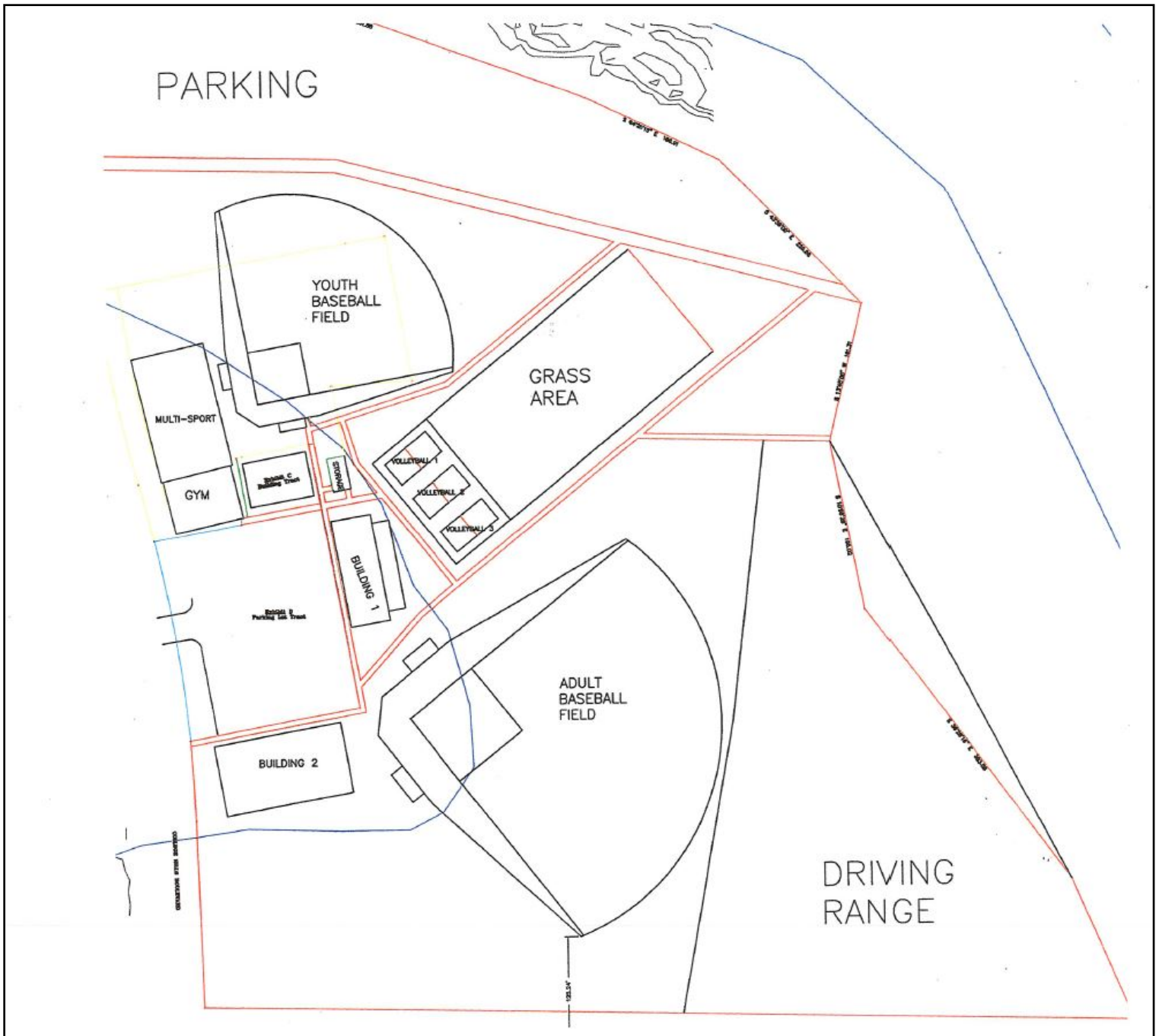
A. J. Moore

SU19-02: Box

property owner number: *6*

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

Site Concept Plan



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use



Section 1: Basic Information

Name of Applicant(s): SHAWN BOX
☒ Owner ☐ Representative (Affidavit Required)
601 LONDON CT SAN ANGELO TX 76901
 Mailing Address City State Zip Code
325 374 2590 INFO@SHAWNBOX.COM
 Contact Phone Number Contact E-mail Address
2838 COLLEGE HILLS SAN ANGELO TX 76904
 Subject Property Address City State Zip Code
 Lot Size: 27.46 ACRES Zoning: CG Future Land Use designation (Comprehensive Plan): OUTDOOR USE

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: PUTT-PUTT . DRIVING RANGE . RETAIL
 Proposed Use of Property: OUT DOOR FIELDS BASEBALL MULTI USE FIELDS
 Proposed Special Use: BE ABLE TO PUT 2 BASEBALL FIELDS AND 3-4 MULTI USE FIELDS

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: WILL HELP THE AREA, SURROUNDED BY NEW WALK WAY PATH.

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: ALL SPORTS RELATED ACTIVITIES

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: COMPATIBLE WITH UNION PARK, DOG PARK, COLLEGE HILLS POOL & RACKET

Effective January 3, 2017

Section 2 continued: Site Specific Details

Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to , adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: NONE Outdoor SPORTS RECREATION

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: _____

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: NONE

Section 3: Applicant(s) Acknowledgement

Please initial the following:

by If approved, a Special Use is applied to the property, not the property owner.

by The Planning Commission makes recommendations on Special Use requests, City Council has final approval.

by Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

by If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

I/We the undersigned acknowledge that the information provided above is true and correct.

[Signature]
Signature of licensee or authorized representative

4/21/19
Date

SHAWN BOX
Printed name of licensee or authorized representative

SPORTS NEXT LEVEL
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 19 - 02 Date of application: 4 / 22 / 19

Planning Commission Date: ____/____/____ City Council Date: ____/____/____

Nonrefundable application fee: \$____ Receipt #: 213718 Date paid: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

213723 / 213721

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH 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 WITHIN THE CG (GENERAL COMMERCIAL) AND SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICTS: **2838 South College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive**; AUTHORIZING A SPECIAL USE TO ALLOW FOR A GOLF DRIVING RANGE; OUTDOOR MULTI-USE SPORTS FACILITIES AND RELATED RECREATIONAL ACTIVITIES; OUTDOOR MINIATURE GOLF; AND OUTDOOR EVENTS, SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

SU19-02

WHEREAS, the Planning Commission for the City of San Angelo, in compliance with the City Ordinances and state law regarding zoning regulations and zoning map, having afforded a full and fair hearing on the subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 18th day of June, 2019; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of San Angelo;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

2838 South College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive; and being 21.536 acres in the J. McNeese Survey, City of San Angelo, Texas, as depicted in Exhibit “A (Boundary Map)” and “Exhibit B (Approved Site Concept Plan)” zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District, shall henceforth permanently have a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on a property zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District in compliance with standards defined in Section 501.A and 502.B of the Zoning Ordinance.

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

SECTION 3: 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. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property’s underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. The applicant shall obtain from the City a transfer of the existing lease and enter into a new lease agreement with the City for a term of 20 years in order to operate.

2. The applicant shall obtain approval from the City's Flood Plain Manager including any required studies prior to development in the FEMA floodplain or floodway.
3. The applicant shall require an Urban Design Review to be approved by the Planning Director prior to development.
4. Major changes to the approved site concept plan shall require approval by the Planning Director, including a revised Urban Design Review. Minor modifications may be approved without a new site concept plan or Urban Design Review provided they are generally consistent with the original approvals.
5. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
6. Hours of operation for all outdoor events shall be limited to between 6:30 a.m. and 11:30 p.m. and any proposed illuminated signage shall be turned off between 11:30 p.m. and 6:30 a.m.
7. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.

SECTION 5. This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire one or more building or facility improvement related permits for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated

use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 7 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 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of June, 2019**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (Boundary Map)



Zoning Case File

SU19-02: Box

Council District: Billie DeWitt (SMD#6)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

Legend

Subject Properties: —

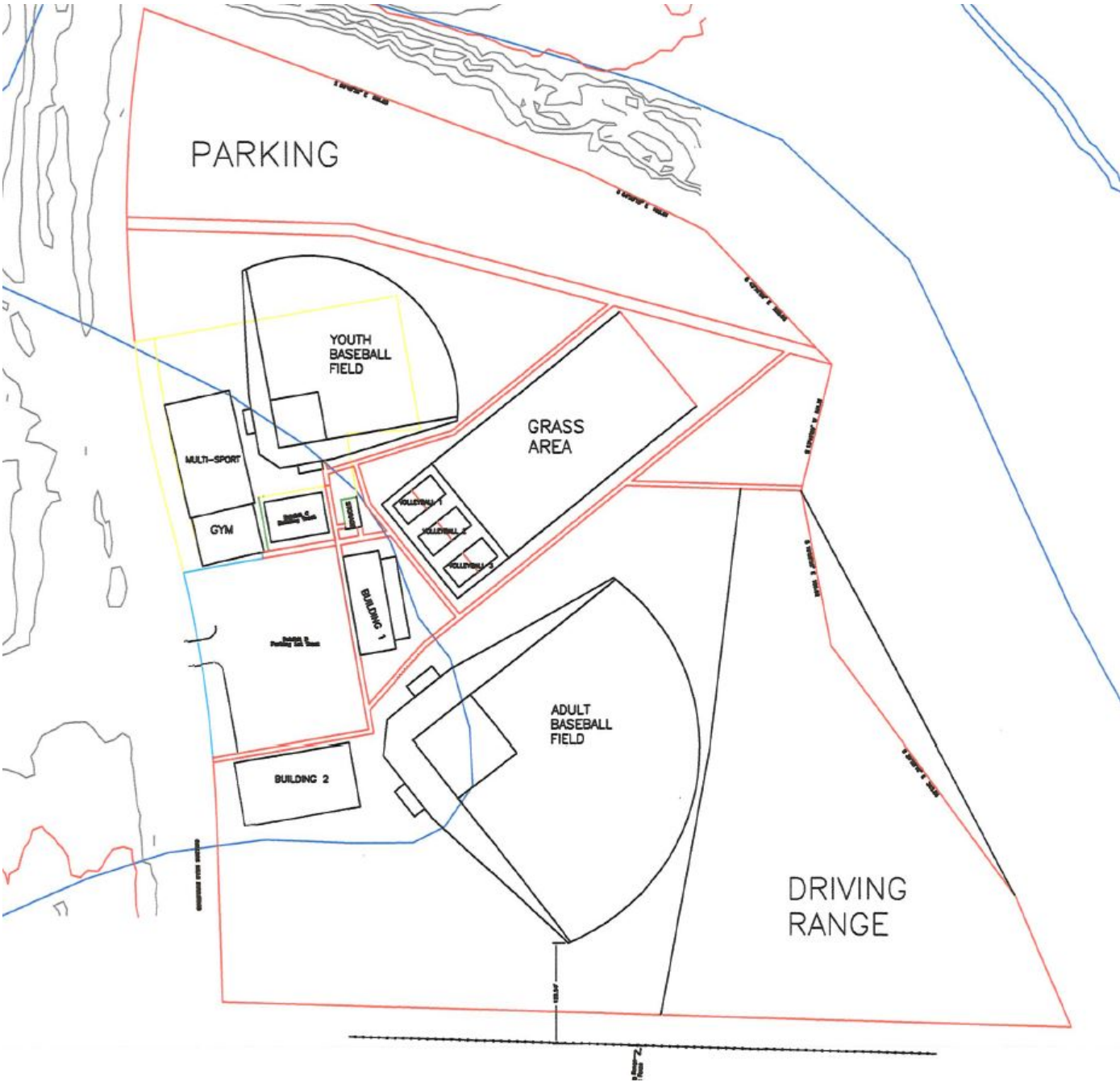
Current Zoning: CG and RS-1

Requested Zoning Change: N/A

Vision: Commercial



Exhibit “B” (Approved Site Concept Plan)



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Hillary Bueker, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving Z19-06, a rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, on 0.2 acres located at 4014 Coliseum Dr.
(Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for approval of a rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject property. The current proposed development is to renovate a building previously used as a multi-family structure to a two-family structure. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district.

Financial Impact:

N/A

Other Information/Recommendation:

On May 20, 2019, the Planning Commission unanimously recommended APPROVAL of the rezoning.

Attachments:

- | | |
|----------------------|---------------------------------|
| 1. Staff Report (RZ) | CC Staff Report Z19-06 Ivey.pdf |
| 2. Ordinance (RZ) | Z19-06 ORD.docx |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – JUNE 18 & JULY 2, 2019
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z19-06: Ivey	
SYNOPSIS:			
A request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject property. The current proposed development is to renovate a previously multi-family structure to a two-family structure. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district.			
LOCATION:		LEGAL DESCRIPTION:	
4014 Coliseum Drive		Being South 50' of East 40' of Lot 1, South 50' of Lots 2 & 3, and South 35' of Lot 4, Block 3, Fair Park Addition, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lake View Neighborhood	RS-1 – Single-Family Residential	Neighborhood	0.161 acres
THOROUGHFARE PLAN:			
<u>Coliseum Drive</u> – Urban Minor Collector Street, Required 60' min. ROW (68' provided), Required 50' min. pavement width (48' existing).			
NOTIFICATIONS:			
17 notifications were mailed within a 200-foot radius on May 2, 2019. One received in support and Two in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District			
PROPERTY OWNER/PETITIONER:			
Coty Ivey			
STAFF CONTACT:			
Hillary Bueker Planning Manager (325) 657-4210, Ext 1547 hillary.bueker@cosatx.us			

Rezoning: 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:

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 current future land use is designated as “neighborhood” which seeks to promote “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” Section 303 of the Zoning Ordinance states that the intent of the Two-family residential district is to “provide opportunities for development of detached single-family residences and two-family residences at medium densities.” The rezoning will be in keeping with the approved future land use and allow the continuation of the surrounding residential development along Coliseum Drive.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing structure was built before 1954 per historical aerial photos and does not comply with today’s setback standards but would be allowed to remain in the current configuration. The existing 0.2 acre tract of land exceeds the minimum lot area of 6,500 square feet for two-family units, the minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the Two-family residential zoning district. Any future additions will be required to comply with all current standards in 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.** The property is located within an area that is comprised of mostly residential but directly adjacent to commercial along North Chadbourne Street. The subject tract of land fits in with the existing residential lots along Coliseum Drive, and would allow from diversity in housing as well as a transition from the commercial along North Chadbourne Street.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The existing structure was used as a multi-family for some period in history. The multi-family use was discontinued for more than 12 months so when a building permit was applied for by today’s zoning ordinance only a single family structure would be allowed in the current RS-1 zoning district. The existing structure does not lend itself to single family and the applicant would like to utilize the structure as it has been in the past. The rezoning would make use of the land in a two-family manner consistent with the adopted future land use and existing adjacent development in the area.

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.* The rezoning is anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as the proposed improvements are built, but those would be temporary.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing this site to rezone to two-family residential would be reflective of the continuing need for diversity in housing types, rather than allowing a continuance of a zoning designation that could not been effectively utilized with the existing structure.
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 existing development pattern in the along Coliseum Drive is mostly residential, approving the rezoning will allow the parcels to keep in continuity with the adjoining lots in the neighborhood.

Planning Commission Recommendation:

On May 20, 2019, the Planning Commission recommended APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject property. The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District to allow two units within an existing building. She indicated that the original apartment use continued and the RS-2 zoning would allow two units to become legal again.

Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the RS-2 zoning is consistent with the Neighborhood Future Land Use designation in the Comprehensive Plan; that the lot meets the minimum development standards and was built before 1954; and that it is a mixed use area with mostly residential directly adjacent; and that approval of RS-2 would allow more diversity of housing options. Ms. Bueker indicated that she received one letter in support and one against who was not in support of a two-family dwelling.

Chair Stribling opened the meeting for public comment.

Mr. Cody Ivey, the applicant, spoke in support of his request.

Commissioner Jackson asked to show the location of required parking.

Mr. Ivey showed the parking locations for each unit.

Chair Stribling asked if there was a curb cut already.

Mr. Ivey explained there is one and used to be five. He explained it is a very long narrow property and would be difficult to only use it for one home.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of a Rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

Recommendation:

Staff's recommendation is for the Planning Commission to Recommend **APPROVAL** of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Photographs
Notification Map
Resident Letter



Z19-06: Ivey

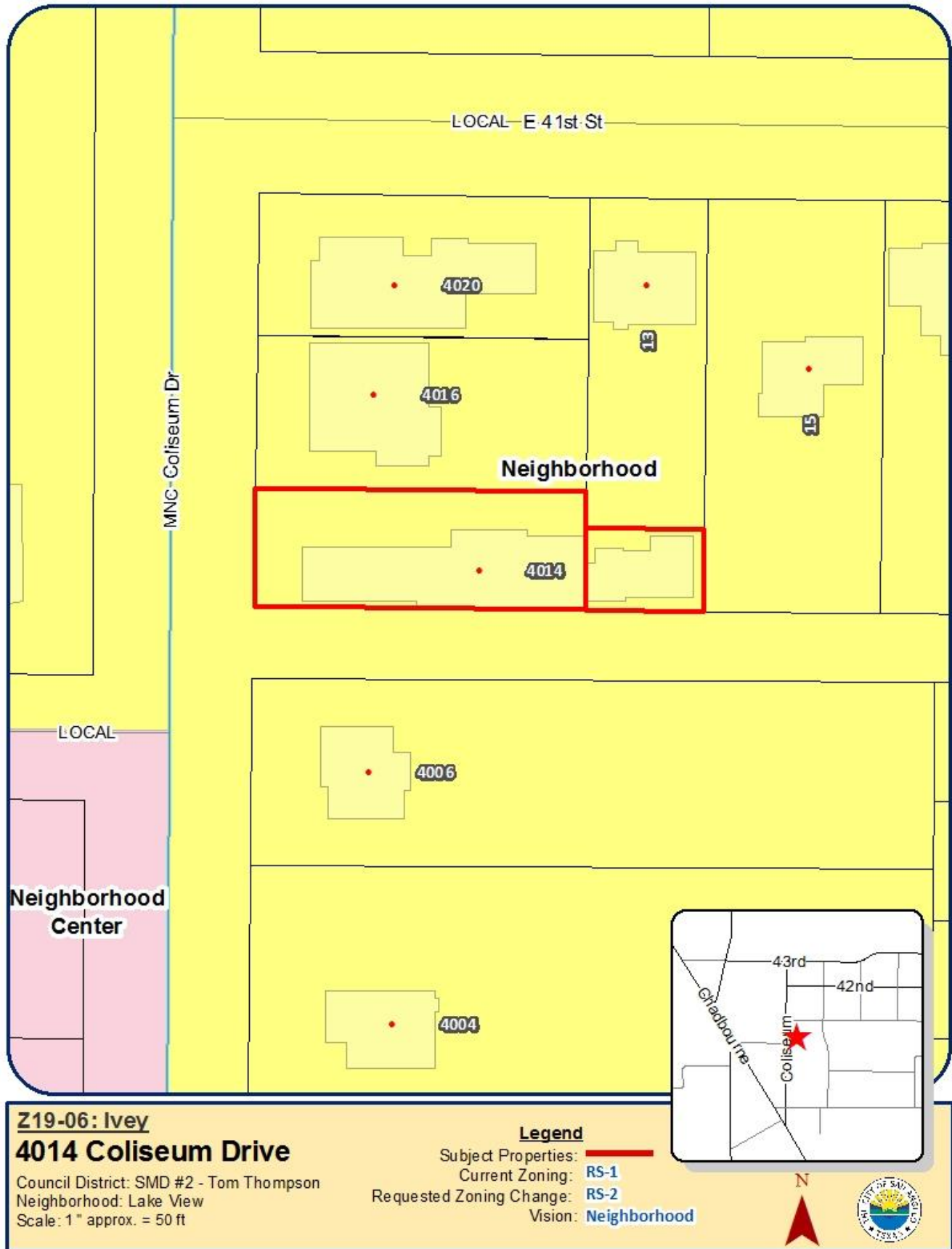
4014 Coliseum Drive

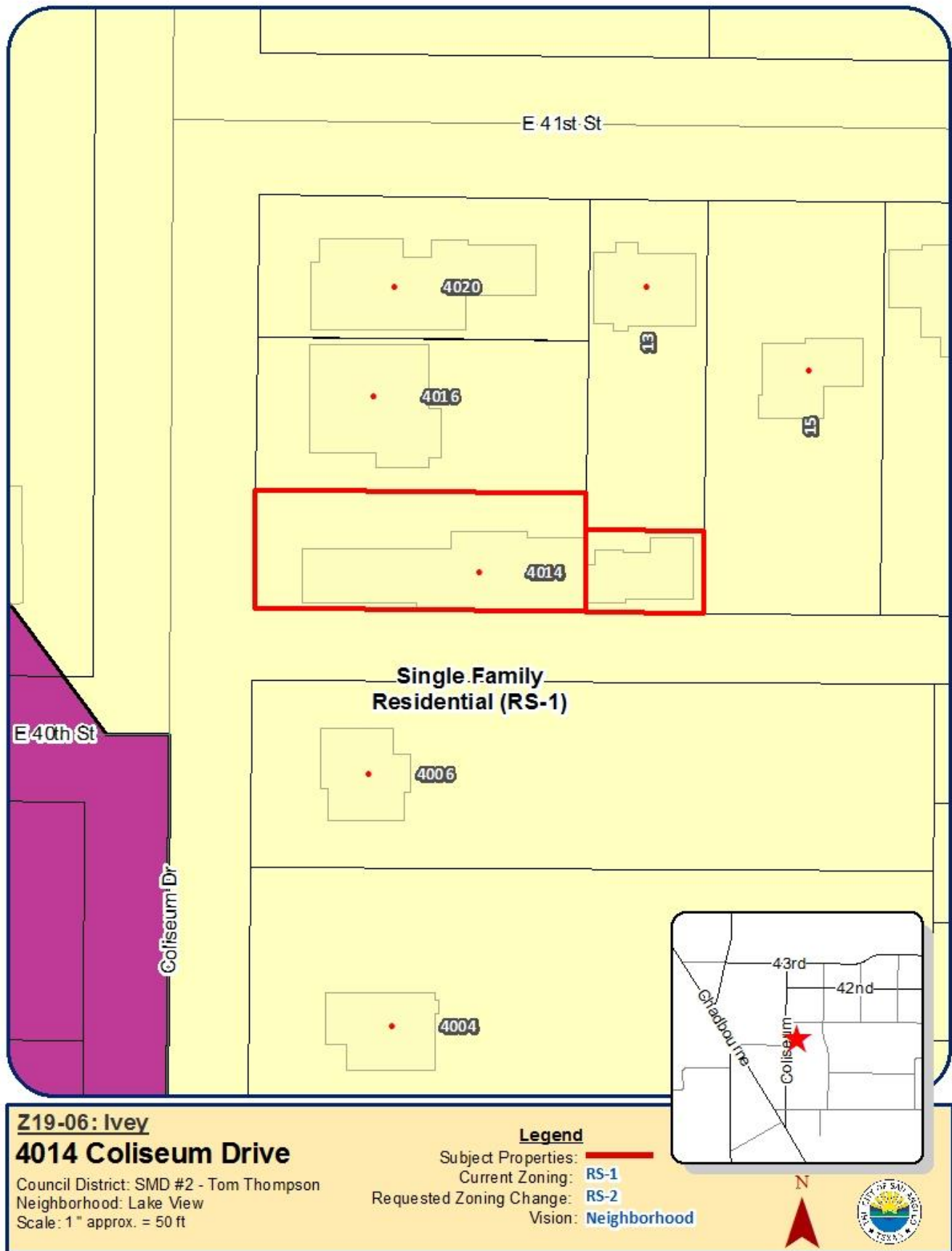
Council District: SMD #2 - Tom Thompson
Neighborhood: Lake View
Scale: 1" approx. = 50 ft

Legend

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







Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue



Application for Approval of a Zone Change

Section 1: Basic Information

Name of Applicant(s): City Ivey
☒ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: 8561 N. Thompson Rd. Miles TX 76861
 Contact Phone Number: 325-277-8597 Contact E-mail Address: Ch.Henry7@qol.com
 Subject Property Address: 4014 Coliseum Drive San Angelo TX 76903
 Legal Description (can be found on property tax statement or at www.tomgreencad.com): Acres 0.001, B/LK-3, Subd Fair Park Addition, S50' of E 40' Lot 1 & S50' of E 40' Lot 2 and 3 and S35' of Lot 4
 Existing Zoning: R1 Proposed Zoning: R2 Lot size: 55' x 190'

(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Single Family Vacant dwelling
 *Proposed Use of Property: Duplex A and B
 *Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

- ☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- ☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- ☒ If approved, a zone change is applied to the property, not the property owner.
- ☐ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☐ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- ☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- ☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☐ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☐ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

Owner Name (Print) Loty Ivey Signature [Signature] Company/Organization (If Applicable) _____ Date 4-4-19

Representative Name (Print) _____ Signature _____ Company/Organization _____ Date _____

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4 / 4 / 19

Case No.: Z 19 - 06

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 625

Receipt #: 196943

Date paid: 4 / 4 / 19

Sign Deposit \$37.50

Receipt #: 196946

Date paid: 4 / 4 / 19

Affidavit attached?

☐ Yes

☐ No

☒ N/A

Applicant's signature on information sheet?

☒ Yes

☐ No

Previous Zone Change Inquiry?

☐ Yes

☒ No

If yes, ZCI case no.: _____

River Corridor Commission?

☐ Yes

☒ No

If yes, RCC meeting date: _____ / _____ / _____

Planning Commission hearing date: 5 / 20 / 19

Date notifications due: 5 / 3 / 19

City Council hearing date: 6 / 18 / 19

Packets due date: 6 / 10 / 19

Publication date: 5 / 29 / 19

Reviewed/Accepted by: H. Bueker

Date: 4 / 4 / 19

Site Photos



South Alley Side of Subject Property



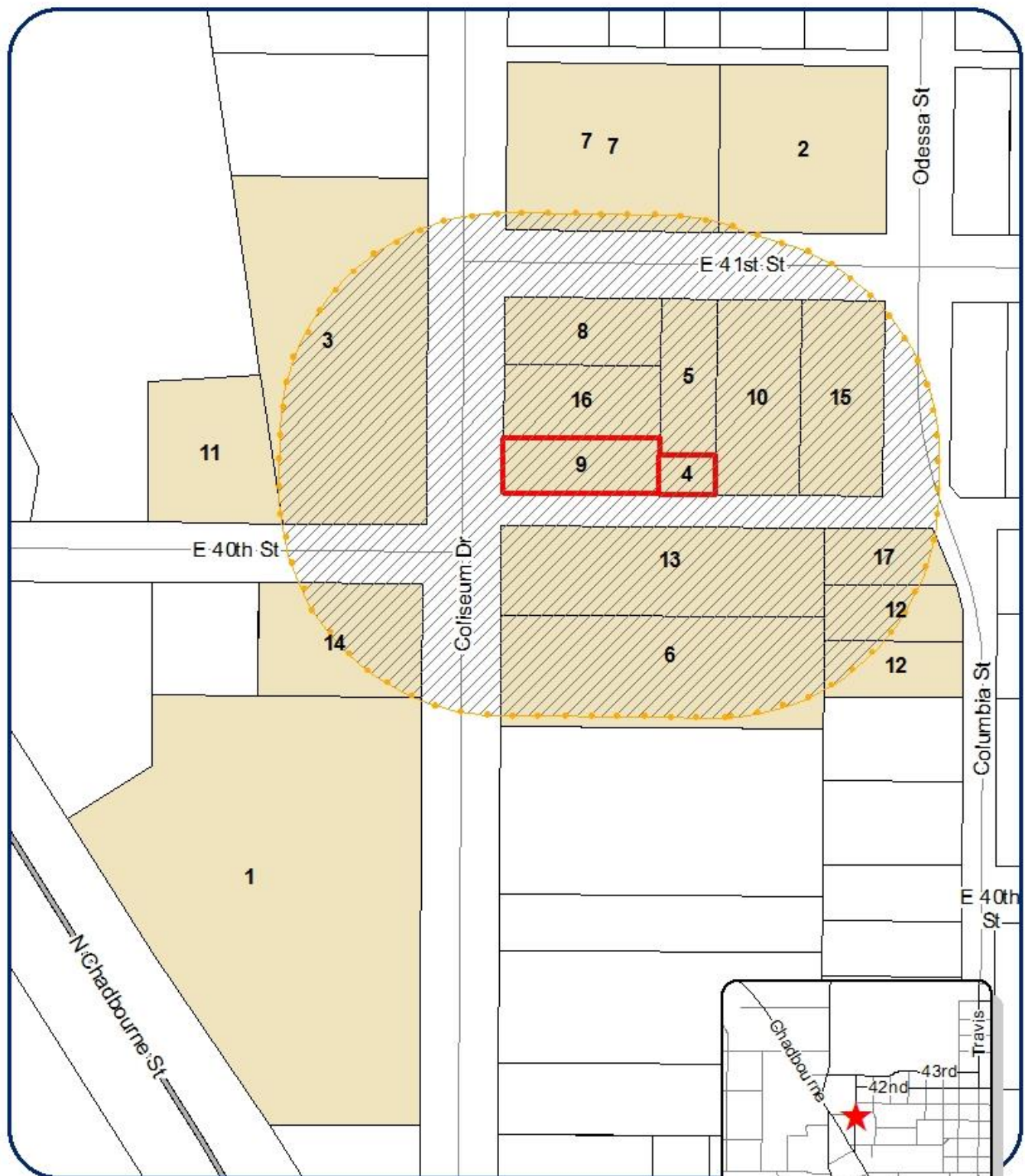
Northeast Corner of the existing structure



Northern side of the existing structure



Parking in rear



Z19-06: Ivey

4014 Coliseum Drive

Council District: SMD #2 - Tom Thompson
Neighborhood: Lake View
Scale: 1" approx. = 113 ft

Legend

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



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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR (☐) IN OPPOSITION

REASON(S) MY NAME IS Albert D. Wilson. I've lived at 4016 Coliseum drive since around 1996 or so. My understanding is that the property in question and my property were under one ownership at one time. When I moved at 4016 Coliseum drive the property in question were made up of several apartments. The main problem from my point of view is sharing approximately 23 foot wide driveway. I have a carport facing south where the soon to be duplex is located. This duplex would be the west duplex my main concern. I've been in conversation with Mr. Ivey and if the board approves his plan, I'm on board. I prefer a single family dwelling, but I can live with the duplex option. Thank you for giving me the opportunity to express my view. Albert D. Wilson 9th 2019 of May.

NAME:

ADDRESS: 4016 Coliseum dr.
SAN ANGELO TX - 76903

SIGNATURE:

Albert D. Wilson

Z19-06: Ivey

Property owner number: 16

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR

(☒) IN OPPOSITION

REASON(S)

1. All other residents are single family.
2. Traffic in the alley is heavy. There was a "Beware children playing" sign in the alley when it was zoned for ~~an~~ apartments.

NAME: Janice C Pelzel

ADDRESS: 4006 Coliseum Dr
San Angelo, Tx 76903

SIGNATURE: Janice C. Pelzel

Z19-06: Ivey

Property owner number: 13

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS, 76903.

() IN FAVOR

(X) IN OPPOSITION

REASON(S) _____

Area will be too congested & its too
small for more than one family!

NAME: Suzan Henry

ADDRESS: 4102 COLISEUM DRIVE
SAN ANGELO, TX 76903

SIGNATURE: Suzan Henry

Z19-06: Ivey

Property owner number: 7

If you have any questions about these proceedings, please call Hillary Bueker, with the City
of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at
hillary.bueker@cosatx.us.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH 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: **4014 COLISEUM DRIVE, comprising a total of 0.161-acres**, FROM SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE TWO-FAMILY RESIDENTIAL (RS-2) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-06: Ivey

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Two-Family Residential (RS-2) Zoning District; and,

WHEREAS, on the 18th day of June, 2019, City Council held a public hearing on Z19-06, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned TWO-FAMILY RESIDENTIAL (RS-2) Zoning District:

The real property generally located at 4014 Coliseum Drive, specifically being South 50' of East 40' of Lot 1, South 50' of Lots 2 & 3, and South 35' of Lot 4, Block 3, Fair Park Addition, City of San Angelo, Tom Green County, Texas.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit A** of this Ordinance.

SECTION 3: 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 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 5 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **18th day of June, 2019**, and finally PASSED, on this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

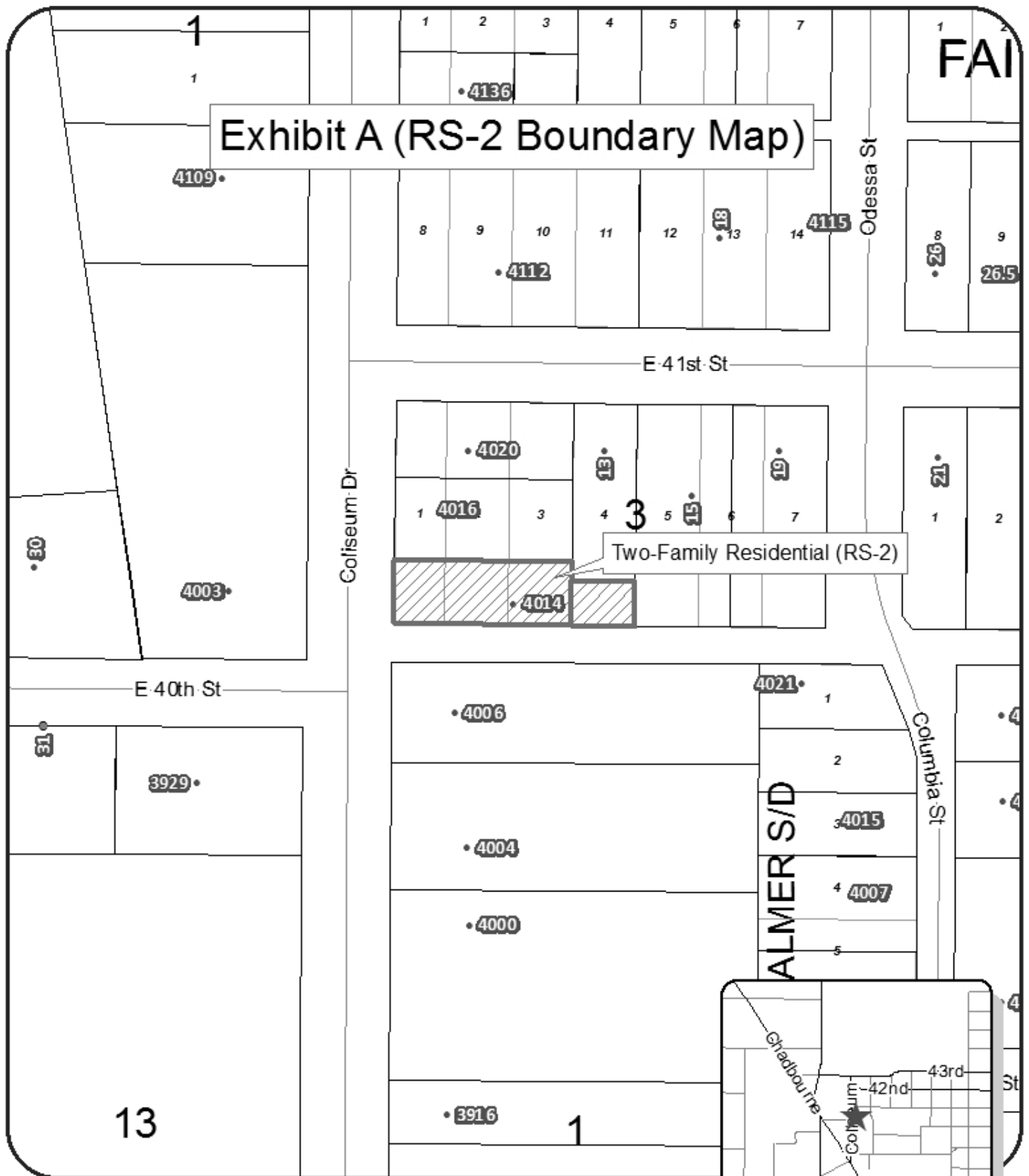
Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney



Z19-06: Ivey

4014 Coliseum Drive

Council District: SMD #2 - Tom Thompson

Neighborhood: Lake View

Scale: 1" approx. = 100 ft

Blk: 3, Fair Park Addition, S50' OF E40' of Lot 1 & S50' of Lots 2 & 3 & S35' of Lot 4

Legend

Subject Properties: —

Current Zoning: RS-1

Requested Zoning Change: RS-2

Vision: Neighborhood



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving Z19-07, a rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 0.915 acres located at 5205 S. Bryant Blvd. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has applied to rezone the subject property from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) to facilitate construction of a multifamily housing complex. The property is currently vacant. The applicant has received two previous rezoning approvals from City Council on the subject property; a rezoning in 2014 from General Commercial (CG) to RM-1; and a rezoning in February 2019 from RM-1 to CN.

Financial Impact:

N/A

Other Information/Recommendation:

On May 20, 2019, Planning Commission unanimously recommended APPROVAL by a vote of 7-0.

Attachments:

- | | |
|-----------------------------|-------------------------------|
| 1. Council Z19-07 report | Council Z19-07 report.docx |
| 2. Council Z19-07 Ordinance | Council Z19-07 Ordinance.docx |

Presentation:

Jon James

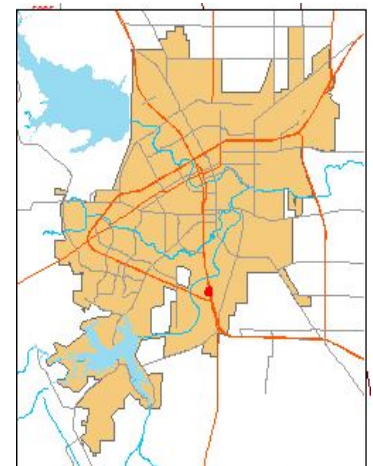
Approvals/Reviews:

Jeff Fisher	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – June 18, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z19-07: von Rosenberg		
SYNOPSIS:			
The applicant has applied to rezone the subject property from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) to facilitate construction of a multifamily housing complex. The property is currently vacant. The applicant has received two previous rezoning approvals from City Council on the subject property; a rezoning in 2014 from General Commercial (CG) to RM-1; and a rezoning in February 2019 from RM-1 to CN (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane		Being Lot 1 in Block 1 in the Windwood Subdivision, Section 1, comprising a total of 0.915 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood	CN	NC – Neighborhood Center	0.91 ac.
THOROUGHFARE PLAN:			
Kimrey Lane – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk Provided: 60' right-of-way, 24' pavement and no sidewalk (complied at time of platting) South Bryant Boulevard Frontage Road– Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 300' right-of-way, 110' pavement			
NOTIFICATIONS:			
13 notifications mailed within 200-foot radius on May 7, 2019. None received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) on the subject property.			
PROPERTY OWNER/PETITIONER:			
Eric von Rosenberg Von Rosenberg Custom Homes LLC			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information: In both previous rezoning requests, the applicant was successful at City Council but unable to find financial viability for his intended uses. If approved, the RM-1 zoning would allow one-story or two-story buildings for multifamily living, subject to compliance with the RM-1 zoning standards.

Rezoning: 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:

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 proposed RM-1 Zoning is compatible with the Future Land Use of Neighborhood Center in the City's Comprehensive Plan. Approval of an RM-1 zone in this location will provide for a "pedestrian friendly character" that is "integrated with its surroundings". It will also provide a transition area to "better scale-down intensity of use" between commercial and institutional uses to the north and east, and single-family residential housing 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 existing platted 0.915-acre lot has 170.40 feet of frontage onto Kimrey Lane and 181.14 feet of frontage onto South Bryant Boulevard. It exceeds the minimum lot area of 6,000 square feet; minimum lot width of 50 feet; and minimum lot depth of 80 feet. The RM-1 zoning will require any future development to comply with all setbacks, including the two front yard setbacks of 25 feet each from Kimrey Lane and South Bryant Boulevard; a maximum density of 25 units/acre; and required parking as per Section 511.B of the Zoning Ordinance for multifamily dwellings. Future development plan(s) will be reviewed for compliance at the time of permitting.
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 RM-1 zoning will provide a transition between commercial and institutional uses to the north and east and single-family residential uses to the west and south. An existing 6-foot high rock wall privacy fence along the west property line, and a 6-foot high wood privacy fence along the south property line provides a suitable buffer from adjacent residential uses.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** As discussed, previous rezoning approvals did not lead to new construction and the property continues to remain vacant. Although the Planning Division was also in support of the previous rezoning from RM-1 to CN, Staff prefers re-establishing RM-1 in this location given its adjacency to other low density residential housing to the south and west.

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.* The Planning Division does not anticipate any negative effects on the natural environment. Any future construction for buildings and associated parking areas would require a review of grading, drainage, and stormwater at the permitting stage.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The applicant believes that reestablishing RM-1 zoning at this location will provide additional housing options for the community and the Planning Division agrees. The area is surrounded by residential homes to the west and south and multifamily housing provides a suitable transition.
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 Planning Division had raised concerns in the previous request that there is no direct northbound access to the site from Bryant Boulevard. This would create difficulty for commercial development, requiring customers to turnaround or utilize local streets, leading to increased traffic onto residential streets. In contrast, residential development would be consistent with the adjacent pattern of development to the west and south. Additional traffic through the local street network including Kimrey Lane and South Bryant Boulevard would be minimal.

Planning Commission Recommendation:

On May 20, 2019, the Planning Commission recommended unanimous **APPROVAL** by a vote of **7-0** of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) on the subject property.

The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He explained that the applicant rezoned the property from CG to RM-1 in 2014 and then from RM-1 to CN in 2018 but no development has taken place and it remains vacant. Mr. Fisher explained that the applicant now intends to rezone it back to RM-1.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the RM-1 zoning is consistent with the Future Land Use of Neighborhood Center; that it complies with the RM-1 development standards; that it provides an effective transition between commercial and residential uses; and that existing privacy fencing along the west and south property lines provide buffering from adjacent residential development.

Chair Stribling opened the meeting for public comment.

Mr. Eric von Rosenberg, the applicant, indicated that he was available for any questions.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1). Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) on the subject property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Application
Applicant's Response to Zoning Criteria



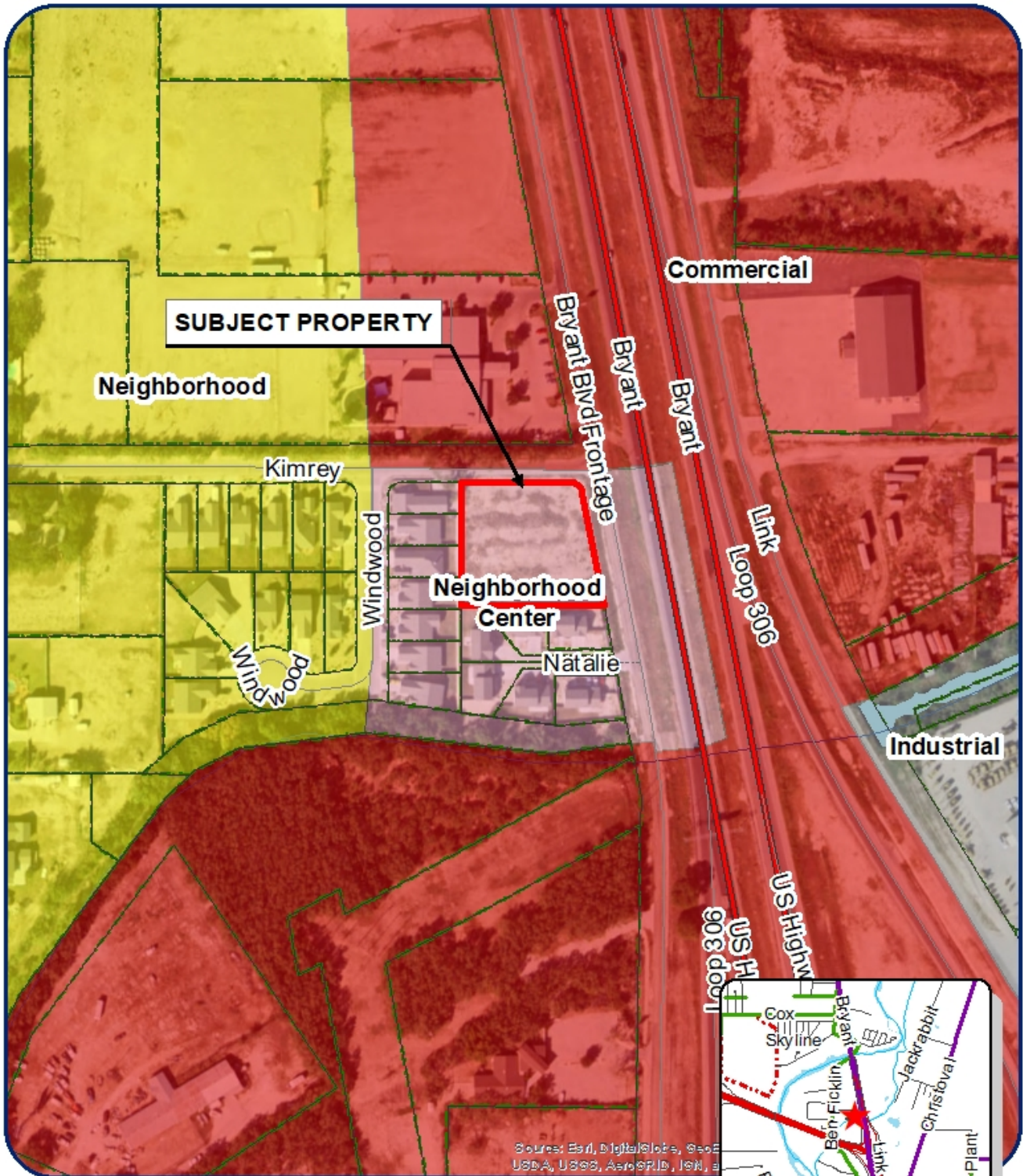
Zoning Case File
Z19-07: von Rosenberg

Council District: Tommy Hiebert (SMD#1)
Neighborhood: Glenmore
Scale: 1" approx. = 200 ft
Subject Property: 5205 S. Bryant Blvd

Legend

Subject Properties: —
Current Zoning: **CN**
Requested Zoning Change: **RM-1**
Vision: **Neighborhood Center**





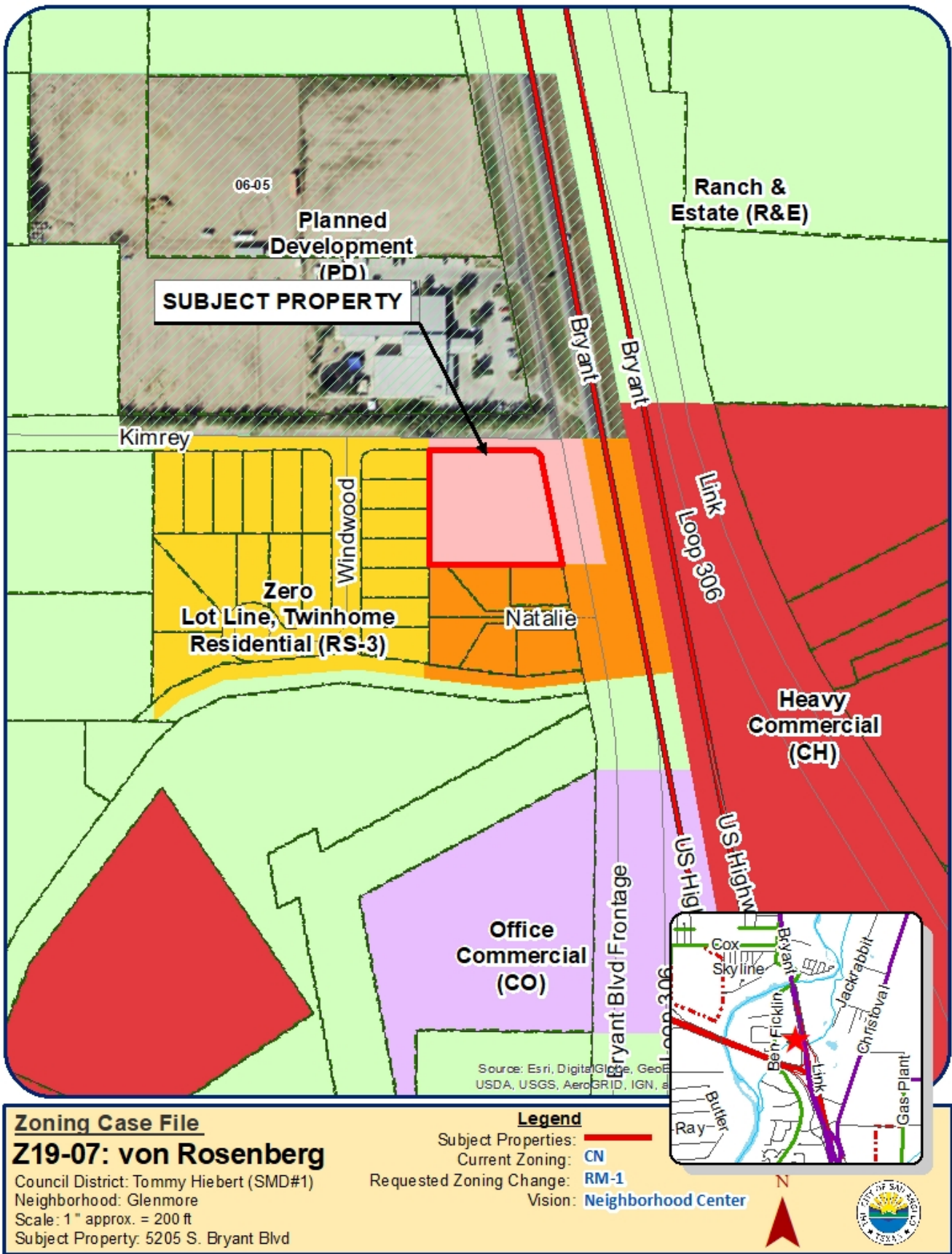
Zoning Case File
Z19-07: von Rosenberg

Council District: Tommy Hiebert (SMD#1)
Neighborhood: Glenmore
Scale: 1" approx. = 200 ft
Subject Property: 5205 S. Bryant Blvd

Legend

Subject Properties: —
Current Zoning: **CN**
Requested Zoning Change: **RM-1**
Vision: **Neighborhood Center**





Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



EAST



SOUTH AT PROPERTY



WEST AT PROPERTY



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): VON ROSENBERG Custom Homes
☒ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: P.O. BOX 16956 SAN ANGELO TX 76906
325-234-8471 eric@vrcustomhomes.com
 Contact Phone Number Contact E-mail Address
 Subject Property Address: 5705 KIMBLEY LANE SAN ANGELO TX 76904
WINDWOOD SUBDIVISION, SECTION 1, LOT 1, BLOCK 1
 Legal Description (can be found on property tax statement or at www.tamgreencad.com)
 Existing Zoning: C-N Proposed Zoning: RM-2 Lot size: .91 ACRES
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: VACANT
 *Proposed Use of Property: MULTI FAMILY DUREX
 *Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

- ☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- ☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- ☒ If approved, a zone change is applied to the property, not the property owner.
- ☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- ☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- ☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

ERIC von ROSENBERG
Owner Name (Print)

[Signature]
Signature

Company/Organization (If Applicable)

4-18-2019
Date

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4, 18, 2019

Case No.: Z 19 - 07

Fully-dimensional site plan: ☐

Nonrefundable fee: \$ 625 ✓

Receipt #: 211673/211673 Date paid: 4, 18, 2019

Sign Deposit \$37.50

Receipt #: 211674 Date paid: 4, 18, 2019

Affidavit attached?

☐ Yes ☐ No

☒ N/A

Applicant's signature on information sheet?

☒ Yes

☐ No

Previous Zone Change Inquiry?

☒ Yes

☐ No

If yes, ZCI case no.: Z 18 - 25

River Corridor Commission?

☐ Yes

☐ No

If yes, RCC meeting date: / /

Planning Commission hearing date: 5, 20, 19

Date notifications due: 5, 9, 2019

City Council hearing date: 6, 18, 19

Packets due date: / /

Publication date: / /

Reviewed/Accepted by: J. Fisher

Date: 4, 18, 2019

Sec. 212. Amendments to Text or Official Zoning Map

G. Amendment Criteria. The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

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.

PROVIDES TRANSITION BETWEEN COMMERCIAL
AND SINGLE FAMILY HOMES
APARTMENTS/DOUPLEX ARE CONSISTENT WITH
NEIGHBORHOOD CENTER

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

WILL COMPLY WITH ALL RM-2 ZONING STANDARDS

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.

PROVIDES TRANSITION BETWEEN COMMERCIAL AND
SINGLE FAMILY HOMES

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

6' HIGH FENCE & SCREENING WALL AS REQUIRED

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, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment

N/A

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

PROVIDE RENTAL OPPORTUNITY IN A MARKET THAT
IS CURRENTLY LACKING IN AVAILABLE HOUSING

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.

LOT ALREADY PLATTED, ACCESS FROM KIM RLY LANE

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH 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: **5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane;** FROM THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT TO THE LOW RISE MULTIFAMILY ZONING DISTRICT (RM-1); PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z19-07: von Rosenberg

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Low Rise Multifamily Residential (RM-1) Zoning District and,

WHEREAS, on the 18nd day of June, 2019, City Council held a public hearing on Z19-07, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICT;

The real property generally located at 5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane; being Lot 1 in Block 1 in the Windwood Subdivision, Section 1, comprising a total of 0.915 acres, City of San Angelo, Tom Green County, Texas as more particularly describe on Exhibit “A” of this Ordinance, shall henceforth be permanently zoned as follows: Low Rise Multifamily Residential (RM-1) Zoning District.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (“RM-1” Boundary Map).

SECTION 3: 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 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 5 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of June, 2019**, and finally PASSED, APPROVED
AND ADOPTED on this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

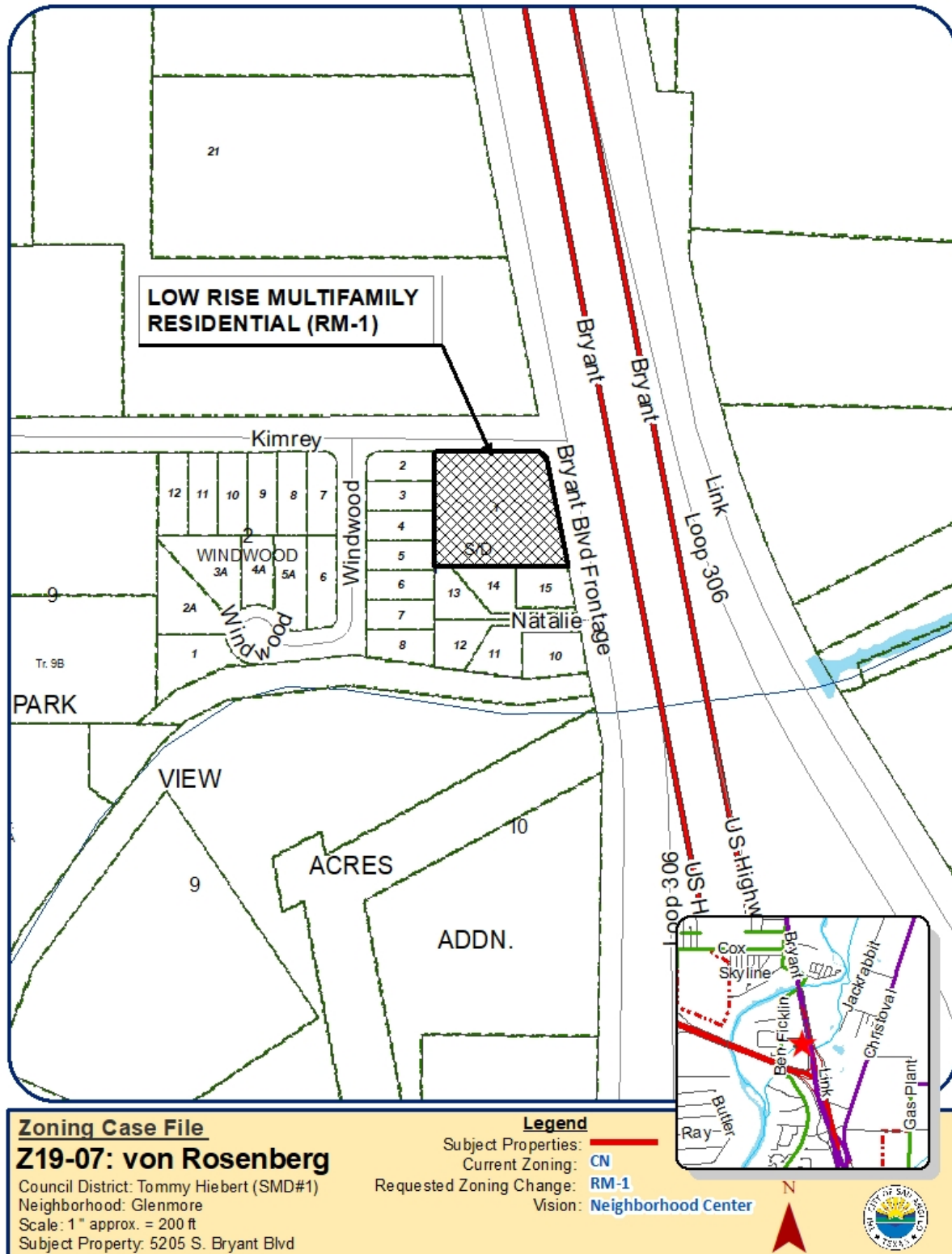
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (RM-1 Boundary Map)



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Hillary Bueker, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving Z19-08, a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District, on 2.49 acres located at 5050 N. Chadbourne St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for approval of a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District on the subject property. The existing development is a paint and body shop which is proposing to fully utilize the entire property, a portion of which is currently zoned for residential use. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district.

Financial Impact:

N/A

Other Information/Recommendation:

On May 20, 2019, the Planning Commission unanimously recommended APPROVAL of the rezoning.

Attachments:

- | | |
|----------------------|---|
| 1. Staff Report (RZ) | CC Staff Report Z19-08 Keating.pdf |
| 2. Ordinance (RZ) | 19-0311_Z19-08_KEATING_ORD_REDLINE.DOCX |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – JUNE 18 & JULY 2, 2019
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z19-08: Keating	
SYNOPSIS:			
A request for approval of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District on the subject property. The existing development is a paint and body shop which is proposing to fully utilize the entire property. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district.			
LOCATION:		LEGAL DESCRIPTION:	
5050 North Chadbourne Street		Being Tract D, 2nd R/P Keating Paint & Body, Block 10, Julia A Bailey Subdivision, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Riverside Neighborhood	R&E – Ranch and Estate / CG/CH - General Commercial/ Heavy Commercial	Commercial	2.49 acres
THOROUGHFARE PLAN:			
<u>North Chadbourne Street</u> – Urban Minor Arterial Street, Required 80' min. ROW (120' provided), Required 64' min. pavement width (45' existing).			
NOTIFICATIONS:			
12 notifications were mailed within a 200-foot radius on May 2, 2019. Two received in support and one in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District.			
PROPERTY OWNER/PETITIONER:			
Keating Paint and Body Troy Keating			
STAFF CONTACT:			
Hillary Bueker Planning Manager (325) 657-4210, Ext 1547 hillary.bueker@cosatx.us			

Rezoning: 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:

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 current future land use is designated as “commercial” which seeks to promote “single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network. The uses within this area often draw from the larger regional area.” Section 303 of the Zoning Ordinance states that the intent of the Heavy Commercial zoning district is to “provide opportunities for development of wholesale trade, retail sales, warehousing development, repair and service establishments, heavy and bulk equipment supply dealers or other such establishments that typically are characterized by outside storage of materials or merchandise.” The rezoning will be in keeping with the approved future land use and allow the continuation of the surrounding commercial development along North Chadbourne Street.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing structure complies with today’s setback standards and the property currently is partially screened. The existing 2.49 acre lot exceeds the minimum lot area of 6,000 square feet, the minimum lot frontage of 50 feet, and minimum lot depth of 80 feet in the Heavy Commercial zoning district. Any future additions will be required to comply with all current standards in 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.** The property is located within an area that is comprised of mixed uses of heavier commercial and residential along North Chadbourne Street. The subject tract of land fits in with the existing commercial development pattern, and would allow from expansion of an existing business.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The existing structure is allowed in the current CG/CH zoning district but a large portion of the lot is remains R&E. The current business would like to be able to utilize the entire property. Since the ranch & estate development never developed on this portion of property, the rezoning would make use of the land in a manner consistent with the adopted future land use and existing adjacent mixed use development in the area
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. The rezoning is anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as any new improvements are built, but those would be temporary.

6. **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need. Allowing this site to rezone to heavy commercial would allow an existing business to expand to continue to serve the community, rather than allowing a continuance of a zoning designation that could not been effectively utilized in the past.
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 existing development pattern in the along North Chadbourne Street is mixed with commercial and residential, approving the rezoning will allow the parcels to keep in continuity with the adjoining development in the area.

Planning Commission Recommendation:

On May 20, 2019, the Planning Commission recommended APPROVAL of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District on the subject property. The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. She explained that there is a small piece of the northeast corner of the property that is currently R&E and the rezoning would allow the applicant to expand their business.

Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the CH zoning is consistent with the Commercial Future Land Use designation in the Comprehensive Plan; that the existing lot and structure meet the zoning minimums; that the rezoning is compatible with the surrounding area; and that the R&E was underutilized and the CH zoning would allow expansion of existing uses.

Chair Stribling opened the meeting for public comment.

Mr. Erica Carter with Carter-Fentress Engineering, representing the applicant, indicated she was available to answer any questions.

Chair Stribling closed public comment.

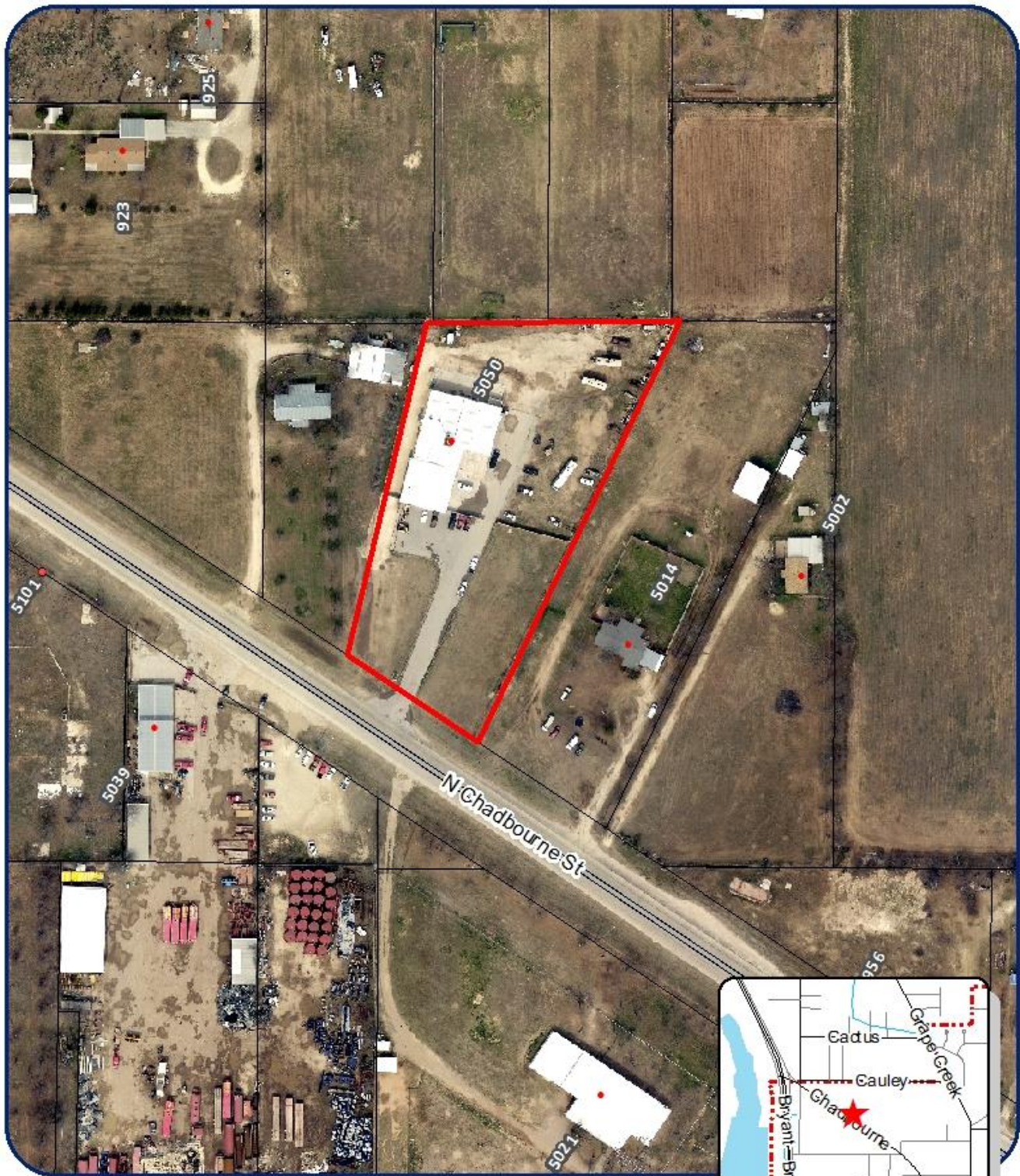
Commissioner Jackson made a Motion to recommend **APPROVAL** of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

Recommendation:

Staff's recommendation is for the Planning Commission to Recommend **APPROVAL** of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Applications
Photographs
Notification Map
Resident Letter



Z19-08: Keating

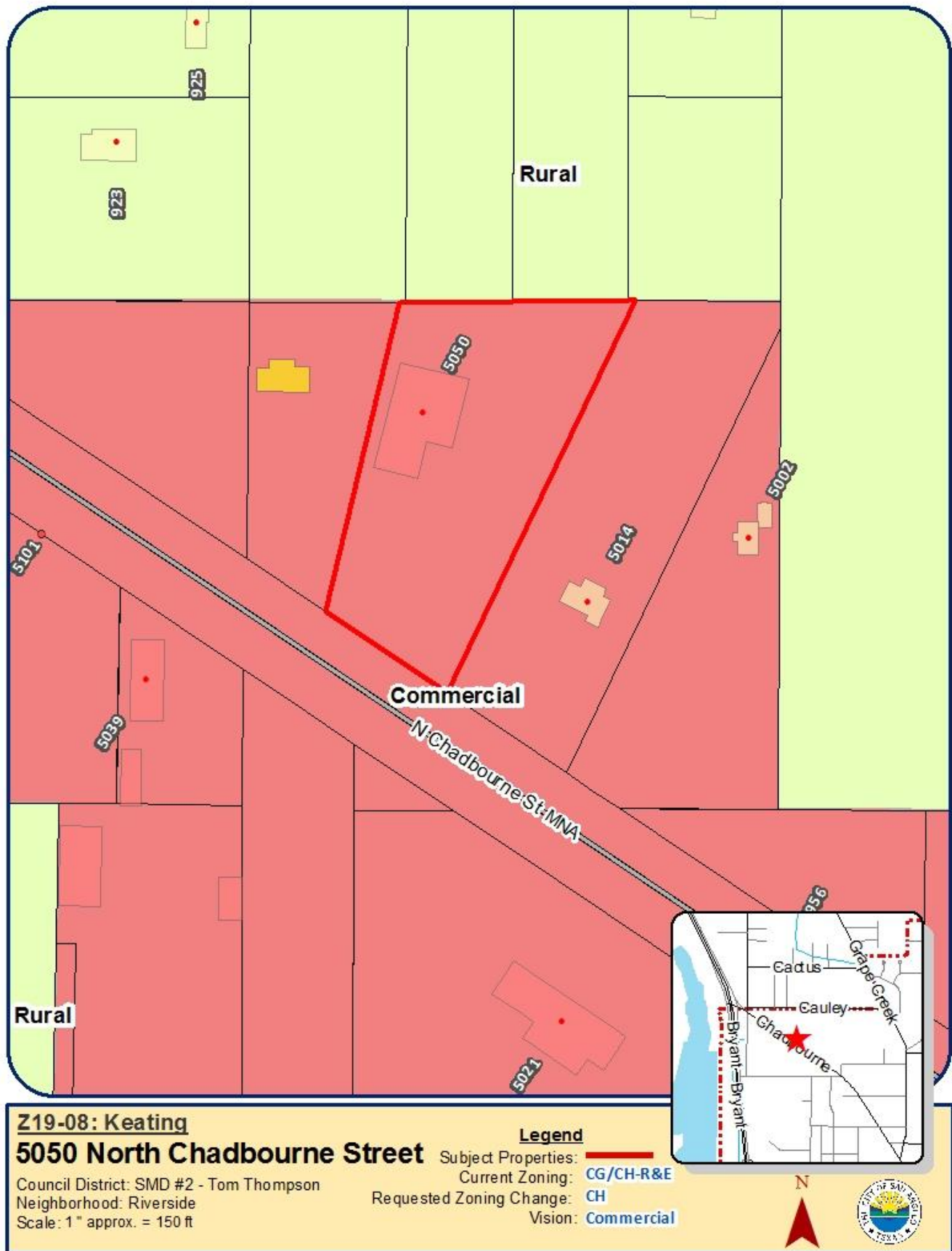
5050 North Chadbourne Street

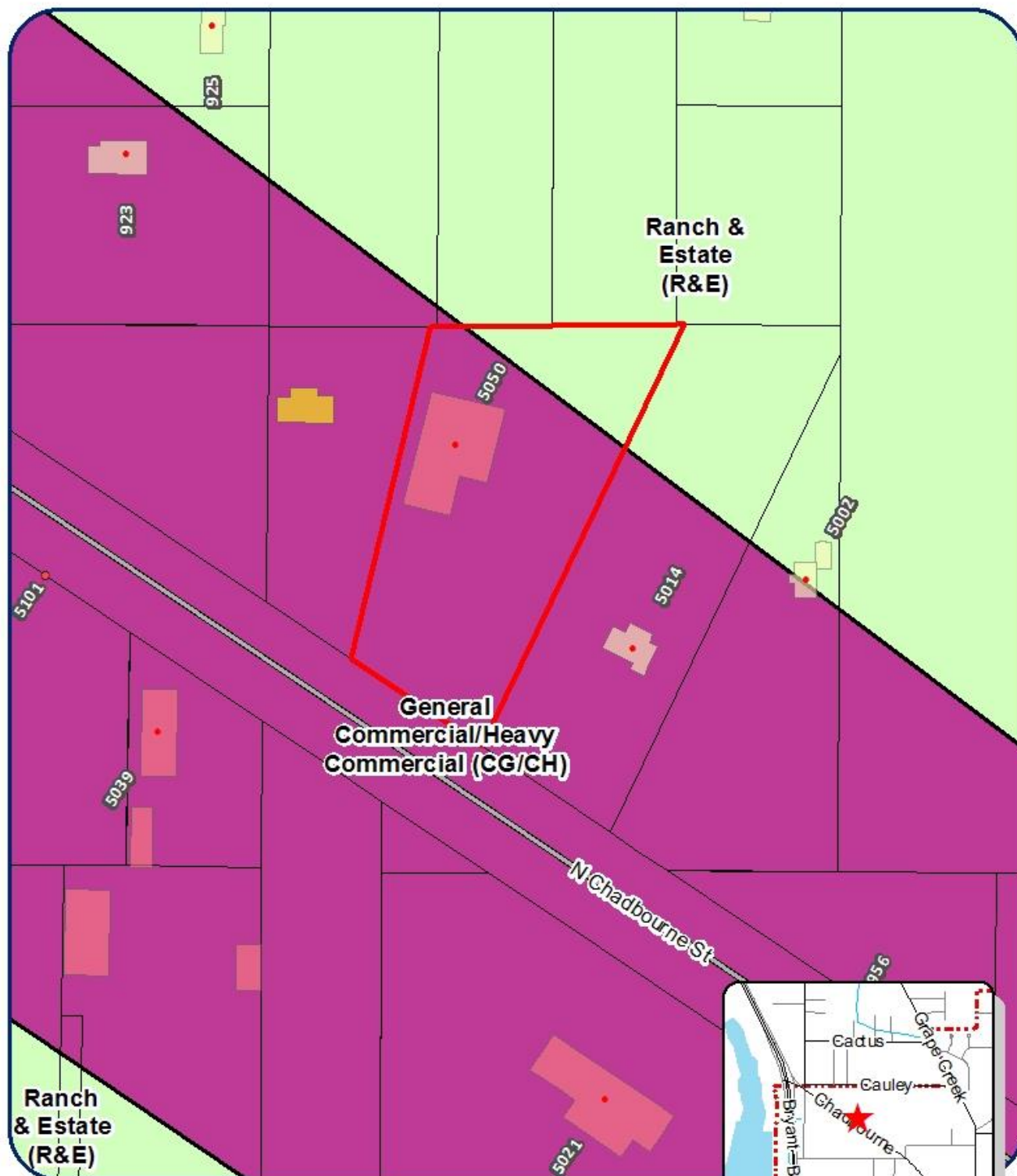
Council District: SMD #2 - Tom Thompson
Neighborhood: Riverside
Scale: 1" approx. = 150 ft

Legend

Subject Properties: —
Current Zoning: CG/CH-R&E
Requested Zoning Change: CH
Vision: Commercial







Z19-08: Keating

5050 North Chadbourne Street

Council District: SMD #2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 150 ft

Legend

Subject Properties: —
 Current Zoning: CG/CH-R&E
 Requested Zoning Change: CH
 Vision: Commercial



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): Keating Paint and Body -Troy Keating

☒ Owner

☐ Representative (Notarized Affidavit Required)

5050 North Chadbourne Street	San Angelo	Texas	76903
Mailing Address	City	State	Zip Code
325-655-9325	ecarter@fentresseng.com		
Contact Phone Number	Contact E-mail Address		
5050 North Chadbourne Street	San Angelo	Texas	76903
Subject Property Address	City	State	Zip Code
Blk: 10, Subd: BAILEY JULIA A S/D, TRACT D BEING 2.4900 ACRES 2ND R/P KEATING PAINT & BODY			
Legal Description (can be found on property tax statement or at www.tomgreencad.com)			

Existing Zoning: RS-1 & CG/CH Proposed Zoning: CH Lot size: 2.49 Acres

(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Paint and Body Shop

*Proposed Use of Property: Same- Paint and Body Shop

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

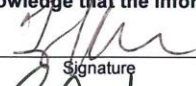
- ☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- ☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- ☒ If approved, a zone change is applied to the property, not the property owner.
- ☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- ☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- ☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

Troy Keating		* Keating Paint and Body	4/12/2019
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Erica Carter		Carter-Fentress Engineering	4/12/2019
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4 / 22 / 19

Case No.: Z 19 - 08

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 625

Receipt #: 213505/213540 Date paid: 4 / 22 / 19

Sign Deposit \$37.50

Receipt #: 213563 Date paid: 4 / 22 / 19

Affidavit attached? ☐ Yes ☐ No ☒ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☐ No If yes, ZCI case no.: _____

River Corridor Commission? ☐ Yes ☒ No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: 5 / 20 / 19 Date notifications due: 5 / 3 / 19

City Council hearing date: 6 / 18 / 19 Packets due date: 6 / 7 / 19

Publication date: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

Site Photos



North Chadbourne Street Frontage



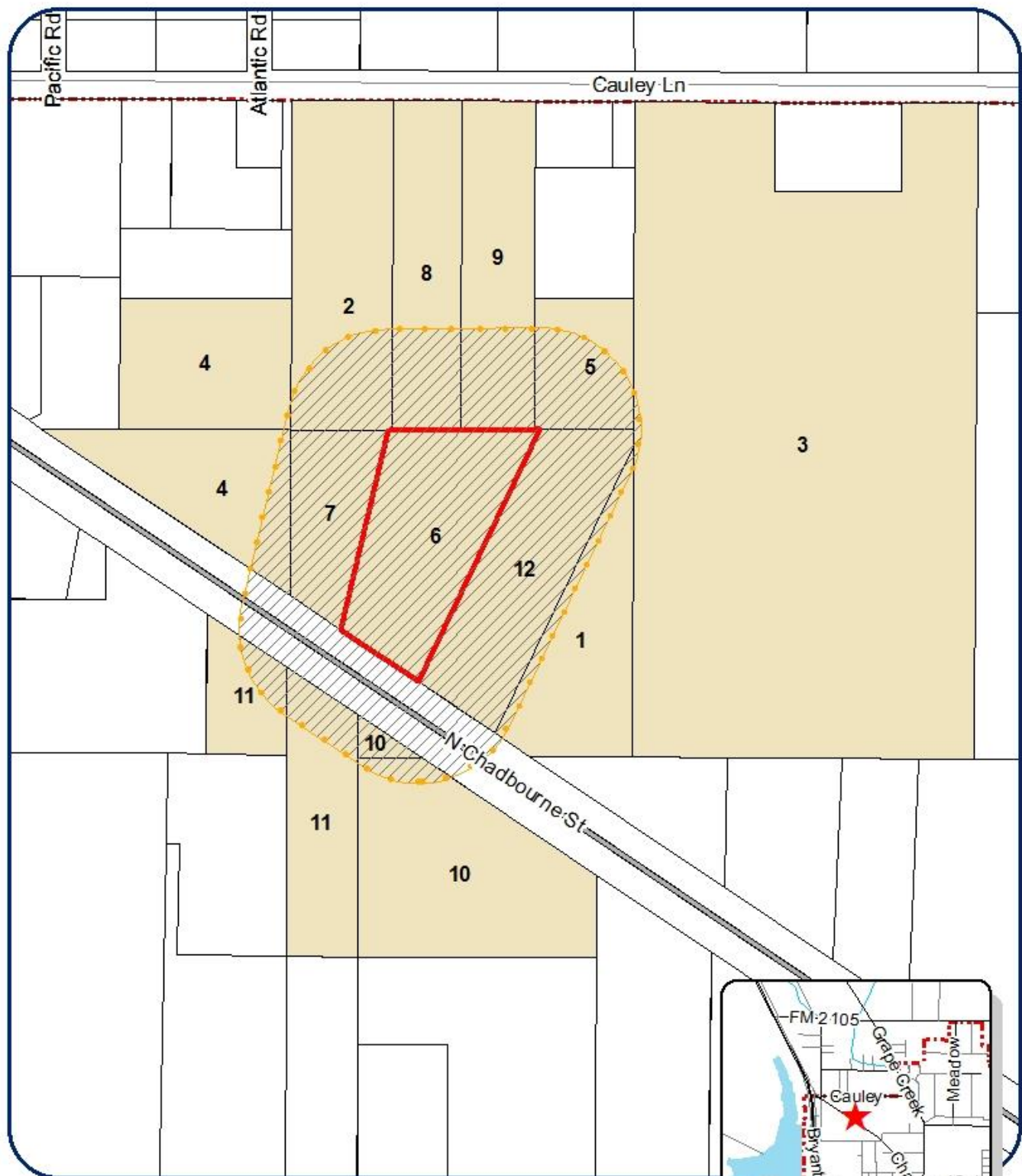
Front of Subject Property



Back of Subject Property (Storage Area)



North Chadbourne Street



Z19-08: Keating

5050 North Chadbourne Street

Council District: SMD #2 - Tom Thompson
Neighborhood: Riverside
Scale: 1" approx. = 250 ft

Legend

Subject Properties: —
Current Zoning: CG/CH-R&E
Requested Zoning Change: CH
Vision: Commercial



May 8, 2019

To: Ms. Hillary Bueker
City of San Angelo
Planning Division
52 West College Avenue
San Angelo, TX 76903

From: Doyle Y. Howell

Re: Z19-08: Keating

In regard to the request for Rezoning by Mr. Keating, Heavy Commercial (CH) Zoning on North Chadbourne should be maintained outside of the city limits of San Angelo. We see influence of the oil industry with truck parks and wrecking yards already in the city limits. Without proper oversight, we could evolve into the same situation as in Midland and Odessa.

Chadbourne is a Historic street and needs to be respected. Strangers visiting our city and traveling to the Coliseum or Show Barns should see our best side. Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) should suffice in order to maintain control over noise and pollution for home owners either raising families or living in peaceful retirement.

Businesses with zoning issues can negotiate and compromise with City Planning to achieve their goals without disrupting established routines. Zoning plays an important part in the harmony and peace of a community.

Thank you,

Doyle Y. Howell

Doyle Y. Howell

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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒)

IN FAVOR

(☐)

IN OPPOSITION

REASON(S) _____

NAME: RICHARD LEE

ADDRESS: 5062 N CHADBOURNE

SIGNATURE: Richard Lee

Z19-08: Keating

Property owner number: 7

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X)

IN FAVOR

()

IN OPPOSITION

REASON(S) _____

NAME: Symco Rentals, LLC

ADDRESS: 5791 S. Loop 306

San Angelo, TX 76905

SIGNATURE: 

Z19-08: Keating

Property owner number: 11

If you have any questions about these proceedings, please call Hillary Bueker, with the City
of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at
hillary.bueker@cosatx.us.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH 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: **5050 NORTH CHADBOURNE STREET, compromising a total of 2.49-acres**, FROM THE RANCH AND ESTATE (R&E) AND GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICTS TO THE HEAVY COMMERCIAL (CH) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-08: Keating

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Heavy Commercial (CH) Zoning District; and,

WHEREAS, on the 18th day of June, 2019, City Council held a public hearing on Z19-08, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned HEAVY COMMERCIAL (CH) Zoning District:

The real property generally located at 5050 North Chadbourne Street, specifically being Tract D, 2nd R/P Keating Paint & Body, Block 10, Julia A Bailey Subdivision, City of San Angelo, Tom Green County, Texas.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit A** of this Ordinance.

SECTION 3: 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 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 5 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **18th day of June, 2019**, and finally PASSED, on this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

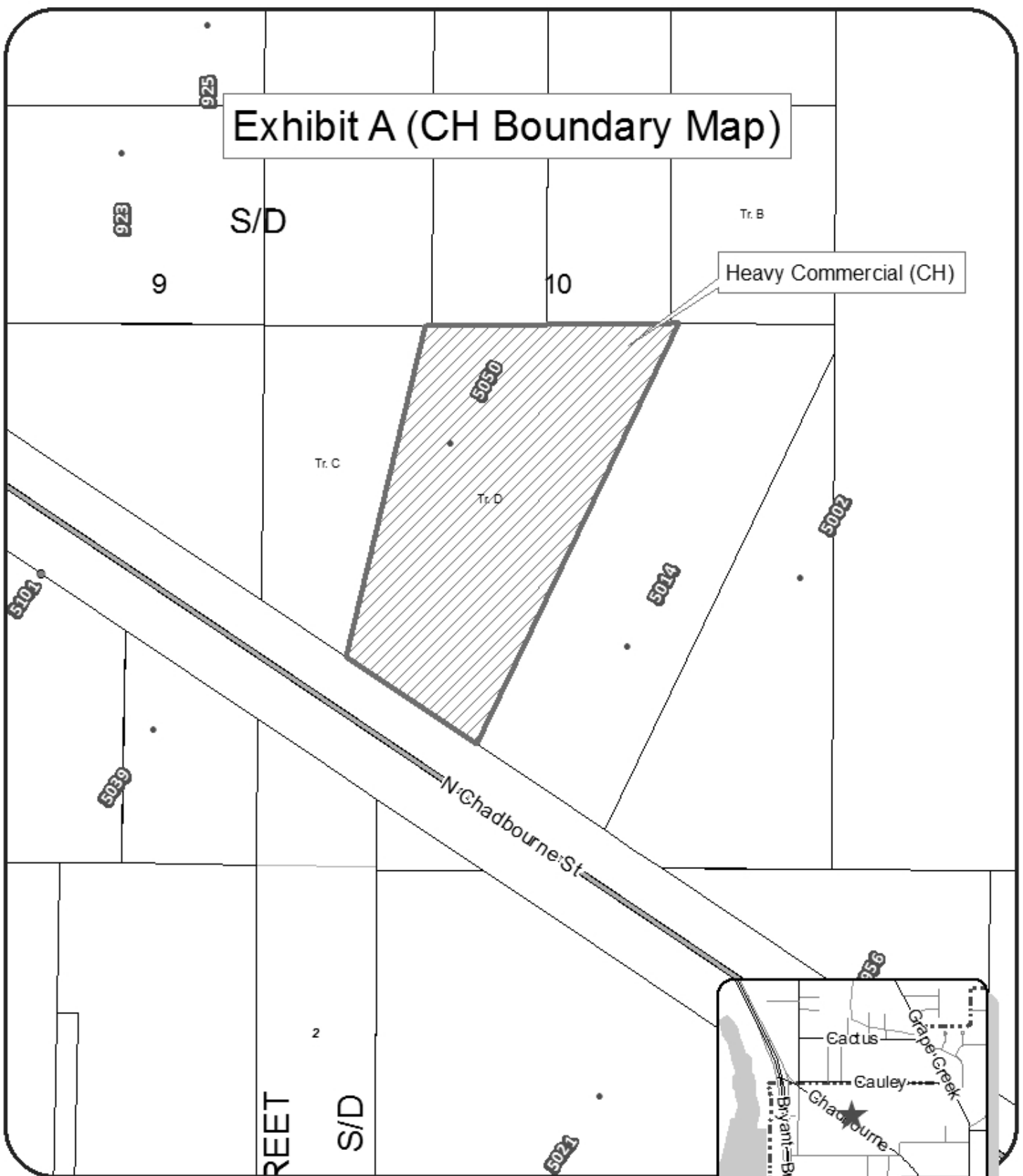
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit A (CH Boundary Map)



Z19-08: Keating

5050 North Chadbourne Street

Council District: SMD #2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 150 ft

Blk: 10, Bailey Julia A S/D, Tract D Being 2.4900 AC 2ND R/P Keating Paint & Body

Legend

- Subject Properties: —
- Current Zoning: CG/CH-R&E
- Requested Zoning Change: CH
- Vision: Commercial



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving the abandonment and vacation of a 15-ft wide by 200-ft long, 0.0685 acres (3,000-sq ft) public alley; located south of W. Beauregard Ave., north of W. Colorado St. between S. Tyler St. and S. Polk St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has requested the abandonment of a 15' x 200' unpaved alley within Block 3 of the Miller VE of Garrett Addition. Reasons for the request include safety and security concerns; the alley is not maintained by the city so the adjoining property owners have maintained it for years. The applicant owns 107 and 113 S. Tyler Street located 15 Ft. X 100 Ft. of the easterly portion of the alley. He is requesting abandonment of the entire alley and is prepared to purchase the entire alley if abandoned.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission met on May 20, 2019 and voted unanimously to recommend approval 6-0.

Attachments:

- | | |
|---|---|
| 1. City Council staff report | City Council staff report.docx |
| 2. Ordinance Blk 3 VE Miller Re-subdivision of Garrett Addition | Ordinance Blk 3 VE Miller Re-subdivision of Garrett Addition.docx |

Presentation:

Jon James

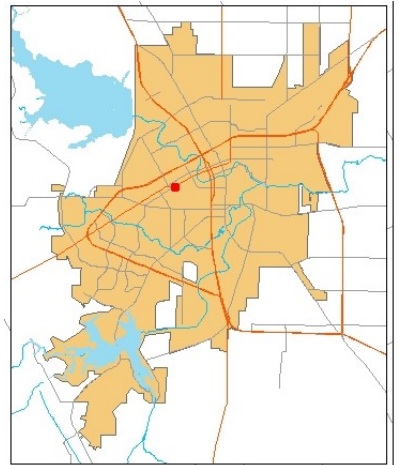
Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – June 18, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		BLK. 3 Miller VE of Garrett Addition: Concho Collison	
SYNOPSIS:			
The applicant has requested the abandonment of a 15' x 200' unpaved alley within Block 3 of the Miller VE of Garrett Addition. Reasons for the request include safety and security concerns; the alley is not maintained by the city so the adjoining property owners have maintained it for years. The applicant owns 107 and 113 S. Tyler Street located 15 Ft. X 100 Ft. of the easterly portion of the alley. He is requesting abandonment of the entire alley.			
LOCATION:		LEGAL DESCRIPTION:	
South of W. Beauregard Ave. & north of Colorado St., between S. Tyler St. and S. Polk St.		Being a 0.0685 acres (3,000 square feet) alley located within Block 3 of the V.E. Miller Re-subdivision of Garrett Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 5 – Lane Carter Santa Rita Neighborhood	General Commercial/Heavy Commercial (CG/CH)	Neighborhood	0.0685 acre (3,000 square feet)
THOROUGHFARE PLAN:			
N/A. Alley was approved as part of the V.E. Miller Re-subdivision of Garrett Addition, filed for record August 16, 1927 with the Tom Green County Clerk.			
NOTIFICATIONS:			
4 notifications mailed directly adjacent the proposed abandonments on May 10, 2019. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to four Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Concho Collison Jim Osborn			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 sherry.bailey@cosatx.us			

Additional Information:

This alley has never been paved, over the last few years it has been seldom used. The vegetation has grown up and no one is tending to the alley. The owner of the property on both sides of the east half of the alley has submitted a request for a rezoning to Planned Development Zoning District on his property and is asking that the alley be abandoned so that he can incorporate the property into his plan. The property owners on both sides of the western half of the alley have not decided yet what they want to do. However, if they do not want to purchase their alley half the east property owner will.

Utility Comments:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. There are City services within the alley area to be abandoned. Suddenlink Communications and AEP as well as the City will require a public utility easement within the abandonment area for the existing underground utilities, AEP power poles and attached Suddenlink communication lines. The alley is required to be unobstructed (no buildings, structures, or fences allowed) and a minimum of 15 feet wide. . There were no other responses.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property May 3, 2019, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent land owners. A site visit confirms that the alley is unpaved (caliche or grass) and there are no rear access drives to abutting land owners or rear garages or carports.
- *Utilities:* Water and sewer lines appear to be located in the alley, although they dead end within the alley.
- *Community Impact:* The City had sent abutting alley owners public notice of the meeting. There have been no responses to date. As a condition of approval, Planning Staff recommends that all abutting owners comply with the abandonment requirements within 12 months of approval.
- *Public Benefit:* The Planning Division is supportive of closing the entire alley and believe it would benefit all owners and not only one or a few.

Recommendation:

Planning Commission minutes, May 20, 2019

Alley Right-of-Way Abandonment: Concho Collision

Public hearing and consideration of a request to approve the abandonment and vacation of a 15-foot x 200-foot unpaved alley within Block 3 of the Miller VE of Garrett Addition, being 0.0685 acres, located south of West Beauregard Avenue and north of Colorado Street, between South Tyler and Polk Streets.

Sherry Bailey, Principal Planner, presented the proposed alley abandonment for a side lot alley. She

**Staff Report – Alley Abandonment – Block 3, Miller, VE Re-subdivision of Garrett Addition
June 18, 2019**

indicated that the owner's intent was to include the alley in the PD ad to make it part of the front area. She explained that the owner to the north is not interested and the one to the south is contemplating purchase of his portion.

Ms. Bailey outlined Staff's recommendation with four conditions of approval to approve the proposed alley abandonment on the grounds that there are no rear garages or carports; that an unobstructed easement will be provided to Suddenlink and AEP; that no responses have been received to date; and that closing the entire alley and not just a portion will benefit all owners.

Chair Stribling asked if the alley is purchased by the property owner if they can pave it. Ms. Bailey responded they could pave the alley but would have to ensure access for utility companies.

Chair Stribling opened the meeting for public comment.

Mr. Jim Osborn the owner and representing the applicant, spoke in support of his request. He indicated that the alley will be used for driving purposes and that they will be maintained.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the abandonment and vacation of a 15-foot x 400-foot unpaved alley within Block 3 of the Miller VE of Garrett Addition, being 0.137 acres, located south of West Beauregard Avenue and north of Colorado Street, between South Tyler and Polk Streets. Commissioner Jackson seconded the motion. The motion carried unanimously, 6-0.

Staff's recommendation is to:

Recommend **APPROVAL** of the proposed abandonment and vacation of a 15-foot wide by 200-foot long, 0.0685 acre (3,000-square foot) public alley; generally located running east and west in Block 3 bound on the north by W. Beauregard, the south by S. Colorado, on the east by S. Tyler St. and the west by S. Polk St., **subject to four Conditions of Approval:**

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned alley right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of quit claim deed(s) officially abandoning the City's claim to the entirety of the abandoned alley shall be provided.
3. Submit, obtain approval, and official recording of a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance within 18 months of City Council's decision.
4. The applicant shall provide as part of the replat a minimum 15-foot, unobstructed utility easement to the satisfaction of City of San Angelo Utilities for all present and future utilities.

Attachments:

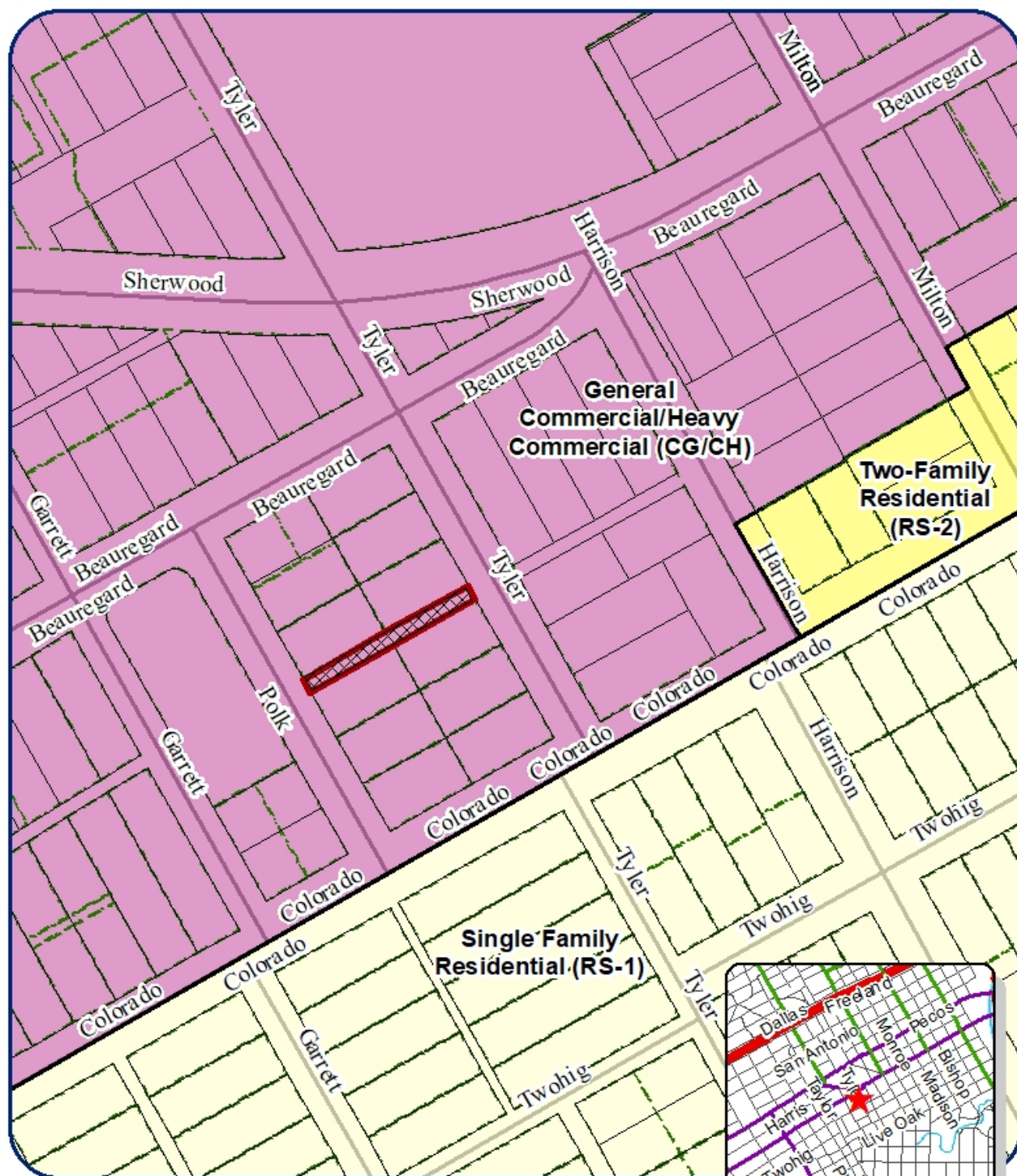
Aerial Map

Future Land Use Map

Zoning Map

Alley Abandonment Exhibit

Application

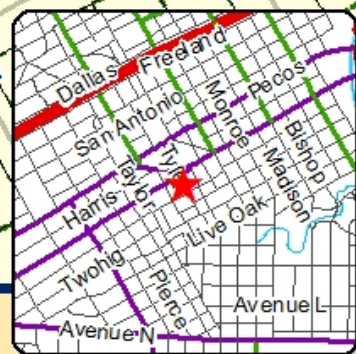
**SUBD. MILLER V.E. OF GARRETT ADDITION BLK. 3****Alley Abandonment - Zoning**

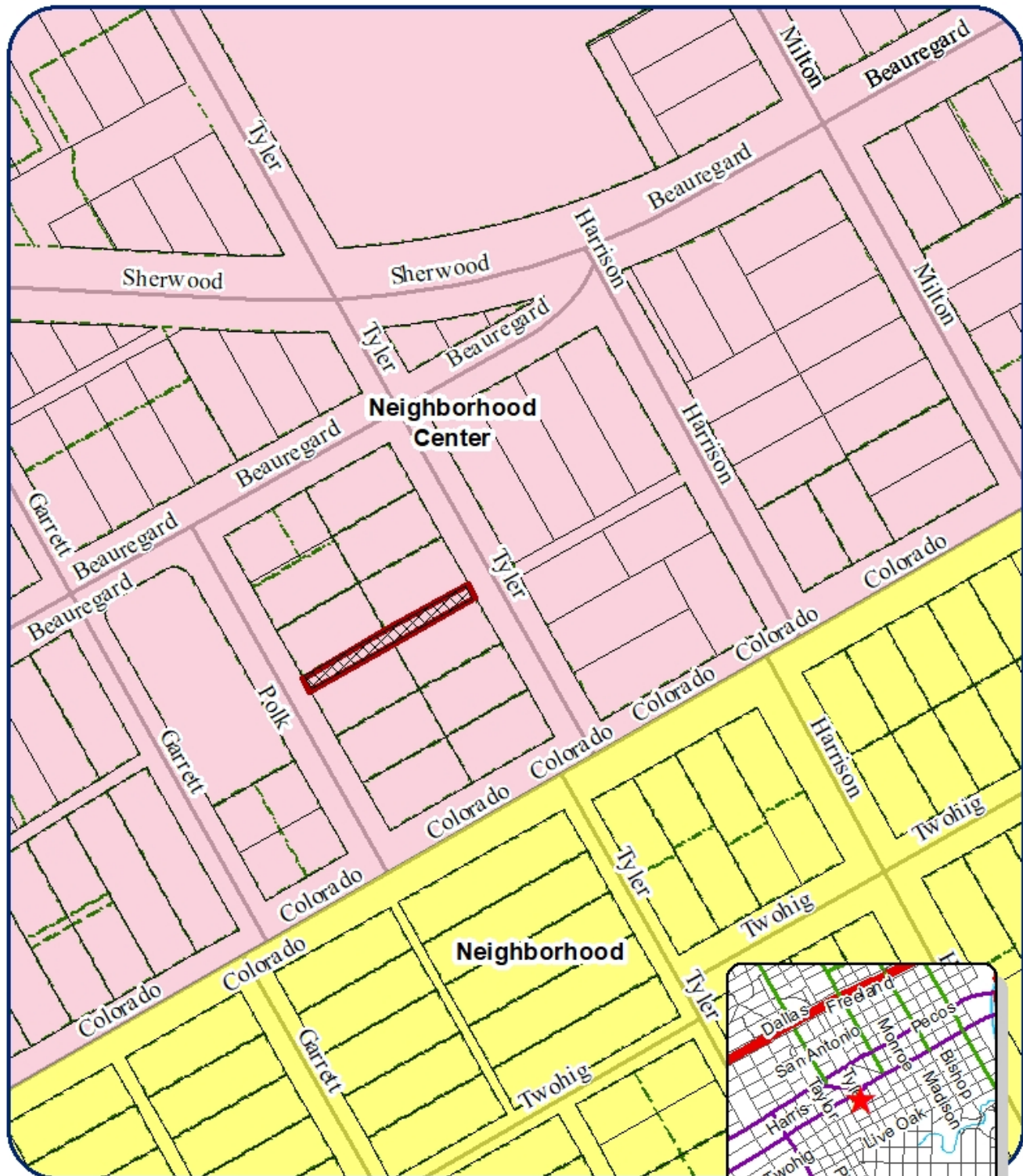
Council District 5: Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 134 ft

Between Tyler St. and Polk/Beauregard and Colorado

Legend

Subject Properties: █
 Current Zoning: █ General Commercial/Heavy Commercial
 Requested Zoning Change: █ N/A
 Vision: █ Neighborhood Center



**SUBD. MILLER V.E. OF GARRETT ADDITION BLK. 3****Alley Abandonment - Zoning**

Council District 5: Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 134 ft

Legend

Subject Properties: █
 Current Zoning: General Commercial/Heavy Commercial
 Requested Zoning Change: N/A
 Vision: Neighborhood Center

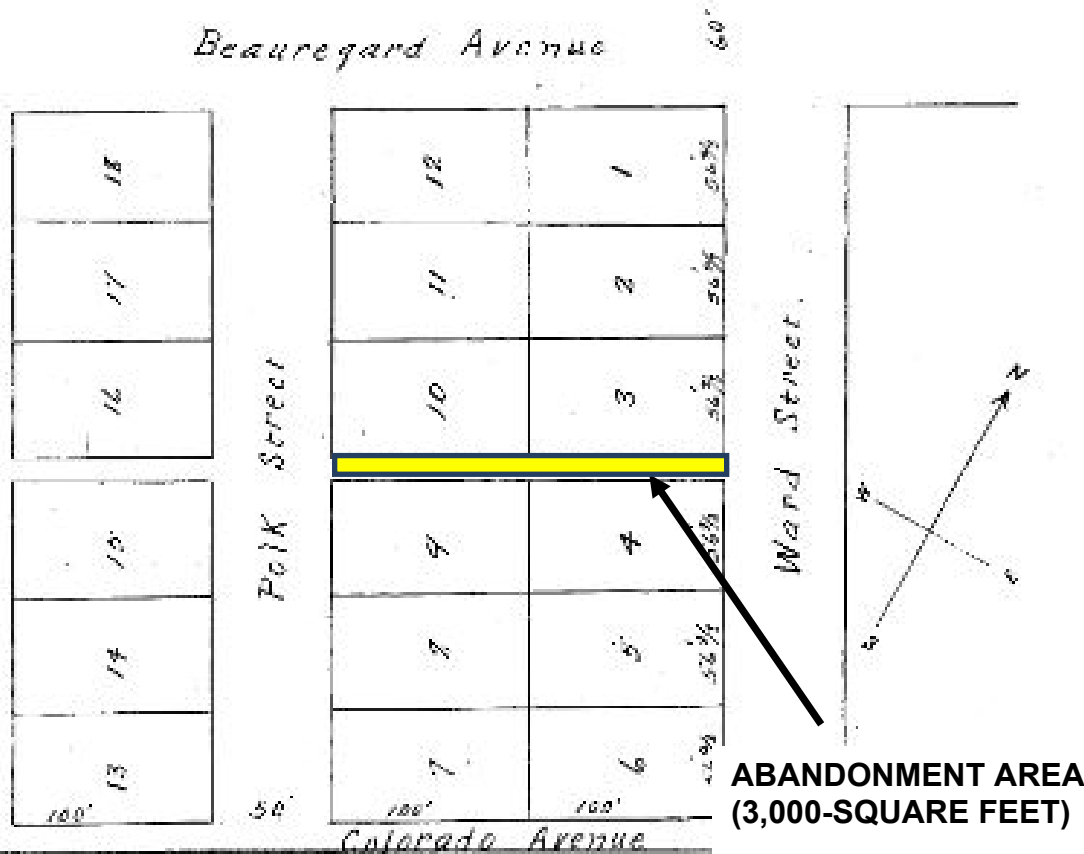
Between Tyler St. and Polk/Beauregard and Colorado



Staff Report – Alley Abandonment – Block 3, Miller, VE Re-subdivision of Garrett Addition

June 18, 2019

Notary Public in and for TOM GREEN COUNTY, TEXAS.
V. E. Miller's Re-subdivision of Block number Three of Garrett's Addition to the
City of San Angelo, Texas. "EXHIBIT A"



Staff Report – Alley Abandonment – Block 3, Miller, VE Re-subdivision of Garrett Addition
June 18, 2019

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**

**Section 1: Basic Information**Name of Applicant(s): Concho Collision☒ Owner☐ Representative (Affidavit Required)1909 W. BeauregardSan Angelo TX76901

Mailing Address

City

State

Zip Code

325-947-9473jim@conchocollision.com

Contact Phone Number

Contact E-mail Address

113 S. Tyler alleySan Angelo TX76901

Subject Property Address

City

State

Zip Code

Legal Description (can be found on property tax statement or at www.tomgreencad.com)0.130, Lot: 4, Blk: 3, Subd: MILLER V E OF GARRETT ADN

Lot Size: _____

Zoning: _____

Section 2: Site Specific DetailsSubdivision Name: 0.130, Lot: 4, Blk: 3, Subd: MILLER V E OF GARRETT ADNLots and/or Blocks Affected*: 0.130, Lot: 4, Blk: 3, Subd: MILLER V E OF GARRETT ADNGeneral Description of Location*: very short alley that is between properties that are owned by Concho CollisionReason for Abandonment*: between properties owned by Concho Collision

*Use attachment if necessary.

Staff Report – Alley Abandonment – Block 3, Miller, VE Re-subdivision of Garrett Addition
June 18, 2019

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

Jim Osborn

Owner Name (Print)

Signature

Concho Collision

Company/Organization (If Applicable)

4-16-19

Date

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z 19 -- 09

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ _____

Receipt #: 213260

Date paid: 04 / 22 / 19

Sign Deposit \$37.50

Receipt #: 213261

Date paid: 04 / 22 / 19

Affidavit attached?

☐ Yes

☐ No

☐ N/A

Applicant's signature on information sheet?

☐ Yes

☐ No

Previous Zone Change Inquiry?

☐ Yes

☐ No

If yes, ZCI case no.: ____ -- ____

River Corridor Commission?

☐ Yes

☐ No

If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: ____/____/____

Date notifications due: ____/____/____

City Council hearing date: ____/____/____

Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: _____

Date: ____/____/____

S. Polk Street Approach To The Alley



S. Tyler Street Approach To The Alley



AN ORDINANCE PROVIDING FOR CONDITIONAL ABANDONMENT AND VACATION OF A 15-FOOT WIDE, 0.0685-ACRE (3,000-SQUARE FOOT) PUBLIC ALLEY RIGHT-OF-WAY RUNNING EAST/WEST BETWEEN S POLK STREET AND S. TYLER STREET, SOUTH OF W. BEAUREGARD AVENUE AND NORTH OF W. COLORADO STREET; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, is of the opinion that a 15-foot wide, 0.0685-acre (3,000-square foot) public alley right-of-way running east/west between Polk and Tyler streets; south of W. Beauregard Ave. and north of W. Colorado Street; located adjacent to Lots 1-4, 9-19 within Block 3 of the VE Miller Re-subdivision of Garrett Addition , Tom Green County, Texas, is no longer needed for public use and therefore deems it advisable to abandon said portion of alley right-of-way; and,

WHEREAS, the City Council is of the opinion that the best interest and welfare of the public will be served by conditionally conveying the underlying abandoned public alley to the abutting property owners;

WHEREAS, the City Council has decided that the public alley may be abandoned in one as described in Sections 1 below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO THAT:

SECTION 1: The segment of the public street and alley right-of-way located in the City of San Angelo, generally described to be 15-feet wide, 0.0685-acre (3,000-square feet) public alley right-of-way running east/west between Polk and Tyler streets; south of West Beauregard Avenue and north of South Colorado Street; located adjacent to Lots 3-4 & 9-10 within Block 3 of the VE Miller Re-subdivision of Garrett Addition, Tom Green County, Texas, more particularly described in **Exhibit “A”**, attached hereto and made a part hereof for all purposes (hereinafter “Segment A”), be and the same is hereby vacated, abandoned and closed insofar as the right, title and easement of the public is concerned, subject to the conditions and restrictions precedent herein set forth.

SECTION 2: The abandonments and conveyances provided for herein are made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or not, aerial, surface, underground or otherwise.

SECTION 4: The abandonments and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 5: The following conditions precedent to the abandonment shall apply and be part of the consideration for conveyance by quitclaim deed(s) of the underlying tracts of land to owners of abutting properties:

5.1. Prior to delivery of any quitclaim deed for recording, conveyances of abandoned alley right-of-way described herein as the entire 3,000 square feet of right-of-way to be abandoned must be accepted by adjoining property owners in proportion to their interests or any combination thereof as consented to by such property owners, by depositing with the Planning Director the fees required as set forth at Subsection 5.3 hereof within 180 days of the day of adoption of this ordinance.

5.2. Full payment pursuant to the assessment formula outlined in Section A9.0008 of Appendix "A" Fee Schedule of the Code of Ordinances shall be remitted to the Director of Planning for the entire alley respectively, plus recording fees.

5.3. City quitclaim deeds shall reserve unto City a utility easement for the full width and length of the abandoned alley right of way.

SECTION 6: The terms and conditions set forth hereinabove shall be applicable to the conveyances of right's-of-way herein provided for, and shall be binding upon Grantees thereof and their heirs, successors and assigns.

SECTION 7: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth with respect to the entire alley the Mayor of the City of San Angelo is hereby authorized to execute and deliver quit claim deeds conveying the respective parts of abandoned rights-of-way depicted on **Exhibit “A”** to the owner of the designated abutting properties.

SECTION 8: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth, the City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the tracts of land are located.

INTRODUCED on the **18th day of June, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **2th day of July, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

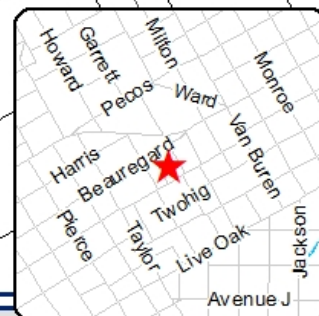
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A"



Location Map ROW Abandonment

Concho Collision

Council District 5 - Lane Carter

Neighborhood: Santa Rita

Scale: 1" approx. = 70 ft

Legend

Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **Planned Development**

Vision: **Neighborhood**

N



15 ft. by 200 ft. alley adjacent to Lots 3-4 & 9-10, Blk. 3, Miller VE Re-subdivision of Garet Annex Addition

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance", Chapter 5 "Procedural Requirements for Processing Subdivisions", Section III "Stages of Development Review", Subpart C "Administrative Subdivisions" by including the review process (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

Last year the department took a subdivision ordinance amendment to Council that inadvertently left out one section for "Administrative Subdivisions" and the "Review Process" for the Administrative Subdivision. This ordinance replaces that section that was inadvertently left out.

Financial Impact:

N/A

Other Information/Recommendation:

Since there was no intent to change this section of the ordinance, this item was not presented to the Planning Commission. They had previously approved the changes made to the ordinance, which did not delete this section.

Attachments:

- | | |
|---|---|
| 1. Memo Chapter 12 Minor Amendment | Memo Chapter 12 Minor Amendment.docx |
| 2. Ordinance - Chapter 12 C. Review Process | Ordinance - Chapter 12 C. Review Process.docx |

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

MEMO

**Meeting**

Date: June 18, 2019

To: City Council

From: Sherry Bailey, Principal Planner

Request: Public hearing and consideration of a text amendment to Chapter 12, Exhibit "C" Land Development and Subdivision Ordinance, Chapter 5 "Procedural Requirements for Subdivisions,"

Background:

Last year the Planning Division brought forward a subdivision ordinance amendment with multiple sections that was approved by City Council. Inadvertently, one paragraph under Administrative Subdivisions was left out of that multi-dimensional ordinance. After waiting the required six months under Sec. 1.03.02 of the Code of Ordinances, staff is bringing forward a minor amendment to add this paragraph back in. Since it was part of the original packet that went to Planning Commission for recommendation and it was simply a clerical error that resulted in this paragraph being left out, staff felt it was appropriate to bring it forward as a simple minor amendment.

Chapter 12, Exhibit C, Chapter 5, Section III

"C" Administrative Subdivisions

2. Review Process. Copies of the proposed plat shall be submitted to the Planning Director, in accordance with submittal deadlines posted on the Planning Department's website, along with the completed application form and appropriate application fee. Within a period of not more than ten (10) working days from the filing date of an application for subdivision, the Planning Director shall have approved it as an administrative subdivision, or the application shall be referred for consideration by the City Planning Commission. An application referred to the City Planning Commission shall be scheduled for consideration at the next regular meeting of the Commission, if said application was originally submitted by the deadline date for that next regular meeting. A decision by the Planning Director to approve an application for administrative approval, or to forward that application for consideration by the City Planning Commission, shall be communicated in writing to the applicant."

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE,” BY AMENDING: CHAPTER 5 “PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS,” SECTION III “STAGES OF DEVELOPMENT REVIEW,” PART C “ADMINISTRATIVE SUBDIVISIONS,” SUBPART (2) “REVIEW PROCESS;” PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo has adopted a Land Development and Subdivision Ordinance establishing a process for the development, subdivision and platting of land within the corporate limits of the City and within its extra territorial jurisdiction; and,

WHEREAS, the ordinance provides a process for the subdivision of land that includes the authority and functions of the Planning Director, Planning Commission and City Council in the subdivision and platting process;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS:

Section 1. Chapter 12 “Planning and Development,” Exhibit C “Land Development and Subdivision Ordinance” of the City Code of Ordinances, Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review,” Subpart “C” “Administrative Subdivisions,” Part 2”Review Process” is amended and restated in their entirety to read as follows”

2. Review Process. Copies of the proposed plat shall be submitted to the Planning Director, in accordance with submittal deadlines posted on the Planning Department’s website, along with the completed application form and appropriate application fee. Within a period of not more than ten (10) working days from the filing date of an application for subdivision, the Planning Director shall have approved it as an administrative subdivision, or the application shall be referred for consideration by the City Planning Commission. An application referred to the City Planning Commission shall be scheduled for consideration at the next regular meeting of the Commission, if said application was originally submitted by the deadline date for that next regular meeting. A decision by the Planning Director to approve an application for administrative approval, or to forward that application for consideration by the City Planning Commission, shall be communicated in writing to the applicant.”

Section 2: 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 3: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 18th day of June, 2019, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of July, 2019.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM

Jon James, Director of Planning and

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget Manager, Finance, 325-657-4211

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

Update and discussion of Hotel Occupancy Tax performance and eligible capital improvement projects (Presentation made by Finance Director Tina Dierschke)

Summary/History:

Due to positive economic experience, the City of San Angelo has collected more Hotel Occupancy Tax (HOT) than was necessary for current obligations and contracts. In accordance with state law and local ordinance, we can now discuss potential utilization of these surplus funds. For example, the Council can allocate excess hotel occupancy tax receipts to one-time projects. This allocation will help stakeholders further the HOT mission by tackling some much needed one-time and/or capital projects. These projects will help serve the citizens of and visitors to San Angelo by maintaining convention facilities and promoting tourism and the arts.

Financial Impact:

None at this time.

Other Information/Recommendation:

The City of San Angelo levied the hotel occupancy tax for the operation of convention facilities, the promotion of tourism, and the improvement of the arts. The current tax rate is 7% for the City of San Angelo. The state levies an additional 6%. No change is proposed to the tax levy.

Attachments:

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle
Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Tina Dierschke, Finance Director, Finance, 325-657-4268

Meeting Date: June 18, 2019

Item type: Regular Item

Caption:

Update on Sales Tax revenue performance (Presentation made by Finance Director Tina Dierschke)

Summary/History:

Sales Tax Revenue has performed as follows this fiscal year:

October - an increase of 1.98%
November - an increase of 13.63%
December - an increase of 21.88%
January - an increase of 4.94%
February - a decrease of 6.80%
March - an increase of 4.42%
April - an increase of 11.65%
May - an increase of 5.82%
June - an increase of 10.13%

Year to date, revenue is approximately \$1,041,404 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2019 is over year-to-date budget by 6.77% and \$1,041,404 after June 2019 receipts.

Other Information/Recommendation:

Attachments:

- | | | |
|----|-------------------------|------------------------------|
| 1. | 9 June Sales Tax Report | 9 June Sales Tax Report.pdf |
| 2. | 9 June Sales Tax Update | 9 June Sales Tax Update.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Kimberly Holle	Approved
Tina Dierschke	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

MEMO TO CITY COUNCIL



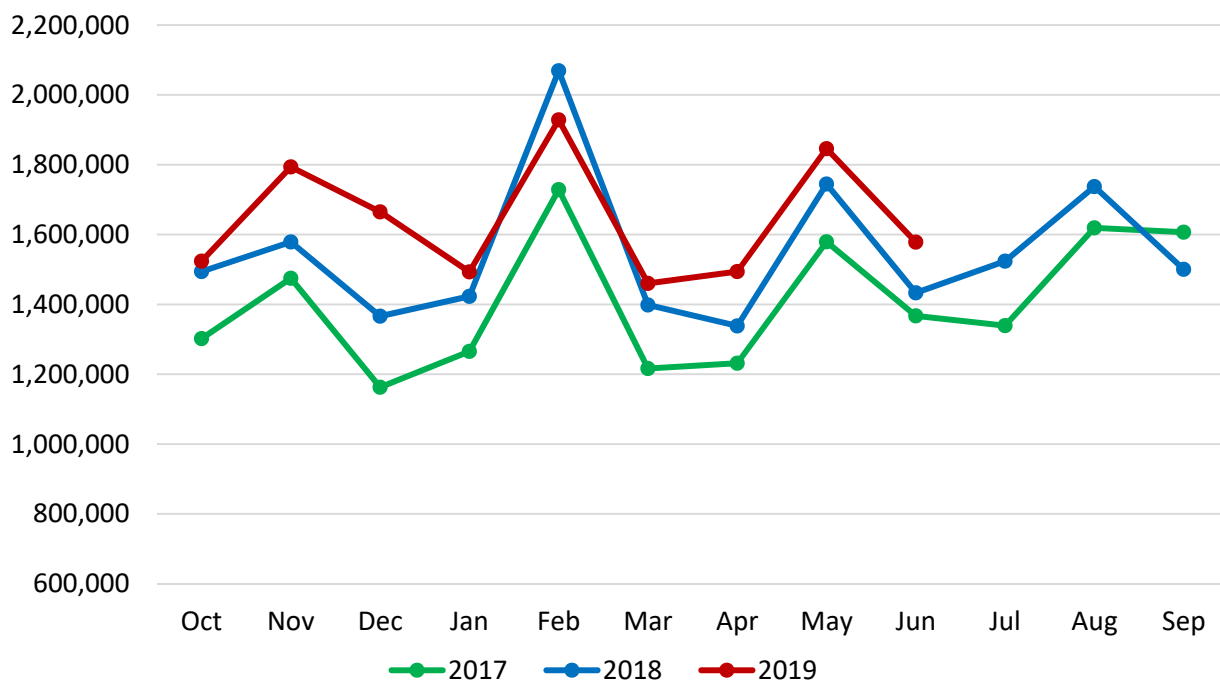
To: Mayor and City Council Members
CC: Daniel Valenzuela, Michael Dane, Rick Weise, Tina Dierschke, Ryan Gaddy
From: Kimberly Holle, Budget Manager
Date: March 1, 2019
Re: Sales Tax Collections Summary for the month ended December 30, 2018

Overview: The City of San Angelo imposes a City sales tax on all retail sales, leases and rentals of most goods, as well as taxable services. The current City rate is 1.5%. The City's portion is 1% with the remaining 0.5% allotted to the City of San Angelo Development Corporation.

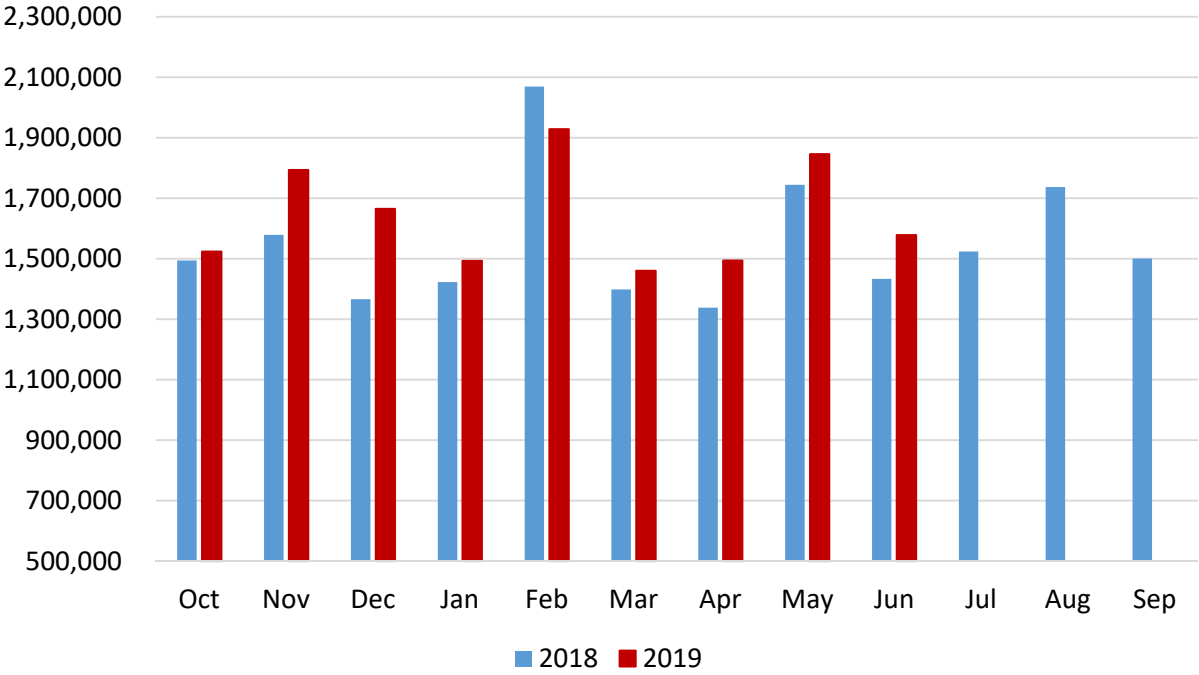
June 2019 Sales Tax Analysis

For the month, collections are up 10.13% relative to June 2018. Total year-to-date sales tax revenue for fiscal year 2018-19 is over budget by \$1,041,404. The graphs below show total collections for the fiscal year.

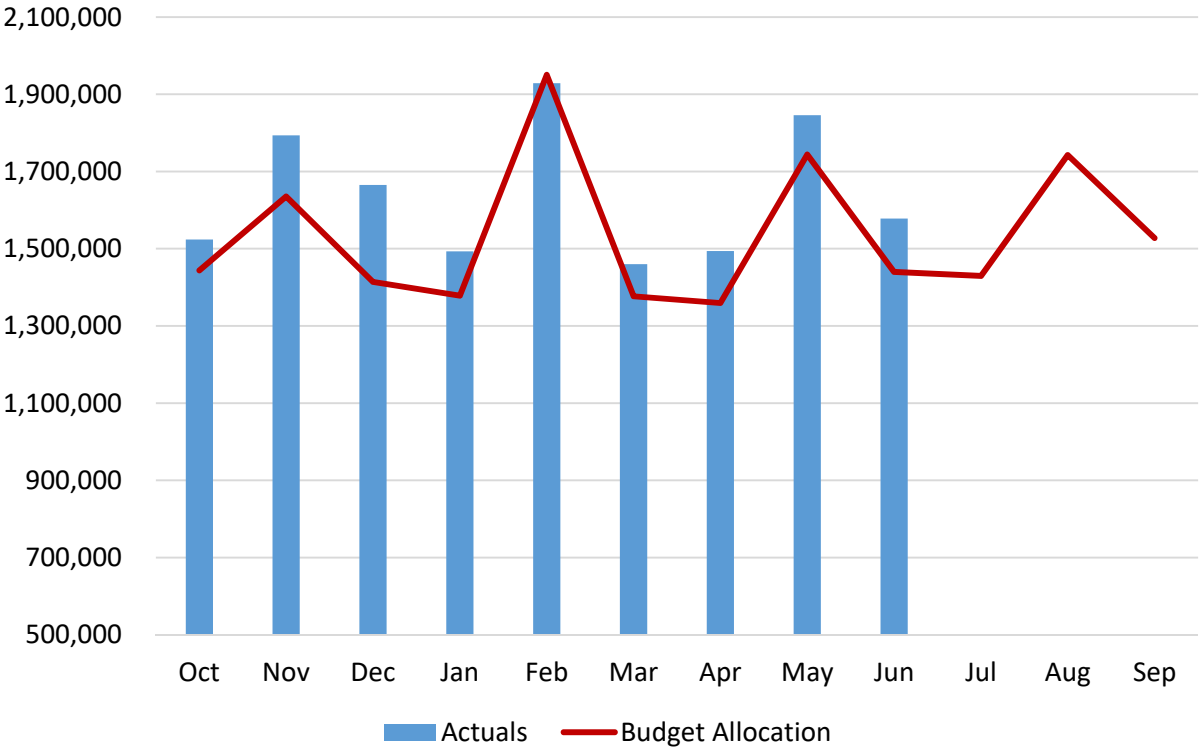
Sales Tax Trend



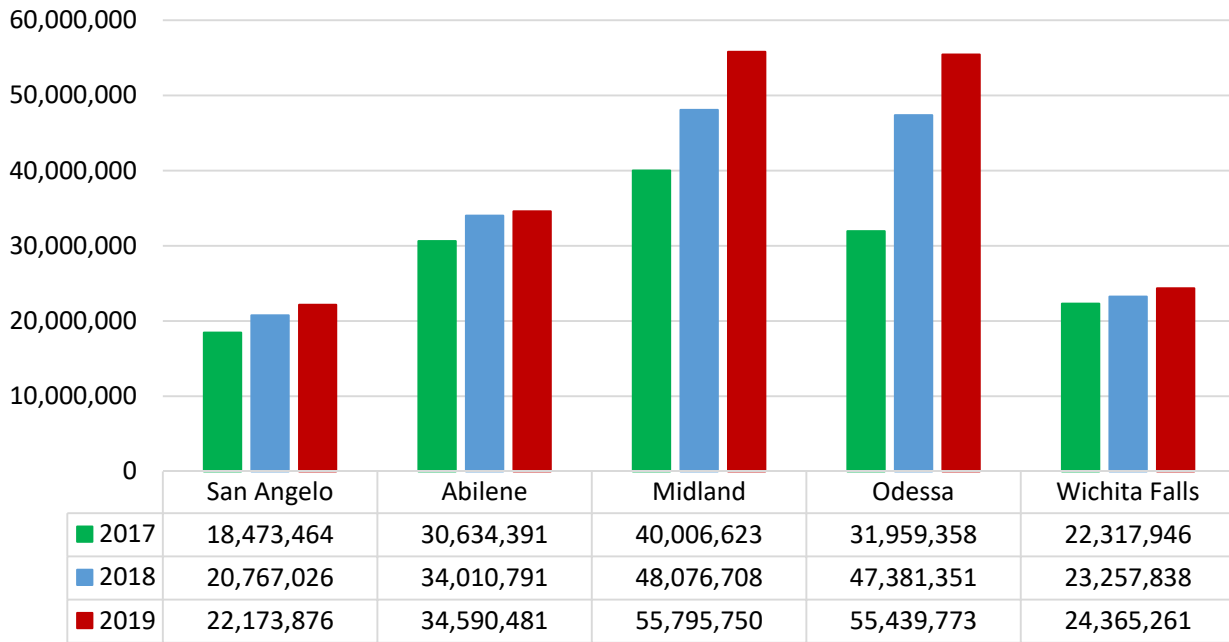
Sales Tax Current vs. Prior



Sales Tax Budget vs. Actual



Fiscal Year-to-date Collections



* This includes collections for the City of San Angelo and the San Angelo Development Corporation.

Performance for this month relative to June 2018:

San Angelo – up 10.13%

Abilene – up 10.30%

Midland – up 15.22%

Odessa – up 11.04%

Wichita Falls – up 6.40%



City Council

June 18, 2019

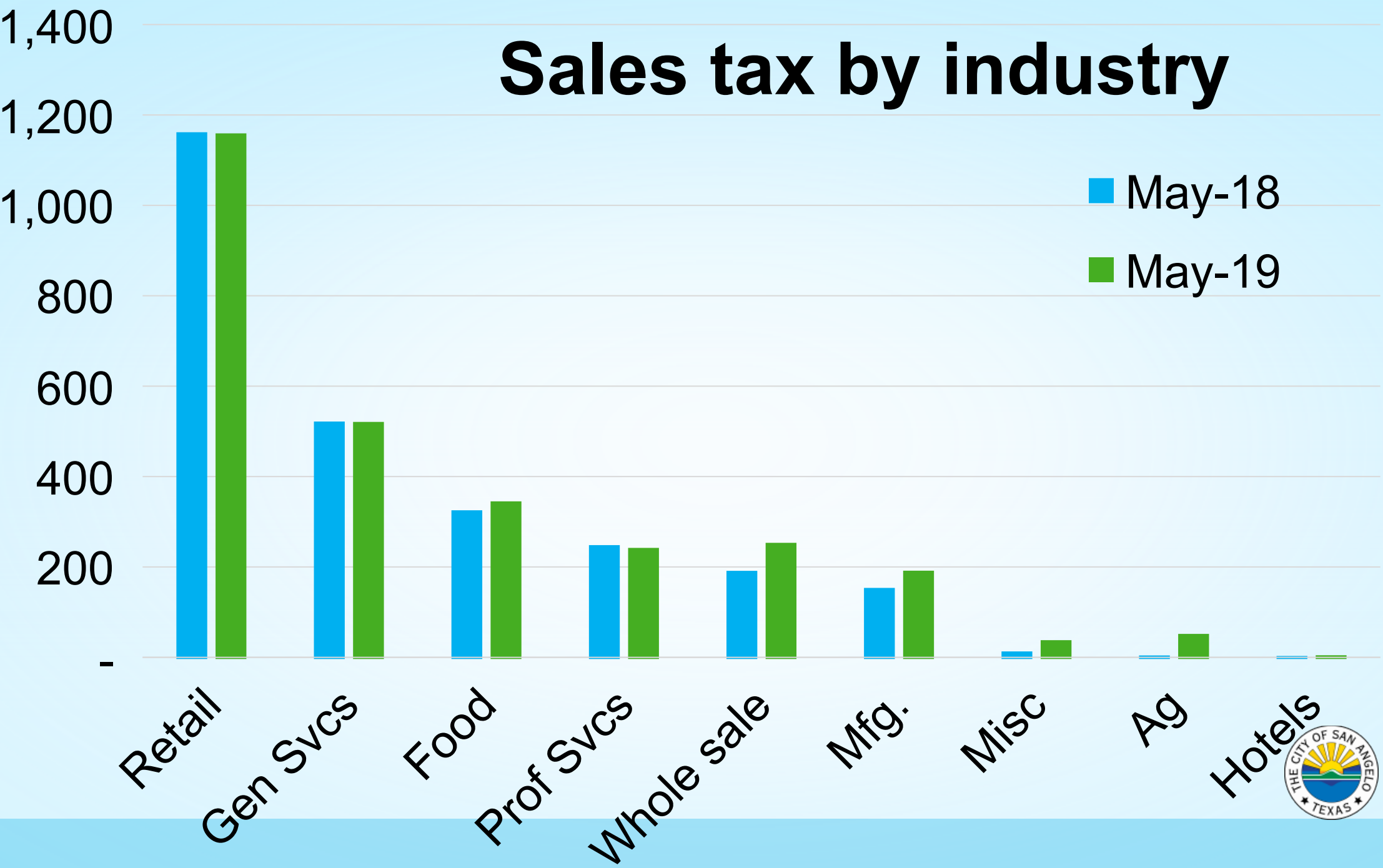


Sales tax revenue

- Up 10.13% in June compared with same month in prior year
- Over budget for revenue by \$902,944 year to date



Sales tax by industry





City Council

June 18, 2019

