

STAFF REPORT



Meeting: January 23, 2017

To: Planning Commission

From: Jon James, AICP
Director of Planning and Development Services

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

Planner: David Stallworth, AICP
Principal Planner

Request: A request for approval of the Second Replat in Tract 213, Red Creek Subdivision, and requests for Variances from the following Sections of the Land Development and Subdivision Ordinance: (a) a Variance from Section 9.III.A.5 requiring the dedication of five feet of right-of-way to meet the requirements of a rural Local Road, Landers Road; (b) a Variance from Section 9.V requiring the installation of sidewalks along Landers Road, a roadway containing pavement that is less than thirty-six feet in width; (c) a Variance to Section 9.III.C.2, which prohibits dead-end roadways (Landers Road) from exceeding 750 linear feet in length; (d) a Variance from Section 9.III.C.2 to allow for more than forty lots or tracts to have exclusive frontage along a dead-end road (Landers Road); and (e) a Variance from Section 10.III.A.2 requiring the improvement of Landers Road by five feet in order to meet minimum pavement widths for a rural Local Road

Location: 2948 – 2964 Landers Road, generally located outside of the San Angelo municipal corporate limits and within the City’s Extra-territorial Jurisdiction (ETJ) along the north side of Landers Road, approximately 2,440 feet east of Swain Road

Legal

Description: The east 2.753-acre remaining portion of Tract 213, Red Creek Subdivision (V. 4, P. 106, OPRTGCTX)

Size: 2.753 acres

General Information

Future Land Use: N/A (Outside City Limits [ETJ])

Current Zoning: N/A (Outside City Limits [ETJ])

Existing Land Use: Vacant

Surrounding Zoning / Land Use:

North:	N/A (Outside City Limits [ETJ])	Residential
West:	N/A (Outside City Limits [ETJ])	Residential
South:	N/A (Outside City Limits [ETJ])	Residential
East:	N/A (Outside City Limits [ETJ])	Residential

District: N/A (Outside City Limits [ETJ])

Neighborhood: N/A (Outside City Limits [ETJ])

Thoroughfares/Streets:

Landers Road is classified as a “Rural Local or Minor Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties. Local or Minor Roads provide service to both urban and rural subdivisions. Rural-type roadways generally consist of a minimum right-of-way width of 60 feet with a minimum pavement width of 30 feet, curb and gutter not required.

Background:

The 2.753-acre project area is the east remaining portion of Tract 213 of the Red Creek Subdivision, which was originally recorded in 1978. Tract 213 was replatted in 2015. The property is situated outside of the City's municipal corporate limits and within its 3-mile Extra-Territorial Jurisdiction (ETJ). The remaining portion of Tract 213 presently contains at least three separate residences, but the property is currently under single ownership.

Chapter 12, Exhibit C of the Code of Ordinances, entitled the Land Development and Subdivision Ordinance governs platting in the ETJ. The Petitioner submitted the Replat application on January 3, 2017 to establish four new lots from the remaining portion of a previously platted lot. A request for variances from Sections 9.III.A.5 and 10.III.A.2 of the City's Land Development and Subdivision Ordinance regarding minimum right-of-way and pavement width requirements was submitted in conjunction with the application. The Development Review Committee conducted its review of the application on January 11, 2017. As there are no covenants, contracts or restrictions (CC&R's) or any indications on the original 1978 plat that the development is limited to one-family or two-family residential use, separate written notification to area property owners is not required.

The project area is situated within the Red Creek Municipal Utility District (MUD). State law requires potable water service for lots that are less than one-acre in land area, in addition to adequate OSSF (private septic) accommodations. Private groundwater wells are not allowed for these lots, and any existing water wells on the premises will need to be deactivated and dismantled prior to plat recordation. The Petitioner must satisfactorily demonstrate that individual water service for each new lot is in place prior to plat recordation. Lastly, the Petitioner will be required to obtain a will-serve letter from the MUD affirming that water service will be provided to the new lots.

Analysis:

Section 9.III.C.2, which has significant bearing on the replat application, reads as follows:

“Maximum Length Allowed. The length of any dead-end street shall be a maximum of 750 feet, measured along the centerline of such street right-of-way, from the point at which that centerline intersects the alignment of an intersecting street's right-of-way, to a point at the center of the turnaround terminating said dead-end street. *In no circumstance, though, shall any dead-end street provide exclusive frontage to more than 40 lots or tracts of land.*”

Landers Road was platted in 1978 as a dead-end roadway with over 8,100 feet in total length. The first part of Section 9.III.C.2, relative to dead-end street length, has no bearing on this application as it involves a pre-existing condition. The second part of this

provision, which involves limitations on lot frontages along a dead-end street, has significant bearing on this application. This part of the provision clearly indicates that any additional frontages above the 40-lot or tract threshold is prohibited, and it further indicates that this provision cannot be subject to Variance relief. In light of this, the replat cannot be approved because to do so would be in direct conflict with this provision, as well as in direct conflict with Section 1.III.A, which states that Variance approval “shall not have the effect of nullifying the intent and purpose of these regulations.”

Staff Recommendation:

Staff recommends that the Planning Commission **DENY** the Second Replat in Tract 213, Red Creek Subdivision, because its approval will be in direct violation to Sections 9.III.C.2 and 1.III.A of the City’s Land Development and Subdivision Ordinance.

Attachments:

- Aerial Map
- Major Thoroughfare Plan
- Proposed Replat
- Application



SUBJECT AREA

Landers

Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community



Subdivisions Case File

2nd Replat, Tr-213, Red Creek Subd

Council District: N/A (OCL)

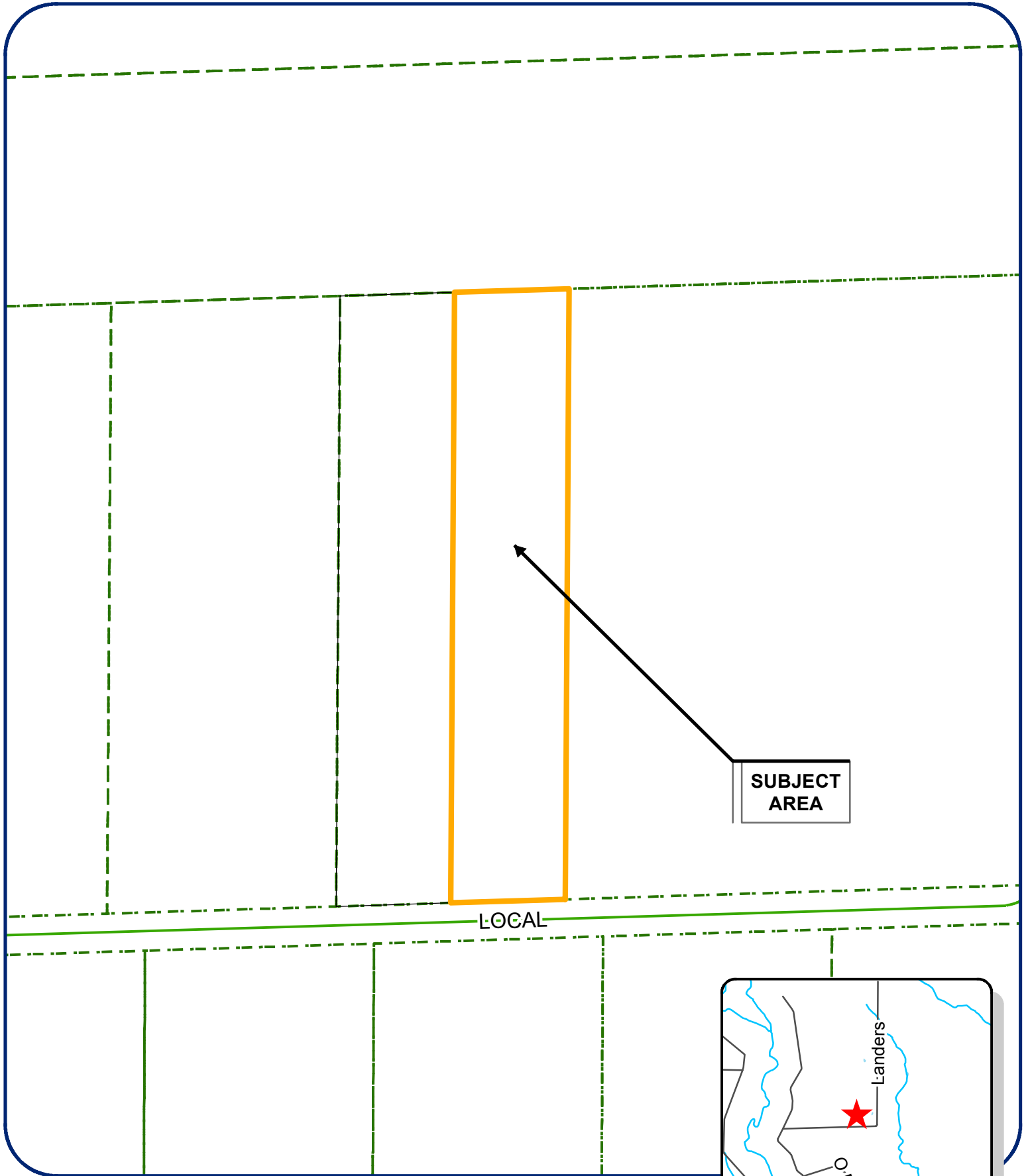
Neighborhood: N/A (OCL)

Scale:

Legal Description(s): The E 2.753 ac of Tract 213, Red Creek Subd

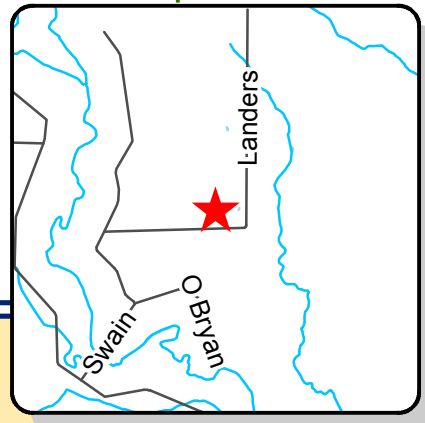
Legend

- Subject Properties:
- Current Zoning: **OCL**
- Requested Zoning Change: **N/A**
- Vision: **OCL**



**SUBJECT
AREA**

LOCAL



Subdivisions Case File

2nd Replat, Tr-213, Red Creek Subd

Council District: N/A (OCL)

Neighborhood: N/A (OCL)

Scale:

Legal Description(s): The E 2.753 ac of Tract 213, Red Creek Subd

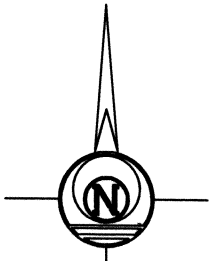
Legend

Subject Properties:

Current Zoning: **OCL**

Requested Zoning Change: **N/A**

Vision: **OCL**



SCALE: 1"= 100'

0 50 100 200

GRAPHIC SCALE : FEET

NOTE : Bearings shown hereon are based on the Plat of Record in Vol. 4, Pg. 106, Plat Records of Tom Green County, Texas. Distances are Surface Horizontal.

LEGEND:

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

PLANNING COMMISSION

Approved for recording this ___ day of ___, 20___, City Planning Commission of San Angelo, Texas.

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___, @ _____
County Clerk of Tom Green Co., Tx.

By: _____

**STATE OF TEXAS
COUNTY OF TOM GREEN**

This instrument was acknowledged before me on _____
by Claudia Meza.

Notary Public, State of Texas

Tract 216

Fd. 1/2" I.R.w/Cap
Mkd."SKG ENGINEERS" N88°12'52"E 150.00'

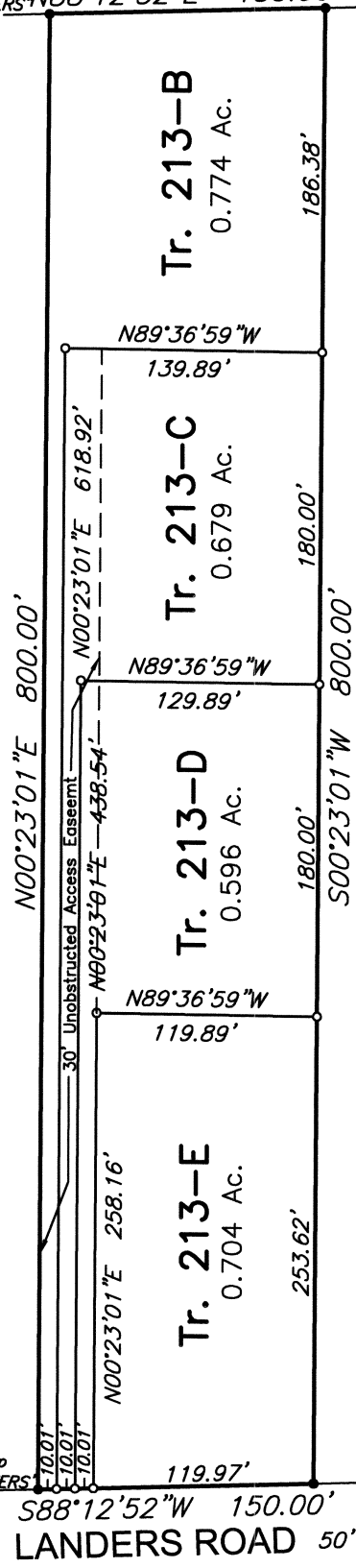
Tract 212

Tract 213-A

Tract 214

REF.: First Replat of Tract 213
Red Creek Subdivision
Cabinet G, Slide 286, PR

Fd. 1/2" I.R.w/Cap
Mkd."SKG ENGINEERS"



SECOND REPLAT IN TRACT 213 RED CREEK SUBDIVISION

Tom Green County, Texas.

OWNER: CLAUDIA MEZA

DESCRIPTION : Being the east 2.753 acres of Tract 213, Red Creek Subdivision, as per Plat of Record in Volume 4, Page 106, Plat Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION

I, Claudia Meza, do hereby adopt this replat as the subdivision of my property and dedicate, for the use of the owners, the access easement shown hereon.

Claudia Meza
Owner

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

Know all men by these presents: that I, Russell T. Gully 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 extraterritorial jurisdictional area of the City of San Angelo, Texas.

This Replat is Filed in Cabinet ___, Slide ___
Plat Records of Tom Green County, Texas.



SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
Firm No. 10102400
www.skge.com
PHONE: 325.655.1288
FAX: 325.657.8189

Section 3: Property Characteristics

2.753

4

Total Acreage of Proposed Subdivision/Resubdivision

Total Number of Lots Proposed

Existing Zoning:

- RS-1 RS-2 RS-3 RM-1 RM-2 PD (include case number: _____)
- R&E CN CO CG CG/CH CBD OW ML MH

Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units?* Yes No

*NOTE: if so, notification is required, and an additional notification fee is required.

Existing Land Use (Include the number of acres devoted to this use):

- Vacant _____ Single-Family Residential 2.753 Office _____
- Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Proposed Land Use (Include the number of acres devoted to this use):

- Vacant _____ Single-Family Residential 2.753 Office _____
- Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Are there existing structures on the property? Yes No

If yes, how many structures exist? 4 What type of structures exist currently? 2 residences, 2 sheds

If yes, are any of the structures planned to remain? Yes (NOTE: requires one copy of proposed plat showing structures to remain)

No

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: v 682, p 464 DR

Is this proposed plat within the ETJ?* Yes No

*NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 1/2 miles of it..

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Section III, A

Full variance requested Partial variance requested (proposed variation from standard): Additional paving width

Check which of the following criteria apply, & include a detailed explanation of how each item applies to this request. Attach additional sheets if necessary to provide more explanation, or if additional variances are requested.

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

The granting of this variance request would not be detrimental to the public safety, health or welfare, or be injurious to other property as this area functions and will continue to function in its current condition.

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 conditions upon which this request for variance is based are not generally applicable to other property as this is an existing developed area and this is a small (1/2 tract) replat.

Section 4, continued

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.


Due to the physical surroundings and shape of the subject property including the presence of the existing street and utilities a particular hardship to the owner would result.

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

Approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as these are existing conditions created as a result of prior plat approval and development.

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 is/has been 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. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.II of the Subdivision Ordinance.

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 _____

 Representative's Signature _____

Date _____
 01/03/2017
 Date _____

FOR OFFICE USE ONLY:

Submitted to front desk: 1/3/2017 Deemed preliminary complete: _____
Date Date Time Initials

Received by Development Services Technician for completeness review: _____
Date Time Initials

Completeness review passed? Yes _____ No _____
Date Date

If yes, when was application scheduled for staff review, if applicable? _____
Date Initials

If no, when was rejection & list of deficiencies (attach copy) sent to Authorized Representative? _____
Date Initials

Resubmittal received by Development Services Technician for completeness review: _____
Date Initials

Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)

Yes _____ No _____
Date Date

Approvals required for this application:

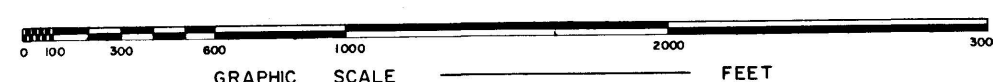
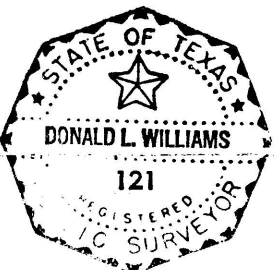
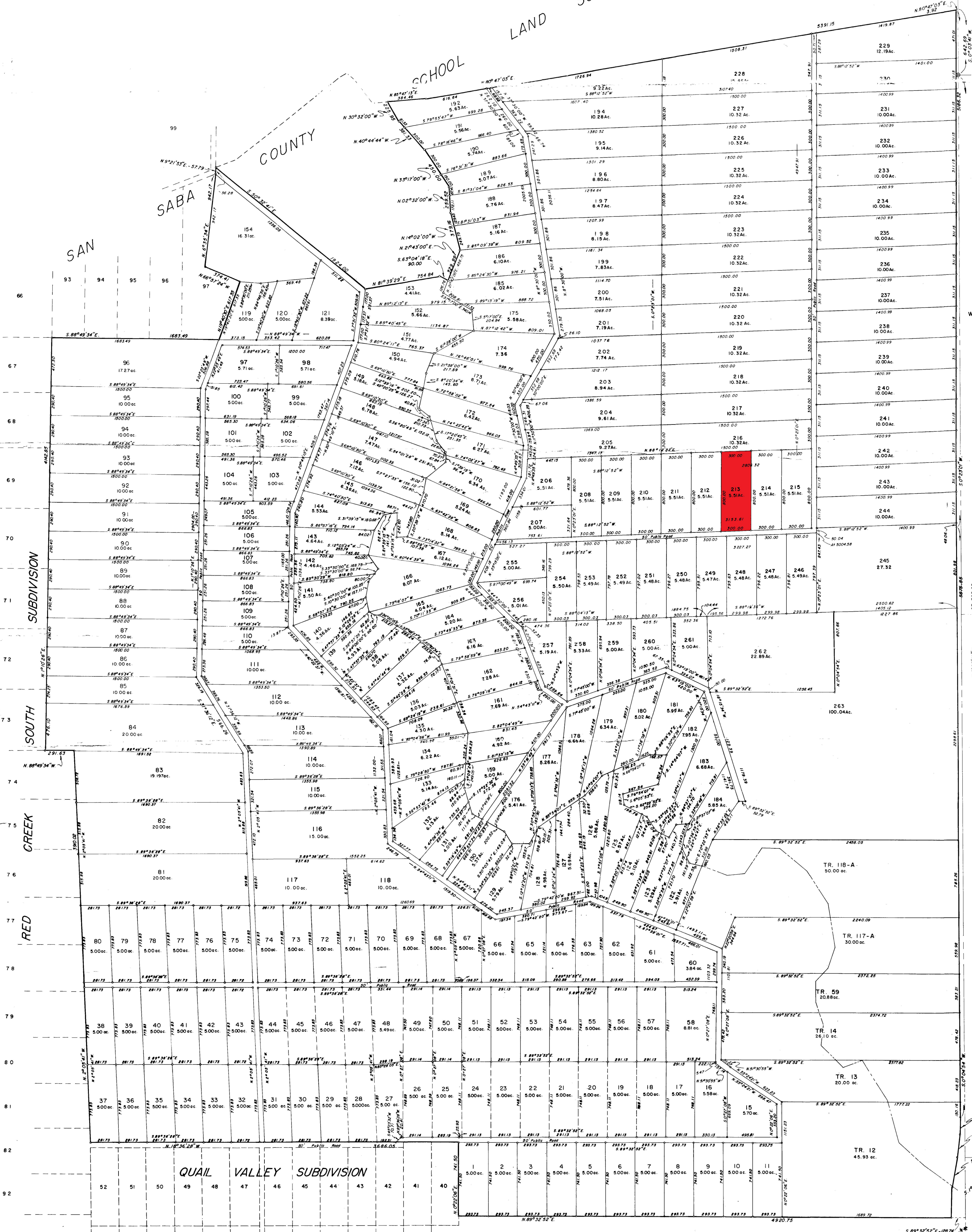
	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____

LAND SUR. 965

W.C.R.C.

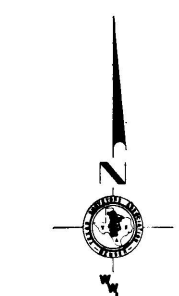


RED CREEK SUBDIVISION
TOM GREEN COUNTY, TEXAS
LEWIS R. RUNION - OWNER - DEVELOPER

SURVEYOR'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS
That I, Donald L. Williams, a Registered Public Surveyor of San Antonio, Texas, do hereby certify that I prepared this plat from an actual survey on the ground made of this land prior to this 18th day of September, 1978, and that all corners and monuments etc. shown are just as they are on the ground.

COUNTY COMMISSIONERS COURT
Approved For Recording This 18th day of Sept 1978, by Commissioners Court of Tom Green County, Texas.
E. R. Runion
County Judge

COUNTY CLERK 129961
Filed For Recording This 18th day of Sept., 1978
County Clerk
By: *Valores Hebecker*, Deputy
ACKNOWLEDGEMENT OF OWNER
I, Lewis R. Runion, owner of the herein plotted 2118.73 acres of land, do hereby adopt this plat as my subdivision of said 2118.73 acres of land of San Sabo County School Lands Survey No. 965, Tom Green County, Texas.
Lewis R. Runion



Being a subdivision of 2118.73 acres of land out of San Sabo County School Lands Survey No. 965, Tom Green County, Texas, as shown hereon.

Section 3: Property Characteristics

Total Acreage of Proposed Subdivision/Resubdivision

Total Number of Lots Proposed

Existing Zoning:

- RS-1 RS-2 RS-3 RM-1 RM-2 PD (include case number: _____)
 R&E CN CO CG CG/CH CBD OW ML MH

Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units?* Yes No

*NOTE: if so, notification is required, and an additional notification fee is required.

Existing Land Use (Include the number of acres devoted to this use):

- Vacant _____ Single-Family Residential _____ Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Proposed Land Use (Include the number of acres devoted to this use):

- Vacant _____ Single-Family Residential _____ Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Are there existing structures on the property? Yes No

If yes, how many structures exist? _____ What type of structures exist currently? _____

If yes, are any of the structures planned to remain? Yes (NOTE: requires one copy of proposed plat showing structures to remain)

No

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

Is this proposed plat within the ETJ?* Yes No

*NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 1/2 miles of it.

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Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: _____

Full variance requested Partial variance requested (proposed variation from standard): _____

Check which of the following criteria apply, & include a detailed explanation of how each item applies to this request. Attach additional sheets if necessary to provide more explanation, or if additional variances are requested.

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

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.

(Section 4 continues on next page)

Section 4, continued

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

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 is/has been 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. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.11 of the Subdivision Ordinance.

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

Representative's Signature

Date

FOR OFFICE USE ONLY:

Submitted to front desk: _____ Deemed preliminary complete: _____
Date Date Time Initials

Received by Development Services Technician for completeness review: _____
Date Time Initials

Completeness review passed? Yes _____ No _____
Date Date

If yes, when was application scheduled for staff review, if applicable? _____
Date Initials

If no, when was rejection & list of deficiencies (attach copy) sent to Authorized Representative? _____
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Date Initials

Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)

Yes _____ No _____
Date Date

Approvals required for this application:

	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____