

STAFF REPORT



Meeting: February 20, 2017

To: Planning Commission

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

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

Through: David Stallworth, AICP
Principal Planner

Request: A request for approval of the Fifth Replat in Tract 1, Section 29, (establishing Lots 1B, 5 and 6, Block 46), The Bluffs Addition

Location: Unaddressed tracts; generally located east of FM 2288 and north of both the former West Houston Harte Expressway Frontage Road and Sherwood Way (US 67)

Legal Description: All of Lot 1A, Block 46, Third Replat of Tract 1, Section 29, The Bluffs Addition

Size: 5.061 acres

General Information

Future Land Use: Commercial

Current Zoning: General Commercial (CG)

Existing Land Use: Vacant Land

Surrounding Zoning / Land Use:

North:	Two-Family Residence Zone District (RS-2)	Single Family Dwellings
West:	General Commercial Zone District (CG)	Chick Fil-A Restaurant, Sonora Bank
South:	General Commercial Zone District (CG)	Stripes Gas Station, Sam's Club, Wendy's, Wal-Mart
East:	General Commercial Zone District (CG)	Vacant Land

District: SMD #6 – Charlotte Farmer

Neighborhood: Bluffs

Thoroughfares/Streets:

F.M. 2288 is identified in the Major Thoroughfare Plan (MTP) as a TX-DOT right-of-way. Because it is not a City-owned and maintained road, no specifications are listed in the MTP.

The West Houston Harte Expressway Frontage Road is identified in the Major Thoroughfare Plan (MTP) as a TX-DOT right-of-way. Because it is not a City-owned and maintained road, no specifications are listed in the MTP. It should be noted that TX-DOT is currently in the process of abandoning, realigning and reconstructing this frontage road.

Drexel Drive is identified in the Major Thoroughfare Plan (MTP) as a Local Street. A local street carries light neighborhood traffic at low speeds. Drexel Drive has both an existing right-of-way and paving width of 60 feet in compliance with the MTP for existing streets.

Background / Analysis:

The applicant originally submitted the Replat Application back in May of 2016 to yield two non-residential lots (Lots 5 and 6, Block 46, 0.807 acres and 0.954 acres, respectively) from one “prospective” nonresidential lot (Lot 1A, Block 46), leaving a remaining balance of 3.30 acres. The submittal could not move forward because the Third Replat of Tract 1, Section 29, Bluffs Addition was not recorded, therefore Lot 1A was still considered prospective and unable to be further divided. The replat has since been recorded (Cabinet G, Slide 335, Plat Records, Tom Green County, TX), and now Lot 1A is suitable for further replatting.

A subsequent revised application was submitted on February 1, 2017 to establish three non-residential lots from one non-residential lot. No variances are associated with this replat. The replat provides for expanded mutual access easements through prospective Lots 1B and 6. All matters regarding sidewalk installation, utility and roadway extensions and any necessary drainage and off-site improvements were addressed prior to the recording of the governing 3rd Replat and still have bearing on this successive replat. Each prospective lot meets minimum General Commercial (CG) development standards. It should be noted that the adjacent Houston Harte frontage road to the southeast, as noted on the plat face, is currently undergoing an abandonment, realignment and reconstruction effort by TX-DOT. In the aftermath of this effort, prospective Lots 5 and 6 will still be adjacent to a public roadway right-of-way along their southernmost property lines, this being an expanded US Highway 67 (Sherwood Way) right-of-way. The replat will still conform to Section 9.III.A.1 of the Land Development and Subdivision Ordinance, which mandates direct abutting access to an approved, accepted and publicly dedicated street right-of-way for all lots.

Staff Recommendation:

Staff recommends that the Planning Commission **APPROVE** the Fifth Replat in Tract 1, Section 29, (establishing Lots 1B, 5 and 6, Block 46), The Bluffs Addition, **subject to the following Condition of Approval:**

Proposed Conditions:

1. Per Subdivision Ordinance, Chapter 7.II.A, 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.

Attachments:

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




Subdivisions Case File

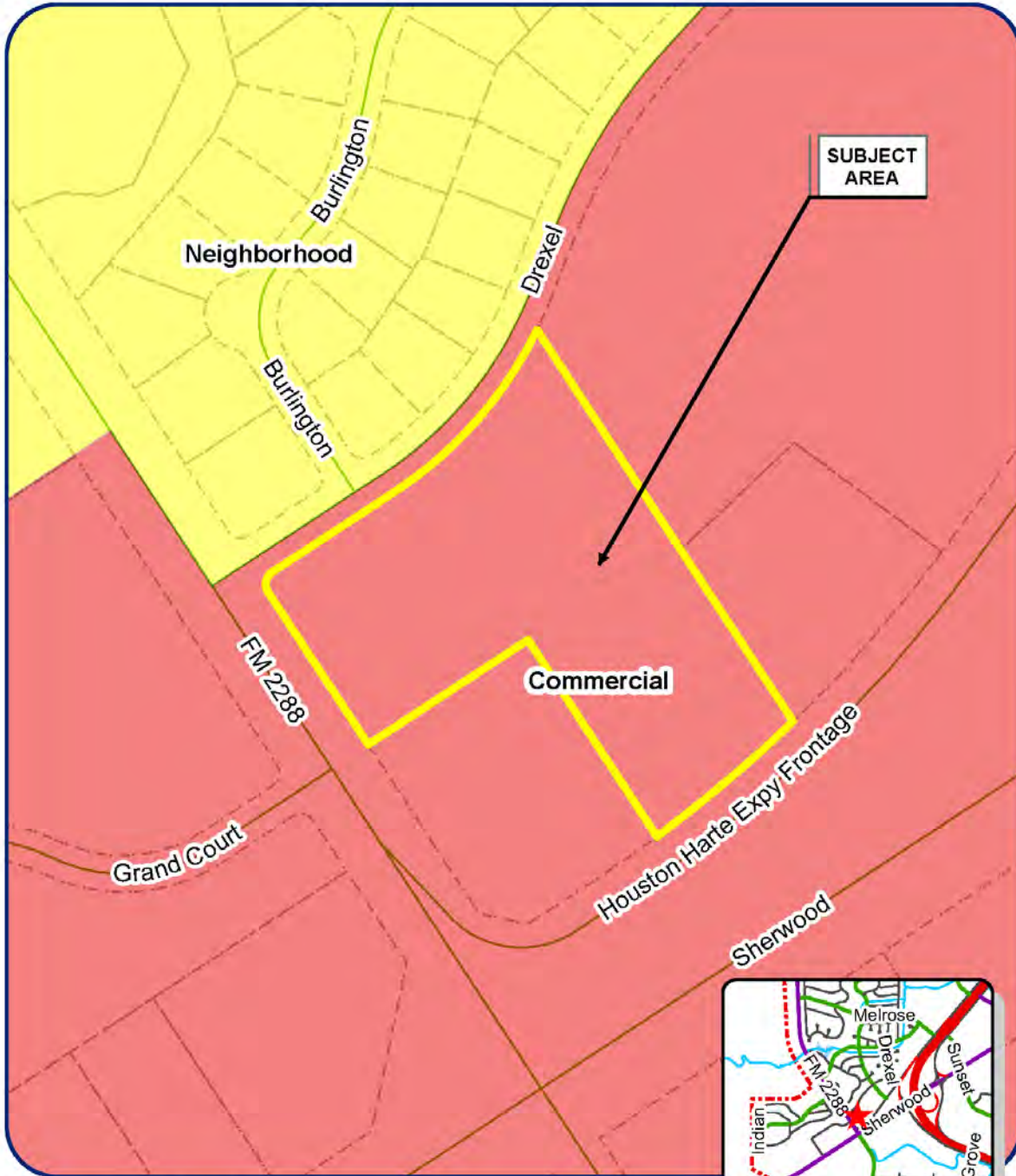
5th Replat, TR-1, S-29, The Bluffs

Council District: District 6 (Farmer)
 Neighborhood: Bluffs
 Scale: 1 Inch :: 200 Feet
 Legal Description: Lot 1A, Blk 46, 3R, Tr-1, S-29, The Bluffs Add'n

Legend

Subject Properties: 
 Current Zoning: **CG**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**





Subdivisions Case File

5th Replat, TR-1, S-29, The Bluffs

Council District: District 6 (Farmer)

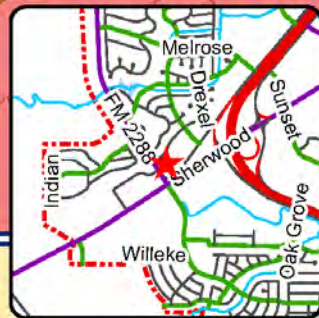
Neighborhood: Bluffs

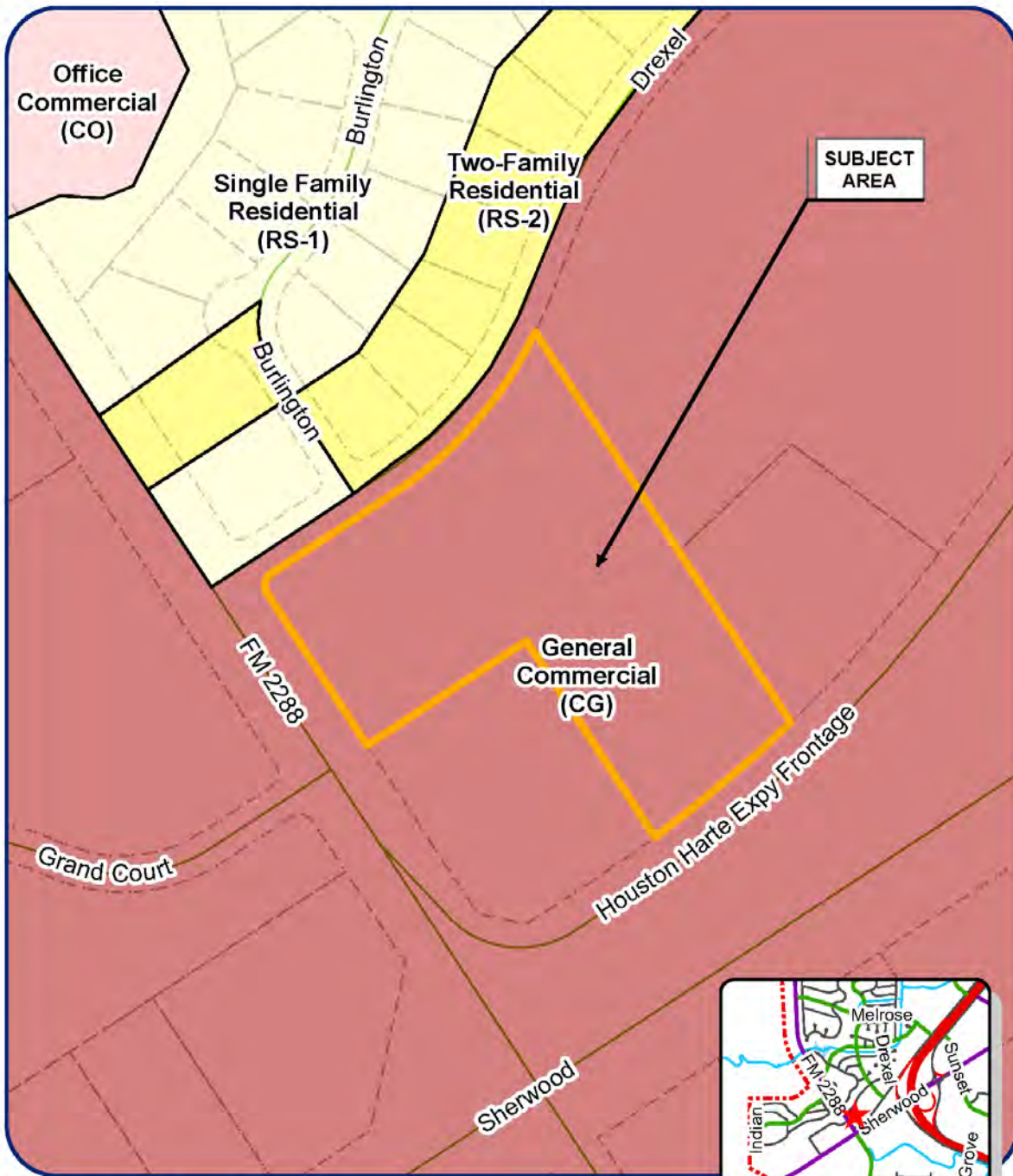
Scale: 1 Inch :: 200 Feet

Legal Description: Lot 1A, Blk 46, 3R, Tr-1, S-29, The Bluffs Add'n

Legend

- Subject Properties: —
- Current Zoning: **CG**
- Requested Zoning Change: **N/A**
- Vision: **Commercial**





Subdivisions Case File

5th Replat, TR-1, S-29, The Bluffs

Council District: District 6 (Farmer)

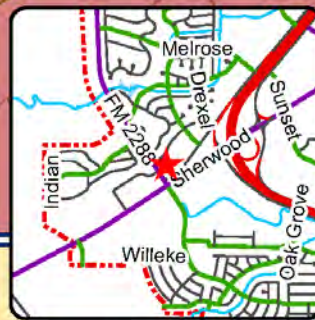
Neighborhood: Bluffs

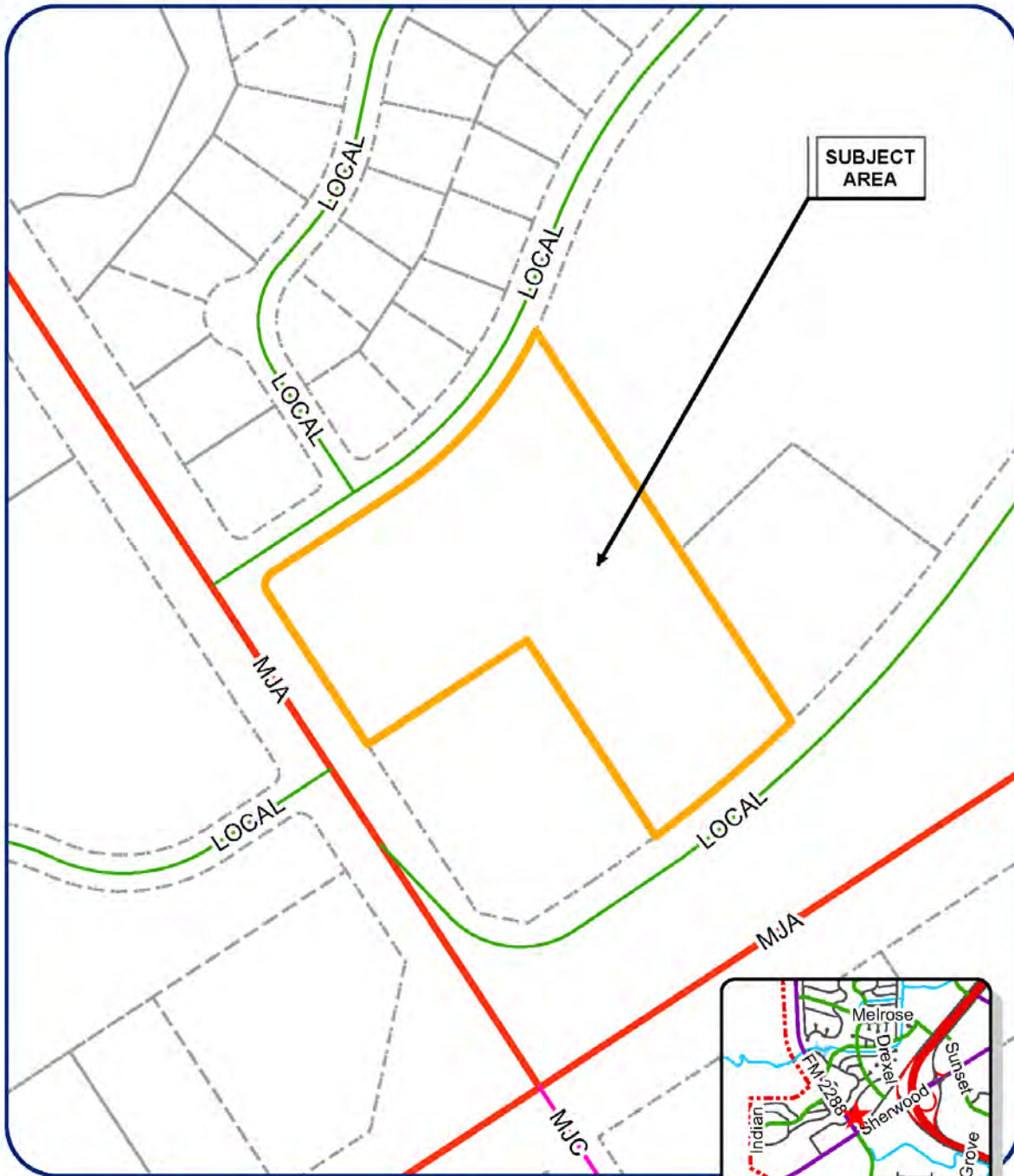
Scale: 1 Inch :: 200 Feet

Legal Description: Lot 1A, Blk 46, 3R, Tr-1, S-29, The Bluffs Add'n

Legend

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





Subdivisions Case File

5th Replat, TR-1, S-29, The Bluffs

Council District: District 6 (Farmer)

Neighborhood: Bluffs

Scale: 1 Inch :: 200 Feet

Legal Description: Lot 1A, Blk 46, 3R, Tr-1, S-29, The Bluffs Add'n

Legend

- Subject Properties: —
- Current Zoning: **CG**
- Requested Zoning Change: **N/A**
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STAFF REPORT



Meeting: February 20, 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 Final Plat of the D. C. Meier Subdivision, Section One, and approval of the following Variances to the City's Land Development and Subdivision Ordinance:

- Sections 9.III.A.5.a.(1) and 10.III.A.1, which requires the dedication of additional public right-of-way along a segment of Shahan Road to bring it into compliance with minimum Arterial roadway standards;
- Sections 9.III.A.5.a.(2) and 10.III.A.2, which requires the construction of additional pavement width along a segment of Shahan Road to bring it into compliance with minimum Arterial roadway standards; and
- Section 9.V, which requires the construction of sidewalk on a platted lot that abuts a road or street containing a pavement width that is less than 36 feet (Shahan Road).

Location: An unaddressed tract generally located along the south side of Shahan Road, approximately 1,995 feet east of South Gas Plant Road in the San Angelo Extra-territorial Jurisdiction (ETJ)

Legal Description: Being 2.50 acres out of the L.P. Moore Survey, no. 169-1/2, Abstract 1637 and further described in Instrument no. 201700710, OPRTGCTX

Size: 2.50 acres

General Information

Future Land Use: Rural
Current Zoning: N/A – Outside City Limits (OCL)
Existing Land Use: Vacant (Conveyance from an overall +/- 8.0260-acre tract)

Surrounding Zoning / Land Use:

North:	Heavy Manufacturing (MH); Outside City Limits (OCL)	Vacant Land
West:	Outside City Limits (OCL)	Residential
South:	Outside City Limits (OCL)	Residential
East:	Outside City Limits (OCL)	Residential

District: N/A – Outside City Limits (OCL)

Neighborhood: N/A – Outside City Limits (OCL)

Thoroughfares/Streets: Shahan Road is classified as a “Minor Arterial” in the City’s Master Thoroughfare Plan (MTP). Arterials have their origin and termination at some point outside of the City limits and are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds. Arterials

typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet. Curb and gutter may be required according to the type of arterial (urban vs. rural).

Background:

The subject property is currently unplatted and was once part of an overall 8.0260-acre unplatted tract located along the south side of Shahan Road, outside of the City's municipal corporate limits and within its 3-1/2-mile Extra-territorial Jurisdiction, or ETJ. The City Limits are directly to the north of the subject area. There is no tangible evidence that Shahan Road is a dedicated public roadway, either by recorded plat or separate instrument. Nevertheless, County records indicate that Shahan Road (a.k.a. Goat Road) has been inventoried and maintained as County road right-of-way since 1997 (Exhibit A).

The Petitioner submitted a Final Plat application on January 30, 2017, to yield one 2.50-acre lot. The property meets minimum standards for both private well and septic provisions. The proposed lot is rectilinear, relatively flat, oriented north-to-south, and has over 160 feet of frontage on a substandard public roadway; there are no notable terrain or drainage features associated with the subject area.

Analysis:

The abutting segment of Shahan Road is currently substandard. The Petitioner will be required to dedicate a minimum of 25.5 feet of additional public road right-of-way along the property's frontage. Additionally, the Petitioner is obligated to widen the abutting pavement by 22 feet. The Petitioner has not requested any relief from roadway design requirements outlined in Section 10.II of the City's Land Development and Subdivision Ordinance. Should any pavement abutting the subject area be less than 36 feet in width, then the Petitioner is obligated to construct a sidewalk in accordance with the City's Design and Specifications Documents for Concrete Sidewalks (no. S-FF-1).

The following Variances to Sections 9.III.A.5 (roadway dedication and improvement), 9.V (sidewalks) and 10.III.A (minimum right-of-way and pavement widths) of the City's Land Development and Subdivision Ordinance are being requested in conjunction with this application. In accordance with Chapter 1, Section IV.A, the Planning Commission **shall not approve** a Variance unless the request meets the following findings based upon the evidence that is presented:

1. **The granting of the Variance will not be detrimental to the public safety, health or welfare, or be injurious to other properties.** The applicant contends that the Variance will not be detrimental because it is an existing, functional roadway. This argument lacks merit because there is no empirical evidence that the road is currently safe in its substandard condition and that any increases in lot yield will not compromise level of

service on a substandard roadway. It should be further noted that development to the immediate north of the project area is inside the City limits and will therefore be subject to construction and design standards outlined in Chapters 9 and 10 of the Land Development and Subdivision Ordinance. Variance approval may impose a disparity on those properties and could be seen as injurious. On the other hand, and given the rural nature of the likely development, as well as the location of the project area in relation to area pedestrian hubs, sidewalks might not be necessary for this development.

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 Petitioner is unclear as to what unique conditions drive the Variance requests. Again, development to the immediate north of the project area is inside the City limits and will therefore be subject to construction and design standards outlined in Chapters 9 and 10 of the Land Development and Subdivision Ordinance. With this in mind, the property's adjacency to a County roadway does not provide a unique situation. Variance approval to roadway improvements may compound matters should this area be annexed with substandard roadways that could have been otherwise adequately and timely addressed at the time of development. Another argument offered by the Petitioner is the existence of large tracts along the south side of Shahan Road, which "have not been required to pursue the platting process for their development and will not, in the future, have to go through the process." Any existing "large lot" development along the south side of Shahan Road most likely occurred because either the development was established under different rules or it met a statutory exemption to platting requirements. Should any of these "large lots" also wish to divide into smaller tracts or lots, they will most likely be required to follow the same rules as the Petitioner, thereby diminishing any perceived "uniqueness" attributed to this particular application.

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 Petitioner cites that "...due to the physical surroundings and topographical conditions including drainage and adjoining fencing, a particular hardship to the owner would result, along with incompatible development conditions." The Petitioner, however, does not elaborate on the topographical conditions or peculiar circumstances related to the property that are driving the Variance request; Staff is left to guess at what those issues are. As a result of this insufficient justification, Staff is unable to determine if there is any merit to the Petitioner's claim, let alone the degree or type of hardship to be allegedly endured by the Petitioner (inability to carry out the intended development, disproportionate applicability, inconvenience to the Petitioner or economic hardship). In summary, there are no extreme topographical issues or site peculiarities apparent to the subject property that would warrant Variances to roadway dedication and improvements. Given the proposed rural residential development, though, as well as the location of the project area in relation to area pedestrian hubs, sidewalks might not be necessary for this development.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** Development to the immediate north of the project area is inside the City limits and is therefore subject to construction and design standards outlined in Chapters 9 and 10 of the Land Development and Subdivision Ordinance. Variance approval may impose a disparity with roadway conditions due to an inconsistent application of construction and design standards. Variance approval may also compound matters should this area be annexed with roadways that will eventually need to be brought up to standard at taxpayer expense. As stated previously, given the proposed rural residential development, as well as the location of the project area in relation to area pedestrian hubs, sidewalks appear to be unnecessary.

Staff Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** the D. C. Meier Subdivision, Section One, in addition to the following actions:

- **DENY** the Variance to Sections 9.III.A.5.a.(1) and 10.III.A.1, which requires dedication of additional public roadway along a segment of Shahan Road to bring it into compliance with minimum Arterial roadway standards;
- **DENY** the Variance to Sections 9.III.A.5.a.(2) and 10.III.A.2, which requires the construction of additional pavement width along a segment of Shahan Road to bring it into compliance with minimum Arterial roadway standards; and
- **APPROVE** the Variance to Section 9.V, which requires the construction of sidewalk on a platted lot that abuts a road or street containing a pavement width that is less than 36 feet (Shahan Road); and

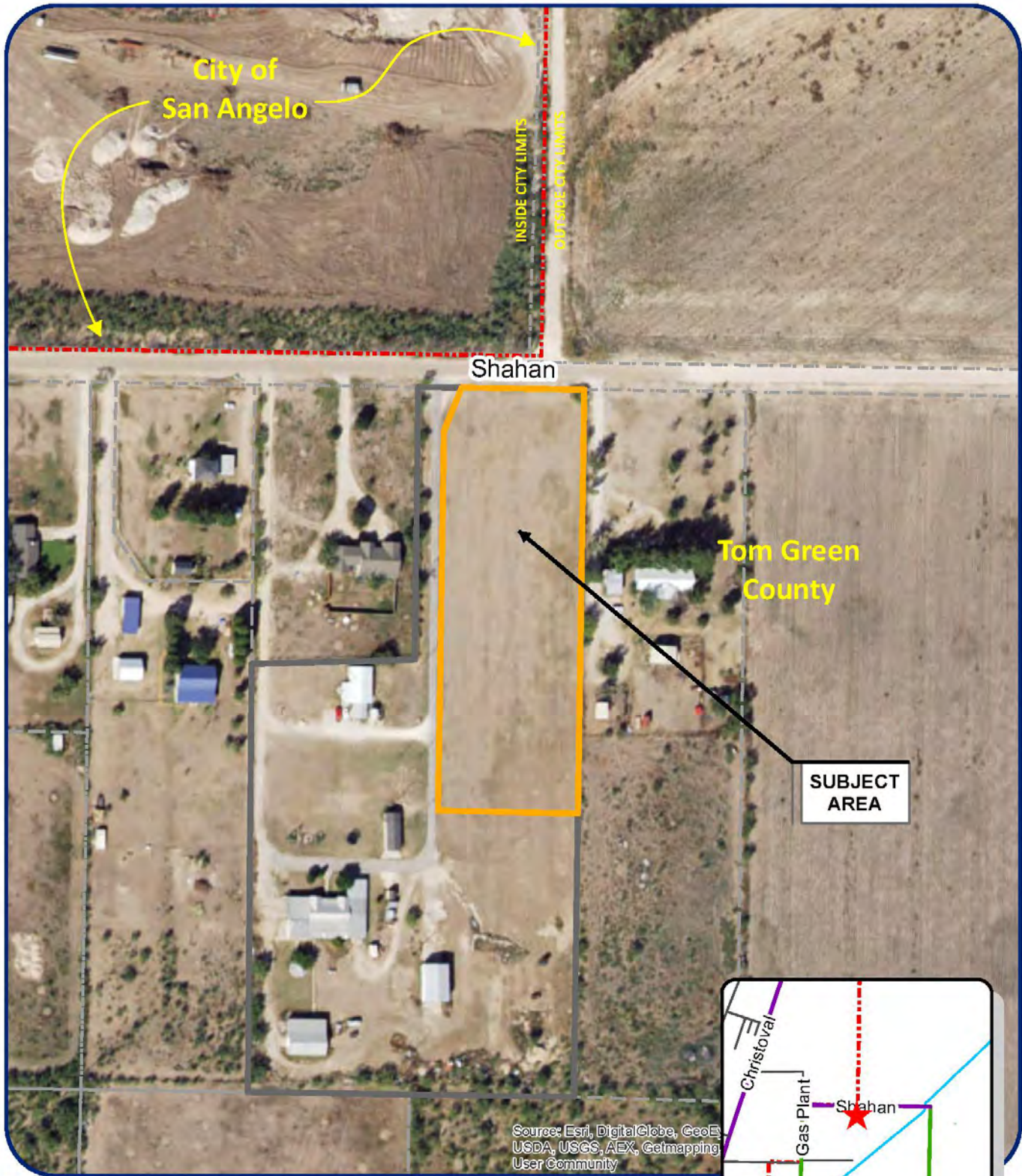
Said approval should be subject to the following **six Conditions of Approval**:

1. Per Subdivision Ordinance, Chapter 7.II.A, 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. Location of the current city limits boundary shall be indicated on the plat face.
3. The remaining portion of the parent 8.026 tract must be identified as a remainder on the plat face.
4. Per Section 9.V, Land Development and Subdivision Ordinance, sidewalks are be required when lots are platted adjacent to a road or street containing a pavement width that is less than 36 feet. A variance to this requirement may be sought by the Petitioner and may only be approved by the Planning Commission.

5. Submit a revised plat, on which is illustrated the dedication of 68.5' of right-of-way for the adjacent segment of Shahan Road, by half the additional increment necessary to comprise the minimum right-of-way width of 94 feet for a "rural" arterial street (in this case, approximately 25.5 feet), consistent with Land Development and Subdivision Ordinance, Chapter 10.
6. Prepare and submit plans for required improvements to streets (adjacent segments of Shahan Road, a rural arterial street) by half the additional increment necessary to comprise the minimum paving widths, per Land Development and Subdivision Ordinance, Chapter 10. For Shahan Road, the minimum width is 64 feet (in this case, requiring 22 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period, consistent with Land Development and Subdivision Ordinance, Chapter 6. A second alternative would be to obtain approval of a variance from the Planning Commission, per Land Development and Subdivision Ordinance, Chapter 1.IV.

Attachments:

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



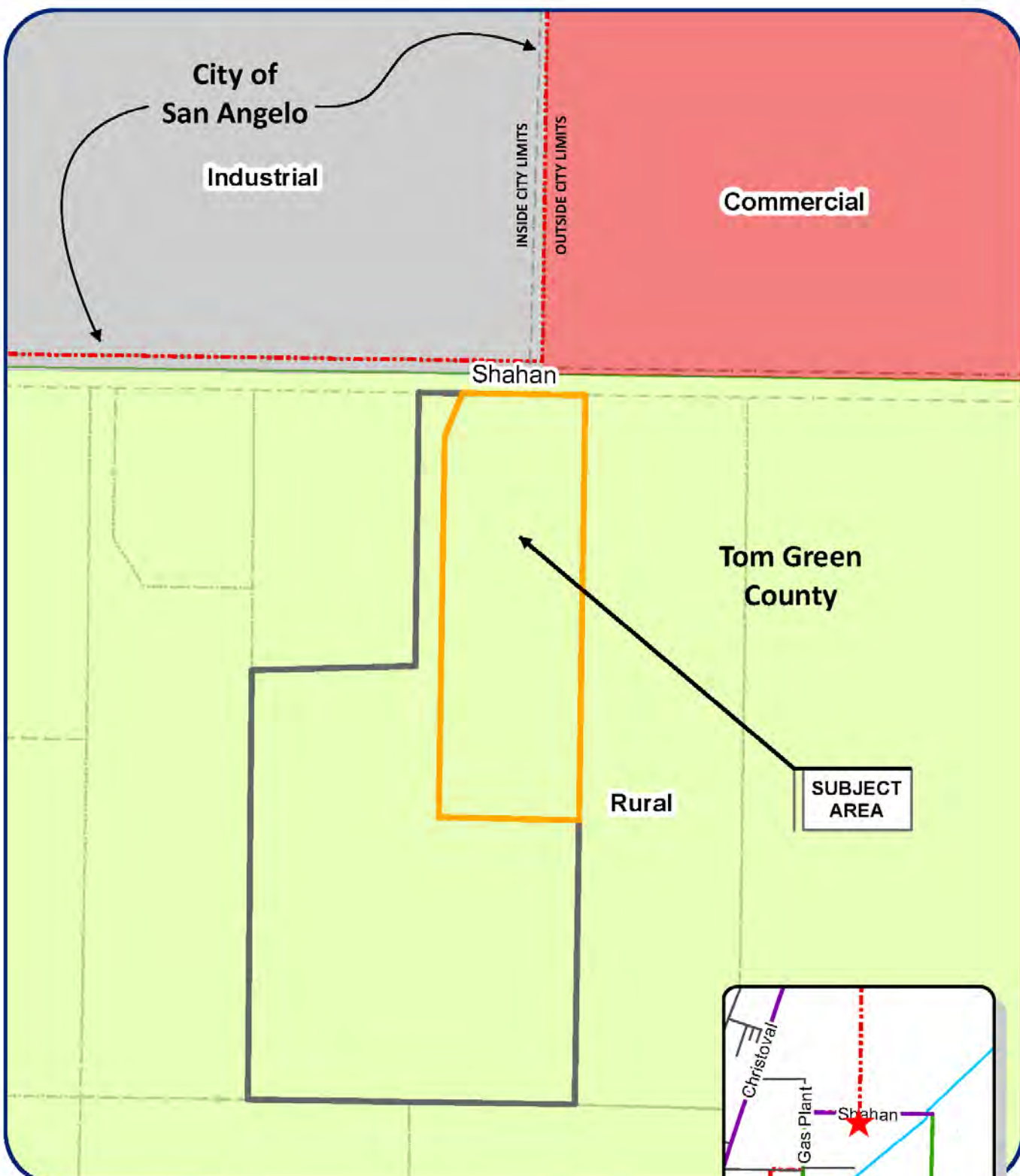
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community

Subdivisions Case File
D C Meier Subdivision


Council District: N/A (OCL)
 Neighborhood: N/A (OCL)
 Scale: 1 Inch :: 200 Feet
 Legal Descr: 2.5 ac out of the LP Moore Survey 169.5, ABS 1637

Legend
 Subject Properties:
 Current Zoning: N/A (OCL)
 Requested Zoning Change: N/A
 Vision: Rural





Subdivisions Case File
D C Meier Subdivision
 Council District: N/A (OCL)
 Neighborhood: N/A (OCL)
 Scale: 1 Inch :: 200 Feet
 Legal Descr: 2.5 ac out of the LP Moore Survey 169.5, ABS 1637

Legend
 Subject Properties: 
 Current Zoning: **N/A (OCL)**
 Requested Zoning Change: **N/A**
 Vision: **Rural**



City of
San Angelo
Heavy
Manufacturing
(MH)

INSIDE CITY LIMITS
OUTSIDE CITY LIMITS

Shahan

Tom Green
County

SUBJECT
AREA



Subdivisions Case File

D C Meier Subdivision

Council District: N/A (OCL)

Neighborhood: N/A (OCL)

Scale: 1 Inch :: 200 Feet

Legal Descr: 2.5 ac out of the LP Moore Survey 169.5, ABS 1637

Legend

Subject Properties: 
Current Zoning: **N/A (OCL)**
Requested Zoning Change: **N/A**
Vision: **Rural**



City of San Angelo

INSIDE CITY LIMITS
OUTSIDE CITY LIMITS

MNA

Tom Green County

SUBJECT AREA



Subdivisions Case File

D C Meier Subdivision


Council District: N/A (OCL)

Neighborhood: N/A (OCL)

Scale: 1 Inch :: 200 Feet

Legal Descr: 2.5 ac out of the LP Moore Survey 169.5, ABS 1637

Legend

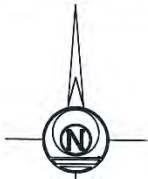
Subject Properties:  N/A (OCL)

Current Zoning: N/A

Requested Zoning Change: Rural

Vision: Rural





SCALE: 1" = 100'

0 50 100 200

GRAPHIC SCALE : FEET

Bearings shown hereon are based on that 2.50 acre tract described in Instrument No. 201700710 Official Public Records Tom Green County, Texas. Distances shown are surface horizontal.

LEGEND:

- Found 60d Nail (unless otherwise noted)

PLANNING COMMISSION

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

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 David C. Meier.

Notary Public, State of Texas

D.C. MEIER SUBDIVISION

Section One

Tom Green County, Texas.

OWNER/DEVELOPER: D.C. MEIER

DESCRIPTION : Being 2.500 acres of land out of L.P. Moore Survey No. 169 1/2, Abstract No. 1637 and being that same tract described in Instrument No. 201700710 Official Public Records, Tom Green County, Texas.

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

Field Notes are filed as Instrument No. _____
Official Public Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION

I, David C. Meier, do hereby adopt this plat as the subdivision of my property.

David C. Meier _____

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.

17-S-0083

SHAHAN ROAD (County Rd.)

(Approx. 43' in use as ROW)

589°13'28"E

N23°30'07"E
65.05'

164.30'

Fd. 60d Nail
in Fe. Post

REF.: 1.974 Ac.
Instr. No. 201605193 O.P.R.

N00°51'09"E 516.38'

Lot 1
(2.500 Ac.)

REF.: 5.00 Ac.Tr.
Inst.No. 677382 OPR

S00°40'55"W 576.38'

BLOCK 1

N89°13'28"W 191.07'

L.P. MOORE
SURVEY NO. 169 1/2
Abstract No. 1637

SKG

ENGINEERING, LLC

SURVEYING • ENVIRONMENTAL • LAB/CMT

708 SOUTH AIRE STREET PHONE: 325.656.1288
SAN ANGELO, TEXAS 76903 FAX: 325.657.8189
FIRM NO. 1012400
www.skg.com

Print Minutes Return

**Tom Green County
Commissioners Court
Sugg's Community Room
Stephen's Central Library
33 W. Beauregard
San Angelo, Texas 76903
July 12th, 2016**

The Commissioners' Court of Tom Green County Texas met in Regular Session, July 12th, 2016 in the Stephen's Central Library Building with the following members:

Present: Ralph Hoelscher, Commissioner Precinct 1
 Aubrey deCordova, Commissioner Precinct 2
 Rick Bacon, Commissioner Precinct 3
 Bill A. Ford, Commissioner Precinct 4
 Stephen C. Floyd, County Judge

Others Present: Chris Taylor, County Attorney
 Ginger Treadwell, County Attorney's Office - Civil
 Nathan Craddock, Auditor
 Sandi Kenney, County Judge's Court Administrator
 Don Killam, Facilities Director
 Jill Donegan, Library Director
 Johnny Grimaldo, Purchasing Agent
 Steve Mild, Emergency Manager
 Terry Mobley, Human Resource Director
 Shannon Buyaki, Information Technology
 Brian McGuire, Facility Maintenance
 Gary Monico, County Clerk Chief Deputy

Attendees: Jaye Chasteen, County Extension Agent
 Ross Smith, 4-H Wool Judging Team
 Baylor Halfmann, 4-H Wool Judging Team
 Dr. Mike Salisbury, Coach 4-H Wool Judging Team
 Members of the Media

1. County Judge Stephen C. Floyd called the meeting to order and ratified that a Quorum is present at 8:31 am.

**2. The Invocation was given by County Judge Stephen Floyd.
County Judge Stephen Floyd led in the Pledges to the United States and the State of Texas.**

3. Announcement: Anyone intending to address the Commissioners' Court shall complete and turn in to the County Judge a Witness Testimony form with the exception of Tom Green County Employees who are providing resource information pursuant to an Agenda item.

**4. Moved to approve the following items on the CONSENT AGENDA as presented:
A. Acknowledged the minutes from the last meeting(s) of July 5th, 2016.**

B. Consider Treasurer Claims Register and Bills to be Paid Report.

Moved to approve the Treasurer's Claim Register, through July 7th, 2016 in the amount of \$ 212,814.98 and Bills to be paid Report, through July 7th, 2016, in the amount of \$ 1,471,499.06.

Attachments:

Bills to be paid Approval
Bills To Be Paid Report
Check run report
Claims register
Claims Register Approval

Commissioner Precinct 3 Rick Bacon
Commissioner Precinct 4 Bill A. Ford
County Judge Stephen C. Floyd

Passed - Unanimously
Attachments:
Assistance Grant

10. Consider accepting the Tom Green County Annual Road Report. (County Commissioners)

Moved to accept the acceptance of the Annual Road Reports from Precincts 1,2,3 & 4 as a matter of record

Moved by Commissioner Precinct 3 Rick Bacon, Seconded by Commissioner Precinct 4 Bill A. Ford

Aye: Commissioner Precinct 1 Ralph Hoelscher
Commissioner Precinct 2 Aubrey deCordova
Commissioner Precinct 3 Rick Bacon
Commissioner Precinct 4 Bill A. Ford
County Judge Stephen C. Floyd

Passed - Unanimously
Attachments:
Precinct 1 Road Report
Precinct 2 Road Report
Precinct 3 Road Report
Precinct 4 Road Report

11. Consider TGC electric service provider contract. (Commissioners Court)

Moved to approve the Tom Green County Electric Service provider contract, subject to receipt of the required Conflict of Interest questionnaire

Moved by County Judge Stephen C. Floyd, Seconded by Commissioner Precinct 4 Bill A. Ford

Aye: Commissioner Precinct 1 Ralph Hoelscher
Commissioner Precinct 2 Aubrey deCordova
Commissioner Precinct 3 Rick Bacon
Commissioner Precinct 4 Bill A. Ford
County Judge Stephen C. Floyd

Passed - Unanimously
Attachments:
Energy Services Agreement Amendment

12. Consider selecting the TGC I-14 Coalition representative. (Commissioners Court)

Moved to appoint County Judge Stephen C. Floyd as the Tom Green County I-14 Coalition representative with Commissioner Rick Bacon as his proxy.

Moved by Commissioner Precinct 2 Aubrey deCordova, Seconded by Commissioner Precinct 1 Ralph Hoelscher

Aye: Commissioner Precinct 1 Ralph Hoelscher
Commissioner Precinct 2 Aubrey deCordova
Commissioner Precinct 3 Rick Bacon
Commissioner Precinct 4 Bill A. Ford
County Judge Stephen C. Floyd

Passed - Unanimously

13. Consider Tom Green County addressing issues. (Adela Soliz, TGC Addressing Coordinator) - **No Action**

14. Consider issues dealing with the following ongoing grants and take any action necessary: - **No Action**

- A. County Infrastructure Fund Grant - Work continues on Grape Creek Road. Should be completed in August
- B. Texas CDBG - Drought Disaster Relief Fund - Moving forward, almost complete
- C. Texas TDA Colonia – FWSD #1 - Nothing to report

15. Consider issues dealing with the following ongoing construction/remodeling projects and take any action necessary: - **No Action**
- A. Judge Edd B. Keyes Building remodel - Framing, plumbing done. Wall Installation and dry wall next week. Escalator in fill is ready, to be done next week or next weekend. East windows - 4 new windows in, 5th one is in progress. master work on stairwells is 60% complete. 3 roof top units set up, duct work is being fed in.
 - B. Detention Center - Design team met last week
 - C. Courthouse - No update. Should hear something on Grant on the 22nd
 - D. Pugh Park - Texas Parks and Wildlife final inspection complete. Final documents on Boat Ramp and Stabilization projects are on their way.
 - E. Mt. Susan Property - None

16. Future Agenda Items: Master Plan for Parks

17. Announcements:

- 1. Acknowledge that today's Court Agenda was posted July 8th, 2016 at 3:24 p.m.
- 2. Possible Burn Ban
- 3. Proposed elected officials salaries at next Commissioner's Court.
- 4. Judge Floyd will be at a required Investment seminar next week

18. Judge Floyd adjourned the meeting at 9:07 a.m..

As per HB 2931, Section 4:

I, Elizabeth McGill, County Clerk of Tom Green County, Texas do hereby attest that this is an accurate accounting of the proceedings of the Commissioners' Court Meeting that met in Regular Session on July 12th, 2016.

I hereby set my hand and seal to this record July 12th, 2016.

**Elizabeth "Liz" McGill
County Clerk and Ex-officio Clerk of the Commissioners' Court**

COUNTY OF TOM GREEN

PRECINCT NUMBER: 2

200
200
200

Pursuant to Section 251.005, Transportation Code

ANNUAL ROAD REPORT

Tom Green County Precinct 2 contains: **100 County Maintained Roads:**

160.436 miles are Bitumen (Paved) Roads.

49.398 miles are All Weather (Caliche or Limestone) Roads.

4.537 miles are Natural (Dirt) Road

Precinct 2 contains a total of 213.234 Miles of County Maintained Roads.

1. Each road, culvert, and bridge in Precinct 2 is in: GOOD condition

2. Amount of money necessary for maintenance of the precinct roads during the next fiscal year: APPROX: \$990,510.50

3. Number of traffic control devices in the precinct defaced or torn down: NONE

4. Any new road that should be opened in the precinct: NONE

5. Any bridges, culverts, or other improvements necessary to place the precinct roads in good condition, and the probable cost of the improvements: NO

NO ROAD WORK CONTRACTS WERE LET IN PRECENT 2 DURING THE LAST 365 DAYS. ALL PRECENT 2 ROAD WORK WAS PREFORMED BY A COUNTY ROAD CREW.

Submitted by the undersigned on this ____ day of _____.



Aubrey de Cordova
 Aubrey de Cordova
 County Commissioner, Precinct 2

Subscribed and sworn to before me, the undersigned authority, this 12th day of July 2016
Elizabeth McGill
 by *Elizabeth McGill*
 Elizabeth McGill, County Clerk
 Tom Green County

[File in Commissioners' Court minutes and submit to grand jury with a copy of any road work contracts for past year during ninth month of county fiscal year - Section 251.005, Transportation Code]

TOM GREEN COUNT
ANNUAL PRECINCT 2 ROAD REPORT

AA2001	PETITE LN	2	HAWK AVE.	GATES - DEAD END		0.267	20'	Jul-86
AA 1388	PHINNEY RD	2	FM 765	LIPAN CREEK ROAD		3.000	20'	Nov-85
AA 1708	PLAINVIEW DR	2	WILDE RD	WILDE RD		0.842	20'	Sep-89
AA 1303	POWELL LN	2	ROBERTS RD	ENGLERT RD		1.951	20'	Sep-91
AA 1312	POWELL LN	2	ENGLERT RD	FM 765		1.006	20'	Jul-89
AA 1105	REECE RD	2	Gate / Dead End	US 277		1.162	20'	1/1/1985; 8/23/11 seal coat; 1,271 ft
AA 1207	RIPPLE RD	2	US 87	HOLIK RD		5.046	20'	Jul-98
AA 1202	ROBBY JONES RD	2	US 87	CALICHE Rd.		0.706	20'	
AA 1202	ROBBY JONES RD	2	end of PAVED	GATE		0.342	24'	
AA 1301	ROBERTS RD	2	DEAD END	PAVED OXLEY ROAD			24'	
AA 1301	ROBERTS RD	2	CALICHE OXLEY ROAD	US 87		3.960	20'	OCT 1991 (2 Mi.); 7/1/2007 rebuilt & paved 1.4 mi;
AA 1629	SANDERS RD	2	CONCHO CO.	POWELL LN		2.187	24'	
AA 1311	SCHREIVER RD	2	FM 765	CALICHE		0.448	20'	Apr-90
AA 1311	SCHREIVER RD	2	CALICHE	ENGLERT RD		0.553	24'	
AA 1200	SCHWARTZ RD	2	US 277	MIKULIK RD		4.470	20'	
AA 5037	SEFCIK RD	2	FM 765	2640 FT. From FM 765		0.475	20'	Feb. 1994
AA 1707	SHAHAN RD	2	FAIRVIEW SCHOOL RD	GAS PLANT RD		1.321	24' Cal; 20' Paved	(GOAT) 7/1/1997
AA 1600	SPILLWAY RD	2	SPILLWAY	FM 584		2.595	20'	
AA 1613	SPRING CREEK RD	2	SPILLWAY RD	S. A. City Limits		0.274	20'	
AA 5020	ST ANTHONY RD	2	FM765	MAINT ENDS		0.388	20'	Feb. 1994
AA 1615	STOKES RD	2	SPILLWAY RD	S. A. City Limits		0.204	20'	
AA5115	STONE BLUFF DR	2	REESE RD	STONE MEADOW		0.139		Accepted to TGC Maintained Roads January 2009
AA5113	STONE KEY LN	2	REESE RD	JUST PAST CAPSTONE		0.280		Accepted to TGC Maintained Roads January 2009
AA5114	STONE MEADOW LN	2	STONE KEY	STONE BLUFF		0.341		Accepted to TGC Maintained Roads January 2009
AA 1401	STREICHER RD	2	RIPPLE RD	JUST PAST CROOK RD		1.600	24'	
AA 1107	SUSAN PEAK RD	2	Gate	FM1223		10.213	22'	Jul 00 -6 mi.; Apr 02-4.215 mi.
AA 1215	THIRD RD, Wall	2	FM765	FM388		1.999	21'	9/07 Seal;
AA 2009	TYLER TER	2	JARRETT RD	US 87		2.217	20'	
AA 6038	UNTERMEYER RD	2	MAINT ENDS	FM388		0.492	22'	
AA 1400	WALLING-PECAN RD	2	CROOK RD	ends maint.		0.845		
AA 5104	WEISHUHN RD	2	US 277	FM1223		7.439	20'	
AA 1704	WHITE LN	2	RIPPLE RD	GROOK RD		1.101	24'	
AA 2017	WHITFIELD RD	2	FAIRVIEW SCHOOL RD	gate DEAD END		0.186	20'	Aug-01
AA 2000	WILDE RD	2	JARRETT RD	FM 765		2.128	24'	4/06 Paved 2.1 mi.; 9/07 Seal .4 mi.; 10/07 Seal 1.3;
		2	US 87	SURFACE		2.657	24'	

STAFF REPORT



Meeting: February 20, 2017

To: Planning Commission

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

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

Staff Planner: Jeff Fisher
Planner I

Request: A request by the Director of Planning and Development Services to repeal a Preliminary Plat of the South and Southeast Portions of Bentwood Country Club Estates, consistent with Chapter 5.III.A.3.d of the Subdivision Ordinance

Location: Various Tracts east of Beaty Road, south of North Bentwood Drive, west of the City Limits, and north of the South Concho River

Size: 103 acres

General Information

Future Land Use: Neighborhood

Current Zoning: Single-Family Residence (RS-1),
Low Rise Multi-Family Residence
Zoning District (RM-1)

Background:

The purpose of this request is to repeal a preliminary plat for the south and southeast portions of Bentwood Country Club Estates to allow the Planning Commission to approve a replat for a portion of this area at the northeast corner of Beaty Road and Berwick Drive. The preliminary plat is no longer relevant as most of the south and southeast portions have already been developed, and the remaining land along the east side of Beaty Road cannot conform to the preliminary plat due to previous plat approvals that reconfigured the street network inconsistent with the governing preliminary plat. Therefore, the Planning Division believes it is both feasible and prudent to bring forward this request to repeal the 2004 governing preliminary plat.

Governing Preliminary Plat

The governing preliminary plat was approved by the Planning Commission on July 19, 2004, and ratified by City Council on August 3, 2004. It expanded the southerly portion of Bentwood Country Club Estates which included the area subject to the above replat, as well as included extensions of private streets with gated access, Columbine Lane, Imperial Court, and Majestic Court. It also allowed for construction of Enclave Court to the east, adjacent to the edge of the City Limits (see attached preliminary plat).

Proposed Replat

On January 30, 2017, Bentwood C.C. LLC submitted a request for a replat of six lots totaling 2.831 acres at the northeast corner of Beaty Road and Berwick Drive within Section 16-D of Bentwood Country Club Estates. The replat intends to increase the lot yield from six to 15 single-family residential lots, with 12 of these lots having flagged access onto Beaty Road through two 40-foot wide, perpetual unobstructed access, emergency vehicle, drainage and utility easements (see attached replat).

Analysis:

As per Chapter 5.III.A.3.d of the Subdivision Ordinance, a final plat shall generally conform to the preliminary subdivision plat approved by the Planning Commission. After reviewing the proposed replat, Planning Staff believe that the proposed replat does not generally conform with the governing preliminary plat from 2004 as follows:

1. Inability to conform to the preliminary plat due to a reorientation of the street network

The remaining land along the east side of Beaty Road cannot conform to the preliminary plat because Overhill Drive was built further east and does not abut

the subject properties. The governing preliminary plat showed the lots along the east side of Beaty having exclusive frontage onto Overhill Drive. Access to Beaty Road was to be restricted by a 20-foot drainage way. However, final plats were approved that had Overhill Drive constructed further east with the cul-de-sac streets facing west of Overhill Drive instead of east as originally shown.

2. Relevancy of preliminary plat

The preliminary plat is no longer relevant as most of the south and southeast portions of Bentwood Drive have already been developed with different street alignments. The remaining unplatted land in the south portion of Bentwood now consists of only the area east of Beaty Road between Overhill Drive and Berwick Drive. While a lengthy stretch of approximately 1,800 feet, final plats or replats for this stretch of land will never conform to the preliminary plat due to the street network being constructed differently than what was shown on the preliminary plat. Although the applicant has shown a greater number of lots in a flagged configuration, inconsistent with the preliminary plat, these lots will still be unable to conform with the preliminary plat regardless given the irregular street configuration. Repealing the preliminary plat avoids the need to defer the replat to allow changes to bring it into conformity, or to potentially deny the plat which does not generally conform to the governing preliminary plat.

Therefore, as per Chapter 5.III.A.d of the Subdivision Ordinance, the Director of Planning and Development Services will be requesting that the governing preliminary plat be repealed. This will allow the proposed replat, and any future development along the remaining stretch of Beaty Road within Bentwood to proceed without having to conform to a preliminary plat.

Staff Recommendation:

Staff's recommendation is for the Planning Commission to **REPEAL** the Preliminary Plat of the South and Southeast Portions of Bentwood Country Club Estates, consistent with Chapter 5.III.A.3.d of the Subdivision Ordinance.

Attachments:

- Aerial Map
- Future Land Use Map
- Zoning Map
- Master Thoroughfare Plan Map
- Proposed Replat
- Governing Preliminary Plat



Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, Aero, eSMapping, User Community



Subdivision Case File

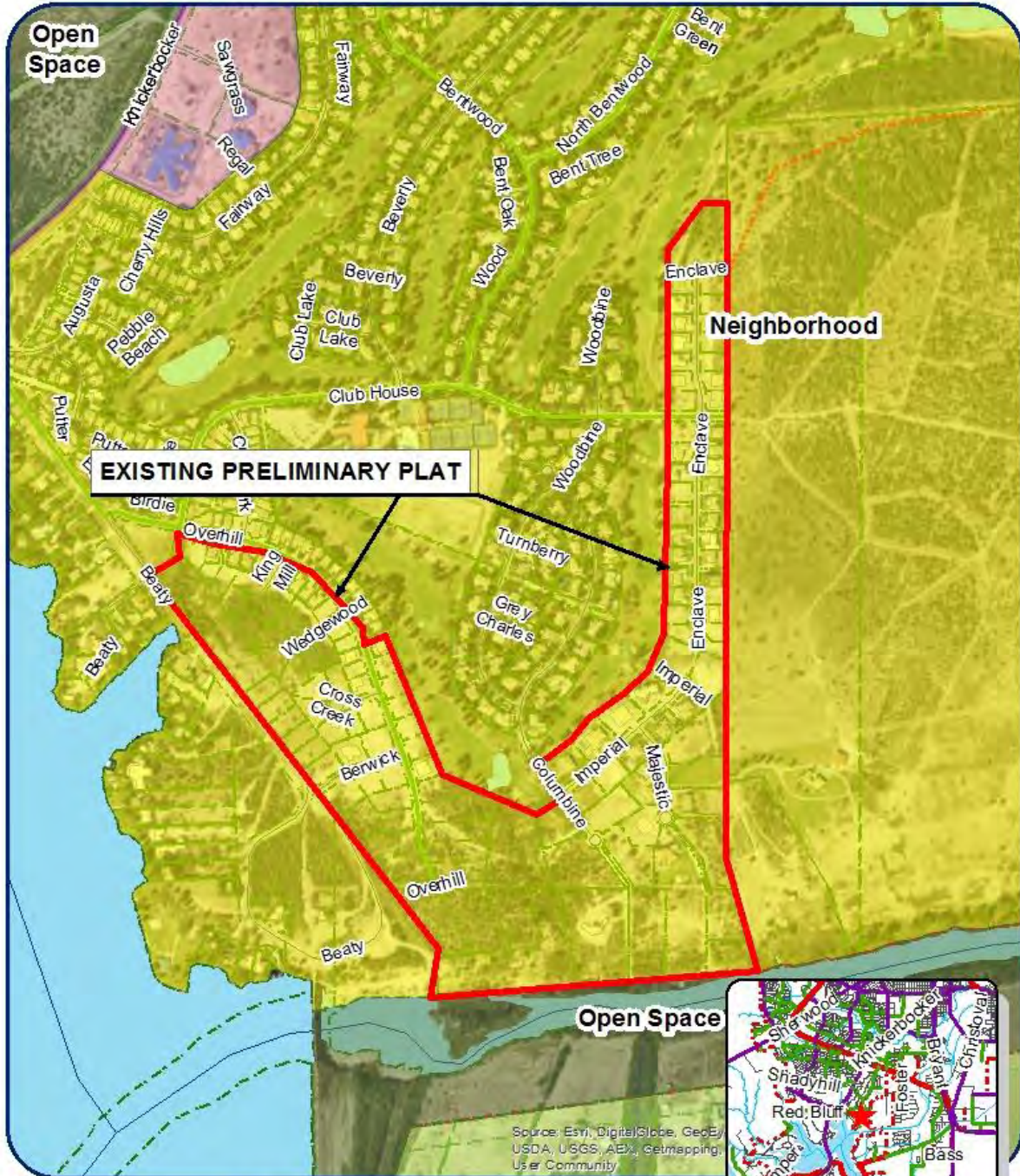
Bentwood C.C. Estates (S & SE)

Council District: Bill Richardson (SMD#1)
 Neighborhood: Country Club
 Scale: 1" approx. = 700 ft
 Between Beaty Rd, N. Bentwood Dr, City Limits, S. Concho River

Legend

Subject Properties: 
 Current Zoning: RM-1, RS-1
 Requested Zoning Change: N/A
 Vision: Neighborhood





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



Subdivision Case File

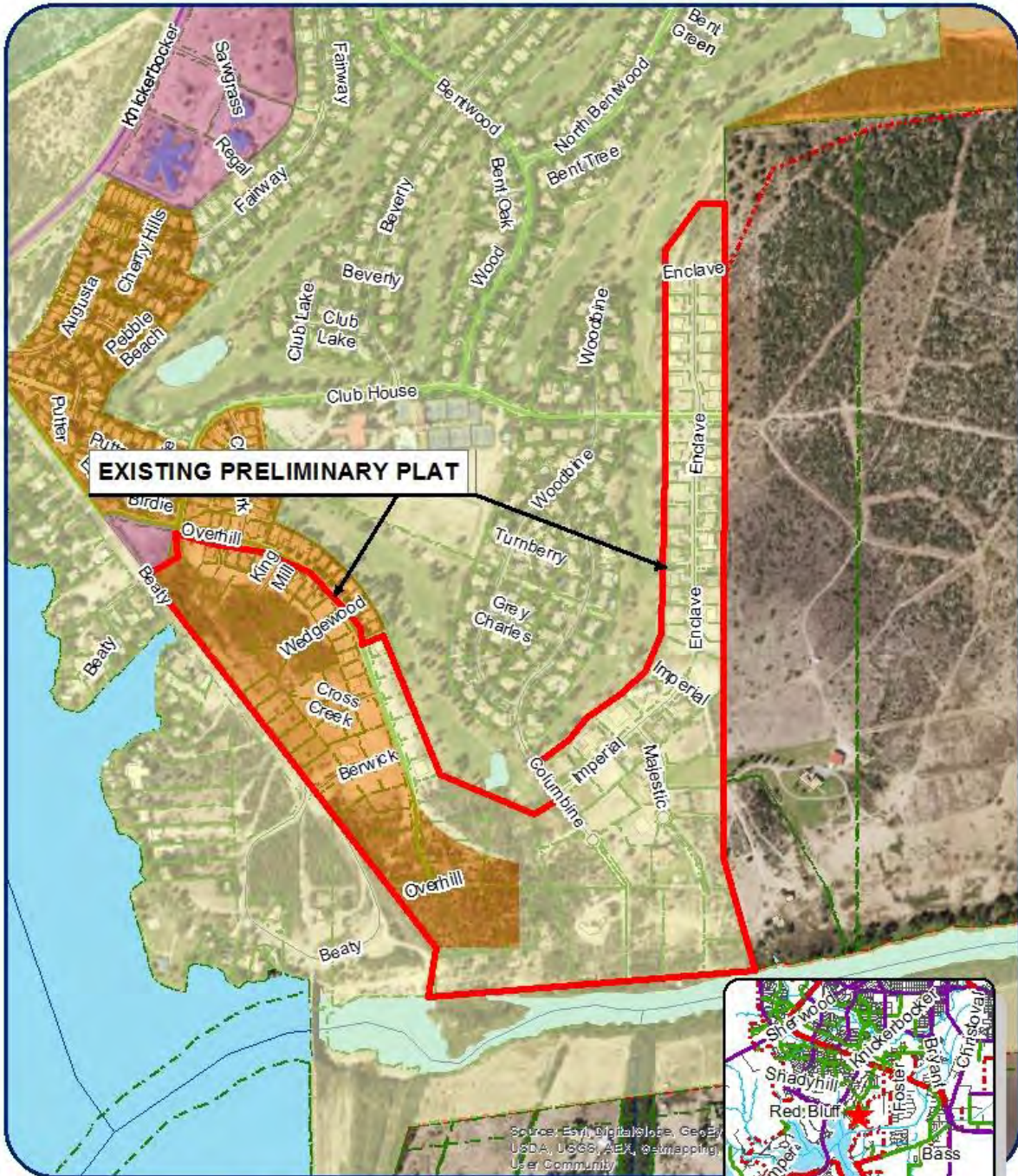
Bentwood C.C. Estates (S & SE)

Council District: Bill Richardson (SMD#1)
 Neighborhood: Country Club
 Scale: 1" approx. = 700 ft

Legend
 Subject Properties: —
 Current Zoning: RM-1, RS-1
 Requested Zoning Change: N/A
 Vision: Neighborhood

Between Beaty Rd, N. Bentwood Dr, City Limits, S. Concho River





Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, @sumapping, User Community

Subdivision Case File

Bentwood C.C. Estates (S & SE)

Council District: Bill Richardson (SMD#1)

Neighborhood: Country Club

Scale: 1" approx. = 700 ft

Between Beaty Rd, N. Bentwood Dr, City Limits, S. Concho River

Legend

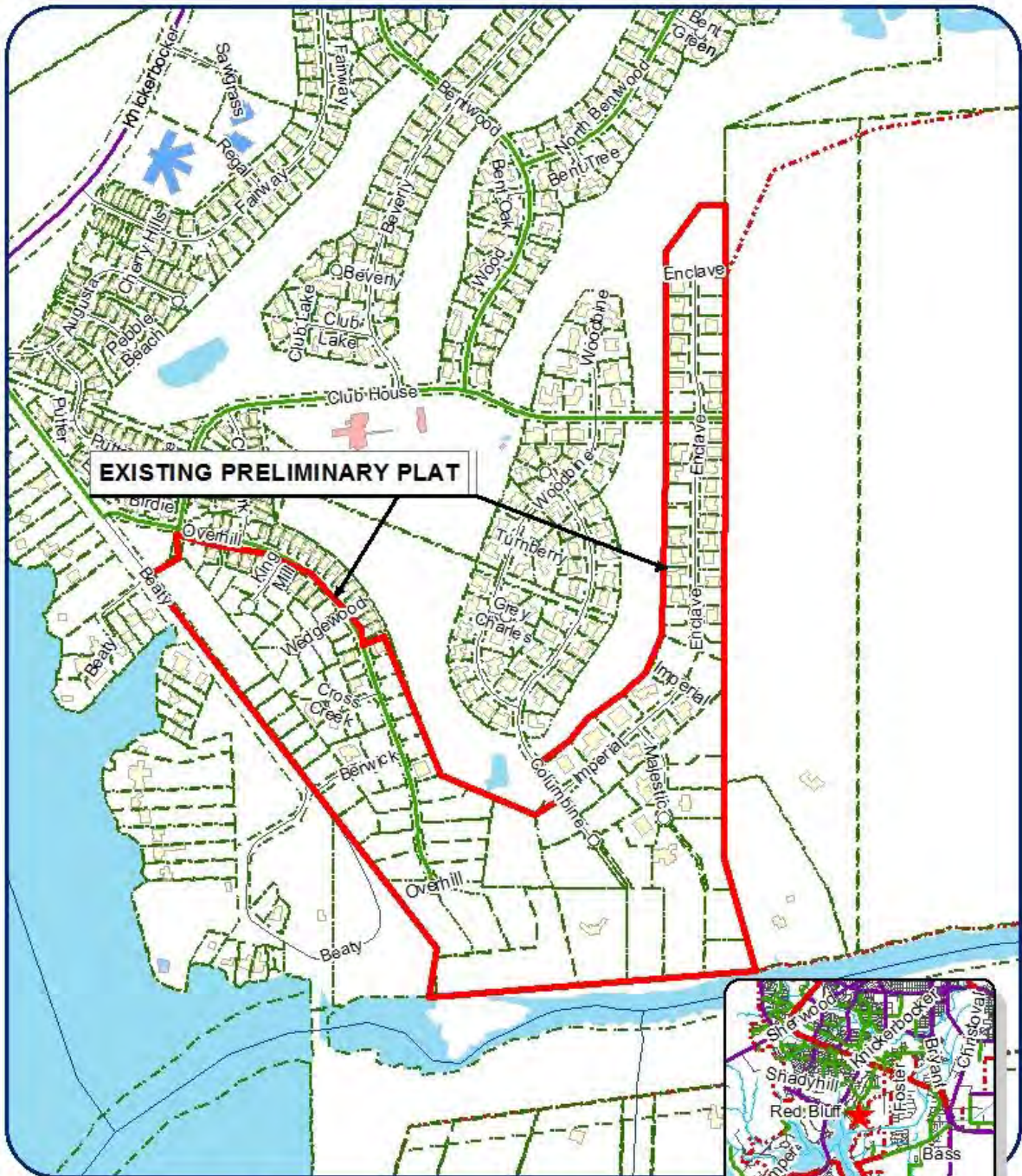
Subject Properties: —

Current Zoning: **RM-1, RS-1**

Requested Zoning Change: **N/A**

Vision: **Neighborhood**





Subdivision Case File

Bentwood C.C. Estates (S & SE)

Council District: Bill Richardson (SMD#1)

Neighborhood: Country Club

Scale: 1" approx. = 700 ft

Between Beaty Rd, N. Bentwood Dr, City Limits, S. Concho River

Legend

Subject Properties: RM-1, RS-1

Current Zoning: RM-1, RS-1

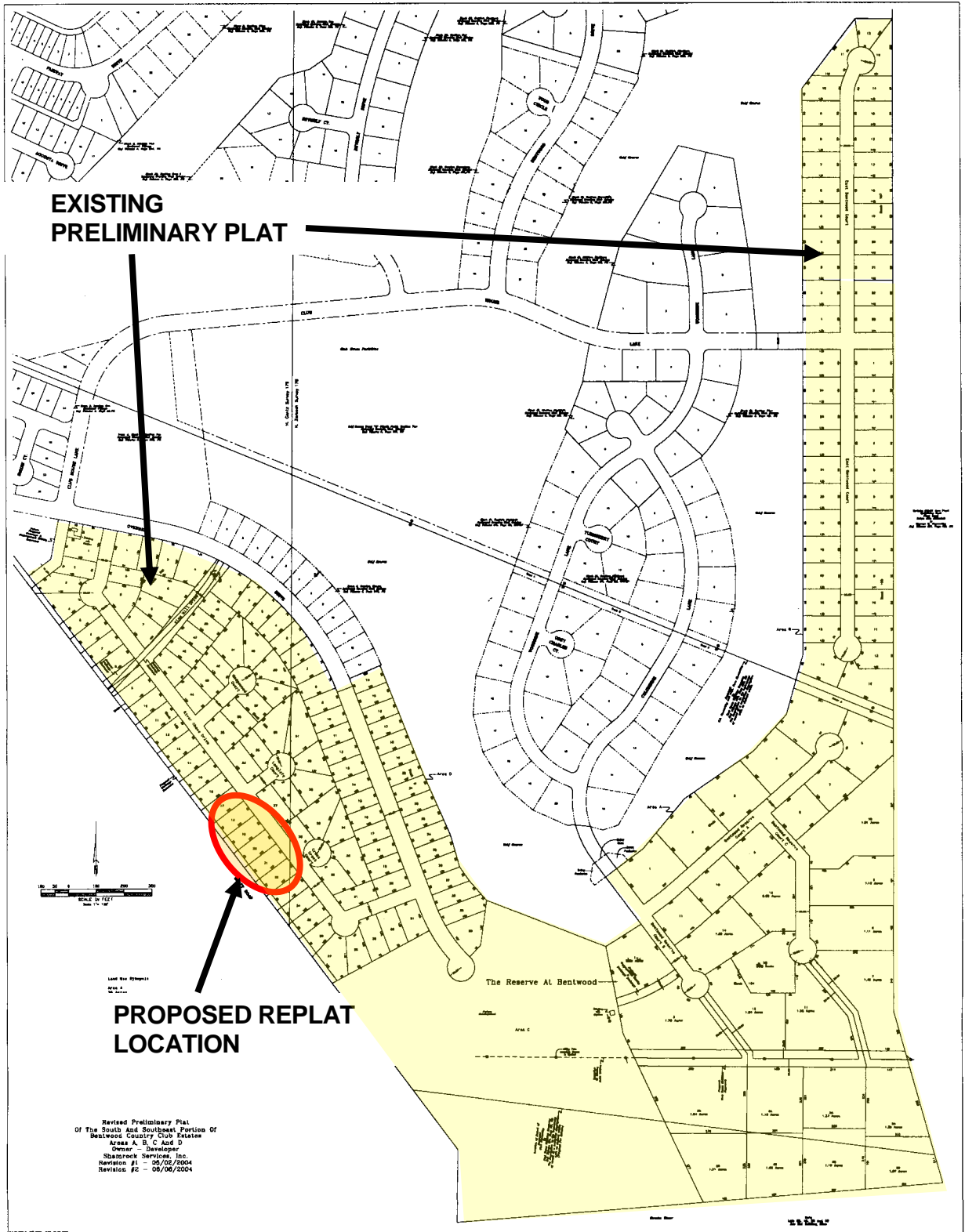
Requested Zoning Change: N/A

Vision: Neighborhood

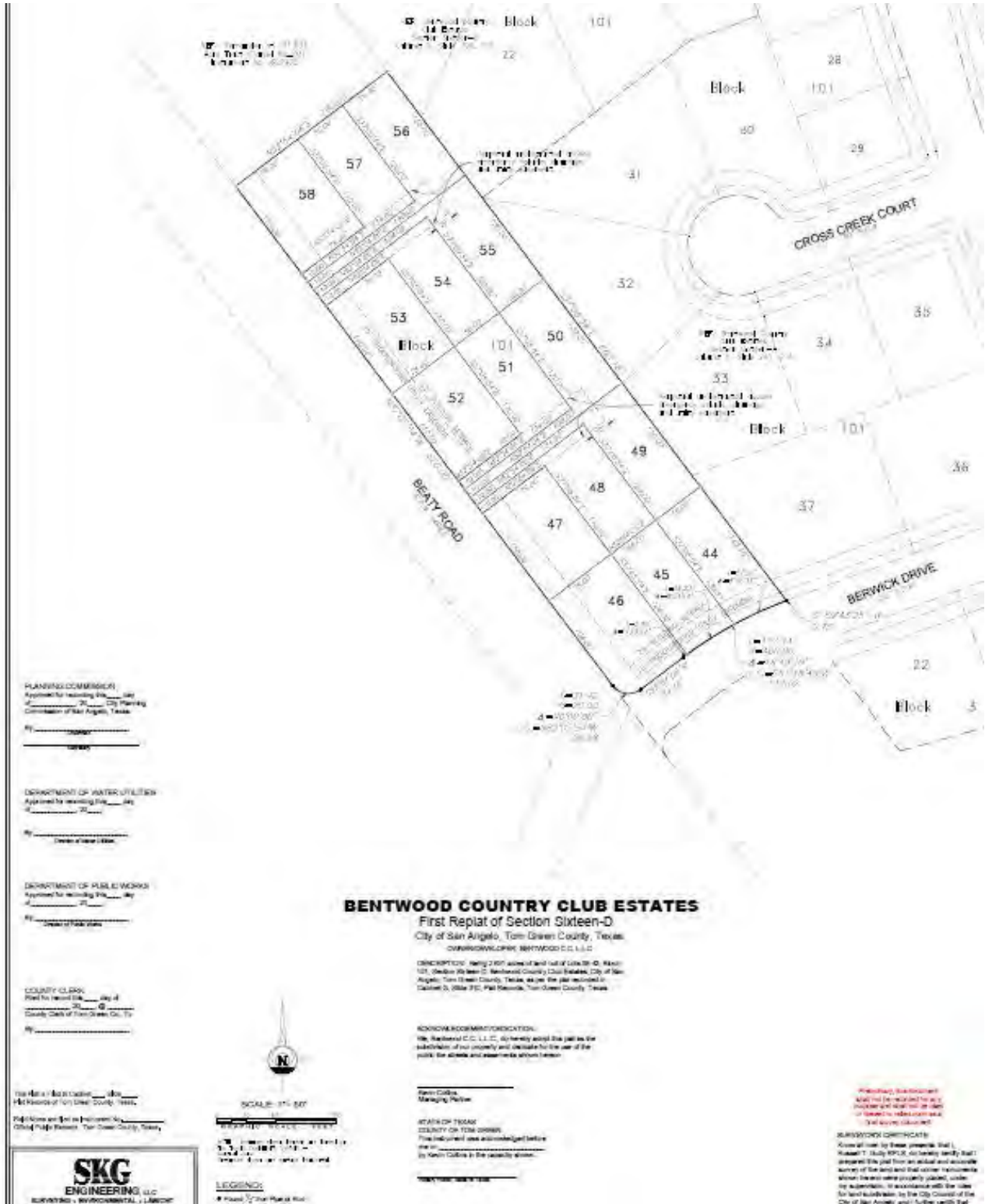
N



**Governing Preliminary Plat for the South and Southeast Portions of Bentwood
Country Club Estates
(Ratified by City Council on August 3, 2004)**



**Proposed 1st Replat of Bentwood Country Club Estates, Section 16-D
(Submitted on January 30, 2017)**



PLANNING COMMISSION
Approved for recording this plat by _____ City of _____ City Planning Commission of San Angelo, Texas.
By _____

DEPARTMENT OF WATER UTILITIES
Approved for recording this plat by _____ City of _____ City of _____ Department of Water Utilities.
By _____

DEPARTMENT OF PUBLIC WORKS
Approved for recording this plat by _____ City of _____ City of _____ Department of Public Works.
By _____

COUNTY CLERK
Filed for recording this plat by _____ City of _____ County Clerk of Tom Green County, Texas.
By _____

This plat is filed in Book _____ of _____ Map Records of Tom Green County, Texas.
Filed _____ at _____ in _____ County Public Records, Tom Green County, Texas.



BENTWOOD COUNTRY CLUB ESTATES
First Replat of Section Sixteen-D
City of San Angelo, Tom Green County, Texas
OWNER: Bentwood C.C. L.L.C.

DESCRIPTION: Being 2,707 acres of land out of Lot 28-D, Block 101, Bentwood Country Club Estates, City of San Angelo, Tom Green County, Texas, as per the plat recorded in District 5, Office P.O. Paul Reynolds, Tom Green County, Texas.

ACKNOWLEDGMENT: We, Bentwood C.C. L.L.C., do hereby accept this plat as the subdivision of our property and dedicate for the use of the public the streets and easements shown hereon.

Ben Collins
Managing Partner

STATE OF TEXAS
COUNTY OF TOM GREEN
The foregoing was acknowledged before me on _____ at _____ in _____ County, Texas.

Notary Public for Texas



SCALE: 1" = 50'

Legend symbols for:
- Easement
- Right of Way
- Other

Legend text: Easement, Right of Way, Other

Warning: This document shall not be relied on as a substitute for legal advice or to be used in any court of law.

SUBDIVISION CERTIFICATE: I, _____ County Clerk of Tom Green County, Texas, do hereby certify that I have examined the plat and the accompanying map and find that the same conform to the laws of the State of Texas and the rules of the City of San Angelo, and I further certify that...

STAFF REPORT



Meeting: February 20, 2017

To: Planning Commission

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

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

Staff Planner: Jeff Fisher
Planner I

Request: A request for approval of a Revised Replat in Block 101, Bentwood Country Club Estates, Section 16-D, and a Variance from Chapter 10, Section III.A.2. to allow for a 24-foot paving width and no sidewalk for Beaty Road, a Local Street

Location: Unaddressed tracts; generally located northeast of Beaty Road and Berwick Drive

Legal Description: Being 2.831 acres in Bentwood Country Club Estates, Section 16-D, Block 101, Lots 38-43

Size: 2.831 acres

General Information

Future Land Use: Neighborhood

Current Zoning: Low Rise Multi-Family Residence
Zoning District (RM-1)

Existing Land Use: Vacant Land

Surrounding Zoning / Land Use:

North:	Low Rise Multifamily Residence (RM-1)	Vacant Land
West:	Single-Family Residence (RS-1)	Vacant Land
South:	Low Rise Multifamily Residence (RM-1)	Vacant Land
East:	Low Rise Multifamily Residence (RM-1)	Single-Family Dwellings

District: SMD #1 – Bill Richardson

Neighborhood: Country Club

Thoroughfares/Streets:

Per the Master Thoroughfare Plan (MTP), this portion of Beaty Road, and Berwick Drive are classified as “Urban Local Streets.” Under the current 2006 Subdivision Ordinance, an Urban Local Street is defined as carrying light neighborhood traffic at low speeds. It requires a right-of-way width of 50 feet and a paving width of 40 feet, or 36 feet of paving width and a 4-foot sidewalk where the existing street is less than 36 feet wide. The existing right-of-way width for Beaty Road is 80 feet and the existing right-of-way for Berwick Drive is 50 feet, in compliance with the MTP. Berwick Drive has an existing paving width of 40 feet in compliance with the MTP. Beaty Road, however, has an existing paving width of 24 feet and no sidewalk, both of which are substandard. The applicant has requested a variance from the paving width and sidewalk requirement in the Subdivision Ordinance.

Staff Recommendation:

Staff’s recommendation is for the Planning Commission to **APPROVE** the Replat, **DENY** the variance to allow Beaty Road to remain with a 24-foot paving width with no sidewalk, and **REQUIRE** an additional eight feet of paving width with curb and gutter along Beaty Road with no sidewalk, **subject to four (4) Conditions of Approval** outlined at the end of the Staff Report.

Background:

Proposed Development

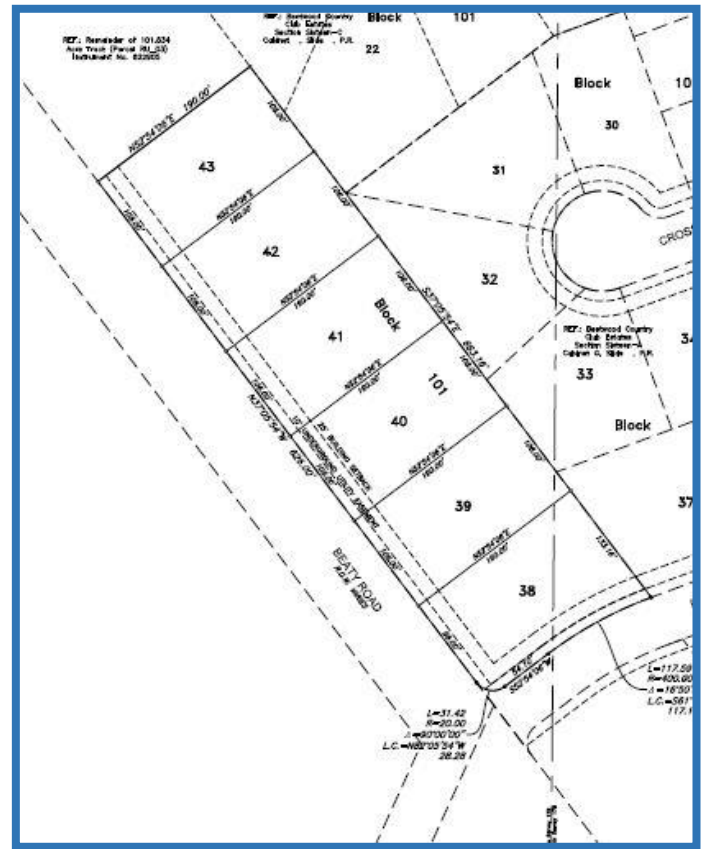
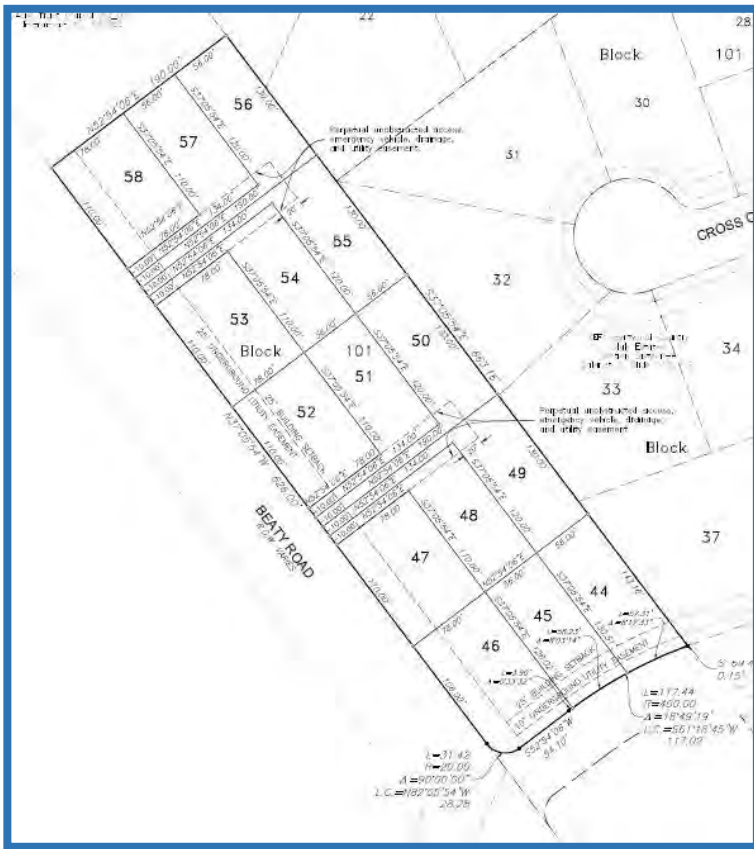
On January 30, 2017, the applicant submitted this request for a replat of the subject properties totaling 2.831 acres at the northeast corner of Beaty Road and Berwick Drive within Section 16-D of Bentwood Country Club Estates. The original plat was for six, single-family residential lots fronting onto Beaty Road and was approved by the Planning Commission on March 17, 2014, and recorded with the Tom Green County Clerk on February 11, 2016. The proposed replat increases the lot yield from 6 to 15 single-family residential lots, with 12 of these lots having flagged access onto Beaty Road through two 40-foot wide, perpetual unobstructed access, emergency vehicle, drainage, and utility easements. The Subdivision Ordinance does not have a minimum frontage width requirement so long as each lot has “direct and abutting access to an approved, accepted and publicly dedicated street right-of-way,” as per Chapter 9.III.A.1. The Fire Prevention Division requires a minimum fire line width of 20 feet and the shared access easements for the flag lots will be 40-feet wide, in compliance with this minimum. Lots 53-58 to the north will have access to Beaty Road through one of these easements, and Lots 47-52 will be serviced by the other easement. The three remaining lots, Lots 44, 45, and 46, will have direct and abutting access to Berwick Drive without easements. The lots sizes range from approximately 6,100 square feet to 8,300 square feet. Although about 2/3 smaller than the original lots, all of the proposed lots will comply with the minimum lot standards for single-family dwellings within the Low Rise Multifamily Residence (RM-1) Zoning District, which only require a minimum lot area of 5,000 square feet. Given the unique situation of flagged access for 12 of the lots, the minimum 50 feet of lot frontage and 100 feet of lot depth has been measured between the flag line and the rear lot line, not from Beaty Road. All of the lots when measured between this area meet the minimum dimensional requirements. The 3 non-flag lots on Berwick Drive also comply with the minimum lot frontage and lot width requirements.

Proposed Replat (2017)

- *15 lots
- *Flagged configuration
- *Lot sizes 6,100-8,300 sq. ft.

Approved Final Plat (2014)

- *6 lots
- *Full frontage onto Beaty Road
- *Lot sizes 20,100-25,000 sq. ft.



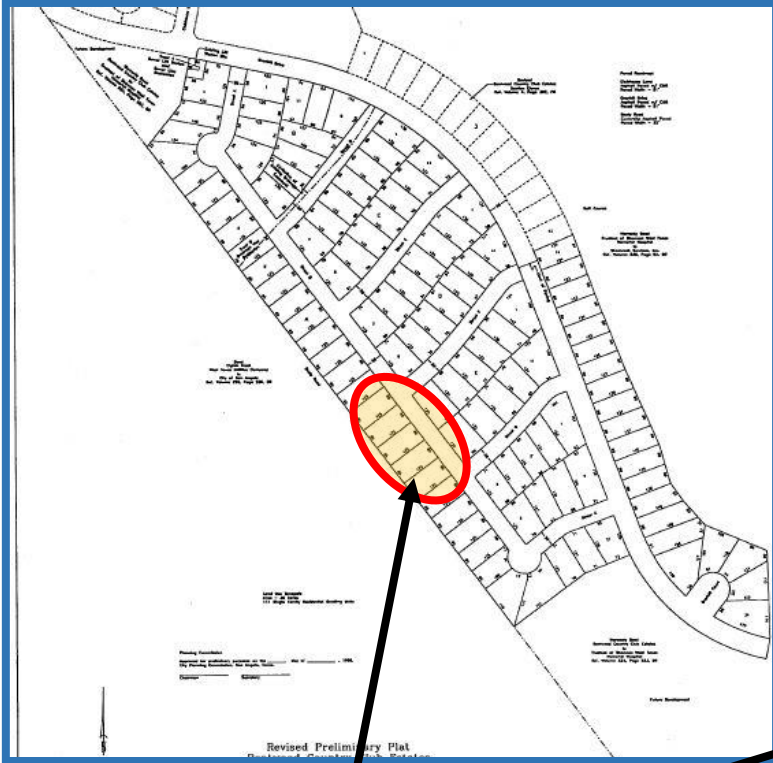
Drainage Issues

Engineering Services has expressed concerns regarding drainage for this configuration, and will require a revised drainage study to be submitted, including the new configuration. The revised study will have to address downstream impacts as there are no existing drainage easements or structures that can convey the runoff. Should the Planning Commission decide to approve the proposed replat, this will be a condition of approval.

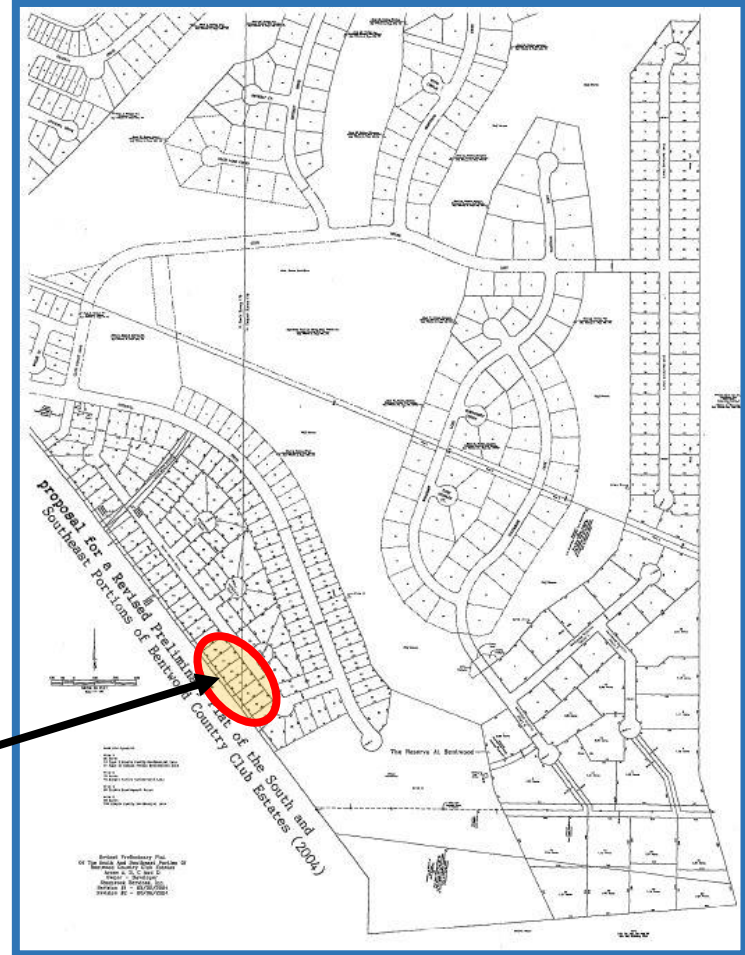
Previous Preliminary Plats

On May 18, 1998, the Planning Commission had approved a Revised Preliminary Plat for the south portion of Bentwood Country Club Estates which included the subject properties. This preliminary plat was ratified by City Council on June 1, 1999. Access to Beaty Road at that time was restricted by a 20-foot drainage way, leaving exclusive access to the lots from a future street to be located immediately east. This street, which became Overhill Drive, ended up being constructed further east, and not adjacent to the properties to provide access. Beaty Road is now the only access to the subject properties. A second Revised Preliminary Plat was approved by the Planning Commission on July 19, 2004, and ratified by City Council on August 3, 2004, to include additional streets to the southeast but maintained the same configuration of the subject properties.

Preliminary Plat, South Portion (1999)



Revised Preliminary Plat, South Portion (2004)



SUBJECT PROPERTIES

Repeal of Governing Preliminary Plat

As per Chapter 5.III.A.3. of the Subdivision Ordinance, a final plat shall generally conform to the preliminary subdivision plat approved by the Planning Commission. Planning Staff believe that the proposed replat does not generally conform with the governing preliminary plat from 2004 based on a proposed flagged lot configuration, greater number of lots, and smaller lot sizes. However, previous plat approvals were granted by Planning Commission which also did not appear to conform with the preliminary plat. They included the relocation of Overhill Drive further east with cul-de-sac lots facing the opposite direction of what was originally approved. This has now left the subject properties unable to conform with the preliminary plat because Overhill Drive is no longer adjacent, leaving Beaty Road as the primary access. Therefore, as per Chapter 5.III.A.d of the Subdivision Ordinance, the Director of Planning and Development Services will be requesting that the governing preliminary plat be repealed prior to any action taken on the proposed replat. This will allow the particulars of this development to proceed without having to conform to a preliminary plat.

Analysis (Plat):

A. Conformity with Comprehensive Plan and Intent of Purpose Statements

Chapter 5.III.A.3(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final plat, if the Commission finds the final plat does not comply with requirements of this or other applicable municipal ordinances, or if in the Commission’s opinion, the proposal would not be in conformance with the City’s Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance.”

The Planning Division believes that the proposed Replat is consistent with the City’s Comprehensive Plan and the Intent of Purpose Statements in Chapter 2 of the Subdivision Ordinance as follows:

City of San Angelo’s Comprehensive Plan

The City of San Angelo’s Comprehensive Plan designates this area “Neighborhood.” Goal #1 in Neighborhoods calls to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo’s neighborhoods.” The subject properties are located within a large area of Low Rise Multifamily Residence (RM-1) Zoning which allows a diversity of housing choices consistent with the Comprehensive Plan – single-family residences, two-family residences, twinhomes, townhouses, and two-story apartments. In this case, the developer has decided to develop the land for single-family residences, consistent with the adjacent properties on the east side of Beaty Road.

Goal #4 in Neighborhoods states that “new neighborhoods should integrate with the existing street network.” Planning Staff believes that while the replat has a flagged lot configuration, the lots will still integrate with the existing street network onto Beaty Road. While there is a large increase in the number of lots proposed from the previous plat, the flagged access easements will at least reduce the number of vehicles directly backing out onto Beaty Road, ensuring public safety. Therefore, Planning Staff believe the lot configuration, as proposed, conforms with this policy in the Comprehensive Plan.

Intent of Purpose Statements, Subdivision Ordinance, Chapter 2

An analysis of the relevant Intent of Purpose Statements are as follows:

B. To protect and provide for the public health, safety, and general welfare of the City of San Angelo.

Planning Staff believe that the flagged lot configuration with access easements, as shown, will ensure public health, safety and general welfare of the neighborhood. Vehicles would access off of the internal access easements, reducing potential collisions of vehicles reversing onto Beaty Road. As indicated, the City's Fire Prevention Division deems the configuration acceptable for fire access to the properties, and all lots will comply with the minimum lot area, lot frontage, and lot depth requirements of the Zoning Ordinance despite being smaller than the original approved lots. The Planning Division has concerns about the deficient width of Beaty Road and will provide further analysis in the variance section of this report below.

L. To insure that easements and right-of-way are provided for drainage, access, and all utilities.

The proposed replat will conform to this purpose statement. The flagged lot configuration includes two, 40-foot wide perpetual unobstructed access, emergency vehicle, drainage and utility easements to service 12 of the lots. The 40-foot wide easements are acceptable by the Fire Prevention Division as indicated above, and will allow efficient access to and from the lots for residents.

O. To insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development.

The proposed lot configuration will insure orderly and harmonious development. The establishment of shared access easements will allow internal driveways to be constructed that connect directly to Beaty Road. The 12 lots will be grouped into six clusters, each connecting to one of these future driveways. Within each cluster, three of the lots will be adjacent to one another, and face the other 3 lots, similar to typical street patterns.

Variance Analysis (Beaty Road):

Chapter 1.IV.A. of the Subdivision Ordinance requires that the Planning Commission consider, at minimum, four (4) factors in determining the appropriateness of any subdivision request. The applicant's reasons for both variance requests, 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 has stated that requiring an additional eight feet of paving width would result in an irregular jog in the street, creating a public safety issue. Planning and Engineering Staff believe the opposite is true – not paving the additional eight feet of paving width will create a public safety issue, placing additional traffic on an already substandard street, and leading to potential accidents. In addition, increasing the number of residential lots from six to 15 without providing any required road improvements would shift the financial burden to the City of San Angelo and its residents to pay for future improvements of Beaty Road. Planning Staff's position is consistent with previous Staff that reviewed the 2014 application for six residential lots: "Continuing to increase the traffic on a street which is significantly narrower than the requirements for the lowest classification of street clearly has an effect on the safety of travelling motorists." Staff believe that adding an additional nine lots can only make the situation worse. Planning Staff in their 2014 report clearly outlined the purpose of Chapter 9.III.5 in the Subdivision Ordinance, which requires an applicant to pave one-half of the incremental paving width to bring a street up to minimum standards: Proportionality and equity. Each developer along a street pays for their half of the street, ensuring a consistent roadway gets built and fairness in the land development process. However, once an exception is made for one developer, it opens the door for further variances so that lengthy portions of a street never get built to city standards. The City and local residents now have to cover the costs, and this is also unfair and disproportional to other developers who have or will pay for their share of street improvements adjacent to their properties. It is further noted that in the City Council Minutes of December 16, 1980, the applicant Bentwood Country Club Estates was willing to pave half the cost of the portion of Beaty Road adjacent to their land. Unfortunately, this never occurred and the entire portion of Beaty Road south of Augusta Drive, remains substandard.

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 that the conditions and geometry of this area are unique. Both Planning and Engineering Staff do not believe that there is anything unique about this portion of Beaty Road other than that it has substandard paving width. Engineering Staff believe there is ample public right-of-way (80 feet) to make the necessary road improvements. Planning Staff agrees. The flag configuration may be different than traditional lots that directly front onto the street, but it is not unique in the sense that would warrant a variance from the required paving improvements. The increase of nine additional lots, whether flagged or not, will increase traffic on the existing substandard street. Without the applicant paving their incremental half of the street as required by the Subdivision Ordinance, the traffic situation can only be further exacerbated.

- 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 believes that requiring widening of Beaty Road is not in the spirit of the reasonable requirements of development. The Planning Division does not believe it is unreasonable to ask for the normal standard of development – paving one-half of the applicant's incremental half of the street. Staff believes it would be unreasonable to require the City of San Angelo and its residents to pay for the costs of any further widening for the developer. Planning and Engineering Staff do not see any particular hardship that would result from the shape or topographical conditions of the properties. Staff is greatly concerned with the future of Beaty Road if a variance is granted to maintain a substandard paving width. The applicant owns the remaining land on the east side of Beaty Road between Berwick Drive and Overhill Drive which stretches 1,200 feet along Beaty Road. The original plat was for six lots. The new plat now has 15 lots. There is nothing stopping the applicant from taking their remaining land and increasing their lot yield through more flagged configurations while seeking additional variances from the paving standards. As mentioned, there are at least 40 lots south of the subject properties that require usage of Beaty Road as their primary access. With the remaining land still available, the number of lots fronting onto a street that is only 24 feet wide could double.

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

The applicant does not believe the variance would vary the provisions of any ordinances. The Planning and Engineering Divisions both agree on this criterion. All of the proposed lots will comply with the minimum lot area, lot frontage, and lot depth provisions of the Zoning Ordinance. Regardless, Staff is not willing to support a variance for an additional nine lots on a street with a deficient road width, nor willing to set a dangerous precedent for adjacent future development to do the same.

Sidewalk:

Both Planning and Engineering Staff do not believe a sidewalk is warranted in this location. There are no other sidewalks in the immediate vicinity nor are the properties located within a Safe Routes to School Plan. There does not appear to be any beaten paths or the presence of heavy pedestrian activity along this street. Given the increase in the number of lots proposed, Staff is requesting an increasing in the paving width which is most paramount at this time. Staff supports the variance request from the requirement for a sidewalk in this location.

Notification:

On February 7, 2017, 24 notifications were mailed within a 200-foot radius of the subject site, and within the same subdivision, as required per the Texas Local Government Code. Notice of the public hearing was also published in the *San Angelo Standard Times* as required per the Texas Local Government Code on February 7, 2017. As of February 10, 2017, there were no responses in favor or opposition.

Actions Available to the Planning Commission:

1. **APPROVE** the Replat, **APPROVE** the variance to allow Beaty Road to remain with a 24-foot paving width with no sidewalk;
2. **APPROVE** the Replat, **APPROVE** the variance to allow Beaty Road to remain with a 24-foot paving width **and construct** a 4-foot wide sidewalk;
3. **APPROVE** the Replat, **DENY** the variance to allow Beaty Road to remain with a 24-foot paving width with no sidewalk, and **REQUIRE** an additional eight feet of paving width with curb and gutter along Beaty Road with no sidewalk;
4. **APPROVE** the Replat, **DENY** the variance to allow Beaty Road to remain with a 24-foot paving width with no sidewalk, and **REQUIRE** an additional eight feet of paving width with curb and gutter along Beaty Road **and construct** a 4-foot wide sidewalk.

Staff Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE Option #3**, subject to four (4) Conditions of Approval:

Proposed Conditions:

1. Per Land Development and Subdivision Ordinance, Chapter 7.II.A, 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. Per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to streets (adjacent segments of Beaty Road, an urban local street) by half the additional increment

necessary to comprise the minimum paving widths. For Beaty Road, the minimum width is 36 feet with a 4 foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either 6 additional feet with curb and gutter and a 4 foot sidewalk, or 8 additional feet with curb and gutter). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period per Land Development and Subdivision Ordinance, Chapter 6. A second alternative would be to obtain approval of a variance from the Planning Commission as per Land Development and Subdivision Ordinance, Chapter 1.IV.

3. Per Stormwater Ordinance, Section 12.05.003(b), 12.05.004, 12.05.005(b) and (c), prepare and submit a revised drainage study that includes the new configuration and which addresses downstream impacts.
4. Atmos Energy has a gas main and service stubs in the existing easement to serve the existing 6 lots. Should this replat be approved, only the lots on Beaty Road will be able to have gas service unless additional mains are installed at the Developers expense. Should the Developer want gas service please call Ms. Earla Ahrens at 325-650-1167.

Attachments: Aerial Map
 Future Land Use Map
 Zoning Map
 Major Thoroughfare Plan
 Proposed Replat
 Application with Variance Request



Subdivisions Case File

R-1, S-16D, Bentwood CC Estates

Council District: District 1 (Richardson)

Neighborhood: Country Club

Scale: 1 Inch :: 200 Feet

Legal Description: Lots 38-43, Blk 101, Bentwood Country Club Estates

Legend

- Subject Properties:
- Current Zoning: **RM 1**
- Requested Zoning Change: **N/A**
- Vision: **Neighborhood**





Subdivisions Case File

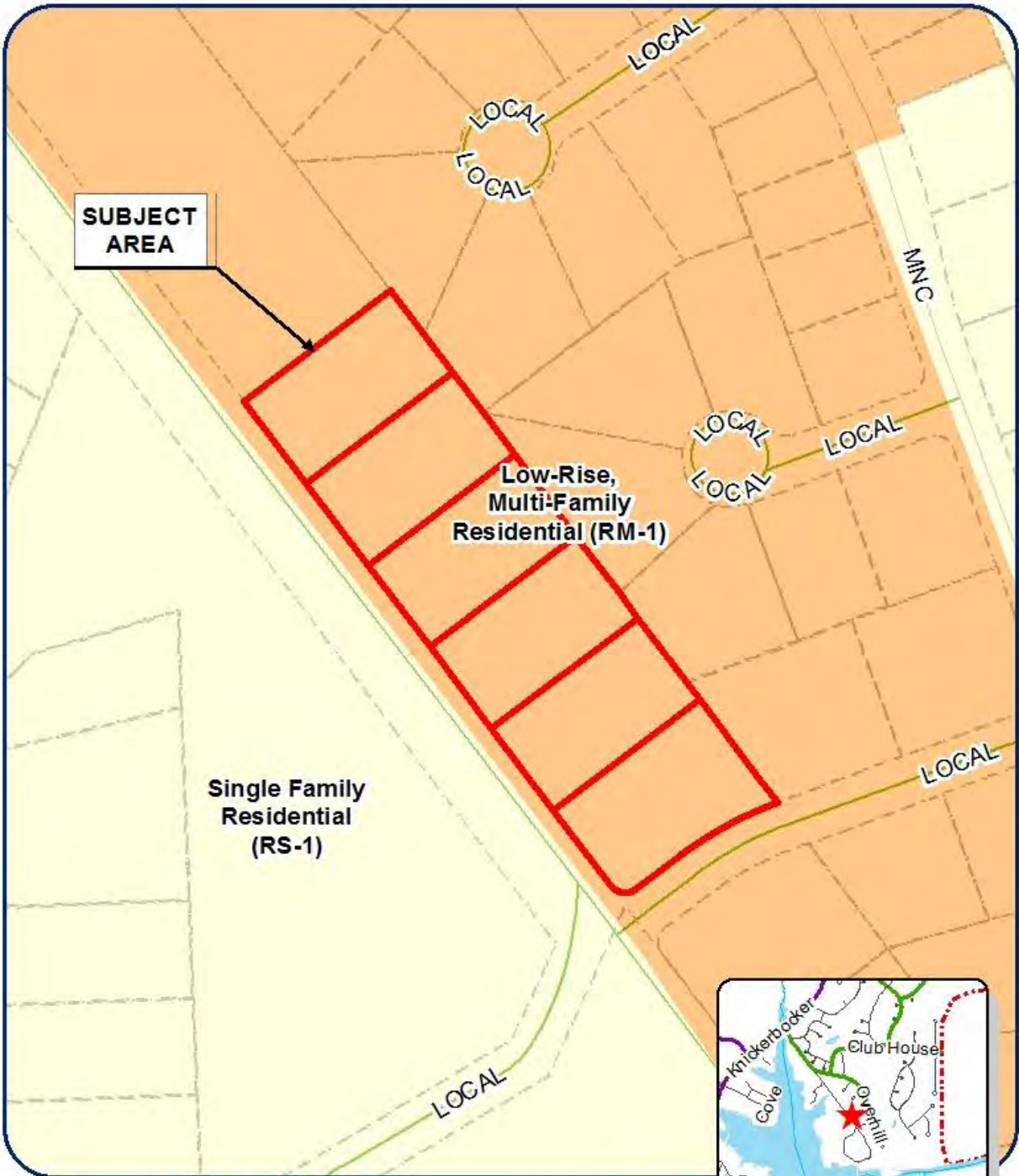
R-1, S-16D, Bentwood CC Estates

Council District: District 1 (Richardson)
 Neighborhood: Country Club
 Scale: 1 Inch :: 200 Feet
 Legal Description: Lots 38-43, Blk 101, Bentwood Country Club Estates

Legend

Subject Properties: 
 Current Zoning: **RM 1**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





Subdivisions Case File
R-1, S-16D, Bentwood CC Estates
 Council District: District 1 (Richardson)
 Neighborhood: Country Club
 Scale: 1 Inch : 150 Feet
 Legal Description: Lots 38-43, Blk 101, Bentwood Country Club Estates

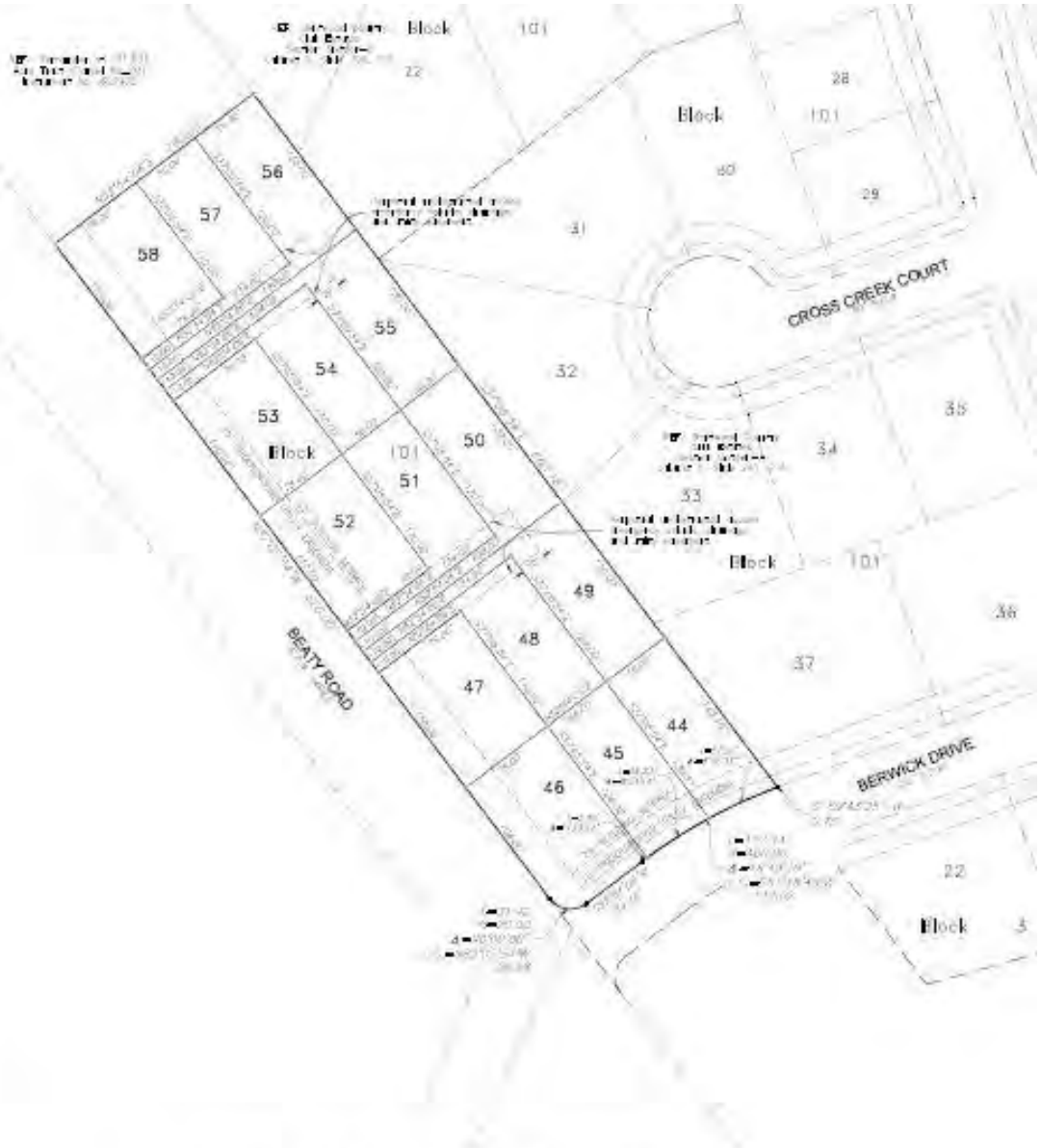
Legend
 Subject Properties:
 Current Zoning: **RM 1**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





Subdivisions Case File		Legend	
R-1, S-16D, Bentwood CC Estates		Subject Properties:	
Council District: District 1 (Richardson)	Current Zoning:	RM 1	
Neighborhood: Country Club	Requested Zoning Change:	N/A	
Scale: 1 Inch :: 200 Feet	Vision:	Neighborhood	
Legal Description: Lots 38-43, Blk 101, Bentwood Country Club Estates			





PLANNING COMMISSION
 Approved for recording this plat by _____ City of _____, Texas, City Planning Commission of San Angelo, Texas.
 By _____
 Date _____

DEPARTMENT OF WATER UTILITIES
 Approved for recording this plat by _____ City of _____, Texas.
 By _____
 Date _____

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this plat by _____ City of _____, Texas.
 By _____
 Date _____

COUNTY CLERK
 Filed for record this _____ day of _____, 20____
 County Clerk of Tom Green Co., TX
 By _____

BENTWOOD COUNTRY CLUB ESTATES

First Replat of Section Sixteen-D
 City of San Angelo, Tom Green County, Texas
 CONVEYANCE DEVELOPER: BENTWOOD C.C. L.L.C.

DESCRIPTION: Being 2,607 acres of land out of Lots 28-D, Block 101, Section 16, Town 2, Range 10, East 101, Section 16, Tom Green County, Texas, as per the plat recorded in District 3, State 710, Plat Records, Tom Green County, Texas.

ACKNOWLEDGMENT
 We, Bentwood C.C. L.L.C., do hereby certify this plat as the subdivision of our property and declare for the use of the public, the streets and easements shown herein.

Survey Code
 Mapping Notice

STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before me on _____ day of _____, 20____, by _____ as Bentwood C.C. L.L.C. as the conveyance.

Notary Public in and for the State of Texas



SCALE: 1" = 60'

1" = 100' (for lots 31-58)

LEGEND
 # Shows 1/2 inch Manual Plot (not shown on plat)

Platting Submittal
 All plat submittals must be accompanied by a platting fee of \$100.00 per acre of land to be subdivided. (See platting rules.)

SURVEYOR CERTIFICATE
 I, _____, Surveyor, do hereby certify that I have surveyed the land and that the corners and 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 further certify that





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: Basic Information

Bentwood Country Club Estates, First Replat of Section Sixteen-D

Proposed Subdivision Name
 Lots 38-43, Block 101, Section Sixteen-D, Bentwood Country Club Estates

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 Tax ID BP-02016-(1954 to 1970)-000-00 Property ID R000072094

Tax ID Number(s) (can be found on property tax statement or at www.tomgreencad.com under Geographic ID)

One Authorized Representative must be selected below. All communications regarding this application will be conducted with this individual.

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
Bentwood C.C. L.L.C.	325-374-7023	bentwoodtennis@cs.com

Property Owner:

Name	Phone Number	Email Address
SKG Engineering	325-855-1288	rg@skge.com

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address
SKG Engineering	325-855-1288	rg@skge.com

Subdivision Type: Final Plat Replat - requiring Planning Commission approval Plat Vacation
 Preliminary Plat Replat - administratively eligible* Amended Plat

*If claiming eligibility for administrative approval, please note that *all of the following criteria* must be met; otherwise, the application will be scheduled for hearing by Planning Commission 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 dedication, etc) is required;
- all new lots or tracts front onto an existing public street right-of-way which is fully improved 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 are not removed or realigned without the express written permission from each utility service, or without the formalized release of said easement(s); and,
- in the case of replats requiring notification, no written opposition is received before the close of the public hearing.

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? 1" - 2"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____

Sewer: City - requesting new services Proposed size? 4"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? _____

(NOTE: Please see Tom Green County Health Department for Septic System Permit 325-658-1024)

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

If yes, briefly describe each, including the use and size:

Section 3: Property Characteristics

2.831 15
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 2.831 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 2.831 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.*

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

From road widening or sidewalk

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Chap. 10, Sec III, A. 2.

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 planning commission has approved this variance request previously. Requiring this would result in irregular roadway alignment which would be a public safety issue.

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 and geometry of this area are unique.

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.

[Signature]
Owner's Signature

[Signature]
Representative's Signature

1-26-17
Date

1-26-17
Date

FOR OFFICE USE ONLY:

Submitted to front desk: 1/30/17 Date Deemed preliminary complete: 1/30/17 1:23pm Date Time JF Initials

Received by Development Services Technician for completeness review: 1/30/17 1:23pm Date Time JF Initials

Completeness review passed? Yes 1/30/17 Date No _____ Date

If yes, when was application scheduled for staff review, if applicable? 2/4/17 Date JF 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 _____ Date No _____ Date

Approvals required for this application:	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission <u>2/20/17</u>	_____	_____	_____
City Council (eases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____



Memo

To: Planning Commission
From: Jon James, Director of Planning & Development Services
Date: February 20, 2017
Re: Modular Homes

The Planning & Development Services Department has reviewed the current requirements within the Zoning Ordinance for the development of modular homes within the City. Because “modular homes” are not specifically defined within the Zoning Ordinance, some background and clarification is needed.

A modular home is not a mobile home; it is simply a home that is built off-site, as opposed to on-site. These homes are often called factory-built, system-built, or prefab (short for prefabricated) homes. The Texas Department of Licensing and Regulation categorizes modular homes as “Industrial Housing” and provides the following definition in Title 7, Subtitle C., Chapter 1202, Subchapter A, Section 1202.002:

Sec. 1202.002. DEFINITION OF INDUSTRIALIZED HOUSING.

- (a) Industrialized housing is a residential structure that is:
 - (1) designed for the occupancy of one or more families;
 - (2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - (3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- (b) Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (c) Industrialized housing does not include:
 - (1) a residential structure that exceeds four stories or 60 feet in height;

- (2) housing constructed of a sectional or panelized system that does not use a modular component; or
- (3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Because the State mandates that “single-family...industrialized housing must have all local permits and licenses that are applicable to other single-family...dwellings,” the Planning & Development Services Department treats single-family industrialized housing (i.e. single-family modular homes) as Single-Family Detached Dwellings. The Zoning Ordinance defines these as:

DWELLING, SINGLE-FAMILY: A detached building having accommodations for and occupied by not more than one family or housekeeping unit, and which occupies a lot or tract of land on which no other dwelling unit (except an accessory apartment where explicitly allowed by this Zoning Ordinance) is situated. Separate guest quarters which do not include facilities for both cooking and sanitation are allowed to occupy a detached accessory structure on the same lot as a single-family dwelling.

Moreover, in the Zoning Districts where the Zoning Ordinance allows Single-Family Detached Dwellings, the Department has interpreted this allowance to also convey applicability to Modular Homes. This means that Modular Homes are permitted, by right, in the R&E, RS-1, RS-2, RM-1, and MHS Zoning District.

Some Modular Home (i.e. Industrial Housing) facts:

- They can be customized, their designs vary in style and size
- They are permanent structures — “real property”
- They can be built on crawl spaces and basements
- They are faster to build than 100 percent site-built homes
- They can be built to withstand 175-mph winds
- Home loans are the same as site-built homes
- Insurance premiums are the same as site-built homes

Any changes to the City’s Zoning Ordinance must treat modular homes the same as any other site-built home. Therefore, if any new regulations are recommended they must apply across the board to both. Some examples of regulations used in other cities to regulate all single-family homes and ensure consistency include the following:

- Minimum roof pitch
- Requiring a permanent foundation and screening of elevated foundations
- Façade materials



Memo

To: Planning Commission
From: Jon James, Director of Planning & Development Services
Date: February 20, 2017
Re: Schools

The Planning & Development Services Department has reviewed the current requirements within the Zoning Ordinance for the development and/or expansion of schools within the City. Because the Zoning Ordinance changed how schools could develop after 2000, it is necessary to explain how schools were permitted in the past and how they are reviewed today.

Prior to 2000, the Zoning Ordinance allowed “public, private or parochial schools having a curriculum equivalent to a public elementary or high school” in all residential zoning districts, but not in any of the commercial or industrial zoning districts, except for the Central Business District (CBD).

The current Zoning Ordinance, adopted in January 4, 2000, removed new schools, defined as “public and private schools providing a basic curriculum equivalent to an elementary or secondary school” as permitted uses in all residential districts eliminating the need to obtain a Conditional Use from the Planning Commission. However, the new Ordinance does allow schools as of right in some commercial districts, including in the CO, CG, and the CBD zoning categories. The attached use table from Section 310 of the Ordinance outlines which Zoning Districts allow schools as of right, and which require a Conditional Use approval.

Schools are required to meet the development standards of the Zoning District in which they are located. In addition, unless they are part of Planned Development with its own zoning standards, schools are required to meet the parking standards outlined in Section 511 of the Zoning Ordinance. Elementary schools require 1.5 spaces per classroom; middle schools 3 spaces per classroom; and high schools 9 spaces per classroom.

The current Zoning Ordinance added a provision dealing with existing schools that lawfully occupied land or buildings prior to January 4, 2000: Schools located in a Zoning District where there is a Conditional Use option are considered a lawful Conditional Use as if the Planning Commission approved it as such. However, the Planning Division has required these schools to obtain for a Conditional Use approval when they expand their current floor area beyond what was legal prior to the new Ordinance.

In addition, existing schools not located in a Zoning District where there is a Conditional Use option, would be Legally Non-Conforming if they were lawful at the time they were erected. They would have an option to apply for an Expansion of a Non-Conforming Use as outlined in Section 602.A. of the Zoning Ordinance.

Because the majority of schools within the City were constructed, and still remain, within residential Zoning Districts, the Department is seeking feedback from the Commission regarding a simplified process for schools to be newly constructed or expanded upon. Some options include:

- Leave the Ordinance as-is, with no changes
- All schools, existing and proposed, shall be rezoned to a Planned Development with specific conditions and restrictions tailored to that particular facility
- Create development standards and zoning requirements applicable to the type of school (recommended):
 - All types of schools allowed by right in all non-residential Zoning Districts;
 - Elementary and middle schools allowed in residential areas; and
 - Ninth grade and high schools allowed in residential areas, with either Special Use or Conditional Use approval.

As part of the specific design standards being addressed in this proposed Ordinance amendment, staff will be focusing on issues like pedestrian access, lighting, traffic, parking, and landscaping.

CURRENT ZONING STANDARDS FOR SCHOOLS
CITY OF SAN ANGELO

Sec. 310. Use Table

		R+E	RS1	RS2	RS3	Rm1	RM2	MHP	MHS	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
Schools	elementary, middle, or high school schools	C	C	C	C	C	C	-	C	C	A	A	-	A	-	-	-	A

Sec. 314. Institutional and Civic Use Categories

Schools

1. Characteristics. This category includes public and private schools providing a basic curriculum equivalent to an elementary or secondary school.
2. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.
3. Examples. Examples include public and private daytime schools, boarding schools and military academies.
4. Exceptions
 - a. Preschools are classified as Day Care uses.
 - b. Business and trade schools are classified as Retail Sales and Service.

Sec. 502. Nonresidential District Standards

B. Nonresidential District Bulk Regulations. Except as specifically set forth elsewhere in this Zoning Ordinance, any nonresidential use in a nonresidential district shall conform to the following standards:



Standard	Districts								
	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
Maximum Floor Area Ratio	0.60	2.00	2.00	2.00	3.20	.80	2.00	2.00	2.00
Maximum Height (ft.)	35	-	-	35	-	35	-	-	-
Minimum Lot Area (sq. ft.)	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Minimum Lot Width (ft.)	50	50	50	50	50	50	50	50	50
Minimum Lot Depth (ft.)	80	80	80	80	80	80	80	80	80
Minimum Front Yard (ft.)	25	25	25	25	exempt	25	25	25	25
Minimum Side/Rear Yard (ft.)	None required unless abutting* residential district or use, where minimum of 10 feet required								



Sec. 511. Off-Street Parking Standards

Schools	
Elementary school	1.5 spaces/classroom
Middle school	3 spaces/classroom
High school, college, university, business or trade school	9 spaces/classroom

Sec. 601. Continuance of Nonconformities

Nonconformities shall be allowed to continue in accordance with the regulations of this Article. If a use lawfully occupying land or buildings immediately before the effective date of this Zoning Ordinance, on January 4 of 2000, is classified by the Use Table in [Sec. 310](#) as a conditional use in the zoning district where that use is located, such use shall not be considered a nonconforming use. The existing use shall be considered a lawful conditional use, the same as if the Planning Commission had expressly approved the location of that use on the lot where existing at the effective date of this Zoning Ordinance.

If a use lawfully occupying land is classified as a conditional use subsequent to the effective date of this Zoning Ordinance on January 4 of 2000, by amendment of this Zoning Ordinance, such use shall be considered a legally nonconforming use subject to the restrictions contained within this article.

Sec. 602. Expansion

A. Nonconforming Use. No nonconforming use may be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on the effective date of this Zoning Ordinance, except upon authorization by the Planning Commission and in conformance with the procedures set forth in [Sec. 609](#). Establishment or extension of a lawful use in a nonconforming structure shall not be deemed the extension of a nonconforming use.

B. Nonconforming Structure. No nonconforming structure may be enlarged, expanded or extended in such a manner that it shall be made more nonconforming (for example, by increasing the encroachment of a building into a required yard or by increasing the height of a structure above that allowed for the affected district). A nonconforming structure may be enlarged, expanded or extended so long as the nonconforming feature is not enlarged, expanded or extended, thereby making the structure more nonconforming.