

# STAFF REPORT



**Meeting:** June 15, 2015

**To:** Planning Commission

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

**Planner:** Jeff Fisher  
Planner

**Request:** A request for approval of a Replat of Lots 5, 6, 7, 10, 11, 12, River Valley Estates, Section One, and a Variance from Chapter 10, Section III.A.2. to allow for a 24-foot paving width in lieu of 50 feet for River Valley Lane.

**Location:** 2166, 2198 and 2236 River Valley Lane, located approximately 1,045 feet east of the intersection of Foster Road and River Valley Lane.

**Legal Description:** River Valley Estates, Section One, Lots 5, 6, 7, 10, 11 and 12, and 5.8 acres out of the V. Muller Survey #176, Abstract A-1648, in southeast San Angelo.

**Size:** 8.79 acres

**General Information**

Future Land Use: Neighborhood  
Current Zoning: Ranch & Estate (R&E)  
Existing Land Use: Lot 5: vacant; Lots 6, 7: single family dwelling); Lot 10: single family dwelling; Lot 11: accessory structures; Lot 12: single-family dwelling.

**Surrounding Zoning / Land Use:**

North:	Ranch and Estate (R&E)	Vacant Land
West:	Ranch and Estate (R&E)	Single Family Dwellings
South:	Ranch and Estate (R&E)	Single Family Dwellings
East:	Ranch and Estate (R&E)	Single Family Dwellings

District: SMD #1 Rodney Fleming  
Neighborhood: Country Club  
Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), River Valley Lane is identified as an urban Local Street. A Local Street carries light neighborhood traffic at low speeds. River Valley Lane requires a right-of-way of 50 feet and a paving width of 40 feet. The existing right-of-way of 50 feet is in compliance, but the existing street is only paved to 24 feet. The applicants have submitted a Variance request as part of this Replat application to maintain a 24-foot paving width in lieu of the required 40-feet, for reasons outlined below.

**Recommendation:**

The Planning Division recommends **APPROVAL** of the Replat request **subject to three (3) Conditions of Approval**, and **APPROVAL** of the Variance request.

## **Background:**

In December of 2014, the applicants and owners of the subject properties, William and Anna Bartosh (Lots 5, 6 and 7), Billy and Doris Young (Lot 10 and the west half of Lot 11), and James and Patricia Arnold (the east half of Lot 11 and all of Lot 12), submitted this application to Replat the subject properties along with 5.8 acres of contiguous land they acquired to the north. Planning Staff during their plat review identified a 10-foot easement running horizontally along the rear of the lots fronting onto River Valley Lane, as shown on the original recorded plat for River Valley Estates, Section One, in August 3, 1981. The applicants indicated that they wanted the easement removed now that they have acquired land immediately to the north.

On March 13, 2015, the applicants' formally applied for an Easement Release of the 10-foot easement. This Replat application was then placed on hold until Council made a decision on the requested Easement Release. During Staff Review of the Easement Release, the Water Utilities Department confirmed they had no need for the said easement, and all other departments and private utility companies had confirmed the same. However, Chapter 4.I.F. of the Subdivision Ordinance still required the City of San Angelo to officially release the easement with City Council approval. On Tuesday, May 19, 2015, City Council approved release of the said easement, subject to the attached resolution being filed on record with the Tom Green Clerks Department, and that the applicant submit a revised Replat to the Planning Division for approval by the Planning Commission fulfilling the summary comments provided to the applicant from the December 23, 2014, plat review meeting.

Due to the fact that this request for a Replat is in a residential district that permits no more than two dwellings per lot, the Texas Local Government Code requires notification of all owners within 200 feet of the same original subdivision. Notification was provided as required on May 29, 2015, and as of June 9, 2015, there were no responses received in favor and one (1) against the request.

Since the original plat review, Engineering Services has now determined River Valley Lane to be an "Urban Local Street" (which requires a right-of-way of 50 feet) since the properties are designated as "Neighborhood" in the Future Land Use (FLU) map of the City's Comprehensive Plan and the lots fronting onto River Valley Lane are 0.5-acre lots whereas new rural lots in the Zoning Ordinance are required to be 1 acre. Engineering Services has also indicated that there are significant drainage concerns in the area, and is now requiring in addition to the other conditions of the Replat a 5-foot drainage easement along the front of the properties abutting River Valley Lane, as well as extending the 10-foot drainage easement that runs vertically from the west property line of Lot 16, to the top northwest corner of Lot 16, to mitigate future drainage concerns. The purpose of this easement is to allow for

a drainage swale to run north and south to replace the existing one in the event development has a requirement of its usage.

On June 9, 2015, the applicant submitted a revised Replat including delineation of all of the easements and building lines recorded on the original plat in 1981, as well as the new easements requested.

**Analysis:**

The applicant has applied for a Variance from Chapter 10, Section III.A.2. to allow for a 24-foot paving width in lieu of 50 feet for a Local Street, River Valley Lane. 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 applicants' reasons for the variance request, and Staff 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 believes that granting the Variance would not be detrimental as the existing Local Street, River Valley Lane, maintains a 24-foot paving width. Engineering Services has indicated that the existing pavement is largely built out and that an additional 5-foot drainage easement along the front of the properties would remedy any drainage concerns. Therefore, Staff supports the Variance request.

**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 believes the subject properties are unique because they are in an existing non-conforming subdivision annexed after development and River Valley Lane is a dead-end street. Engineering Services concurs that a Variance is appropriate given the street is not lengthy and dead-ends on the east side.

**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 the paving width is sufficient, the subdivision is an existing, non-conforming use, and the street in question dead-ends. They maintain that requiring the extra pavement would create an unnecessary hardship to the property owners. The additional required paving width would now be 8

feet, instead of 3 feet for a Rural Road on the north side of River Valley Lane, given the street is now classified as an Urban Local Street. Engineering Services concurs that there would be an unnecessary hardship given the street is already built out, dead-ends, and the new 5-foot drainage easement would assist in mitigating the drainage issues.

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

The applicant does not believe the Variance would significantly vary any of the provisions of applicable ordinances. Staff agrees given that the Replat maintains a 50-foot right-of-way as required for Urban Local Streets in the Subdivision Ordinance. In addition, the 0.5-acre lots along River Valley Lane, once Replatted, will comply with the minimum requirements of the Ranch and Estate (R&E) Zoning District, and would now be at least 1 acre in size, with 150-feet of frontage, and front yard building setbacks of 40-feet.

**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 required improvements to River Valley Lane by half the additional increment necessary to comprise the minimum paving width of 40 feet for an urban street (in this case, approximately 8 feet).

Alternatively, they may 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.

3. The Replat shall not be recorded until such time as the Resolution approved by City Council for release of the easement is filed on record with the Tom Green County Clerk's Office.

**NOTES:**

1. If a building is proposed in the north third of proposed Lot 16, the installation of an additional fire hydrant may be required.

2. If improvements are intended in the future, be aware that a drainage study shall be submitted if the impervious area changes by 5%. If public improvements are deemed necessary by this study, they must also be provided.

**Action Requested:**

The action requested is for the Planning Commission to **APPROVE** the Replat request, **subject to three (3) Conditions of Approval**, and **APPROVE** the Variance from Chapter 10, Section III.A.2. to allow for a 24-foot paving width in lieu of 50 feet for River Valley Lane.

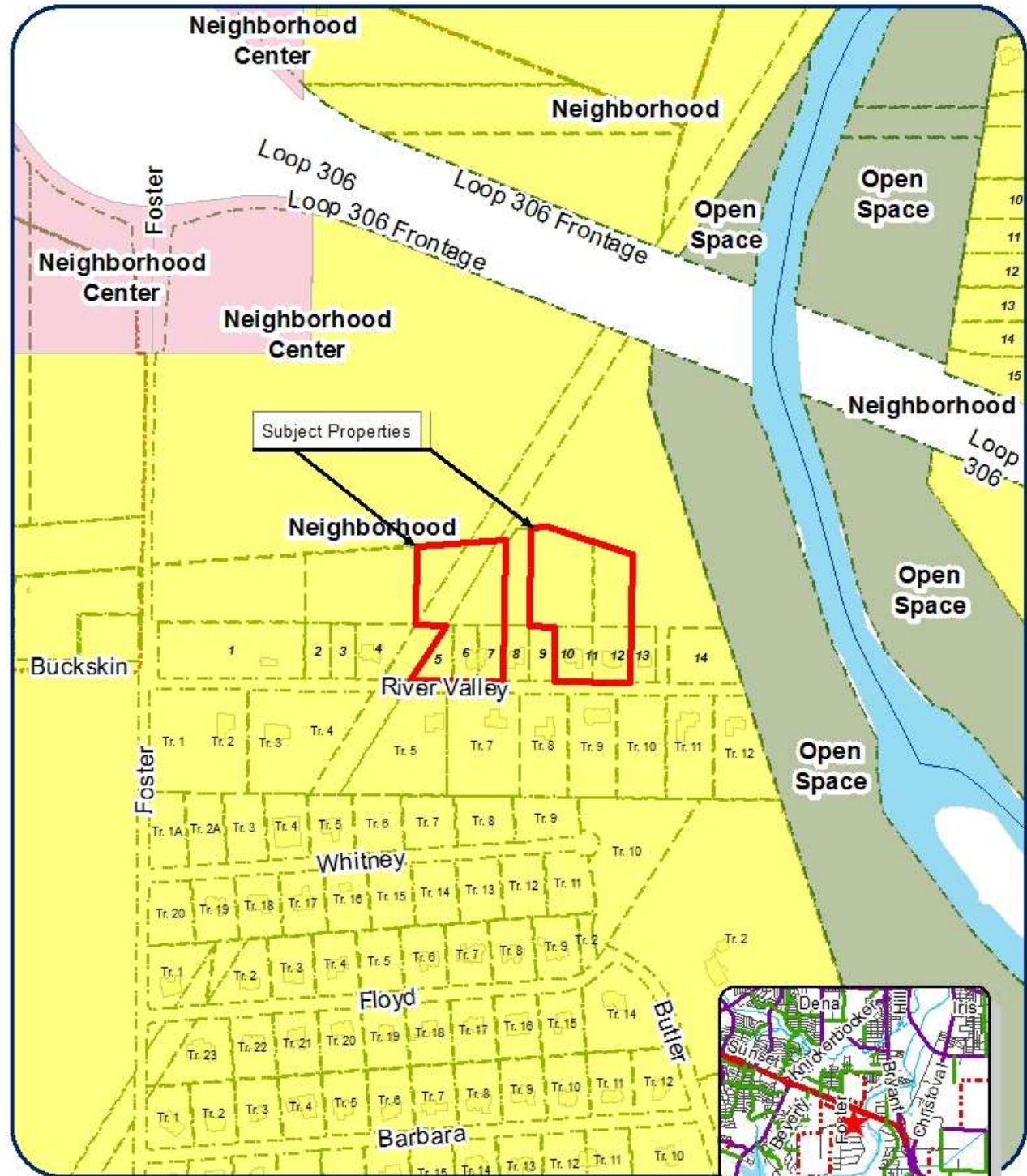
**Attachments:**

Aerial Map  
Future Land Use Plan Map  
Zoning Map  
Major Thoroughfare Plan Map  
Notification Map  
Opposition Letter  
Site Photos  
Proposed Replat of Lots 5, 6, 7, 10, 11, 12  
River Valley Estates, Section One Plat (original plat)  
Application with Variance Request



<b>Subdivision Case File</b>		<b>Legend</b>	
<b>Replat of Section 1, River Valley Estates</b>		Subject Properties:	Current Zoning: <b>R&amp;E</b>
Council District: Rodney Fleming (SMD #1)		Requested Zoning Change: <b>N/A</b>	Vision: <b>Neighborhood</b>
Neighborhood: Country Club			
Scale: 1" approx. = 500 ft			
Subject Properties: Lots 5-7, 10-12, River Valley Estates, Sec 1, 4.9 acres V. Muller Survey 176			





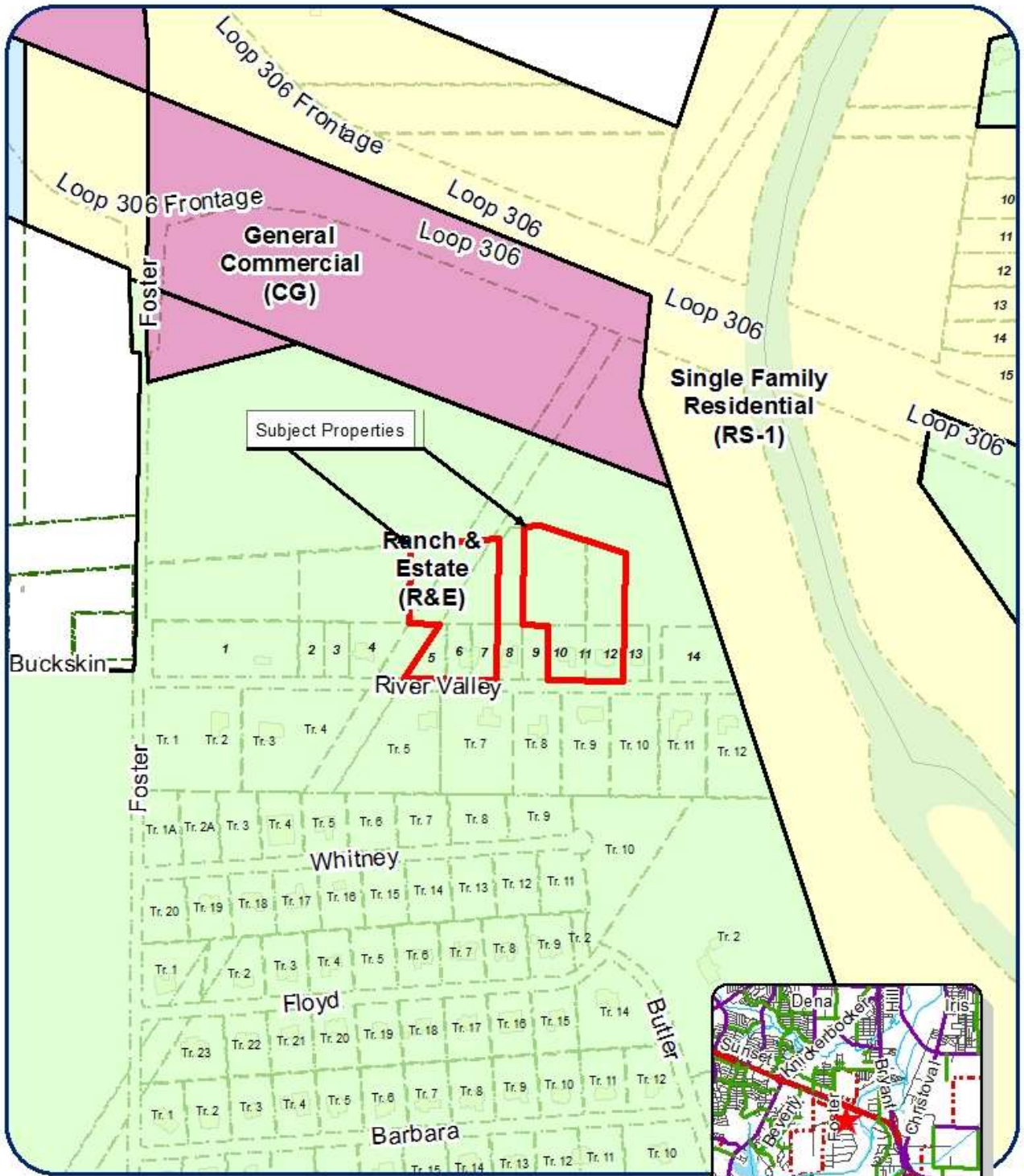
**Subdivision Case File**  
**Replat of Section 1, River Valley Estates**  
 Council District: Rodney Fleming (SMD #1)  
 Neighborhood: Country Club  
 Scale: 1" approx. = 500 ft  
 Subject Properties: Lots 5-7, 10-12, River Valley Estates, Sec 1, 4.9 acres V. Muller Survey 176

**Legend**  
 Subject Properties: —  
 Current Zoning: R&E  
 Requested Zoning Change: N/A  
 Vision: Neighborhood

N

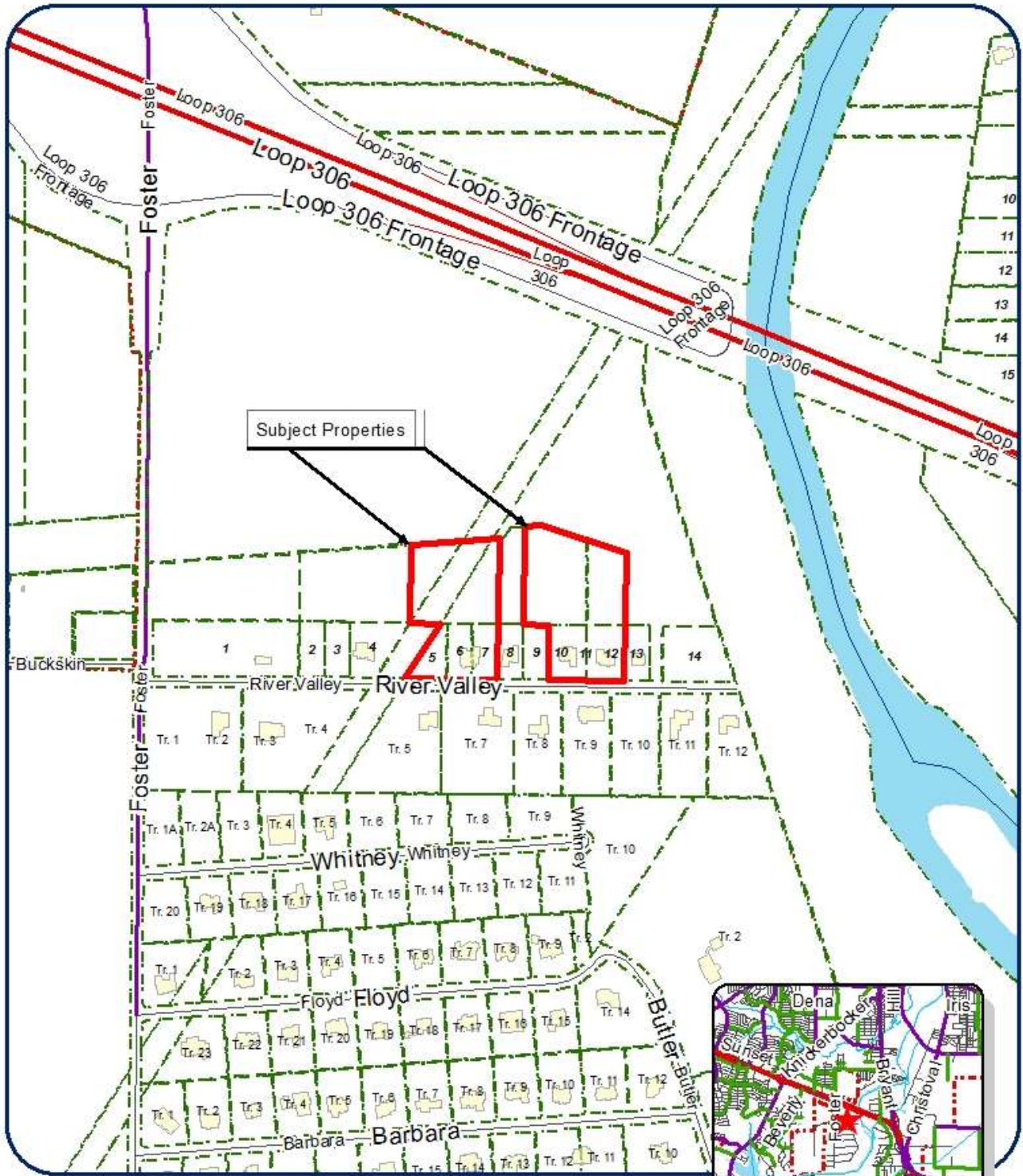






<b>Subdivision Case File</b>		<b>Legend</b>	
<b>Replat of Section 1, River Valley Estates</b>		Subject Properties: <span style="color: red;">—</span>	Current Zoning: <span style="color: blue;">R&amp;E</span>
Council District: Rodney Fleming (SMD #1)	Neighborhood: Country Club	Requested Zoning Change: <span style="color: blue;">N/A</span>	Vision: <span style="color: blue;">Neighborhood</span>
Scale: 1" approx. = 500 ft		 	
Subject Properties: Lots 5-7, 10-12, River Valley Estates, Sec 1, 4.9 acres V. Muller Survey 176			





**Subdivision Case File**

**Replat of Section 1, River Valley Estates**

Council District: Rodney Fleming (SMD #1)

Neighborhood: Country Club

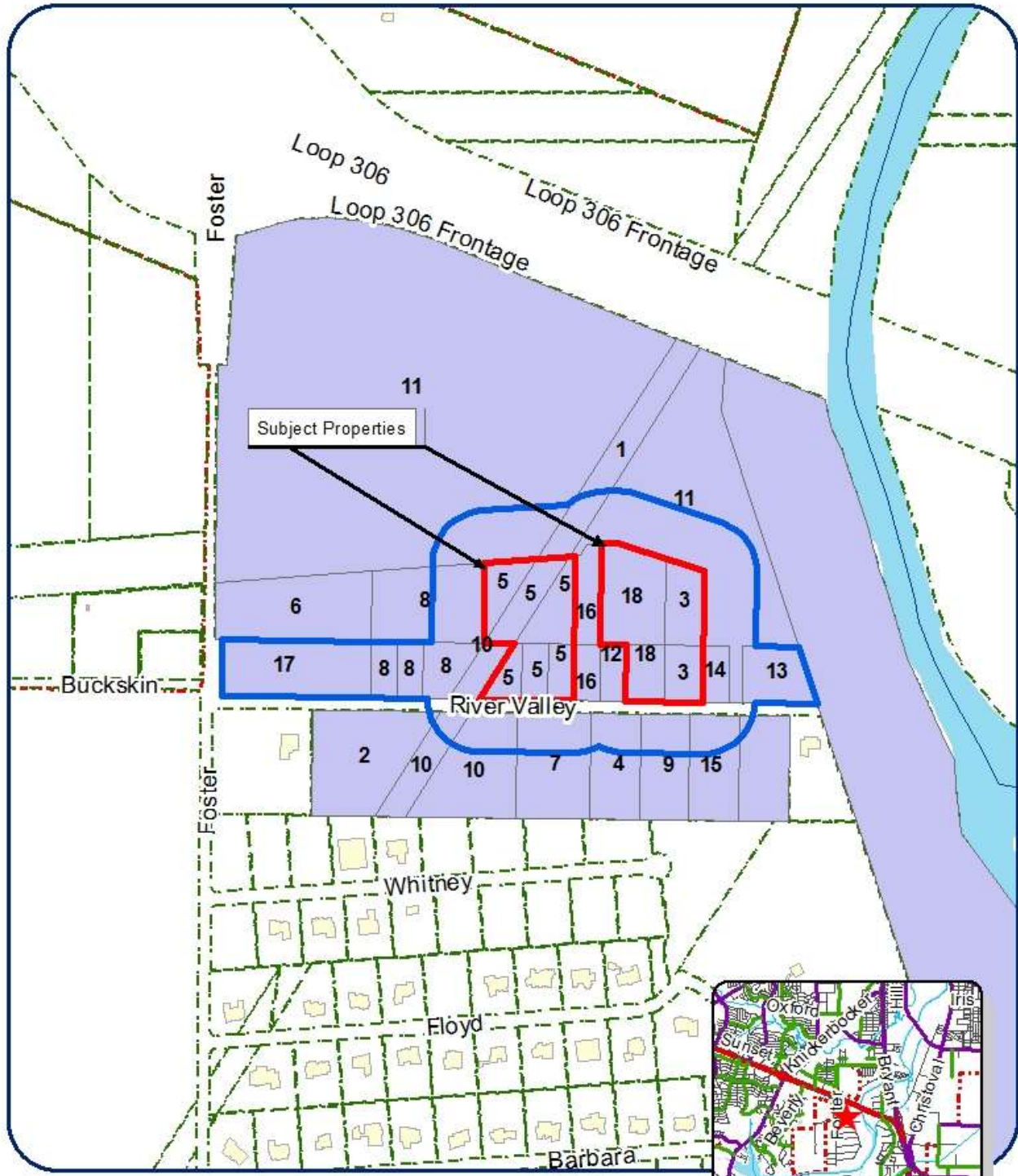
Scale: 1" approx. = 500 ft

Subject Properties: Lots 5-7, 10-12, River Valley Estates, Sec 1, 4.9 acres V. Muller Survey 176

**Legend**

- Subject Properties: —
- Current Zoning: R&E
- Requested Zoning Change: N/A
- Vision: Neighborhood





**Subdivision Case File**

**Replat of Section 1, River Valley Estates**

Council District: Rodney Fleming (SMD #1)

Neighborhood: Country Club

Scale: 1" approx. = 488 ft

Subject Properties: Lots 5-7, 10-12, River Valley Estates, Sec 1, 4.9 acres V. Muller Survey 176

**Legend**

- Subject Properties: —
- Current Zoning: R&E
- Requested Zoning Change: N/A
- 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 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903. THIS FORM CAN ALSO BE FAXED TO THE PLANNING DIVISION AT 325-657-4227.

( ) IN FAVOR

(  ) IN OPPOSITION

REASON(S)

Single Road Access - Inadequate  
to support additional housing development.

Drainage problems currently exist in  
area. Adding more hard surface without  
proper drainage control will compound the  
existing problem.  
Poor Access to these properties.

NAME:

Richard Salmon

ADDRESS:

SIGNATURE:

Richard Salmon

1<sup>st</sup> Replat of Lots 5-7, 10-12, River Valley Estates, Section One,  
property owner number: 15

If you have any questions about these proceedings, please call Mr. Jeff Fisher with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

## Site Photos

**North at Properties**



**East**



**West**



**South**

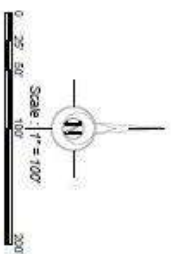


**South of River Valley Lane**



**East towards north portion of Replat**





# FIRST REPLAT OF LOTS 5, 6, 7, 10, 11 & 12 SECTION ONE RIVER VALLEY ESTATES

City of San Angelo, Tom Green County, Texas

OWNERS: Billy Young, Doris Young, James Arnold, Patricia Arnold,  
William Barosh and Anna Barosh

DESCRIPTION: Being 8.79 acres with 2.56 acres of land being in Lots 5, 6, 7, 10, 11 & 12, Section One, River Valley Estates, City of San Angelo, Tom Green County, Texas, according to the plat re-platted in Volume 4, Page 248 of the Plat Records of Tom Green County, Texas and 5.0 acres in of V. Miller Survey 176, Assessed No. 1549, Tom Green County, Texas, composed of 2.13 acres being the same land as described in Deed from Billy M. Young to Billy M. & Doris T. Young dated August 19, 2013 and recorded as Instrument # 742487 of the Official Public Records of Tom Green County, Texas and 1.07 acres being the same land as described in Deed from Billy M. Young to James E. & Patricia B. Arnold dated August 19, 2013 and recorded as Instrument # 742488 of the Official Public Records, Tom Green County, Texas and Billy M. Young to William F. and Anna R. Barosh dated March 31, 2014 and recorded as Instrument # 201403928 DE of the Official Public Records of Tom Green County, Texas.

Basins and distances (person are of the Texas Central Zone Coordinate System NAD83)

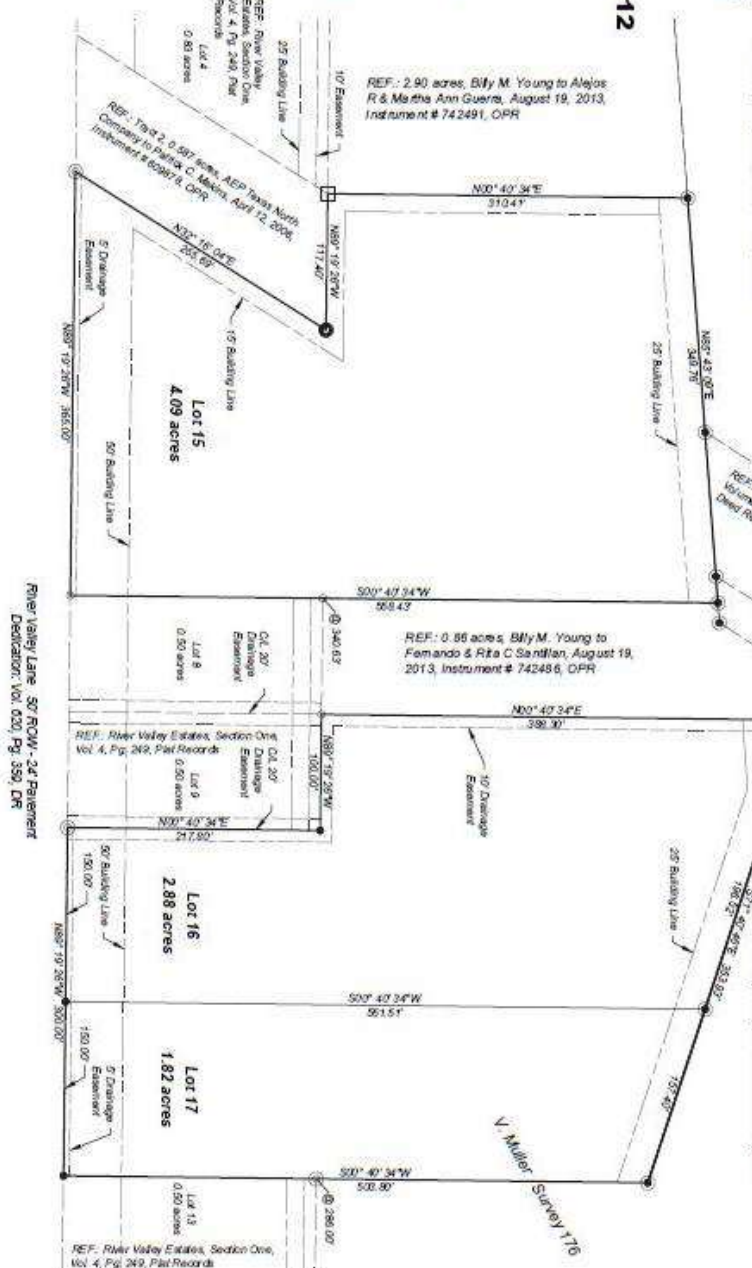
- LEGEND:
  - - Found 1/2" Iron Rod
  - - Found 1/2" Iron Rod w/ Cap
  - ⊙ - Found 5/8" Iron Rod
  - ⊚ - Found 1" Iron Rod
  - - Found 3/4" Iron Pipe
  - - Point in Concrete Column

REF: .05 461 acres, Jan Kof & Maureen Robbins as Independent Co-executors of the Estate of Mary E. Herz, Deceased to MK-Allen Enterprises, Inc., March 20, 2013, Instrument # 733931, OPR.

REF: 2.90 acres, Billy M. Young to Alejio R & Martha Ann Guerra, August 19, 2013, Instrument # 742491, OPR

REF: 0.86 acres, Billy M. Young to Fernando & Rita C Santillan, August 19, 2013, Instrument # 742486, OPR

REF: .05 461 acres, Jan Kof & Maureen Robbins as Independent Co-executors of the Estate of Mary E. Herz, Deceased to MK-Allen Enterprises, Inc., March 20, 2013, Instrument # 733931, OPR



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

By: \_\_\_\_\_  
Planning Director

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

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

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

By: \_\_\_\_\_  
Director of Water Utilities

COUNTY CLERK  
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_  
This Plat is filed in Calendar \_\_\_\_\_, Page \_\_\_\_\_  
Plat Records of Tom Green County, Texas

**SURVEYOR'S CERTIFICATE**  
I, W.H. WILDE, 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, Tom Green County, Texas.

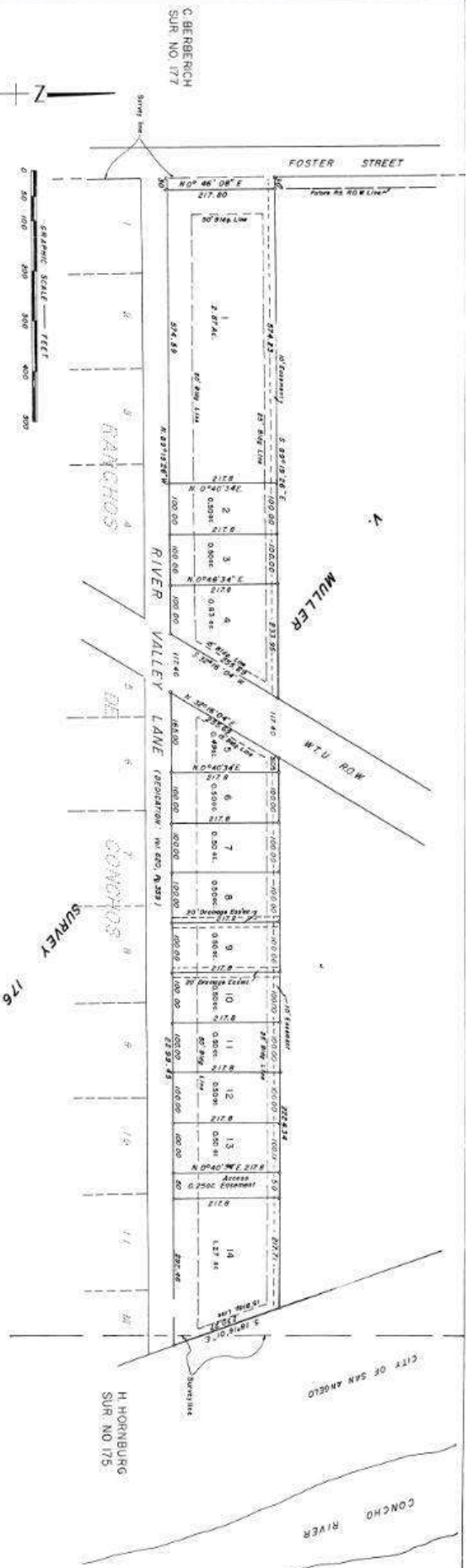
**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.**

W.H. WILDE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4817

W.H. Wilde Engineering, LLC 5770 SW 765 San Angelo, Texas 76903 325.277.8662 www.wildeng.com

Page 1 of 2

TMS File # 10193.637



**NOTE: NO.1** The purchasers of each tract must, before building on it, have a septic tank permit from the city of San Angelo and have the finished septic system inspected and approved by the City/County Health Department.

**NO.2** The Subdivider waives any claim against the city of San Angelo for damages occasioned by the establishment of grades or alterations of the surface to conform to the grades so established.

**RIVER VALLEY ESTATES SECTION ONE**

GEORGE EARL SCHMIDT, GRACE ANSCHUTZ, CO-TRUSTEES  
 GALEN A. WOELLEN, TRUSTEE  
 FOR C. B. & C. TRUST DEFEASIBLE

**DISCUSSION:**  
 A subdivision of a 32.2 acre tract out of a 0.2821 acre tract out of the Valero Survey No. 175 & 176 in Monterey County, California.

**SUPERVISOR'S CERTIFICATE:**  
 KNOW ALL MEN BY THESE PRESENTS: That I, G. W. Mitchell, Supervisor of San Angelo, Monterey County, California, do hereby certify that I have approved the subdivision of the 32.2 acre tract out of the 0.2821 acre tract out of the Valero Survey No. 175 & 176, as shown on the attached map, and that the same is in accordance with the provisions of the City Charter of San Angelo, California.

*G. W. Mitchell*  
 Supervisor of San Angelo

**PLANNING COMMISSION:** Approved by majority vote of 5-2 on 10/15/1981.  
**CITY ENGINEER:** Approved by majority vote of 5-2 on 10/15/1981.  
**CITY COUNCIL:** Approved by majority vote of 5-2 on 10/15/1981.  
**COUNTY COMMISSION:** Approved by majority vote of 5-2 on 10/15/1981.  
**COUNTY CLERK:** Filed for record this 15th day of October 1981.

**THE STATE OF TEXAS:** I, Don Jones, Clerk of the County Court of San Angelo County, Texas, do hereby certify that the above instrument of subdivision was filed for record in this office on this 15th day of October, 1981, at 10:30 o'clock A.M. and duly received the 411- day of recording fee of \$11.20 and the 112.00- day of recording tax of \$11.20 and the 112.00- day of recording tax of \$11.20. Witness my hand and seal of office in San Angelo, Texas, on this 15th day of October 1981.

*Don Jones*  
 Clerk of the County Court

William F. BARTOSH

*William F. Bartosh*

ANNA R. BARTOSH

*Anna R. Bartosh*

James E. Arnold

*James E. Arnold*

PATRICIA B. ARNOLD

*Patricia B. Arnold*

*Billy M. Young*

BILLY M. YOUNG

DORIS T. YOUNG

*Doris T. Young*

mo 28, 2015

We request a variance from the minimum paving width of 40 ft. of River Valley Lane to allow an existing width of 24 ft for River Valley Estates Replat Section 2 lot 5-7, 10-12. And 4.9 acres out of the B. Mueller Survey # 176. Our reasons are on the attached Subdivision application as completed by our surveyor Blake Wilder.



### Application for Approval of a SUBDIVISION

Proposed Name of Subdivision: 1<sup>st</sup> Replat of Lots 5-7 & 10-12, Section 1, River Valley Estates

Location: 2166, 2198 & 2236 River Valley Lane

Proposed Request Type:  Preliminary  Final  Replat  
 Amended  Vacation  Revised

Owner  Authorized Representative (Affidavit required)

Owner(s) of Subdivision: William & Anna Butch, Billy & Doris Young and James & Patricia Arnold

E-mail Address: b.young1932@gmail.com

Mailing Address: 2198 River Valley Lane

Telephone: 944-8163

City/State/Zip: San Angelo, TX 76904

Total Acreage: 8.79

Existing Land Use: Ranch & Estate

Proposed Land Use: Ranch & Estate

Existing Structures on Property: residential homes and barn

Number of Residential Lots: 3 Single-Family  Two-Family  Townhouse   
 Zero Lot Line  Other

Acres of:  Multi-Family  Commercial  Industrial  
 Open  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):     

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: Variance of 40' paving width is requested. The existing 24' paving width is of sufficient width for emergency response vehicles.

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: This is an existing non-conforming subdivision annexed after development that is a deadend street.

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: The existing paving width is sufficient for emergency response vehicles and being a deadend street of an existing non-conforming subdivision create a particular hardship for the land owner.

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

Explanation: This variance does not to the best of the land owner knowledge does not vary the provisions of applicable ordinances.

The owner hereby designates: Wilde Engineering, LLC as the official representative(s).

Address: 5770 FM 765 San Angelo, TX 76905 Phone: 277-8682

E-mail Address: blake@wilde-eng.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.

Owner's Signature \_\_\_\_\_

Date \_\_\_\_\_

Blake Wilde  
Representative's Signature \_\_\_\_\_

6-4-15  
Date \_\_\_\_\_

OFFICE USE ONLY

Date of application: \_\_\_\_\_

Received by: \_\_\_\_\_

walk-in  by mail

Nonrefundable application fee: \$ \_\_\_\_\_

Planning Commission?  yes  no

River Corridor Commission?  yes  no

Planning Commission hearing date: \_\_\_\_\_

If yes, RCC meeting date: \_\_\_\_\_

Notifications Required?  yes  no

Notification fee: \$ \_\_\_\_\_