

# STAFF REPORT



**Meeting:** June 15, 2015

**To:** Planning Commission

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

**Planner:** Santiago Abasolo, AICP  
Planner I

**Request:** A request for approval of a Replat and three Variances from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow for: (1) a 65-foot right of way in lieu of 80 feet for West Avenue Q; (2) a 36-foot paving width in lieu of 64 feet for West Avenue Q; and (3) a 34-foot paving width in lieu of 36 feet for West Avenue R.

**Location:** An unaddressed tract, located at the southwest corner of South Chadbourne Street and West Avenue Q.

**Legal Description:** Being 0.735 acres of land comprised of all of lots 6 and 7 and lots 10 and 11, and abandoned alley adjacent to said lots, Block 138, Fort Concho Addition, City of San Angelo, Tom Greene County, Texas, as per plat recorded in Volume 26, Page 281-285, Deed Records of Tom Green County, Texas.

**Size:** 0.735 acres

**General Information**

Future Land Use: Commercial

Zoning: General Commercial/Heavy Commercial (CG/CH)

Existing Land Use: San Angelo Elks Lodge (non-profit organization)

Surrounding Zoning / Land Use:

North:	General Commercial/Heavy Commercial (CG/CH)	Commercial, Single family dwellings, Vacant Land
West:	Single-Family Residential (RS-1)	Single family dwellings
South:	General Commercial/Heavy Commercial (CG/CH)	Vacant Land
East:	General Commercial/Heavy Commercial (CG/CH)	Truck and Trailer Repair Shop, Commercial, Warehouse

District: SMD#3 – Johnny Silvas

Neighborhood: Rio Vista

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), West Avenue R is classified as a Local Street. Local Streets are designed primarily to provide access to land with little or no through movement. The MTP requires West Avenue R to have a minimum paving width of 36 feet and a minimum right-of-way width of 50 feet. Per the MTP,

South Chadbourne Street is identified as an 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 South Chadbourne Street to have a minimum paving width of 64 feet and a minimum right-of-way width of 80 feet. Per the MTP, West Avenue Q is also classified as an Arterial Street. The MTP requires West Avenue Q to have a minimum paving width of 64 feet and a minimum right-of-way width of 80 feet.

**Recommendation:**

The Planning Division recommends APPROVAL of this Replat request **subject to the five (5) Conditions of Approval** listed below, APPROVAL of two (2) Variance requests for paving width, and DENIAL of one (1) Variance request for right-of-way.

**Background:**

An application for a Final Plat was submitted to the Planning Division on May 7, 2015. It is the applicant's intent to Replat two existing tracts and an abandoned alley. The indicated use of the property is Community Services and no utility improvements and extensions are proposed.

The applicant is requesting a Variance to allow for a pavement width of 34 feet in lieu of 36 feet for West Avenue R. Per the Subdivision Ordinance, the applicant is required to improve his portion (half) of West Avenue R to the required 36 feet, or an extra 1 foot. The applicant is also requesting a Variance to allow for a pavement width of 36 feet in lieu of 64 feet for West Avenue Q. The applicant is required to improve his portion (half) of West

Avenue Q to the required 64 feet, or an extra 14 feet. Finally, the applicant is requesting a Variance to allow for a right-of-way of 65 feet in lieu of 80 feet for West Avenue Q. The applicant is required to dedicate his portion (half) of West Avenue Q to the required 80 feet, or an extra 7.5 feet.

### **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.**

The applicant has indicated that the streets are adequately functional, typical for the area, and that the existing building which fronts onto South Chadbourne Street does not affect other properties. The proposed use is Community Services and the surrounding properties are comprised of vacant land, single family dwellings, and a vehicle repair business. Based on the use of the surrounding properties and the proposed use, it appears that granting the Variances for street improvements for West Avenue R and West Avenue Q will not be detrimental to the public safety, health or welfare, or injurious to other property. The current width for these streets appears to be sufficient to meet the emergency vehicles and the traffic loads of this commercial and single family residential area. Identified as an Arterial Street in the City's Major Thoroughfare Plan, West Avenue Q has a right-of-way of only 65 feet, significantly less than the required right-of-way of 80 feet for an arterial street. The City plans to widen the right-of-way of West Avenue Q within the next few years and not having the applicant dedicate the required 7.5 feet will be detrimental and injurious to other properties. Avenue Q is part of the City's Avenue P storm water plan. This plan is a "high priority plan" which would serve to relieve the large amount of storm water issues in this area of San Angelo.

**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 has indicated that the subject property is unique because it is the only property being replatted and because of the drainage channel to the west of this tract functions as stand-alone lot. The paving width requirement for West Avenue R and West Avenue Q that would apply to

the subject property are unique to the property as it does not seem that other properties in this area have been subject to similar requirements. In the case of West Avenue Q, the unique condition to the required paving for this property is unique because the existing paving is offset more towards the south of Avenue Q's right-of-way. This means that the paving width for the applicant's property is built out more than the opposite side to the north of the subject property. The Engineering Services and Stormwater Division supports the Variance requests for street improvements due to the uses of the surrounding properties, and the existing paving widths. Finally, the conditions regarding the required right-of-way for West Avenue Q are not unique to this property. In this case, the area is an arterial road's right-of-way that does not meet the requirement from Chapter 10, Section III.A.1. of the Subdivision Ordinance, a requirement that applies to all the surrounding properties. West Avenue Q is included in the future street improvement plans and it is expected that the right-of-way will be required to be widened. Avenue Q is part of the City's current Major Thoroughfare Plan and future Major Thoroughfare Plan, meaning that it is a high priority street based on its location, need to be widened, volume of traffic, and accessibility to other major streets. For this reasons a Variance from the ROW is not supported by the Engineering Services and Stormwater Division.

- 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 has indicated that any roadway work would damage existing drainage facilities located to the west of the subject property. Engineering Services has indicated that they support the paving width Variances for West Avenue R and West Avenue Q because a hardship on the lot owner may result if the Variances were not supported based on the particular physical surroundings, shape, or topographical conditions of the specific property involved. If the streets' curbing are required to be moved in order for the streets to be widened and paved, the subject property will be affected by a street pavement with a different configuration and width than other properties facing West Avenue R and West Avenue Q. Engineering Services has indicated that a particular hardship would not come to the owner for the dedication of the additional right-of-way needed for future street improvements on West Avenue Q. The dedication of right-of-way will not harm the owner's property. The subject property is not affected by any particular physical surroundings, shape or topographical conditions and occupies a site of regular shape located in a flat area without any topographical conditions that might impose a hardship to owner. The

surrounding area is mainly residential and commercial development with some vacant land to the north and south.

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

The applicant has indicated that the requested Variances will not be detrimental to the area. Engineering Services has stated that based on the existing paving width of West Avenue R, expanding the road by only 1 foot on the applicant's side is not significant and will not help ease traffic flow along this street. Engineering Services has also indicated that West Avenue Q appears to be built along the south side of the right-of-way. Since the approximate width of the existing right-of-way is 64 feet and 28 to 30 feet of the paving width is south of the right-of-way, this would indicate that the majority of paving width is south of the right-of-way center line. From these measurements, 2 to 4 feet of additional paving width is all that would be required to the applicant. The remaining paving width to match 64 feet for an Arterial Road would have to come from the north side of West Avenue Q. Other than the requested Variances for paving width, all other ordinances must be applied to the subject property in order to comply with City Codes. Avenue Q is classified as an Arterial Street, and as such, the minimum right-of-way requirement for an urban Arterial Street is 80 feet. The existing ROW is 65 feet. A total of 15 additional feet is needed to match 80 feet. Thus, 7.5 feet will need to be dedicated from the applicant. West Avenue Q is also part of the Avenue P storm water plan and is of high priority to the City of San Angelo. The implementation of this plan will allow for a relief of the large amount of storm water in this area of the City. Approving the Variance for the required right-of-way may result in a situation where the required infrastructure improvements will never be made. Finally, the Variance request from the required right-of-way varies significantly from the provision outlined in the Subdivision Ordinance.

**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. Provide a copy of the recorded quit claim deed, formally abandoning this section of alley right-of-way.

3. Submit a revised plat, on which is illustrated the recording information for the section of abandoned alley right-of-way.
4. Submit a revised plat, on which is illustrated the dedication of 15 feet of right-of-way for the adjacent segment of Avenue Q, by half the additional increment necessary to comprise the minimum right-of-way width of 80 feet for an "urban" arterial street (in this case, approximately 7.5 feet). Alternatively, obtain approval of a Variance from the Planning Commission.
5. Prepare and submit plans for required improvements to streets (adjacent segments of Avenue Q and Avenue R) by half the additional increment necessary to comprise the minimum paving widths.
  - a. For Avenue Q, the minimum width is 64 feet (in this case, requiring 14 additional feet).
  - b. For Avenue R, the minimum width is 36 feet (in this case, requiring 1 additional foot).

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

A second alternative would be to obtain approval of a variance from the Planning Commission.

NOTES:

1. If construction is to occur prior to issuance of building permit, provide a plan identifying the erosion control measures to be used to meet Stormwater Pollution Prevention requirements.

**Action Requested:**

The action requested is for the Planning Commission to:

**APPROVE** the Final Plat of Fort Concho Addition, subject to five (5) Conditions of Approval,

**APPROVE** a Variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow for a 34-foot paving width in lieu of the required 36-foot for West Avenue R,

**APPROVE** a Variance from Chapter 10, Section III.A.2. of the Subdivision Ordinance to allow a 36-foot paving width in lieu of the required 64-foot for West Avenue Q, and




**DENY** the Variance from Chapter 10, Section III.A.1. of the Subdivision Ordinance to allow for a right-of-way of 65 feet in lieu of 80 feet for West Avenue Q.

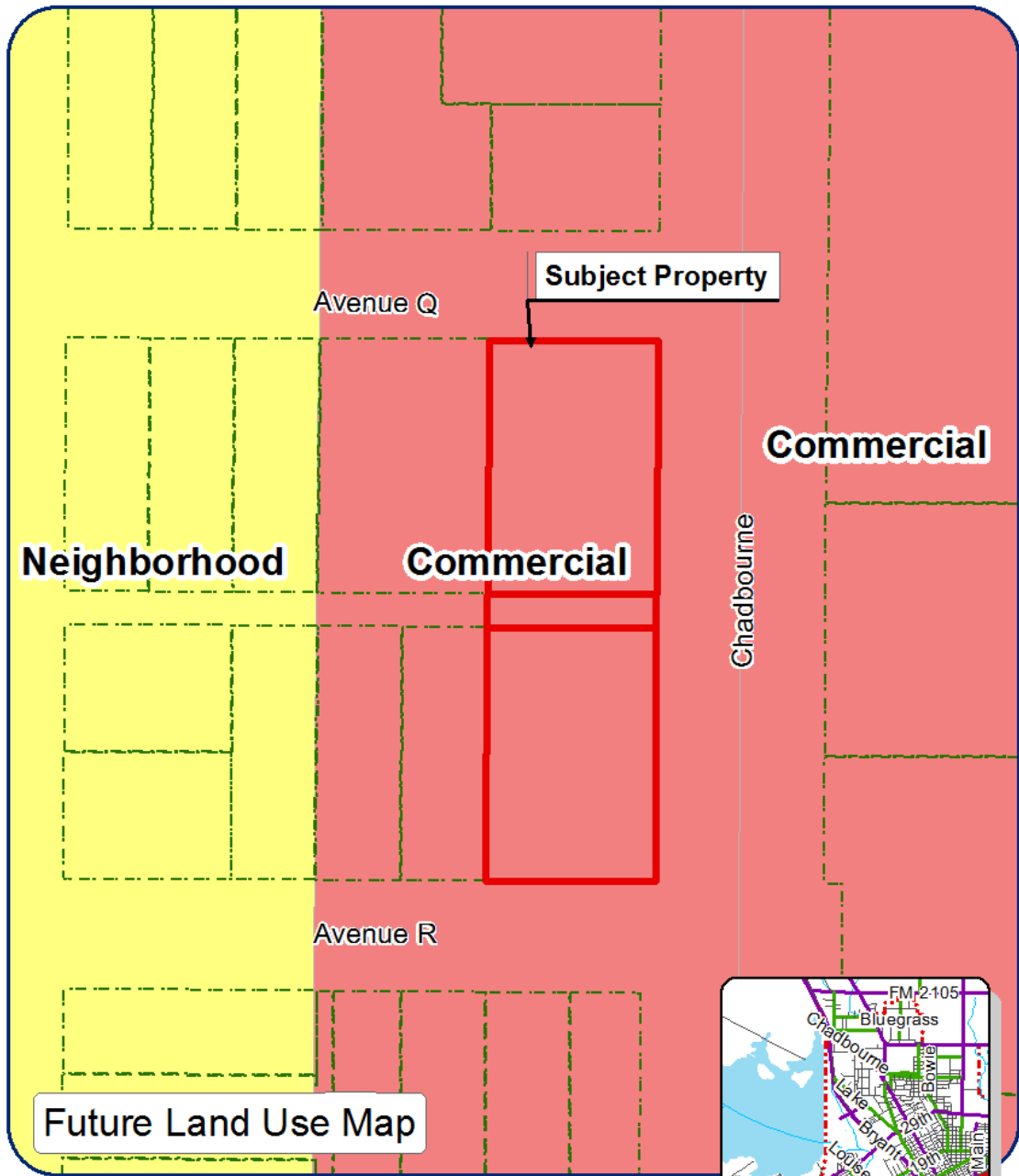
**Attachments:**

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





<p><b>Subdivision Case File</b>  <b>First Replat Fort Concho Add. Block 138</b>          Council District: Johnny Silvas          Neighborhood: Rio Vista          Scale: 1 in approx. = 75 ft          Subject Property: Lots 6, 7, 10 &amp; 11, and an abandoned alley, Block 138, Fort Concho Add.</p>	<p><b>Legend</b>          Subject Properties: <span style="color: red;">—</span>          Current Zoning: <span style="color: blue;">CG/CH</span>          Requested Zoning Change:          Vision: <span style="color: blue;">Commercial</span></p>	 <p style="text-align: center;">N</p>  
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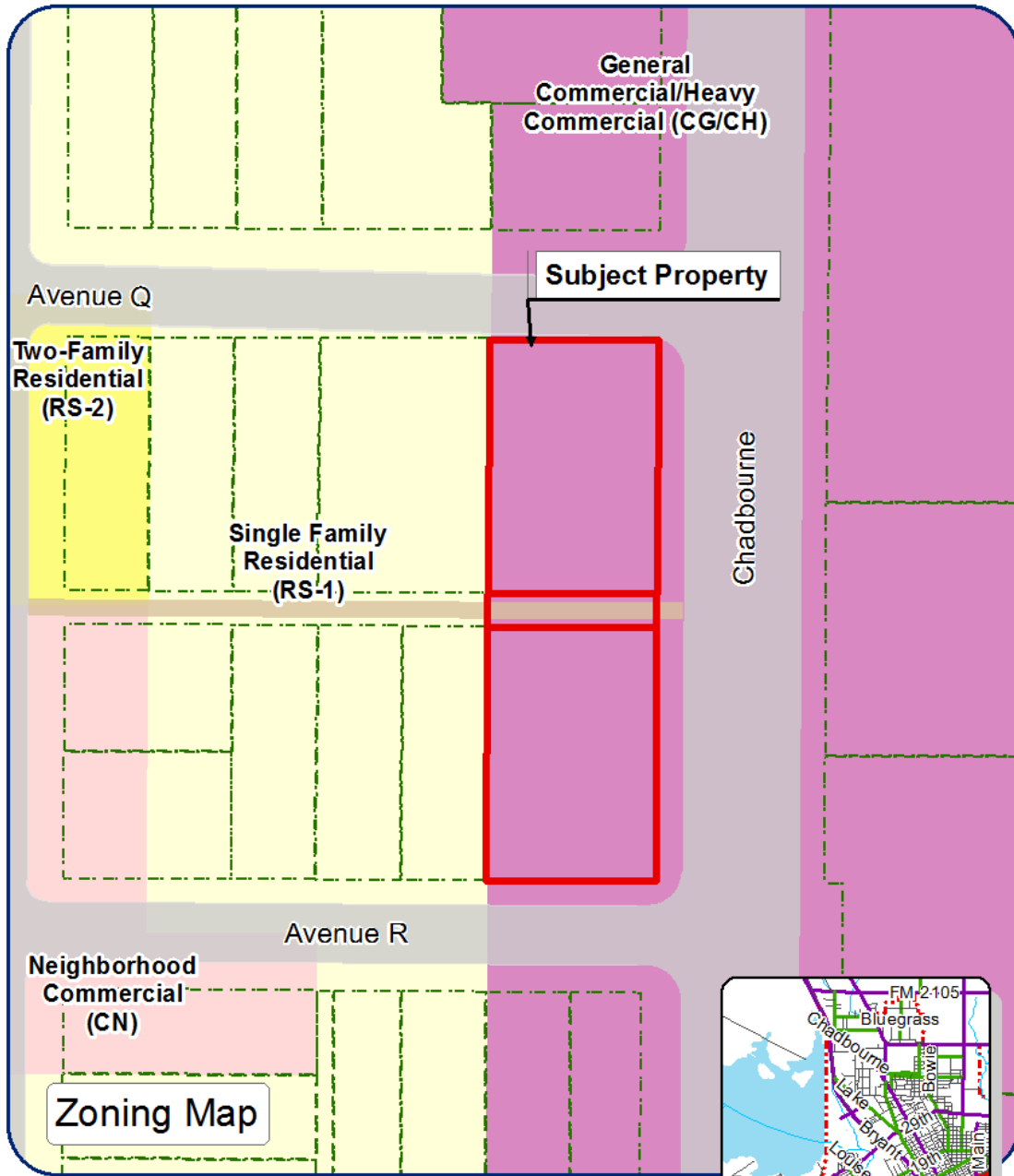


**Subdivision Case File**  
 First Replat Fort Concho Add. Block 138  
 Council District: Johnny Silvas  
 Neighborhood: Rio Vista  
 Scale: 1 in approx. = 75 ft  
 Subject Property: Lots 6, 7, 10 & 11, and an abandoned alley, Block 138, Fort Concho Add.

**Legend**  
 Subject Properties:   
 Current Zoning: CG/CH  
 Requested Zoning Change: Commercial  
 Vision: Commercial

FM 2105  
 Bluegrass  
 Chadbourne  
 Lake  
 Bryant  
 Louise  
 North  
 Main

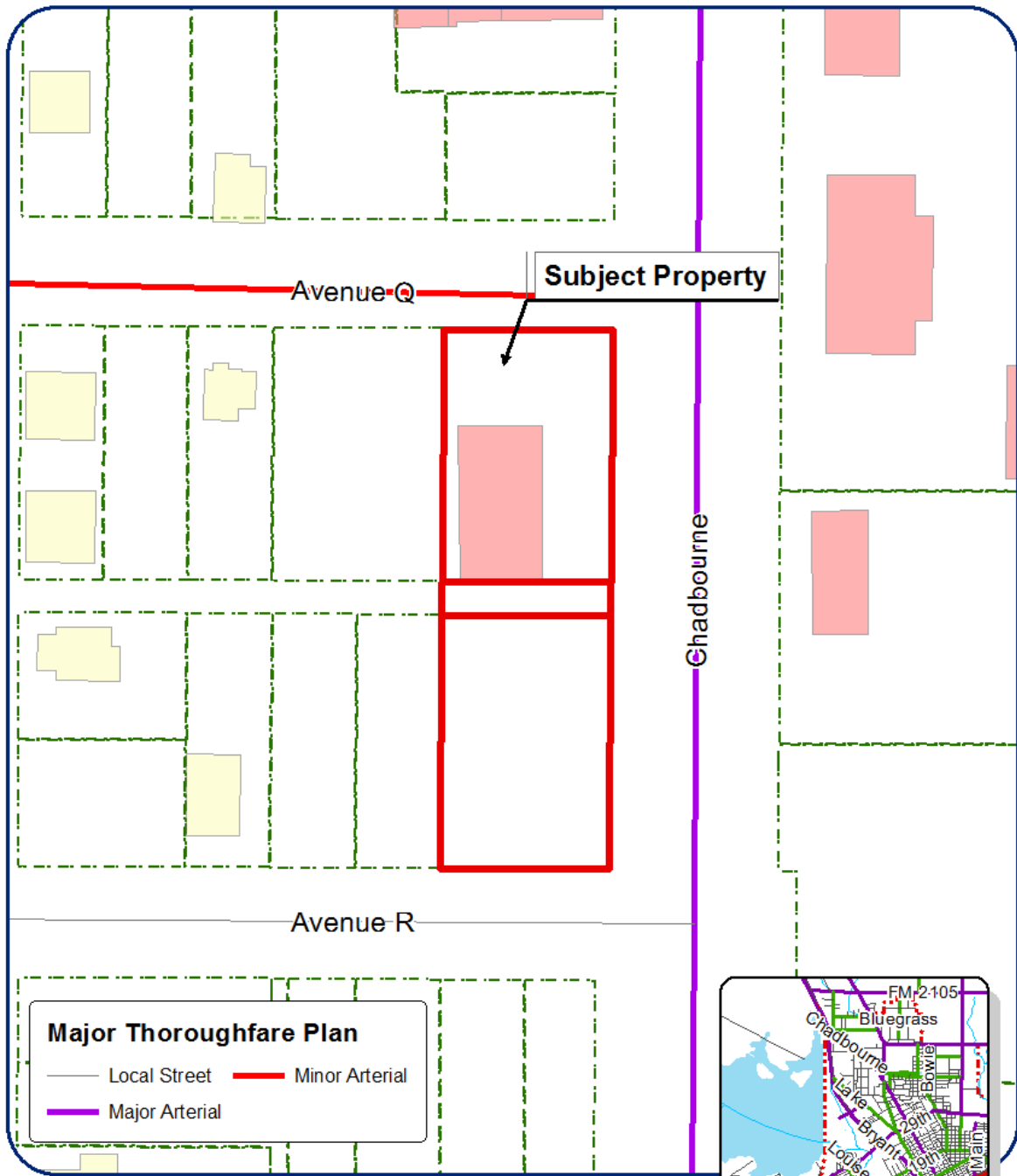
N



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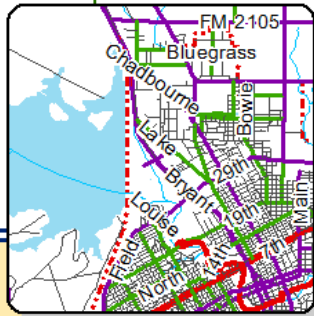
**Legend**  
 Subject Properties: —  
 Current Zoning: CG/CH  
 Requested Zoning Change: Commercial  
 Vision: Commercial

N



**Major Thoroughfare Plan**

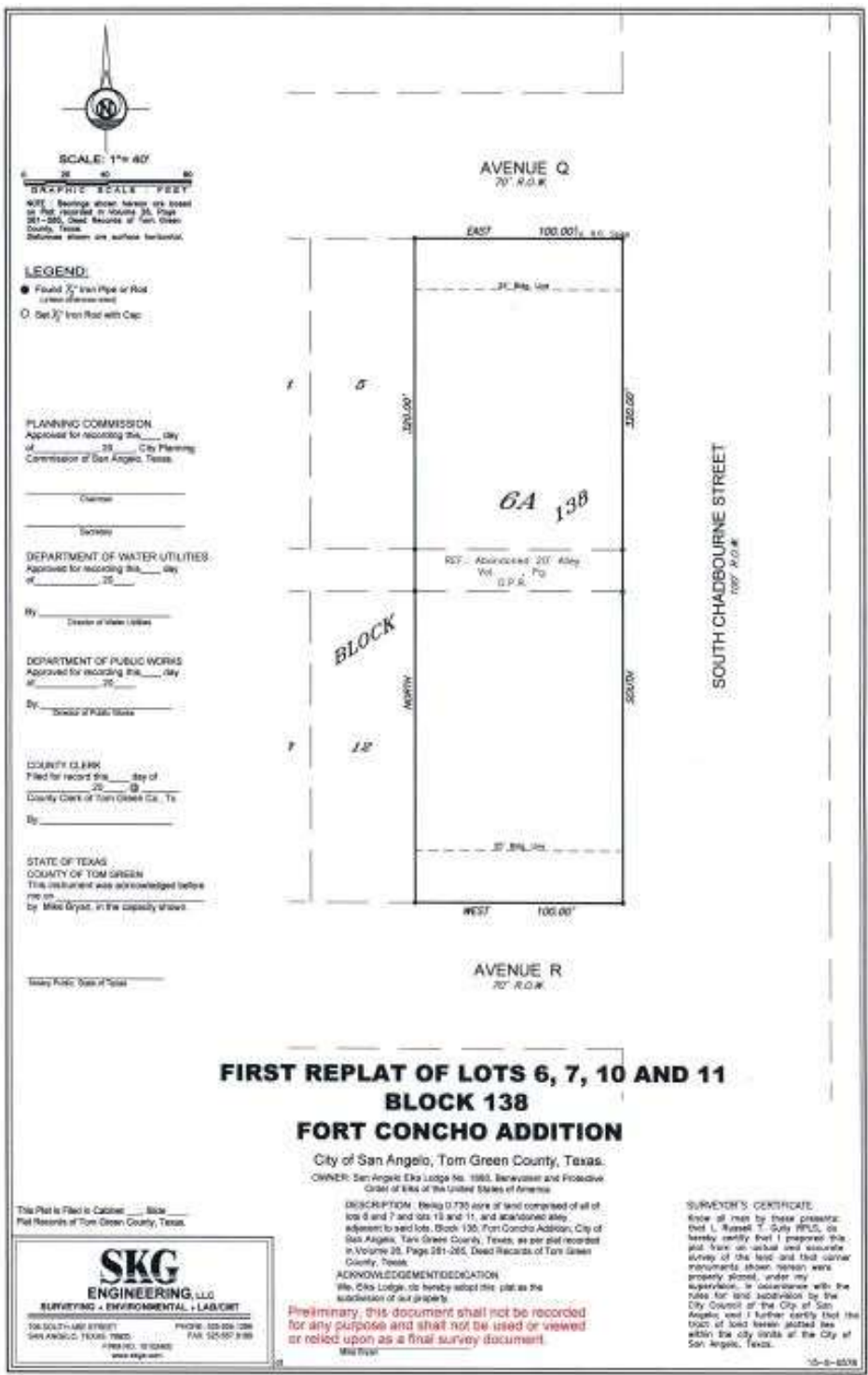
- Local Street
- Minor Arterial
- Major Arterial



**Subdivision Case File**  
 First Replat Fort Concho Add. Block 138  
 Council District: Johnny Silvas  
 Neighborhood: Rio Vista  
 Scale: 1 in approx = 75 ft  
 Subject Property: Lots 6, 7, 10 & 11, and an abandoned alley, Block 138, Fort Concho Add.

**Legend**  
 Subject Properties: —  
 Current Zoning: CG/CH  
 Requested Zoning Change: Vision: Commercial

N



SCALE: 1" = 40'

GRAPHIC SCALE - FEET

NOTE: Readings shown herein are based on Plat recorded in Volume 26, Page 261-265, Deed Records of Tom Green County, Texas. Disturbance shown are surface horizontal.

**LEGEND:**

- Found 2" Iron Pipe or Rod (shown in cross-section)
- Set 2" Iron Rod with Cap

**PLANNING COMMISSION**  
 Approved for recording this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ City Planning Commission of San Angelo, Texas.

**DEPARTMENT OF WATER UTILITIES**  
 Approved for recording this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**DEPARTMENT OF PUBLIC WORKS**  
 Approved for recording this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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

**STATE OF TEXAS**  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ in the capacity shown.

**FIRST REPLAT OF LOTS 6, 7, 10 AND 11  
 BLOCK 138  
 FORT CONCHO ADDITION**

City of San Angelo, Tom Green County, Texas.  
 OWNER: San Angelo Eka Lodge No. 1985, Benevolent and Protective Order of Elks of the United States of America

**DESCRIPTION:** Being 0.770 acre of land comprised of all of lots 6 and 7 and lots 10 and 11, and subdivided and adjacent to said lots, Block 138, Fort Concho Addition, City of San Angelo, Tom Green County, Texas, as per plat recorded in Volume 26, Page 261-265, Deed Records of Tom Green County, Texas.

**ACKNOWLEDGEMENT/DEDICATION:**  
 We, Eka Lodge, do hereby adopt this plat as the subdivision of our property.

**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.**

**SURVEYOR'S CERTIFICATE:**  
 I, \_\_\_\_\_, Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown herein 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 block of land herein plotted lies within the city limits of the City of San Angelo, Texas.

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

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

104 SOUTH 44th STREET PHONE: 325-626-1288  
 SAN ANGELO, TEXAS 76902 FAX: 325-657-3188  
 www.skg.com

-City of San Angelo, Texas  
Planning Division

### Application for Approval of a SUBDIVISION

Proposed Name of Subdivision: 5<sup>TH</sup> REPLAT OF LOTS 6, 7, 10, & 11, Bk. 138, FORT CONCHO ADDN.

Location: WEST OF S. CHADBOURNE ST. BETWEEN AVE. Q AND AVE. R

Proposed Request Type:  Preliminary  Final  Replat  
 Amended  Vacation  Revised

Owner  Authorized Representative (Affidavit required)

Owner(s) of Subdivision: SAN ANGELO EKS LARGE No. 1880

E-mail Address: \_\_\_\_\_

Mailing Address: PO. Box 1805 Telephone: 374-5129

City/State/Zip: SAN ANGELO, TX 76908 Total Acreage: 0.735

Existing Land Use: NON-PROFIT

Proposed Land Use: SAME

Existing Structures on Property: SHOWN ON ATTACHMENT

Number of Residential Lots: \_\_\_\_\_ Single-Family \_\_\_\_\_ Two-Family \_\_\_\_\_ Townhouse  
\_\_\_\_\_ Zero Lot Line \_\_\_\_\_ Other

Acres of: \_\_\_\_\_ Multi-Family \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial  
\_\_\_\_\_ Open 0.735 Other

Proposed Source of Water:  City \_\_\_\_\_ Individual Well \_\_\_\_\_ Other

Proposed Sewage Disposal:  City \_\_\_\_\_ Individual Septic \_\_\_\_\_ Private Septic

Are there existing deed restrictions?  Yes  No

Deed Reference Information (required): INST. No. 662131 OPR

Are any off-site drainage, access or other easements necessary for this subdivision?  Yes  No

If yes, explain: \_\_\_\_\_

Are any exemptions or variances from regulations or policies requested?  Yes  No

If "yes", answer the questions below:

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

Explanation: THE STREETS ARE ADEQUATELY FUNCTIONAL AND TYPICAL FOR THE AREA.

THE EXISTING BUILDING FRONTS ON S. CHAD. ST. AND DOES NOT AFFECT OTHER PROPERTY

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.

Explanation: UNIQUE IN THAT IT IS THE ONLY PROPERTY BEING REPAIRED  
UNIQUE HERE BECAUSE OF THE DRAINAGEWAY ADJOINING TO THE WEST  
THIS TRACT FUNCTIONS AS STAND-ALONE LOT.

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.

Explanation: ANY ROADWAY WORK WOULD DAMAGE EXISTING FACILITIES  
SEE (2) ABOVE

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

Explanation: VARIANCES WILL NOT BE DETRIMENTAL TO AREA.

The owner hereby designates: SKG ENGINEERING, LLC as the official representative(s).

Address: 706 S. ABE ST. SAN ANGELO, TX Phone: 655-1888

E-mail Address: HEERH@SKGE.COM

All correspondence including billings are to be sent to:  Owner  Representative

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request.

The undersigned hereby applies for subdivision plat approval in accordance with the subdivision policies and regulations of the City of San Angelo and certifies that the information contained on this application is true and accurate to the best of my knowledge.

M. L. Bryan  
Owner's Signature

4/29/2015  
Date

Heerh  
Representative's Signature

5/06/2015  
Date

OFFICE USE ONLY	
Date of application: <u>May 7/15</u>	Received by: <u>Jeff Fisher</u>
<input checked="" type="checkbox"/> walk-in <input type="checkbox"/> by mail	Nonrefundable application fee: \$ <u>312.00</u>
Planning Commission? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	River Corridor Commission? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Planning Commission hearing date: <u>6/15/15</u>	If yes, RCC meeting date: _____
Notifications Required? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	Notification fee: \$ _____