

STAFF REPORT



Meeting: February 16, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

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

Planner: Santiago Abasolo, AICP
Senior Planner

Request: A request for approval of a Final Plat and a total of three (3) variances: a variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow for a 48-foot paving width in lieu of the required 64 feet for Glenna Street; a variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow a 32-foot paving width in lieu of the required 50 feet for Howard Street; and a variance from Chapter 9.III.E of the Subdivision Ordinance to allow driveway access onto Glenna Street, an arterial street.

Location: An unaddressed tract generally located at the southwest corner of Glenna Street and Howard Street.

Legal

Description: Being 1.083 acres of land out of J. Moehl Survey 191, Abstract No. 1656, City of San Angelo, Tom Green County, Texas and being that same tract described in Instrument No. 201414920 Official Public Records of Tom Green County, Texas.

Size: 1.083 acres

General Information

Future Land Use: Neighborhood

Zoning: Two-Family Residential (RS-2)

Existing Land Use: Vacant land

Surrounding Zoning / Land Use:

North:	Single-Family Residential (RS-1)	Church of Pentecost, Single family dwellings, Open Space
West:	Single-Family Residential (RS-1)	Open Space
South:	Single-Family Residential (RS-1)	Single family dwellings
East:	Single-Family Residential (RS-1)	Single family dwellings

District: CMD#2 – Marty Self

Neighborhood: Angelo Heights

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), Glenna Street is identified as Minor Arterial Street. An arterial street connects collector streets to

freeways and other arterials carrying large volumes of traffic at high speeds, access is secondary and mobility is the primary function of these streets. The MTP requires Glenna Street to have a minimum paving width of 64 feet and a minimum right-of-way width of 80 feet. Per MTP, Howard Street is identified as Collector Street. A Collector Street provides access to residential neighborhoods, commercial and industrial areas, distributing trips from the arterials through the area to the ultimate destination.

Recommendation:

The Planning Division recommends **APPROVAL** of this Final Plat request **subject to the six (6) Conditions of Approval** listed below and **DENIAL** of the three (3) variance requests.

Background:

An application for a Final Plat was submitted to the Planning Division on January 14, 2015. It is the applicant's intent to re-subdivide the property into five (5) tracts. The five tracts are proposed to be developed as residential uses. No utility improvements and extensions are proposed.

The applicant is requesting a variance from any road improvements along Glenna Street and Howard Street. The required paving width of Glenna Street is 64 feet and the current paving width is 46 feet. The applicant is required to improve his portion (half) of Glenna Street to the required 32 feet, or an extra nine (9) feet. The property owners on the other side of Glenna Street would also be required to improve that street to 32 feet, as mandated in the Subdivision Ordinance for an arterial street.

The applicant is required to improve his portion (half) of Howard Street to the required 25 feet, or an extra seven (7) feet. The property owners on the other side of Howard Street would also be required to improve that street to the 25

feet as mandated in the Subdivision Ordinance for a collector street (which has a 50-foot required width).

The applicant is also requesting a variance for driveway access onto Glenna Street. The proposed subdivision access onto Glenna Street, designated as an Arterial Street by the Major Thoroughfare Plan. The Subdivision Ordinance indicates that "where driveway access from an arterial street may be necessary for several adjoining lots, the City may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street." Not having some type of combined access from the proposed subdivision onto Glenna Street may create traffic hazards since Arterial Streets are designed for carrying large volumes of traffic at high speeds.

Analysis:

SECTION IV of the Land Development and Subdivision Ordinance requires that the Planning Commission consider, at minimum, four (4) factors in determining the appropriateness of any subdivision request variance.

1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.

Given the nature of this request, along with feedback from various City divisions and groups, staff recommends denial of the variance request from any road improvements and the variance request for driveway access onto Glenna Street. Identified as an arterial street in the City's Major Thoroughfare Plan, Glenna Street has a paving width of only 46 feet, significantly less than the minimum pavement width for an arterial street. The City's Major Thoroughfare Plan requires that arterial streets must have a paving width of 64 feet. Identified as a collector street in the City's Major Thoroughfare Plan, Howard Street has a paving width of only 36 feet, significantly less than the minimum pavement width for a collector street. The City's Major Thoroughfare Plan requires that collector streets must have a paving width of 50 feet. Whenever a subdivision plat request is made, the owner or "developer" is responsible for street improvements for existing streets. Chapter 9 Section III.A.5.(1) of the Subdivision Ordinance only requires the owner to improve half of the total widths of the right-of-way and street.

Allowing access to an arterial street creates traffic hazards since arterial streets are designed to carry large volumes of traffic at high speeds, access is secondary and mobility is the primary function of these streets. In order to avoid traffic hazards the Subdivision Ordinance

provides the option to the Planning Commission and City Council of requiring a combined access drive to “limit traffic hazards” on arterial streets. Additionally, arterial streets carry high volumes of traffic, serve as truck routes for transit, and mediate traffic between local streets and freeways. Having multiple access driveways on Glenna Street with slow moving vehicles trying to access a street designed for high speed traffic wmay increase the possibility of having more traffic accidents

- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.**

Strict enforcement of the Subdivision Ordinance's paving width requirements and arterial streets access requirements will not appear to create a hardship for the applicant. Since the new proposed subdivision will increase the existing traffic generation pattern in the area, the required street improvements will mitigate any undesirable effects. These are requirements that apply to anyone requesting a platting or replatting, and are not unique to this property. The site has similar physical conditions as the surrounding area in terms of topography, street layout, infrastructure and transportation facilities. The site is located in a residential area and connected to the existing street network.

- 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

Consultation with the City Engineer further confirms that such an expansion is feasible and prudent. The Manual on Uniform Traffic Control Devices or MUTCD, a set of standards used by engineers nationwide, generally stipulates that an improved approach is recommended in order to address additional traffic demand. Given the required width involved, an approved approach to allow for widening the street is feasible in this case. While none of the lots along Glenna Street meet the paving requirements of the current Ordinance, each will be required to meet said standards once developers or owners seek to redevelop the area. None of physical surroundings, site shape or topographical conditions impose a hardship to the owner if the Planning Commission requires to provide a combined access drive onto Glenna Street. The proposed subdivision is not affected by any particular physical surroundings, shape or topographical conditions. The surrounding area is mainly residential

development with the exception of a church located across the street from the subject property. The proposed subdivision occupies a site of regular shape located in a flat area without any topographical conditions that might impose a hardship to owner.

4. The variance will not, in any significant way, vary the provisions of applicable ordinances.

The variance request from any road improvements varies significantly from the provision outlined in the Ordinance. Improvements of the street are necessary to make navigating easier and provide sufficient passage of passing vehicular traffic along the Glenna Street and Howard Street. Approving the variance of the paving requirements may result in a situation where the necessary improvements are never made to accommodate for future growth, undermining patterns whose result is logical and orderly development. The proposed subdivision is zoned Two-Family Residential (RS-2) which allows for a type of development that doubles the existing residential density of surrounding Single-Family Residential (RS-1) zoning district. Not providing a combined access drive to Glenna Street varies the provisions of the Subdivision Ordinance. A combined access drive to Glenna Street is intended to prevent traffic hazards created by multiple access drive onto an arterial street.

Conditions:

1. Provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there are no delinquent taxes on the subject property of this subdivision.
2. A drainage study shall be submitted if the impervious area changes by at least 5%. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. Alternatively, the applicant may request, in writing, a drainage study deferment for platting purposes only. However, the study must be submitted prior to issuance of any permits.
3. Prepare and submit plans for approval which illustrate the proposed installation of water mains, required service connections and fire hydrants, and complete the installation in accordance with the approved version of these plans. If recording of this plat is desired before public improvements are complete, the applicant may submit suitable financial guarantees ensuring the timely completion of such improvements within a period of no more than 18 months.

4. Prepare and submit plans for required improvements to Glenna Street by half the additional increment necessary to comprise the minimum paving width of 64 feet, in this case is, 32 feet. Once plans are approved, construct street to City specifications. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative would be to submit a financial guarantee ensuring the completion of these improvements within an 18 month period. Finally, a third alternative would be to seek a variance from the street improvement requirements outlined in the Subdivision Ordinance.
5. Prepare and submit plans for required improvements to Howard Street by half the additional increment necessary to comprise the minimum paving width of 50 feet, in this case is, 25 feet. Once plans are approved, construct street to City specifications. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative would be to submit a financial guarantee ensuring the completion of these improvements within an 18 month period. Finally, a third alternative would be to seek a variance from the street improvement requirements outlined in the Subdivision Ordinance.
6. Prepare and submit plans for the required combined access drive to Glenna Street. The combined access drive shall be designed and arranged so as to avoid requiring vehicles to back into traffic on Glenna Street.

Action Requested:

The action requested is for the Planning Commission to **APPROVE** the Final Plat of Jefferson Heights **subject to six (6) Conditions of Approval** and **DENY** the three (3) variance requests: a variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow for a 48-foot paving width in lieu of the required 64 feet for Glenna Street; a variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow a 32-foot paving width in lieu of the required 50 feet for Howard Street; and a variance from Chapter 9.III.E of the Subdivision Ordinance to allow driveway access onto Glenna Street, an arterial street.

Attachments:

Aerial Map
Comprehensive Plan Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Plat

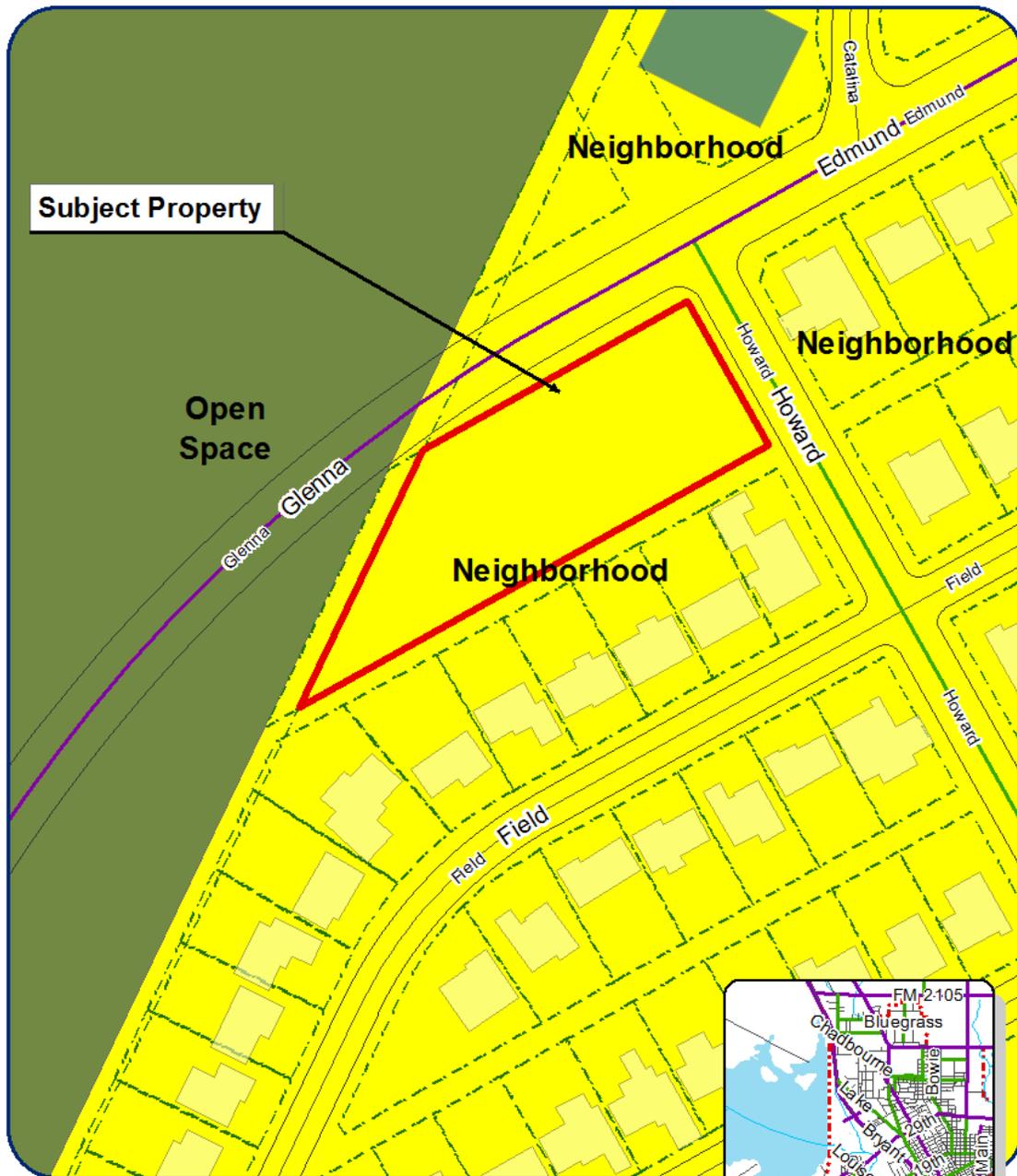


Subdivision Case File
 Jefferson Heights Addition Section 11 - A
 Council District: Marty Self
 Neighborhood: Angelo Heights
 Scale: 1 in approx. = 100 ft
 Subject Property: SW Corner of Howard Street and Glenna Street 1.083 acres

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

N



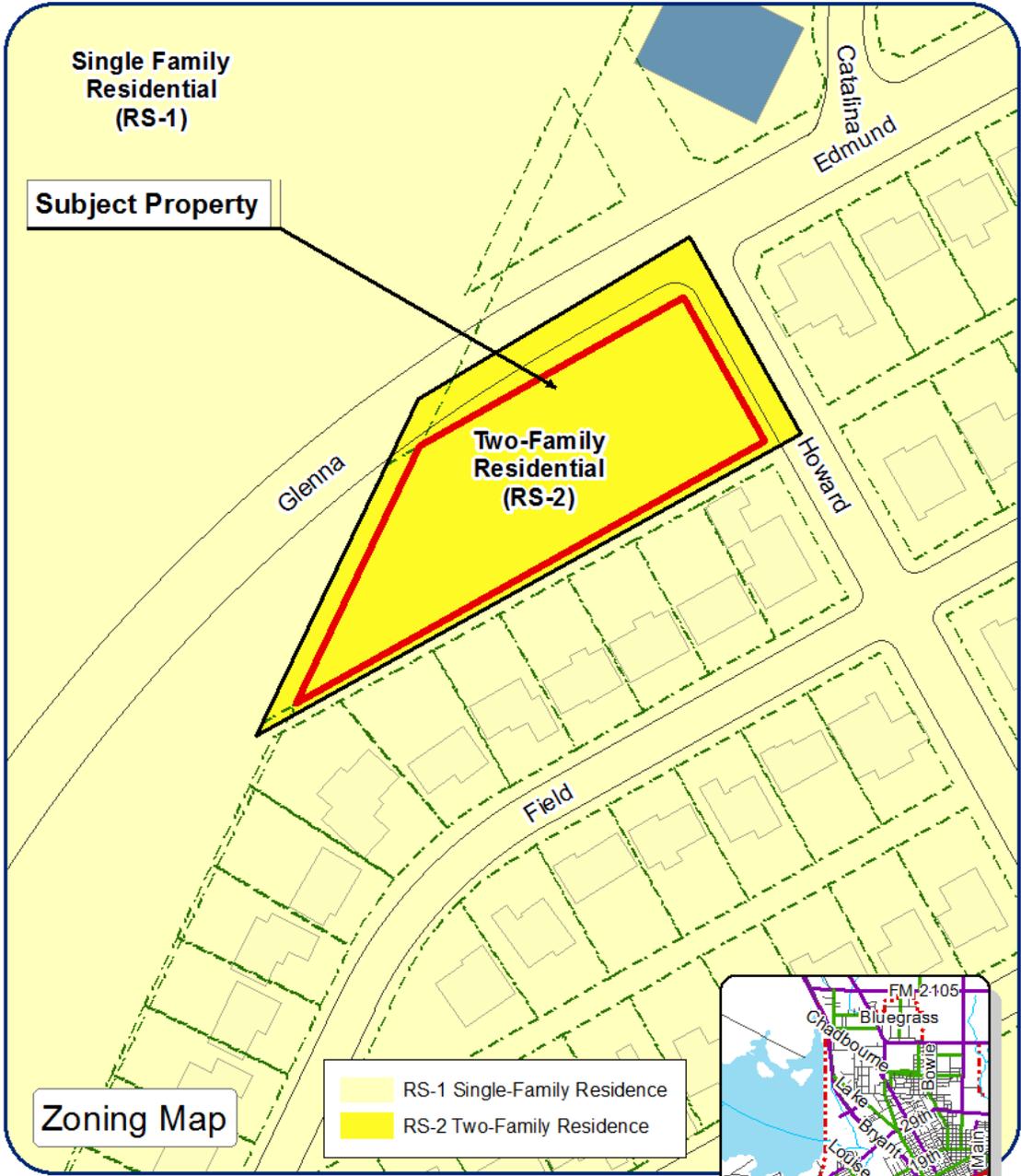


Subdivision Case File
 Jefferson Heights Addition Section 11 - A
 Council District: Marty Self
 Neighborhood: Angelo Heights
 Scale: 1 in approx. = 100 ft
 Subject Property: SW Corner of Howard Street and Glenna Street 1.083 acres

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

N





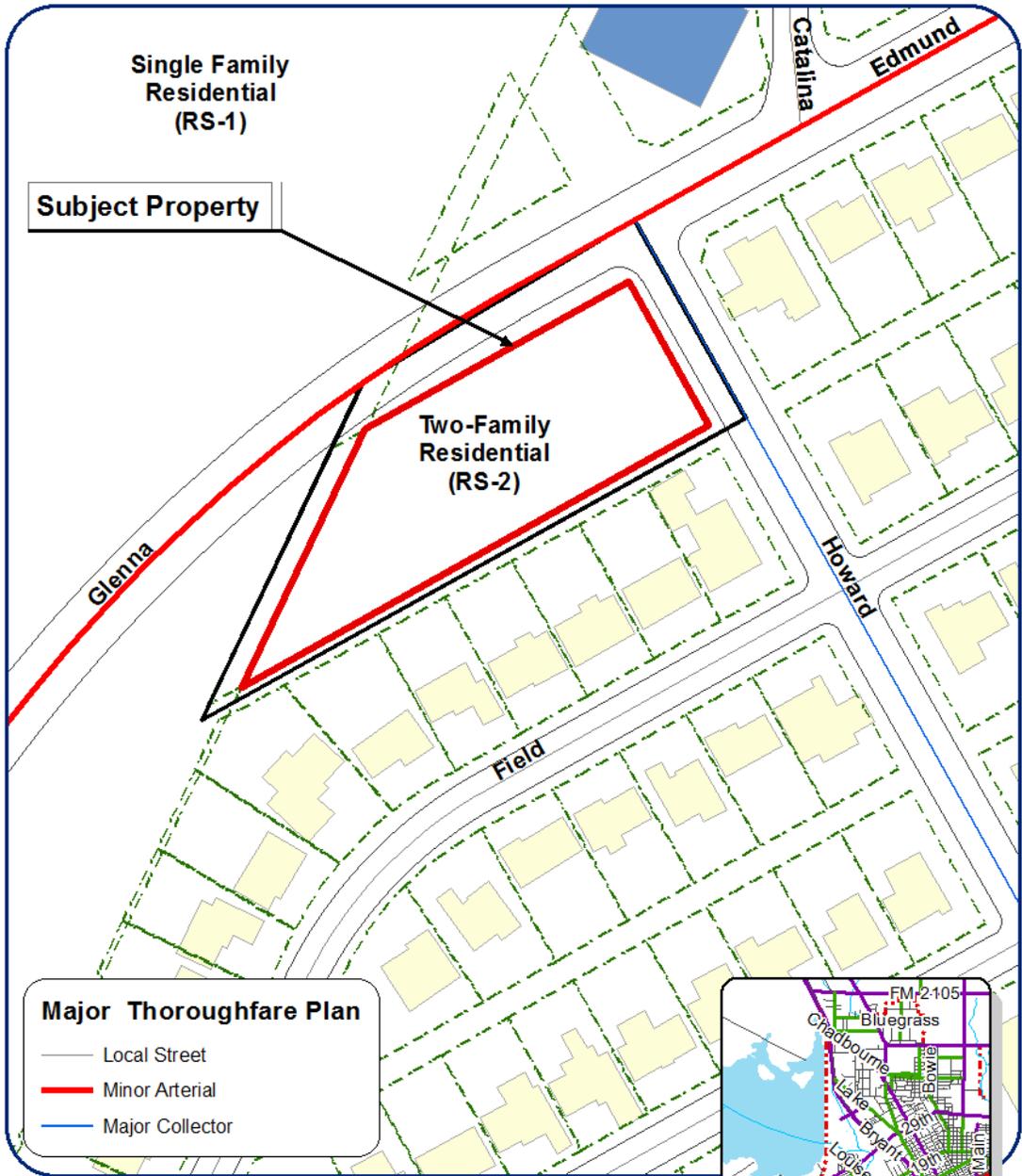
Subdivision Case File

Jefferson Heights Addition Section 11 - A
 Council District: Marty Self
 Neighborhood: Angelo Heights
 Scale: 1 in approx. = 100 ft
 Subject Property: SW Corner of Howard Street and Glenna Street 1.083 acres

Legend

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



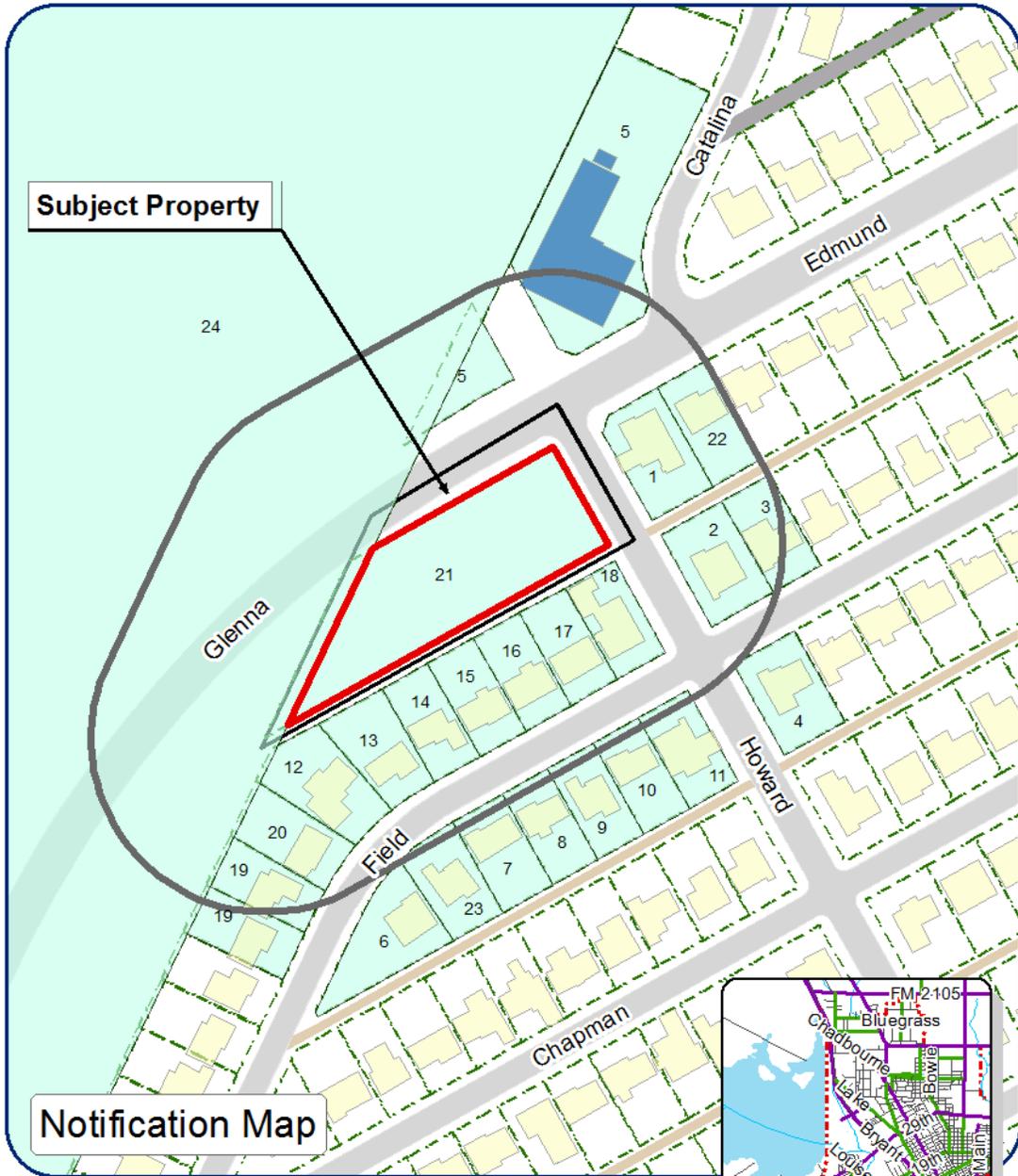


Subdivision Case File
 Jefferson Heights Addition Section 11 - A
 Council District: Marty Self
 Neighborhood: Angelo Heights
 Scale: 1 in approx. = 100 ft
 Subject Property: SW Corner of Howard Street and Glenna Street 1.083 acres

Legend

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

N



Subdivision Case File

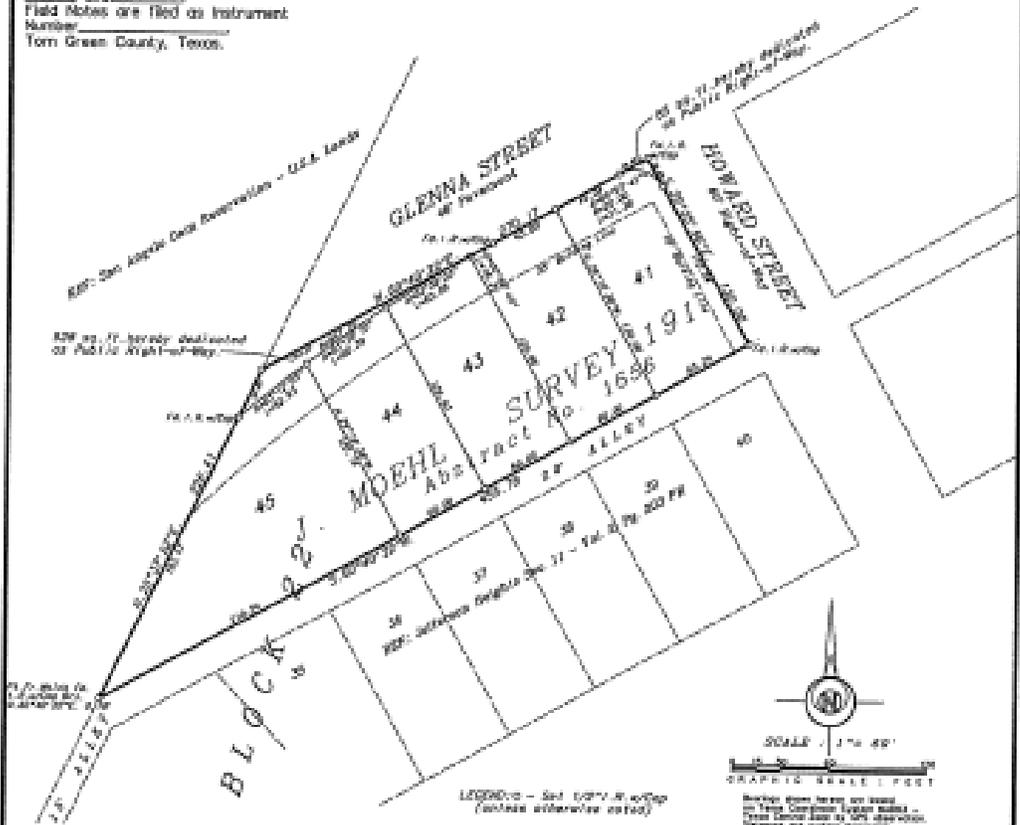
Jefferson Heights Addition Section 11 - A
 Council District: Marty Self
 Neighborhood: Angelo Heights
 Scale: 1 in approx. = 147 ft
 Subject Property: SW Corner of Howard Street and Glenna Street 1.083 acres

Legend

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



This plot is recorded as instrument
 Number _____ of Plot Cabinet
 Slide _____
 Field Notes are filed as instrument
 Number _____
 Tom Green County, Texas.



**JEFFERSON HEIGHTS ADDITION
 SECTION 11 - A
 San Angelo, Tom Green County, Texas
 OWNER: WESLEY CROOKS**

DESCRIPTION: Being 1,285 acres of land out of A. Mott Survey 191, Abstract No. 1636, City of San Angelo, Tom Green County, Texas and being that same tract described in instrument No. 202414820 Official Public Records of Tom Green County, Texas.

PLANNING COMMISSION
 Approved for recording this _____ day
 of _____ 20____
 By: _____
 Chairman

 Secretary

DEPARTMENT OF WATER UTILITIES
 Approved for recording this _____ day
 of _____ 20____
 By: _____
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this _____ day
 of _____ 20____
 By: _____
 Director of Public Works

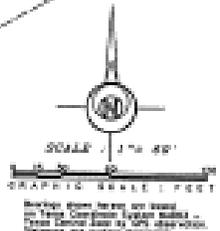
COUNTY CLERK
 Filed for record this _____ day of
 _____ 20____
 By: _____

ACKNOWLEDGMENT/DEDICATION
 I, Wesley Crooks do hereby adopt this
 plot as the subdivision of my property
 and dedicate for the use of the public
 the right-of-way shown hereon.

 Wesley Crooks

STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged
 before me on _____
 by Wesley Crooks.

Notary Public, State of Texas



PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED
 FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED
 OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

SUBDIVISION CERTIFICATE
 I, _____
 Notary Public, do hereby certify that I
 prepared this plot from an actual and
 accurate survey of the land and that com-
 mencements shown hereon were properly placed
 under my supervision, in accordance with the
 rules for 1983 subdivision by the City Council
 of the City of San Angelo; and I further
 certify that the tract of land herein plat-
 ted lies within the City limits of the City of
 San Angelo, Texas.

STAFF REPORT



Meeting: February 16, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

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

Planner: Edward Vigil
Senior Planner

Case: SV15-01

Request: A Variance from Section 12.604(b)(1)(C) to allow for a sign with a height of 40 feet, measured from the ground, to have a five (5) foot front setback in lieu of ten (10) feet.

Location: 2952 North Bryant Boulevard, generally located at the Northeast corner of North Bryant Boulevard and West 29th Street.

Legal Description: Lot 1A of the First Replat in Lot 1, Block 1, Wal-Mart North Addition.

Size: 1.31 acres

General Information

Existing Zoning: General Commercial (CG)

Existing Land Use: Restaurant

Vision Plan: Neighborhood Center

Neighborhood: Riverside

District: SMD #2 Marty Self

Surrounding Zoning/Land Use:

North:	General Commercial (CG)	Wal-Mart Retail Store
West:	Light Manufacturing (ML)	Bryant Street and Hirschfield Steel
South:	Light Manufacturing (ML)	Bryant Street and Stripes Convenient Store
East:	General Commercial (CG)	Sonic Fast Food Restaurant

Thoroughfares/Streets: Per the Major Thoroughfare Plan (MTP), Bryant Boulevard is defined as a "Major Arterial Street," which is designed to connect Collector Streets to freeways and carry large volumes of traffic at high speeds. Access is secondary and mobility is the prime function of this street. This request appears to be consistent with the MTP, as there are no roads being extended, widened, or proposed for abandonment in the immediate area.

Background:

The applicant seeks the approval of a sign variance for an existing McAllisters restaurant sign pole located at 2952 North Bryant Boulevard. McAllisters restaurant was approved and building permits were issued on November 18, 2014. The existing sign pole received approval November 4, 2014. The existing sign pole is 22 feet tall, when measured from the ground, and has a sign area of 96 square feet. The applicant is requesting to increase the height of the existing sign pole to 40 feet due to a tree that, per

the applicant, completely blocks the view of the sign. Currently, the existing sign pole is 5 feet 6 inches away from the front property line at 22 feet tall, overall. The applicant is seeking to increase the height of the existing sign pole to 40 feet in height in order to be visible from above the existing tree line. In order to do this, the applicant requires a variance of 5 feet from the required 10-foot front yard setback for a freestanding sign. Section 12.604(b)(1)(C) of the Sign Ordinance allows a sign pole to have a maximum height of twenty (20) feet at the property line. One (1) foot of additional setback is required for each two (2) feet of height. The maximum sign height in the General Commercial (CG) zoning district is 50 feet. The sign area will remain the same and the copy face will not change.

Staff Recommendation:

Staff recommends **APPROVAL** of Case SV15-01, **subject to one (1) Condition of Approval.**

Analysis:

In order to approve this request, the Planning Commission members are first required to find that:

- (1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.**

The applicant has stated that the subject property contains unique circumstances in that the existing Sign pole is covered by a tall tree and is not visible by vehicular traffic and it is his desire to keep the tree instead of cutting it down. The sign area and sign pole measure 5 feet 6 inches away from the front property line. At this distance, the applicant would be allowed signage with a maximum height of 30 feet. Section 12.604(b) (1)(C) of the Sign Ordinance allows a sign pole a maximum height of twenty (20) feet at the front property line. Additionally, one (1) foot of additional setback is required for each two (2) feet of height. Overall, in the General Commercial (CG) zoning district, 50 feet in height is allowed. The applicant has said the sign pole would be difficult to relocate because the only other area it might be placed is in the parking lot for the

McAllisters restaurant. He further states this would not be feasible as it would hinder the use of these parking spaces.

(2) Such special circumstances were not created by the applicant.

According to the applicant, the McAllisters restaurant's existing sign is obscured by a large tree. Instead of removing the tree, the applicant would like to have the sign visible to traffic from above the tree. It appears that the tree is a healthy and mature tree that has been there for quite some time and was not planted by the applicant.

(3) The granting of the variance will be in general harmony with the purpose of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general.

The proposed sign pole height increase would not appear to be detrimental to adjacent properties because existing sign poles in the area have been approved up to 50 feet in height. These include Sonic restaurant, Stripes gas station, Shell gas station, and a Wal-Mart retail store. The existing sign pole is 22 feet tall with a sign area of 96 square feet. This existing sign is completely hidden and not visible to any traffic on North Bryant Boulevard. The applicant is proposing to increase the sign pole height to 40 feet tall. This site is zoned General Commercial and the maximum sign height for a free standing sign in the General Commercial zoning district is 50 feet. However, Section 12.604(b)(1)(C) of the Sign Ordinance allows a sign pole a maximum height of twenty (20) feet at the property line. One (1) foot of additional setback is required for each two (2) feet of height. The existing sign pole's sign area has a front setback of 5 feet 6 inches away. Typically, this would allow for a maximum 30-foot tall sign pole. The applicants are asking for an additional 10 feet in height without having to relocate the sign pole an additional 5 feet away from its current location.

(4) The variance applied for represents the minimum variance necessary in order to afford relief from the hardship.

As previously mentioned, the proposed sign meets all other provisions of the Sign Ordinance for the General Commercial Zoning District. In addition, the location and sign area will remain the same even after raising the height of the sign to 40 feet tall. Per the applicant, 40 feet is the minimum necessary in order for the sign to be seen beyond the existing tree by vehicular traffic. Therefore, the variance applied for represents the minimum necessary to provide sufficient relief for the McAllisters restaurant for its services to be advertised to the general public.

(5) The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.

The variance does not appear to depart from any other provisions of the Sign Ordinance than is necessary. The proposed sign pole height increase to 40 feet is the applicant's only request. Section 12.604(b) (1)(C) of the Sign Ordinance allows a sign pole a maximum height of twenty (20) feet at the property line. One (1) foot of additional setback is required for each two (2) feet of height. The maximum sign height in the General Commercial (CG) zoning district is 50 feet. The existing sign pole's sign area measures 5 feet 6 inches from the front property line. Typically, this would allow for a 30 foot tall sign pole. The applicants are asking for an additional 10 feet in height without having to relocate the sign pole an additional 5 feet away from its current location. The sign is intended to be functional and directional in nature, providing the minimum amount of information needed for heavy site traffic to be directed into the McAllister's restaurant.

Action Requested:

The action requested is for the Planning Commission to **APPROVE** Case SV15-01, **subject to the following Condition of Approval:**

- 1. Approval of the sign shall be as depicted on the attached renderings with a maximum height of 40 feet (measured from the ground), a maximum sign area of 96 square feet, and a minimum front setback of 5 feet.**

Appeals:

Per Section 12.614(f), an applicant for a Sign Variance dissatisfied with the action of the Planning Commission relating to the issuance or denial of a Variance shall have the right to appeal to the City Council within 30 days of the receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the manner and accordance to the same procedures as provided in Chapter 12, Exhibit "A," Article 2, Section 214.

Attachments:

Aerial Map
Zoning Map
Future Land Use Map
Photos of Site and Surrounding Area
Proposed Signage
Site Plan



SIGN VARIANCE MCCALLISTERS

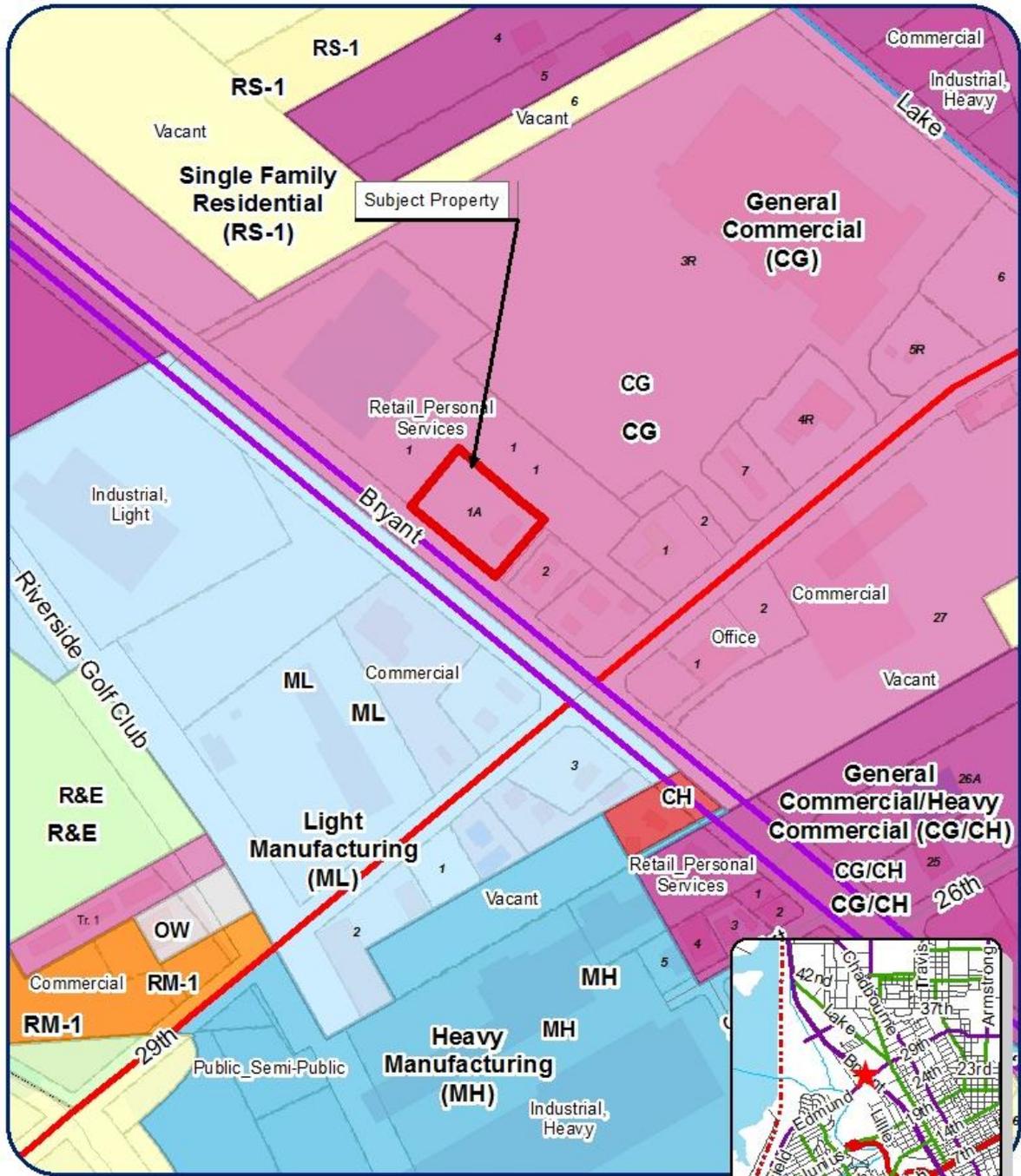
Case SV15-01

Council District: Marty Self
 Neighborhood: Riverside
 Scale: 1" approx. = 333 ft
 Subject Property Legal Description(s): 2952 N. Bryant Blvd., Lot 1A First Replat Lot 1 Block 1 Wal Mart North Addition

Legend

Subject Properties: 
 Current Zoning: **General Commercial (CG)**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood Center**





SIGN VARIANCE MCCALLISTERS

Case SV15-01

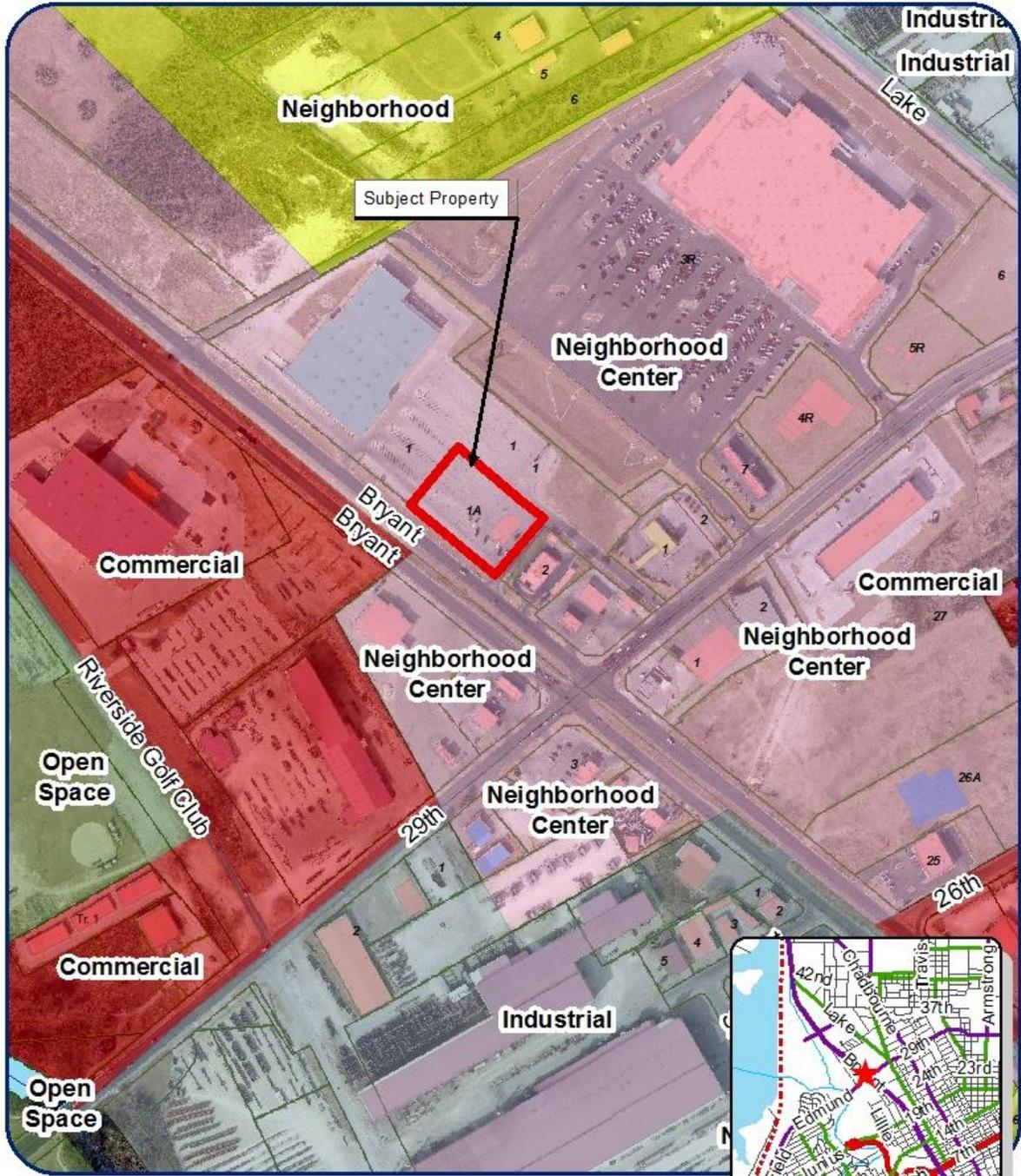
Council District: Marty Self
 Neighborhood: Riverside
 Scale: 1" approx. = 333 ft
 Subject Property Legal Description(s): 2952 N. Bryant Blvd., Lot 1A First Replat Lot 1 Block 1 Wal Mart North Addition

Legend

Subject Properties: —
 Current Zoning: General Commercial (CG)
 Requested Zoning Change: N/A
 Vision: Neighborhood Center

N





SIGN VARIANCE MCCALLISTERS
Case SV15-01
 Council District: Marty Self
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 Scale: 1" approx. = 333 ft
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Legend
 Subject Properties:
 Current Zoning: General Commercial (CG)
 Requested Zoning Change: N/A
 Vision: Neighborhood Center

N

PHOTOS OF SITE AND SURROUNDING AREA

NORTH



SOUTH



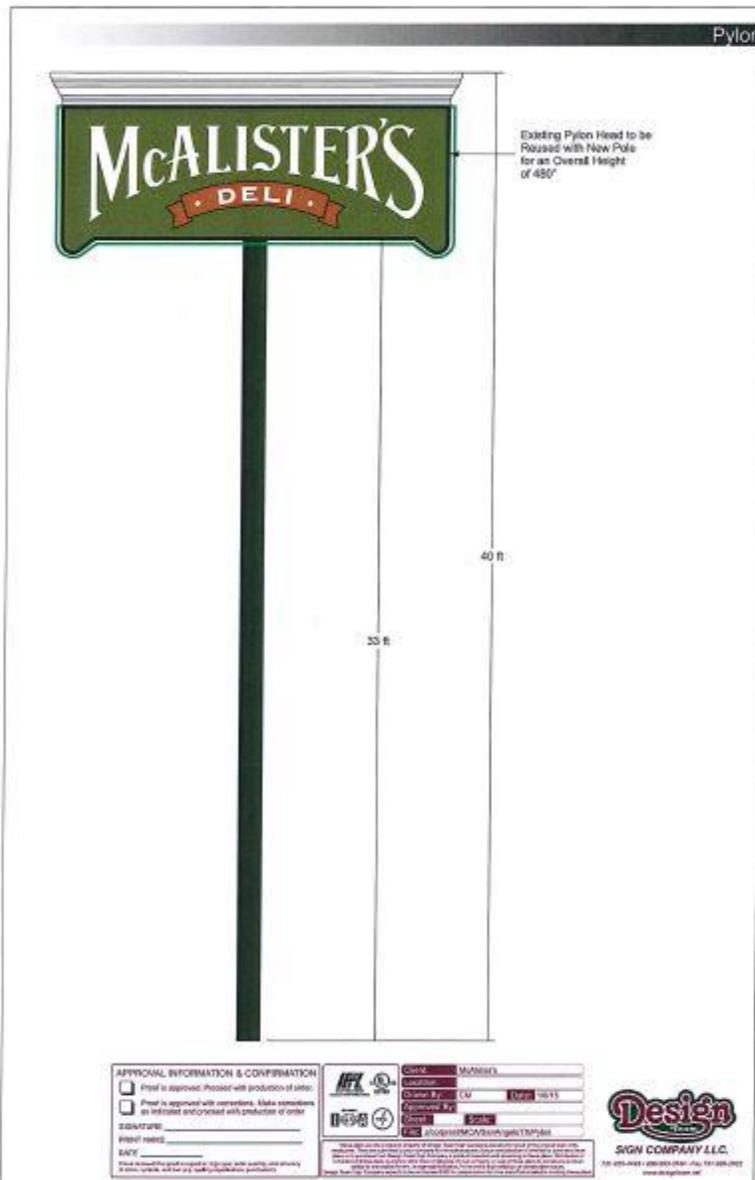
EAST



WEST



PROPOSED SIGN POLE

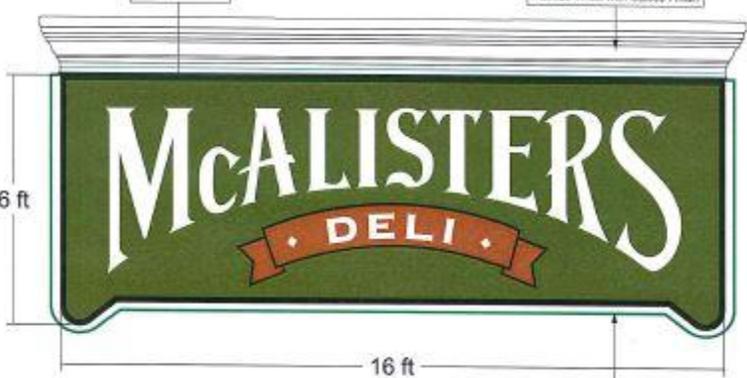


SIGN AREA


PYLON DETAIL

.75" Embossment

Formed .090 Alum. Roofcap
Painted White with Stucco Finish



6 ft

16 ft

Green LED Border



Side View

Color Specifications

Painted and Lettering: PMS 371 U
Not Through Glass: 45 C 000

Pole, Retainers, and Returns: Painted Gloss Black

Specifications:

2.5" Pan Formed and Embossed Faces with 2" Flange.

APPROVAL INFORMATION & CONFIRMATION

Proof is correct. Proceed with production of sign. Proof is approved with corrections. Make corrections as indicated and proceed with production of sign.

SIGNATURE _____ PRINT NAME _____ DATE _____

Free returns and transfer to original size. Letters, numbers and symbols are subject to manufacturer's availability.

Very often we find manufacturers or vendors who do not follow the rules of the sign industry. They are not qualified and do not have the necessary equipment to produce signs. This is a problem for our customers. We are a professional sign company. We have the necessary equipment and experience to produce signs that are of the highest quality. We are a professional sign company. We have the necessary equipment and experience to produce signs that are of the highest quality. We are a professional sign company. We have the necessary equipment and experience to produce signs that are of the highest quality.

Color: McAlister's

Customer: CM

Project No: 1120124

Address: [Redacted]

City: [Redacted]

State: [Redacted]

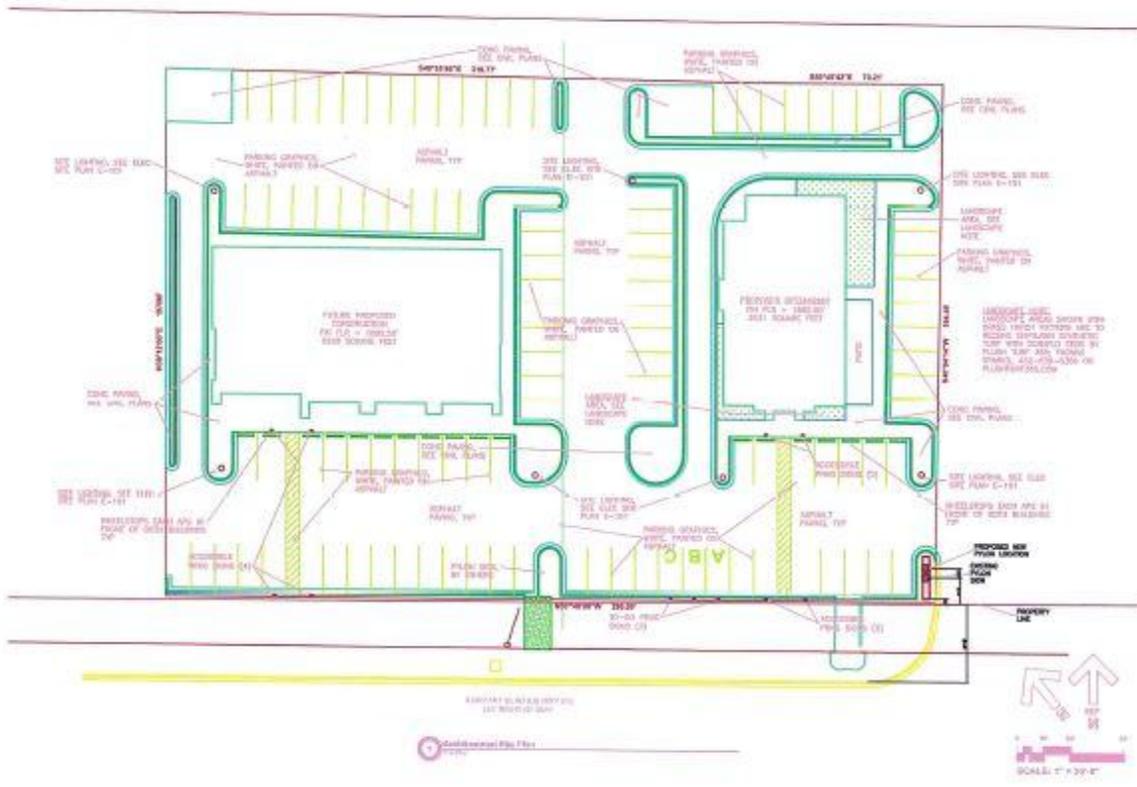
Zip: [Redacted]



Design
SIGN COMPANY L.L.C.

215-875-9140 • 300-805-0100 • Fax 215-875-9140
www.designsign.com

SITE PLAN



MEMO



Meeting

Date: February 16, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

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

Request: Text Amendment to Chapter 12, Exhibit "A" (Zoning Ordinance)

RE: Frac Sand / Proppant Transloading and Warehousing Operations

Background:

Due to growing concerns regarding frac sand transloading operations in the community, Planning Staff was directed to review the use category of Warehouse and Freight Movement found in Chapter 12, Exhibit "A" (Zoning Ordinance). Based on this review, Staff was to create a use category which would address the specified use of Frac Sand / Proppant Transloading and Warehousing Operations as well as create definitions and performance standards for activities which contemplate this use.

The intent of this Text Amendment is to identify one particular zoning district where Frac Sand / Proppant Transloading and Warehousing Operations may be located and allow the Planning Commission, via a Conditional Use, the opportunity to determine appropriate locations based on prescribed development standards. It would also allow the Commission to add Conditions of Approval in those instances where additional buffering, setbacks, and nuisance controls may be warranted.

Planning Staff drafted the attached language after compiling and comparing similar ordinances and regulations from other municipalities, and researching businesses which engaged as Frac Sand / Proppant Transloading and Warehousing Operations.

The proposed text amendment seeks to do the following:

- Add a use category called: *Frac Sand / Proppant Transloading and Warehousing Operations*;
- Amend the Industrial Use Categories section by creating:
 - Characteristics
 - Accessory Uses
 - Exceptions
 - General and Operational Standards
 - Conditional Use Application Procedures
 - Conditional Use Application Requirements
- Create definitions for:
 - *Flocculant*
 - *Frac Sand*
 - *Frac Sand Related Waste Materials*
 - *Frac Sand / Proppant Transloading and Warehousing Operations*
 - *Operator*
 - *Proppant*

Attachment:

Proposed Text Amendment

FRAC SAND / PROPPANT TRANSLOADING AND WAREHOUSING OPERATIONS

CHARACTERISTICS

Frac Sand / Proppant Transloading and Warehousing Operation firms deal in the warehousing and/or transport of industrial silica sand or processed frac sand to and from any site.

ACCESSORY USES

Accessory uses may include offices, truck fleet parking and maintenance areas, loading areas, and weigh stations.

EXCEPTIONS

1. Firms that are involved in the manufacturing processes related to the preparation or processing of industrial silica sand (mineral aggregates or nonmetallic minerals) or proppant shall be classified as Manufacturing and Production and shall be subject to the Zoning Ordinance requirements contained therein.
2. Firms that are involved in the warehousing and/or transport of any frac sand or proppant-related waste material to and from any site shall be classified as Waste-Related and shall be subject to the Zoning Ordinance requirements contained therein.
3. This use category shall not apply to firms that deal solely in the warehousing and/or transport of nonmetallic mineral products or materials mined from the earth that are typically used in construction, such as stone, gravel, or other aggregates, or their storage, processing, or transportation when the products are not intended to be sold or used as frac sand or proppant.

GENERAL AND OPERATIONAL STANDARDS

- A. No frac sand / proppant transloading and warehousing operations shall be permitted closer than 300 feet to any existing residence or residentially-zoned property in the City.
- B. No outdoor sand piles of frac sand, industrial silica sand intended for sale or use as frac sand, or proppant shall be permitted in the City.
- C. No truck hauling of industrial silica sand intended for use as frac sand, processed frac sand, or proppant shall be permitted on any roadway classified as a “Local Road” on the City’s Major Thoroughfare Plan and as defined in the Subdivision Ordinance and City Code.
- D. Frac sand/ proppant transloading and warehousing operations in the City shall only be permitted in the Heavy Manufacturing (MH) Zoning District with a Conditional Use.
- E. Owners and operators of any frac sand/ proppant transloading and warehousing operation commencing on or after the adoption of this Article shall obtain a Conditional Use from the City which shall be processed in accordance with this Article and the additional procedures and requirements of this Article. No person shall operate a frac sand/ proppant transloading and warehousing operation within the scope of this Article in the City without first obtaining this Conditional Use from the Planning Commission. No new frac sand/ proppant transloading and warehousing operation is allowed in the City except as provided in this Article. No person or entity shall start work on any new frac sand/ proppant transloading and warehousing operation without first obtaining a Conditional Use from the City.
- F. The operator shall undertake all measures necessary for the control of surface water runoff from frac sand/ proppant transloading and warehousing operations in order to prevent pollution and erosion of sediment onto neighboring properties, surface water and groundwater, and shall also comply with the standards for erosion control set forth by City of San Angelo Code of Ordinance, Article 12.05, *Stormwater Management*.
- G. The operator shall ensure that all structures which may be utilized for the warehousing of industrial silica sand, processed frac sand, or proppant be roofed and enclosed on all sides.

- H. The operator shall be required to pave, with asphalt or concrete, all vehicular maneuvering, parking, loading, and transloading areas consistent with City paving standards.
- I. The operator shall ensure that lighting and off-site noise levels are in compliance with nuisance standards.
- J. The operator shall demonstrate compliance with all of the other relevant provisions of City Code.

CONDITIONAL USE APPLICATION PROCEDURES

- A. Application Requirements. All applicants for a Conditional Use shall submit the information requested on the application for the Conditional Use. This includes ownership information, site information and maps, operation plan, information demonstrating compliance with minimum standards of operation as described in the section below, and any requested variances.
- B. Application Fee. The applicant for a Conditional Use shall submit the application together with the application fee to the Planning Division.
- C. Staff Review of Application. Upon receipt of a Conditional Use application, Staff shall review the documentation provided, and at its discretion, request additional information as needed. Once Staff has made the determination that all necessary documentation has been provided, Staff shall schedule the request for review by the Planning Commission.
- D. Public Hearing. A public hearing regarding the Use application shall be held after the required notice before the Planning Commission. Members of the public and the applicant shall be permitted to testify. Following the Planning Commission meeting, the Planning Division shall issue a written decision letter delineating the approval or denial of the Conditional Use, with or without additional conditions or modifications ultimately made by the Planning Commission.
- E. A Conditional Use Amendment. A Conditional Use may be amended using the same process as required for the original Conditional Use.

CONDITIONAL USE APPLICATION REQUIREMENTS FOR FRAC SAND / PROPPANT TRANSLOADING AND WAREHOUSING OPERATIONS

All applicants for a frac sand / proppant transloading and warehousing operator's Special Use shall submit the following information:

1. Ownership information.

- a) The name, address, phone numbers, and e-mail address of the operator of the frac sand / proppant transloading and warehousing operation.
- b) The name, address, phone numbers and e-mail address of all owners or lessors of the land on which the frac sand/ proppant transloading and warehousing operation will occur.
- c) If the frac sand/ proppant transloading and warehousing operation is subject to a lease or third party agreement relating to any aspect of the operation, a copy of the fully executed lease and/or agreement between the operator, landowner and/or third party.
- d) Proof that all property taxes on the proposed site of the frac sand operation are current.

2. Site Information and Maps.

- a) Parcel identification numbers of all contiguous parcels owned by the same landowner/lessor on which the proposed frac sand/ proppant transloading and warehousing operation will be located.
- b) An aerial photo of the proposed site and extending ½ mile beyond the boundaries of the proposed site.
- c) A topographic map of the frac sand/ proppant transloading and warehousing operation site and extending ½ mile beyond the boundaries of the proposed site, at contour intervals no wider than 10 feet showing the boundaries of the site, the location and total acreage of the site, and the name of all roads within one mile of the site.
- d) The location within the site of all existing buildings and other structures, equipment, stockpiles, storage, and parking areas, subject to final review and modification at the time of Site Plan submittal.

3. Operation Plan.

- a) Dates of the planned commencement and cessation of the frac sand / proppant transloading and warehousing operation.
- b) Location of road access points. Identification of all proposed off site trucking routes, together with the frequency of traffic to and from the site, and the common schedule of travel to be used for transporting materials or products to or from the site. These specifications shall be subject to final review and modification at the time of Site Plan submittal.
- c) A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water used or falling on the site, including methods used for infiltration and control of run-off, subject to final review and modification at the time of Site Plan submittal.
- d) A listing of any hazardous materials, including fuel supplies that will be stored on-site and a description of measures to be used for securing and storing these materials, subject to final review and modification at the time of Site Plan submittal.
- e) A listing of all flocculant and other chemicals used in the normal operations or in controlling dust and a detailed description of how said flocculant and chemicals will be used and how they will be disposed or removed from the City, subject to final review and modification at the time of Site Plan submittal.

DEFINITIONS

“Flocculant” means a substance that promotes the aggregation or clumping of particles.

“Frac Sand” is hydraulic fracture grade industrial silica sand used in the production and recovery of oil and gas.

“Frac Sand / Proppant-Related Waste Material” means any by-products of frac sand / proppant operations displaced by extraction or use, or that are by-products of a manufacturing process that may or may not be scheduled for disposal at some other site as part of a reclamation plan.

“Frac Sand/ Proppant Transloading and Warehousing Operations” refers to only those firms that deal in the warehousing and/or transport of industrial silica sand, processed frac sand, or proppant to and from any site. The term “Frac Sand / Proppant Transloading and Warehousing Operations” does not apply to the warehousing and/or transport of nonmetallic mineral products or materials mined from the earth that are typically used in construction, such as stone, gravel, or other aggregates, or their storage, processing, or transportation when the products are not intended to be sold or used as frac sand or proppant.

“Operator” means any person or entity who is engaged in, or who has applied for and been granted permission to engage in a frac sand-related operation, whether individually, jointly, or through subsidiaries, agents, employees, contractors, or sub-contractors.

“Proppant” means a solid material, typically treated sand or man-made ceramic materials, designed to keep an induced hydraulic fracture open, during or following a fracturing treatment.