

# STAFF REPORT



**Meeting:** April 20, 2015

**To:** Planning Commission

**From:** Patrick B. Howard, AICP  
Director

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

**Staff  
Planner:** Edward Vigil  
Senior Planner

**Request:** A request for approval of a Replat in Block 24 of the Lasker's Addition subdivision and a Variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow for a 40-foot paving width in lieu of the required 50 feet for a Minor Collector Street, Martin Luther King Boulevard.

**Location:** Lots 1 thru 4 in Block 24 of the Lasker's Addition, San Angelo, Texas. Generally located at the Southeast corner of West 18<sup>th</sup> Street and Martin Luther King Boulevard.

**Legal  
Description:** Being 0.536 acres out of Block 24, Lasker's Addition, City of San Angelo, Tom Green County, Texas, as per plat recorded in Volume 23, Page 272, Deed Records of Tom Green County, Texas.

**Size:** 0.536 acres

**General Information**

Current Zoning: General Commercial/Heavy Commercial and Single Family Residential (CG/CH & RS-1)

Existing Land Use: Missionary Baptist Religious Assembly and Single Family Residential homes

Future Land Use: Commercial and Neighborhood

Surrounding Zoning / Land Use:

North:	Planned Development (PD)	Rio Vista Park & Approved RV Campground
West:	General Commercial/ Heavy Commercial (CG/CH)	Housley Communications and South Bryant Blvd
South:	Neighborhood Commercial (CN) & Low Rise Multi-Family Residential (RM-1)	Century Terrace Apartments and Townhomes
East:	Ranch & Estate (R&E)	Vacant resident tract

District: SMD #4 Don Vardeman

Neighborhood: Reagan

Thoroughfare/Streets: Martin Luther King Boulevard is classified as a Minor Collector in the City of San Angelo's Master Thoroughfare Plan (MTP). Minor Collector's are designed to demonstrate the need for collectors which penetrate the areas and provide access to and from, but not necessarily through, the surrounding land uses. A 40-foot wide pavement in 60 feet of right-of-way is normally appropriate for most Collector Streets.

## **Recommendation:**

The Planning Division recommends **APPROVAL** of the Replat **subject to four (4) Conditions of Approval**, and **DENIAL** of the Variance request.

## **Background:**

An application for a Replat was submitted to the Planning Division on March 13, 2015. It is the applicant's intent to combine Lots 1 through 4, out of 6 existing lots in Block 24 of the Lasker's Addition, to create a single unified lot. The site is situated in the southeast corner of the intersection of Martin Luther King Drive and West 18th Street. Lots 1 through 6 are divided directly down the middle where half of the lots are currently zoned General Commercial/Heavy Commercial (CG/CH) and the other half are zoned Single Family Residential (RS-1). The applicant has not stated what future plans are in relation to the zoning or the proposed use once the Replat is approved.

## **Analysis:**

Chapter 1.IV.A. of the Subdivision Ordinance requires that the Planning Commission consider, at minimum, four (4) factors in determining the appropriateness of any subdivision request. The applicant's reasons for the variance request, and Staff's analysis, is provided below.

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

The applicant states that the granting of the variance would not result in any detriment to the public use of Martin Luther King Boulevard and that the existing roadway provides enough width. Martin Luther King Boulevard acts as a necessary north-south Minor Collector roadway. It has the necessary right-of-way width (50 feet) dedicated for a Minor Collector Road, and was intended to be used as such, as identified in the Master Thorough Fare Plan. In addition, Engineering Services has indicated that they would not support the variance request as there are two projects on Martin Luther King Boulevard that have high priority on the Capital Improvement Project (CIP) list for the year 2015-2016. The City will be reconstructing Martin Luther King Boulevard from 22<sup>nd</sup> Street up to 29<sup>th</sup> Street, and will be adding curbs, gutters, sidewalks, and bike lanes on the west side of Martin Luther King Boulevard for the entire length of that road.

- 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.**

The applicant states that there are exist conditions which are unique to the property as Martin Luther King Boulevard currently has sufficient width and widening the pavement to the required 50 feet is unnecessary. Staff does not concur as the City's immediate plans (in the next two years) for Martin Luther King Boulevard are to widen the pavement to the full 50 feet and improve the existing right-of-way to include new curb and gutter, a bike lane, and a new sidewalk. There are no unique conditions regarding this property, and this type of requirement is typical for the development of any property. Moreover, the City is already undertaking plans to improve an adjacent segment of Martin Luther King Boulevard. Therefore, the applicant should be tasked with the responsibility for their portion of paving Martin Luther King Boulevard to the required 50 feet.

- 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.**

The applicant states that due to the existing physical surroundings, which would include the right-of-way for Martin Luther King Boulevard, the existing pavement width is more than sufficient to accommodate current and future vehicular traffic. However, the City has immediate plans to improve Martin Luther King Boulevard for vehicular, bike, and pedestrian traffic, all of which would result in a hardship for the community if Martin Luther King Boulevard was not fully improved to the full 50 feet of pavement as required by the Subdivision Ordinance. The City would benefit from the additional paving width as well as the community, and there does not appear to be a hardship to the owner. Since the City will be reconstructing Martin Luther King Boulevard from 22<sup>nd</sup> Street up to 29<sup>th</sup> Street, and making improvements to add curbs, gutters, sidewalks, and bike lanes, there would not be a particular hardship in this situation as other property owners will be required to make improvements as well.

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

The applicant states that Martin Luther King Boulevard with its existing 40-foot paving width is more than adequate to serve the community. The applicant also states that granting the variance will not vary the provisions of the ordinance because widening Martin Luther King Boulevard at this time does not appear to be of significant importance. However, Martin Luther King Boulevard acts as a necessary north-south Minor Collector roadway and was intended to be used as

a Minor Collector Road. In addition, the City's immediate plans (in the next two years) for Martin Luther King Boulevard are to widen the pavement to the full 50 feet and improve the existing right-of-way to include new curb and gutter, a bike lane, and a new sidewalk. Because of the high importance of these projects on the CIP list, it is integral that property owners participate in the improvements of Martin Luther King Boulevard as required per the Subdivision Ordinance. Overall, in this specific situation, granting the variance will significantly vary the provisions of the applicable ordinances.

### **Proposed Conditions:**

1. Provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prepare and submit plans for approval, illustrating the proposed installation of required water and sewer service connections and complete the installation in accordance with the approved version of these plans.

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.

3. Prepare and submit plans for required improvements to streets (adjacent segments of Martin Luther King Drive) by half the additional increment necessary to comprise the minimum paving widths.

For Martin Luther King Drive, the minimum width is 50 feet (in this case, requiring 5 additional feet).

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.

A third alternative would be to seek approval for a variance from required street improvements.

4. Provide the Planning Division with a Warranty Deed confirming that "Gethsemane Baptist Missionary" is the owner of the entire area of Replat.

**Action Requested:**

The action requested is for the Planning Commission to **APPROVE** the Replat in Block 24 of the Lasker's Addition subdivision, **subject to four (4) Conditions of Approval**, and **DENY** the Variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow for a 40-foot paving width in lieu of the required 50 feet for a Minor Collector Street, Martin Luther King Boulevard.

**Attachments:**

Aerial Map  
Zoning Map  
Future Land Use Map  
Major Thoroughfare Plan  
Proposed Plat



**Subdivision Case File**

**1st replat Blk 24 Laskers Addn**

Council District 4: Don Vardeman

Neighborhood: Reagan

Scale: 1" approx. = 120 ft

Subject Property Legal Description(s): Laskers Addition

**Legend**

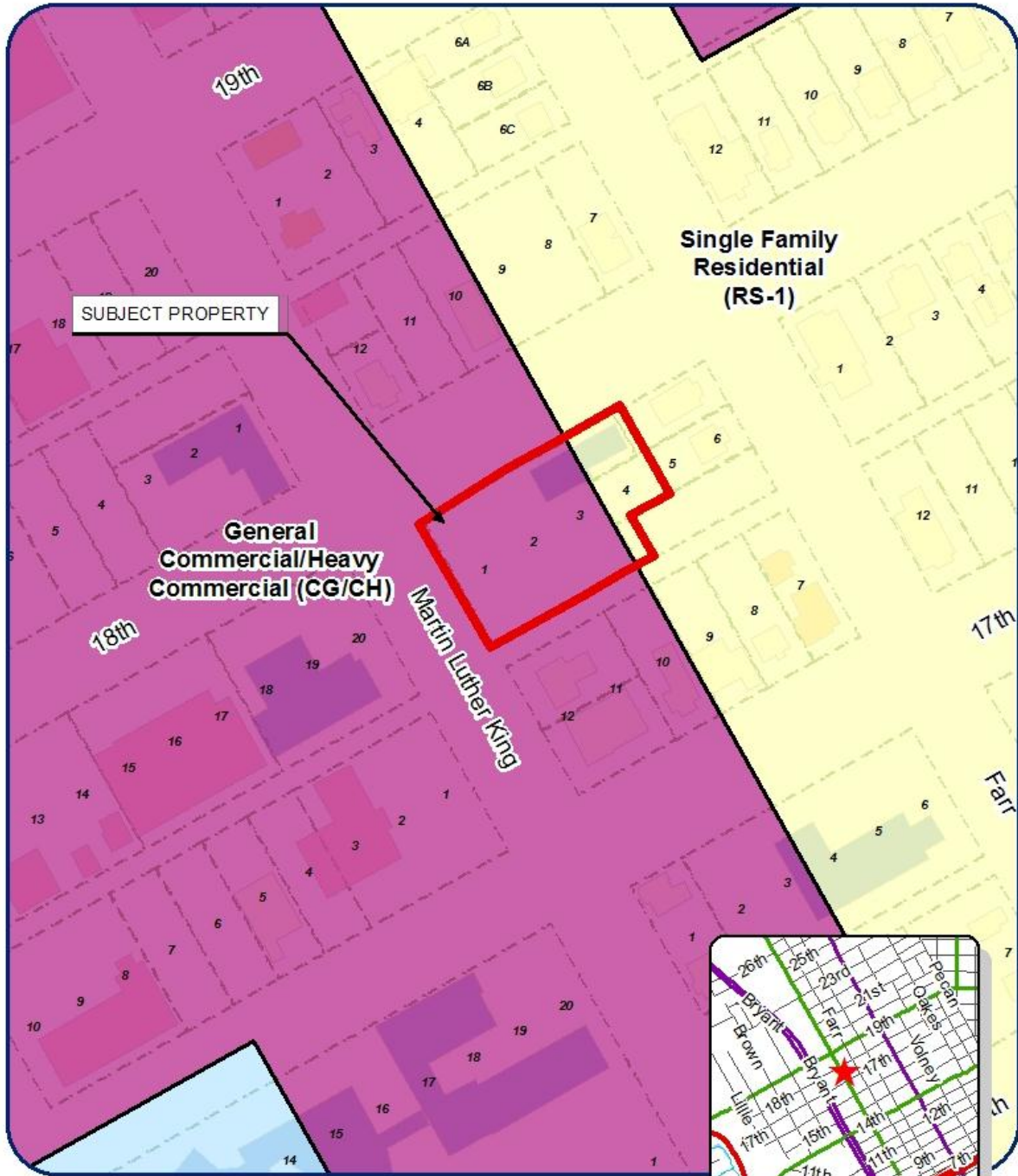
Subject Properties: RS 1 & CG/CH

Current Zoning: N/A

Requested Zoning Change: N/A

Vision: **Neighborhood & Commercial**





**Subdivision Case File**

**1st replat Blk 24 Laskers Addn**


Council District 4: Don Vardeman

Neighborhood: Reagan

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Subject Property Legal Description(s): Laskers Addition

**Legend**

Subject Properties:  RS 1 & CG/CH

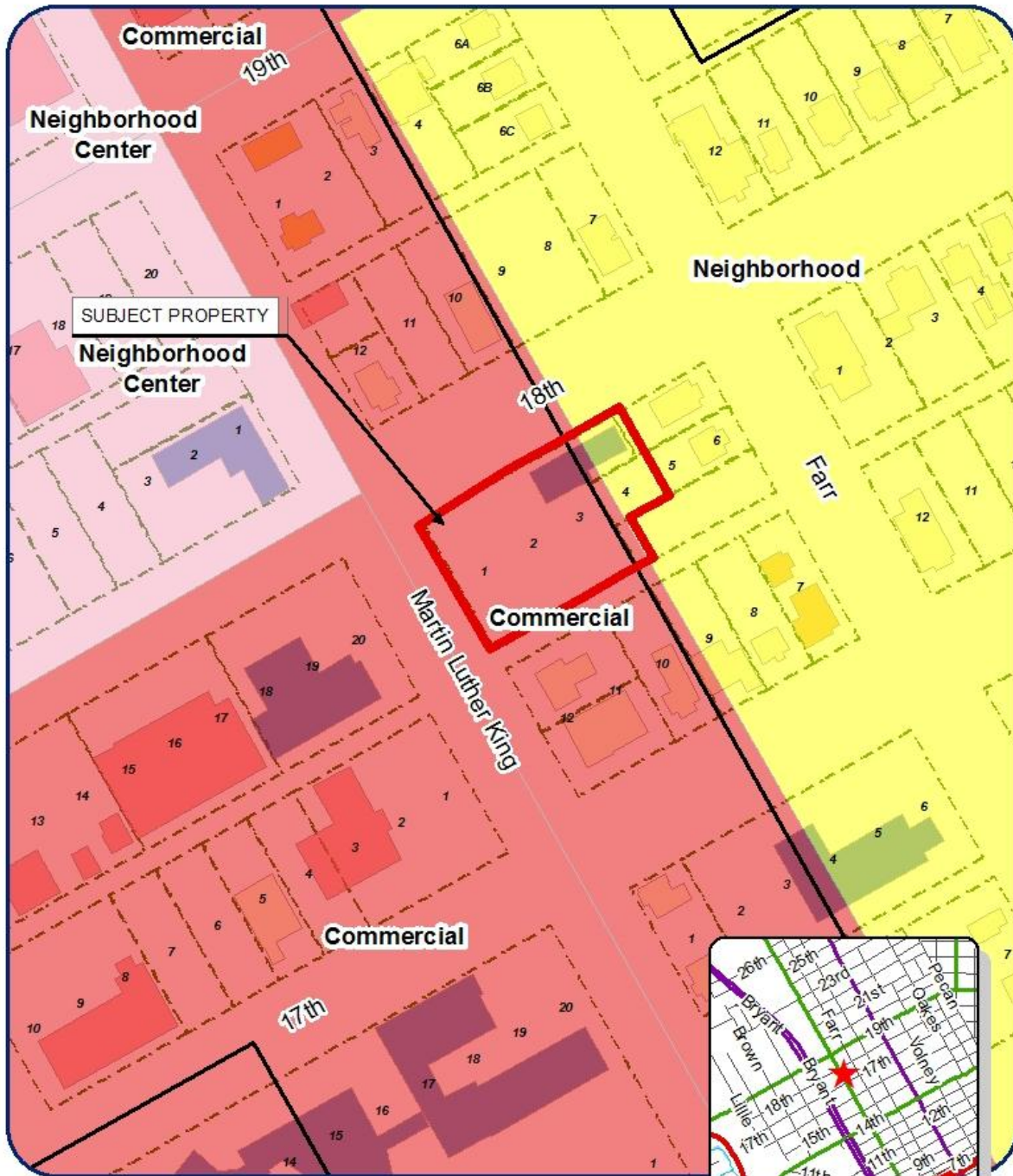
Current Zoning: N/A

Requested Zoning Change: N/A

Vision: **Neighborhood & Commercial**







**Subdivision Case File**

**1st replat Blk 24 Laskers Addn**

Council District 4: Don Vardeman

Neighborhood: Reagan

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Subject Property Legal Description(s): Laskers Addition

**Legend**

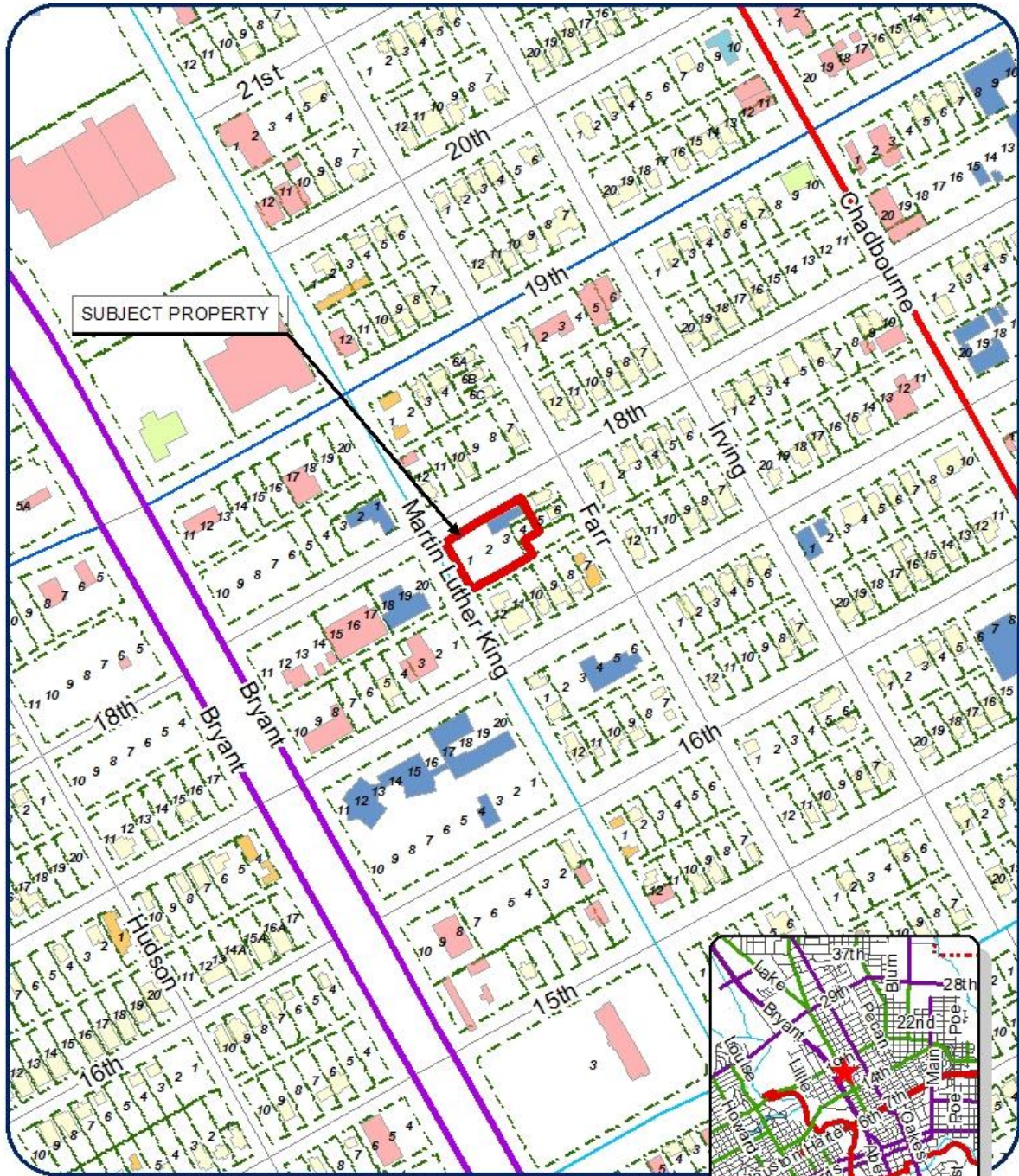
Subject Properties: RS 1 & CG/CH

Current Zoning: N/A

Requested Zoning Change: N/A

Vision: Neighborhood & Commercial





**Subdivision Case File**

**1st replat Blk 24 Laskers Addn**

Council District 4: Don Vardeman

Neighborhood: Reagan

Scale: 1" approx. = 321 ft

Subject Property Legal Description(s): Laskers Addition

**Legend**

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





SCALE: 1" = 40'

0 20 40 80  
GRAPHIC SCALE : FEET

NOTE: Bearings shown hereon are based on the Plat recorded in Volume 23, Page 272, Deed Records of Tom Green County, Texas. Distances shown are surface horizontal.

**LEGEND:**

- Found 1/2" Iron Pipe or Rod (unless otherwise noted)
- Set 1/2" Iron Rod with Cap

DEPARTMENT OF PLANNING  
Approved for recording this \_\_\_ day of \_\_\_ 20\_\_

Director of Planning

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\_\_

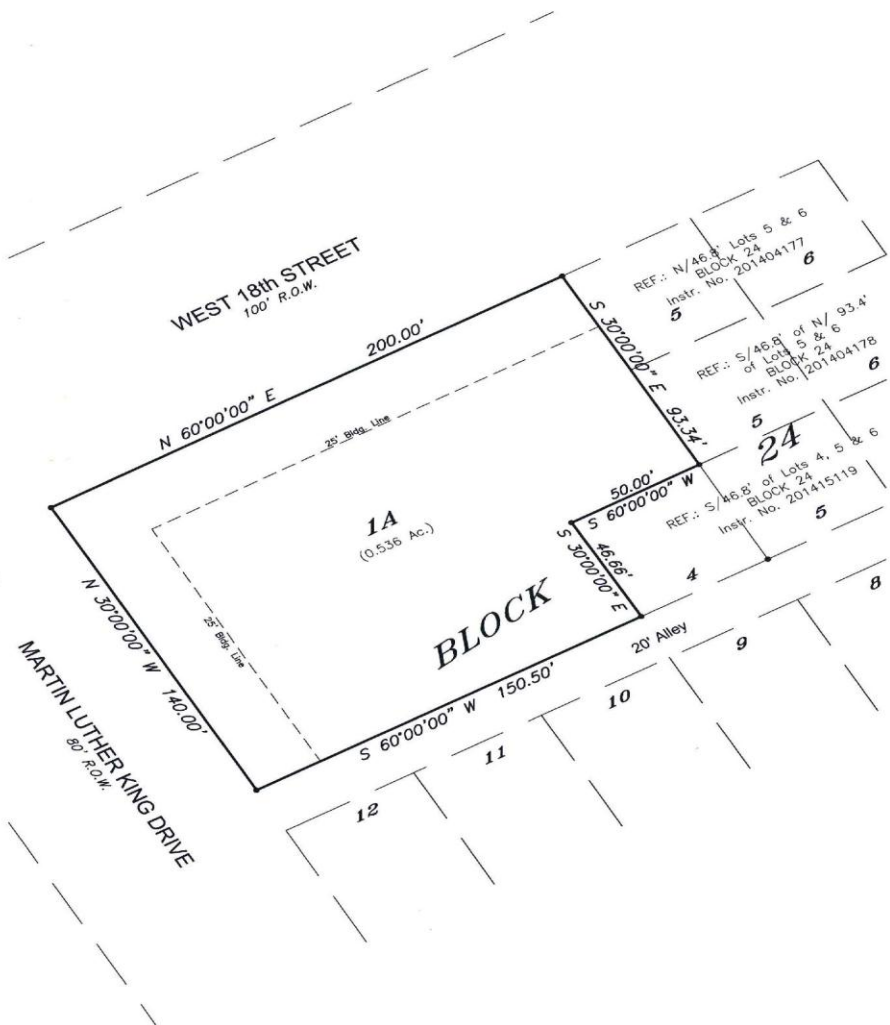
By: \_\_\_\_\_  
Director of Public Works

COUNTY CLERK  
Filed for record this \_\_\_ day of \_\_\_ 20\_\_ @ \_\_\_\_\_  
County Clerk of Tom Green Co., Tx.

By: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF TOM GREEN  
This instrument was acknowledged before me on \_\_\_\_\_  
by Pastor McClendon

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.

### FIRST REPLAT IN BLOCK 24 LASKER'S ADDITION

City of San Angelo, Tom Green County, Texas.

OWNER: Gethsemane Baptist Missionary

DESCRIPTION: Being 0.536 acre out of Block 24, Lasker's Addition, City of San Angelo, Tom Green County, Texas, as per plat recorded in Volume 23, Page 272, Deed Records of Tom Green County, Texas.

**ACKNOWLEDGEMENT/DEDICATION**

We, Gethsemane Baptist Missionary, do hereby adopt this plat as the subdivision of our property.

Pastor McClendon  
In the Capacity Show

**SURVEYOR'S CERTIFICATE**

Know all men by these presents: that I, Russell T. Guly RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo; and I further certify that the tract of land herein platted lies within the city limits of the City of San Angelo, Texas.

This Plat is Filed in Cabinet \_\_\_ Slide \_\_\_  
Plat Records of Tom Green County, Texas.

**SKG**  
ENGINEERING, LLC  
SURVEYING • ENVIRONMENTAL • LAB/CMT

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