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 Extraterritorial 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	Residential
307	[ETJ])	D : 1 (: 1
West:	N/A (Outside City Limits	Residential
	[ETJ])	
South:	N/A (Outside City Limits	Residential
	[ETJ])	
East:	N/A (Outside City Limits	Residential
	[ETJ])	

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."

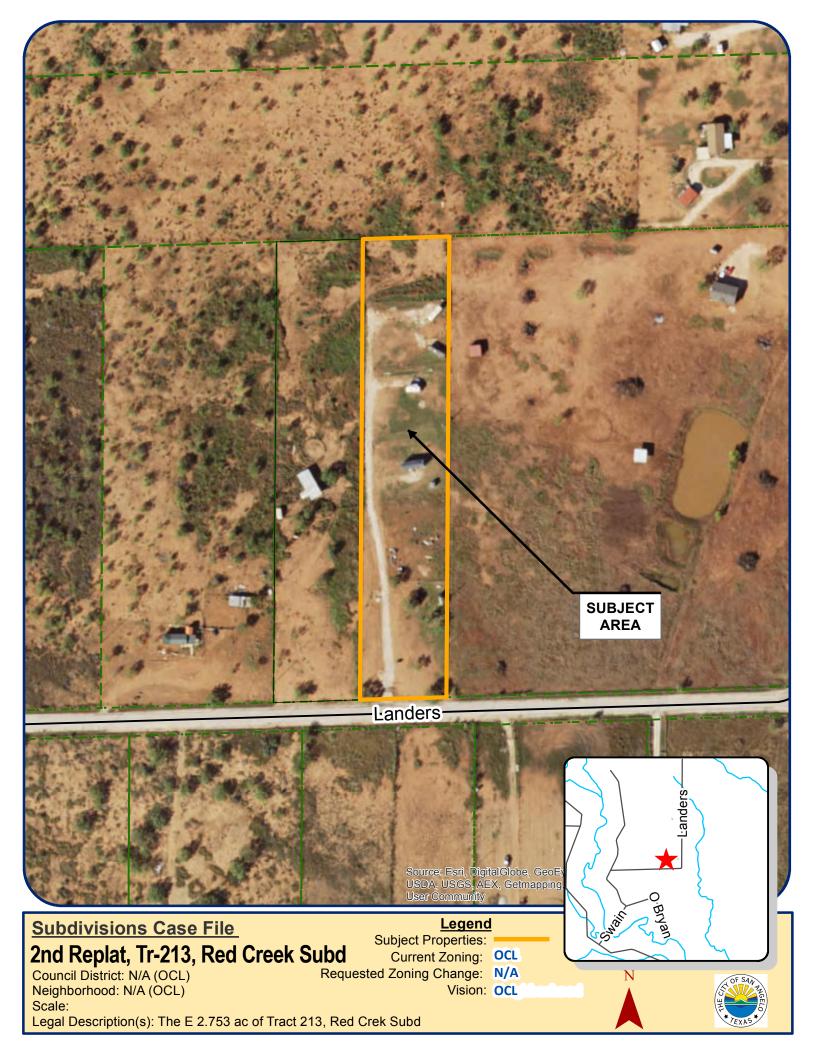
Staff Recommendation:

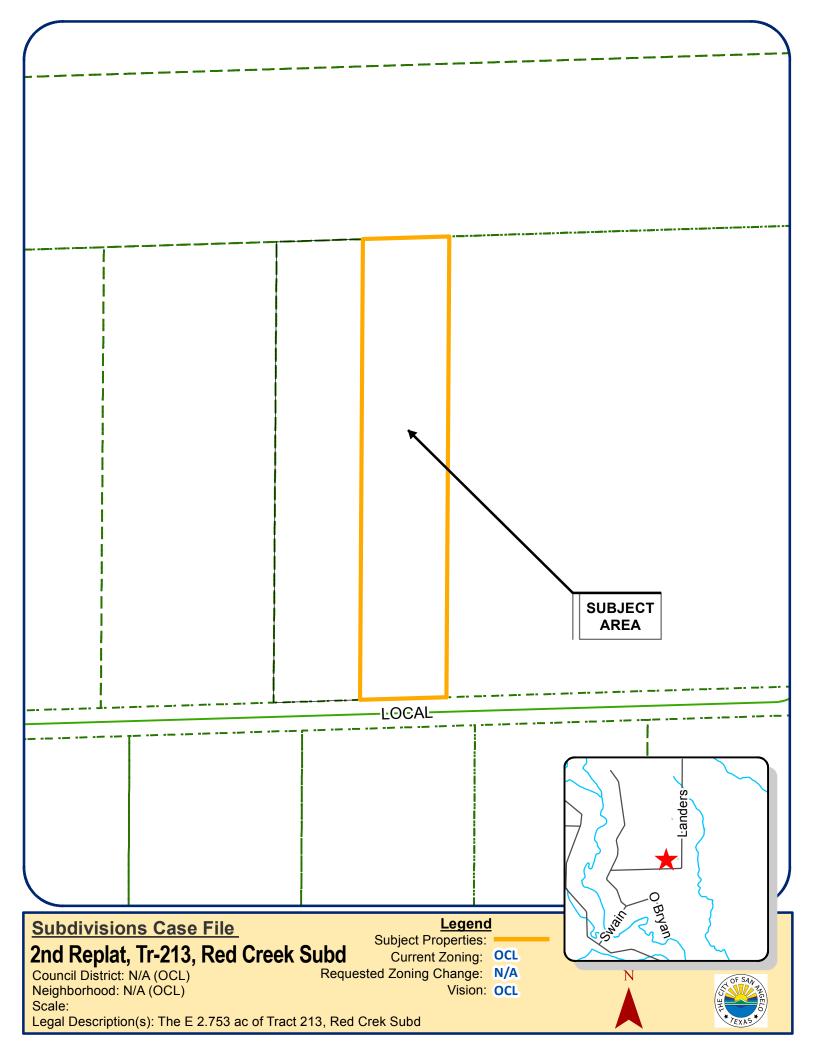
Staff recommends that the Planning Commission <u>DENY</u> the Second Replat in Tract 213, Red Creek Subdivision, because its approval will be in direct violation to Sections 9.III.C.2 and 1.III.A of the City's Land Development and Subdivision Ordinance.

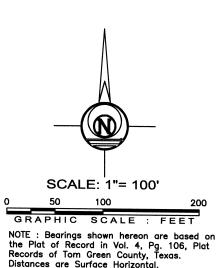
Attachments: Aerial Map

Major Thoroughfare Plan

Proposed Replat Application







Tract 216

the Plat of Record in Vol. 4, Pg. 106, Plat Records of Tom Green County, Texas. Distances are Surface Horizontal.		Fd.1/2" I.R.w/Cap Mkd."SKG_ENGINEERS*N88°12'52"E 150.00'	
LEGEND: • Found 1/2" Iron Pipe or Rod (unless otherwise noted) • Set 1/2" Iron Rod with Cap Mkd."SKG ENGINEERS"		Ma. 65,95.68W 0.774 Ac.	
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	Tract 212	REF.: First Replat of Tract 213 Red Creek Subdivision Cabinet C, Slide 286, PR NOO'23'01"E 800.00' NOO'23'01"E 800.00' Tr. 213-E 0.704 Ac. 253.62' SOO'23'01"W 800.00' 180.00' SOO'23'01"W 800.00' 180.00' 180.00' 180.00' 180.00' 180.00'	
COUNTY CLERK Filed for record this day of, 20, @ County Clerk of Tom Green Co., Tx.		Fd.1/2" I.R.w/Cap 555 1119.97'	
By:		S88*12'52"W 150.00' LANDERS ROAD 50' R.O.W.	
STATE OF TEXAS			

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

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

This instrument was acknowledged before

Notary Public, State of Texas

by Claudia Meza.

ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

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

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.

16-S-1439



City of San Angelo, Texas - Planning **Land Subdivision Application**



NOTE: Incomplete applications will not be accepted. All required fields must be filled in adequately. The Authorized Representative (as designated in Section 1) will be notified of any changes in status & contacted with any questions. Use "N/A" where an item is not applicable.

Section 1: Basi	c Information		
Second Replat in	Tract 213, Red Creek Subdivision	on	
Proposed Subdivision	n Name		
E/2 (2.753 Ac.) T	ract 213, Red Creek Subdivision	on	
Current Legal Descri	ption (can be found on property tax	statement or at <u>www.tomgreencad.com</u>)	
55-64125-0213-1			
Tax ID Number(s) (c	an be found on property tax stateme	nt or at <u>www.tomgreencad.com</u> under Geographic ID)
One Authorized Re	presentative <u>must</u> be selected belo	ow. All communications regarding this applicatio	n will be conducted with this individual.
Authorized Represer	ntative:	erty Owner	
Tenant:	N/A		
	Name	Phone Number	Email Address
Property Owner:	Claudia Meza	212-7014	
	Name	Phone Number	Email Address
Architect/Engineer/De			rg@skge.com
	Name	Phone Number	Email Address
Subdivision Type:	☐ Final Plat	Replat - requiring Planning Commission approval	☐ Plat Vacation
	☐ Preliminary Plat ☐	Replat - administratively eligible*	☐ Amended Plat
scheduled	for hearing by Planning Commission includes no more than four new los no dedication of land (including rig all new lots or tracts front onto an of no extension of water or sewer ma there is an absence of need for a commission easement(s) for utilities are without the formalized release of s	ht-of-way, right-of-way expansion, corner clip dedicate existing public street right-of-way which is fully improving are required to furnish service to the new lots or to detailed drainage plan; e not removed or realigned without the express writte	ion, etc) is required; red to City specifications; racts; n permission from each utility service, or
_	_	Drawnood size?	
	City - requesting new services	Proposed size?	
	City - utilizing existing services	Existing size? Red Creek MUD	
	Other	Please specify: Red Creek MUD	
Sewer:	City - requesting new services	Proposed size?	
	City - utilizing existing services	Existing size?	
] Other	Please specify:	
	Septic System	Lot size? all Tracts <0.5 acre	<u></u>
(^	NOTE: Please see Tom Green Count	ty Health Department for Septic System Permit 325-6	58-1024)
·		ents necessary for this subdivision? Yes	■ No
If yes, briefly	y describe each, including the use ar	nd size:	

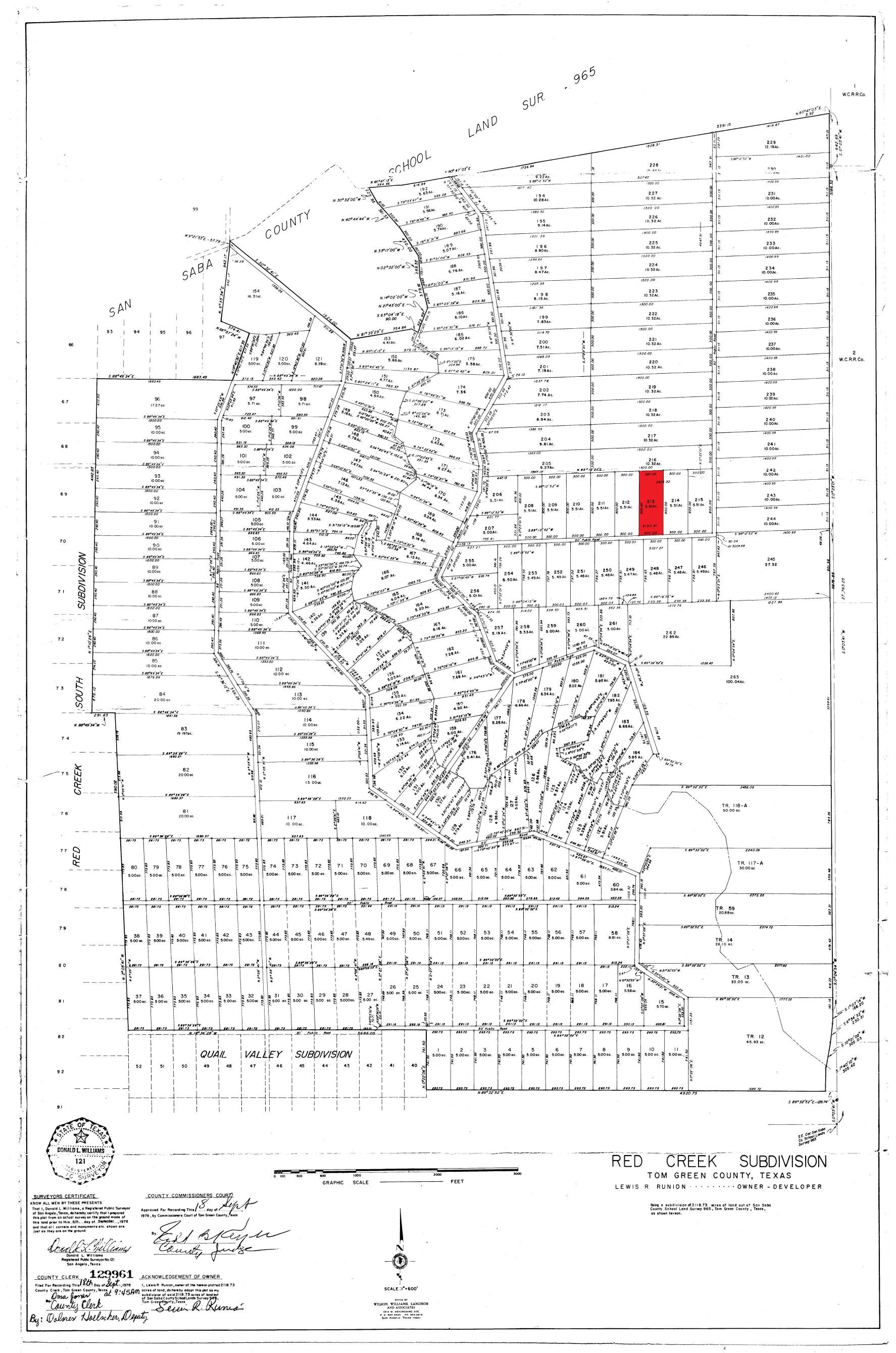
Section 3: Property Characteristics
2.753 4
Total Acreage of Proposed Subdivision/Resubdivision Total Number of Lots Proposed
Existing Zoning:
RS-1 RS-2 RS-3 RM-1 RM-2 PD (include case number:)
☐ R&E ☐ CN ☐ CG ☐ CG/CH ☐ CBD ☐ OW ☐ ML ☐ MH
Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units?* Yes *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
☐ Multi-Family Residential ☐ Industrial/Manufacturing ☐ Commercial/Retail
Proposed Land Use (Include the number of acres devoted to this use):
☐ Vacant
☐ Multi-Family Residential ☐ Industrial/Manufacturing ☐ Commercial/Retail ☐
Are there existing structures on the property?
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) Are there existing deed restrictions? Yes No If yes, provide deed reference information: Very 682, proposed plat within the ETJ?* 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 ½ 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 shee 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 no 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 continues on next page)
Goddon Todrikinado on noki pagoj

Section 4, continued

■ The variance will not, in any significant way, vary the pro	ovisions of applicable ordinances.		
Approval of this variance would not, in any significant	nt way, vary the provisions o	f the applicable o	rdinances as these a
existing conditions created as a result of prior plat a	approval and development.		
the owner understands that upon approval of this submitted plat, certain repulled plat building permits issued until such improvements are installed and active. Furthermore, the owner is aware of all fees and costs involving a cost of the City regardless of the outcome of this request. Lastly, the inthin seven calendar days, as required by Chapter 7.II of the Subdivisional baselings of the outcome of this request.	ccepted by the City or a suitable ed in applying for subdivision apple owner/representative agree to pron Ordinance.	performance guaran proval and that the s provide recording inf	tee is/has been accepte subdivision processing fe formation of the plat in wr
he undersigned hereby applies for subdivision plat approval in accord ertifies that the information contained on this application is true and ac	dance with the subdivision policie curate to the best of my knowledo	es and regulations of ge.	f the City of San Angelo
wner's Sjgnature	Date		
Hul Booker	Date <u>01/03/z</u>	017	
eprésentative's Signature	Daté		
ubmitted to front desk: 1 3 2011 Deemed preliminary Date Deceived by Development Services Technician for completeness review	Date v:	Time	Initials Initials
	Date	·ime	IIIIUais
ompleteness review passed? Yes	□ No Date		
If yes, when was application scheduled for staff review, if applicable	e?		
If yes, when was application scheduled for staff review, if applicable	e? Date	Initials	
If yes, when was application scheduled for staff review, if applicable If no, when was rejection & list of deficiencies (attach copy) sent to	Date		Initials
If no, when was rejection & list of deficiencies (attach copy) sent to	Date O Authorized Representative?	Initials Date	Initials
	Date Authorized Representative?		Initials Initials
If no, when was rejection & list of deficiencies (attach copy) sent to	Date Description Authorized Representative? The completeness review:	Date Date	Initials
If no, when was rejection & list of deficiencies (attach copy) sent to Resubmittal received by Development Services Technician for Completeness review passed? (Note: If resubmittal Representative.)	Date Date Discription Authorized Representative? Transfer completeness review: Still incomplete after a second	Date Date	Initials
If no, when was rejection & list of deficiencies (attach copy) sent to Resubmittal received by Development Services Technician for Completeness review passed? (Note: If resubmittal Representative.)	Date Description Authorized Representative? The completeness review:	Date Date	Initials
If no, when was rejection & list of deficiencies (attach copy) sent to Resubmittal received by Development Services Technician for Completeness review passed? (Note: If resubmittal Representative.) Yes \ \Date provals required for this application: Approval Date	Date Date Discription Authorized Representative? Transfer completeness review: Still incomplete after a second	Date Date	Initials ppointment with Authoria
If no, when was rejection & list of deficiencies (attach copy) sent to Resubmittal received by Development Services Technician for Completeness review passed? (Note: If resubmittal Representative.) Yes	Date Date Date Date Date Date Date Date	Date Date review, schedule a	Initials ppointment with Authoria
If no, when was rejection & list of deficiencies (attach copy) sent to Resubmittal received by Development Services Technician for Completeness review passed? (Note: If resubmittal Representative.) Yes \ \Date provals required for this application: Approval Date	Date Date Date Date Date Date Date Date	Date Date review, schedule a	Initials ppointment with Authoria

Section 4, continued

☐ Because of the particular physical surroundings, shape, or top	oographical condition	s of the specific proper	ty involved a particular hardsh
to the owner would result, as distinguished from a mere inconvenie			
☐ The variance will not, in any significant way, vary the provision	ns of applicable ordina	ances.	
			
The owner understands that upon approval of this submitted plat, certain site in or building permits issued until such improvements are installed and accepte	ed by the City or a sui	itable performance gua	arantee is/has been accepted b
the City. Furthermore, the owner is aware of all fees and costs involved in a payable to the City regardless of the outcome of this request. Lastly, the own	applying for subdivisi	ion approval and that the	he subdivision processing fee i
within seven calendar days, as required by Chapter 7.II of the Subdivision On		Ge to provide rest.	Illionnadon or all plans
The undersigned hereby applies for subdivision plat approval in accordance			s of the City of San Angelo an
certifies that the information contained on this application is true and accurate	·	· ·	
Owner's Signature	<u>/Z−3</u> Date	0-16	
Switch & Signature	-		
Representative's Signature	Date		
FOR OFFICE USE ONLY:			
Submitted to front desk: Deemed preliminary comp.	olete:	Time	Initials
Received by Development Services Technician for completeness review:			
	Date	Time	Initials
Completeness review passed?	□ No	same and the same	
Date	Da	te	
If yes, when was application scheduled for staff review, if applicable?	2.4	Initials	
If no, when was rejection & list of deficiencies (attach copy) sent to Auth	Date porized Representative	Initials e2	
IT NO, When was rejection a list of deliciencies (allacin copy) some to main	опива кергезетав	e?	Initials
Resubmittal received by Development Services Technician for comp	pleteness review:	Dote	latials
Completeness review passed? (Note: If resubmittal still	in a star after a	Date	Initials
Completeness review passed? (Note: If resubmittal still Representative.)	incomplete aller a c	есопа гечен, запова.	е аррошинен жин лишоп
☐ Yes ☐ No			
	Pate		
Approvals required for this application. Approval Date	Case Number		Notes
Administrative Approval			
Planning Commission			
City Council (cases with appeal)			
S. C. of Assessed Evaluations			
Date of Approval Expiration:			
Date Recorded:			





City of San Angelo, Texas - Planning **Land Subdivision Application**



NOTE: Incomplete applications will not be accepted. All required fields must be filled in adequately. The Authorized Representative (as designated in Section 1) will be notified of any changes in status & contacted with any questions. Use "N/A" where an item is not applicable.

Section 1: Bas	sic Information		
Proposed Subdivis	ion Name		
Current Legal Desc	cription (can be found on property ta	x statement or at <u>www.tomgreencad.com</u>)	
Tax ID Number(s)	(can be found on property tax staten	nent or at <u>www.tomgreencad.com</u> under Geographic ID)
One Authorized R	Representative must be selected be	elow. All communications regarding this applicatio	n will be conducted with this individual.
Authorized Repres	entative:	perty Owner	
Tenant:			
	Name	Phone Number	Email Address
Property Owner:	Name	Phone Number	Email Address
Architect/Engineer/	/Design Professional:	Dhana Numbar	Farail Address
	Name	Phone Number	Email Address
Subdivision Type:	Final Plat		☐ Plat Vacation
If alaimi	_ , _	Replat - administratively eligible	Amended Plat
		val, please note that all of the following criteria must ion according to the adopted COSA submittal schedule	
	■ includes no more than four new	lots or tracts;	
	no dedication of land (including	right-of-way, right-of-way expansion, corner clip dedica	tion, etc) is required;
	■ all new lots or tracts front onto a	an existing public street right-of-way which is fully impro	ved to City specifications;
	no extension of water or sewer	mains are required to furnish service to the new lots or	tracts;
	■ there is an absence of need for	a detailed drainage plan;	
	existing easement(s) for utilities without the formalized release of	are not removed or realigned without the express writtens f said easement(s); and,	en permission from each utility service, or
	■ in the case of replats requiring r	notification, no written opposition is received before the	close of the public hearing.
0			
Section 2: Util	ity & Easement Information		
Water:	☐ City - requesting new services	Proposed size?	
	☐ City - utilizing existing services	Existing size?	
	Other	Please specify:	
Sewer:	☐ City - requesting new services	Proposed size?	
	☐ City - utilizing existing services	Existing size?	
	☐ Other	Please specify:	
	☐ Septic System	Lot size?	
	(NOTE: Please see Tom Green Co	ounty Health Department for Septic System Permit 325-	-658-1024)
Are any off-site dra	ainage, access or other types of ease	ements necessary for this subdivision? Yes	□ No
If yes, br	riefly describe each, including the use	e and size:	
, , .	<u> </u>		

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?
If yes, how many structures exist? What type of structures exist currently?
If yes, provide deed reference information:
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:
☐ Full variance requested ☐ Partial variance requested (proposed variation from standard):
☐ 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

	City Council (cases with appeal)				
	Planning Commission			_	
	Administrative Approval			_	
Approva	Is required for this application:	Approval Date	Case Number		Notes
	☐ Yes Da		 Date		
		□ \\/a			
	Completeness review passed? Representative.)	? (Note: If resubmittal s	still incomplete after a	second review, sched	ule appointment with Author
				Date	Initials
	Resubmittal received by Development S	Services Technician for a	completeness review:	Date	Initials
If r	no, when was rejection & list of deficiencie	es (attach copy) sent to A	Authorized Representativ		Initiala
If ye	es, when was application scheduled for st	tati review, if applicable?	Date	Initials	
16.					
omplet	reness review passed?	 Date	□ No Da	nte	
			Date	Time	Initials
eceive	d by Development Services Technician fo	r completeness review:_	Data	Timo	Initials
ubmitte	ed to front desk: Date	Deemed preliminary co	omplete: Date	Time	Initials
	FICE USE ONLY:	D			
eprese	ntative's Signature		Date		
vner's	Signature		Date		
	that the information contained on this app				is of the City of San Angelo
	ersigned hereby applies for subdivision p			policies and regulation	ns of the City of San Angelo
yable	to the City regardless of the outcome of the calendar days, as required by Chapte	nis request. Lastly, the o	wner/representative agr	ee to provide recording	g information of the plat in w
buildir	ng permits issued until such improvement Furthermore, the owner is aware of all t	s are installed and acce	pted by the City or a sui	table performance gua	arantee is/has been accepte
ne own	er understands that upon approval of this	submitted plat, certain sit	te improvements may be	required and that no p	lats will be released for recor
	☐ The variance will not, in any signific	cant way, vary the provis	ions of applicable ordina	inces.	