

Zone Change documentation

From: Cromwell, Nicole
Sent: Wednesday, May 20, 2015 3:45 PM
To: Volek, Christina
Cc: Millar, Candi
Subject: RE: Zone change request information

Hello Tina,

I have spoken with Mr. Schroeder who owns 100 Emerald Drive. His mother also owns adjacent property at 204 Emerald Drive that is zoned Residential Professional – but this is a home, not a business. His father – who has since passed away – used to run a small architecture office out of the home at 204 Emerald Drive. The County changed the zoning from R-96 to RP for 204 Emerald Drive in April 1976. (Lots 1 & 2 of Block 4 – O’Leary Subdivision). The other lots in Block 4 to the east of 204 Emerald Drive are all zoned Highway Commercial and are undeveloped. They were owned by Mr. Schroeder’s mother as well and they have grazed animals on this part of the property. Alkali Creek runs below these lots.

100 Emerald Drive has always been zoned R-96 even though the property was developed first as a gallery in 1968 (still in the County at the time) and is now used by 3 different businesses for office space. Mr. Schroeder wants to build a garage for additional storage space. The property was originally zoned R-96 and annexed into the city in 1974. The zoning of the parcel was not changed at the time of annexation. I have not requested the annexation records from the City Clerk. Normally, the city will evaluate the use of the property at the time of annexation to ensure a correct zoning is assigned when the property is annexed.

Since the office building is a prior legal non-conforming use, we cannot approve a building permit to expand the use (add garage space). Under the legal nonconforming provisions, Mr. Schroeder would have to first establish a residential use of the property and then build a residential garage for storage – or – build the house & garage at the same time. The only other alternative is to change the zoning to a zoning that would make his existing use of the property conforming (and thus eligible for expansion). Mr. Schroeder believes the city erred at the time of annexation in 1974 by not assigning a zoning appropriate to the existing use of the property. Since I do not have the records from 1974 when the property was annexed, I don’t know if the city knew of the existing use. The County zone change for his mother’s property at 204 Emerald Drive (April 1976) had sparse information.

The Council could initiate the zone change at the request of Mr. Schroeder. It would be helpful if Mr. Schroeder or the City Clerk could locate the annexation records for the property.

Here is the legal description for 100 Emerald Lane:

COS 604 AND TR 2 COS 356 AMEND & CORR

Tax ID: D05590

Sincerely yours,
Nicole Cromwell