

STAFF REPORT



Meeting: March 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 three variances to the Land Development and Subdivision Ordinance:

- Section 9.III.A.5, which requires the dedication and subsequent improvement of public roadway in accordance with minimum standards outlined in Section 10.III.A (Shahan Road, an Arterial roadway requiring an 80- to 94-foot right-of-way width and 64-foot pavement width with curb and gutter);
- 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
- Section 10.III.A, subsections 1 and 2, which requires an Arterial roadway (Shahan Road) to have an 80- to 94-foot right-of-way width and contain a 64-foot pavement width with curb and gutter.

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. Originally scheduled for the February 20, 2017 Planning Commission public meeting, the Petitioner requested a postponement until the March 20, 2017 public meeting due to unforeseen circumstances.

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 Section 9.III.A.5, which requires the dedication and subsequent improvement of public roadway in accordance with minimum standards outlined in Section 10.III.A (Shahan Road, an Arterial roadway requiring an 80- to 94-foot right-of-way width and 64-foot pavement width with curb and gutter);
- **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
- **DENY** the Variance to Section 10.III.A, subsections 1 and 2, which requires an Arterial roadway (Shahan Road) to have an 80- to 94-foot right-of-way width and contain a 64-foot pavement width with curb and gutter.

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



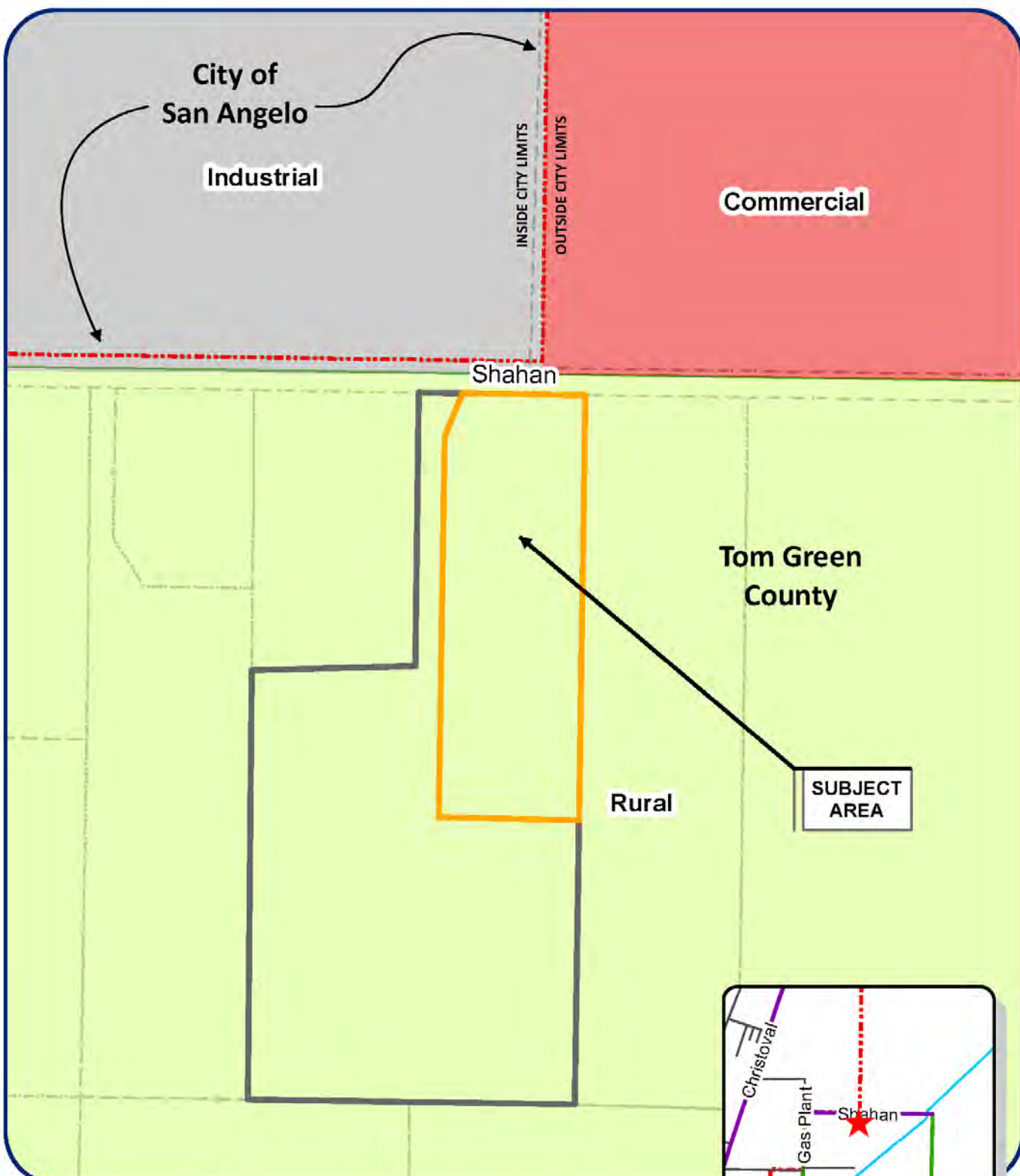
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community

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





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

D.C. Meier Subdivision Section One

Proposed Subdivision Name

2.500 acres out of L.P. Moore Survey No. 169 1/2, Abstract No. 1637

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)

Unavailable as of 01/30/2017

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
D.C. Meier	325.247.6032	dirtwork1@icloud.com

Property Owner:

Name	Phone Number	Email Address
D.C. Meier	325.247.6032	dirtwork1@icloud.com

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address
SKG Engineering	325-655-1288	herbh@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? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: Millersview - Doole WSC

Sewer: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? 2.500 ac.

(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

2.500

1

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 2.500 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 2.500 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:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Ch.9 Sec.III.A.5, V, Ch.10 Sec.10.III.A.1&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 granting of this variance would not be detrimental to the public safety, health or welfare, or be injurious to other property as this is an existing, functional, roadway and ROW (in use). A sidewalk in this area would not be used and the short lot frontage would effect no benefit of the sidewalk.

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 on which this request for variance are based are unique to this property in that in the area of this tract there is almost complete development, on large tracts that have not been required to pursue the platting process for their development and will not, in the future, have to go through the process.

(Section 4 continues on next page)

Section 4, continued

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
Due to the physical surroundings and topographical conditions including existing drainage and adjoining fencing, a particular hardship to the owner would result, along with incompatible development conditions.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
Approval of these variances will not, in any significant way, vary the provisions of the applicable ordinances because the existing, developed, conditions embrace the ROW, pavement, and no sidewalks that presently function as a unified component of the existing neighborhood as viable examples of their function with respect to the ordinances.

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.11 of the Subdivision Ordinance.

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

Owner's Signature _____
David Hoover
 Representative's Signature _____

Date _____
01/30/2017
 Date _____

FOR OFFICE USE ONLY:

Submitted to front desk: 1/30/2017 Date Deemed preliminary complete: 1/30/2017 4:13pm Date Time df Initials

Received by Development Services Technician for completeness review: 1/30/2017 4:13pm Date Time df Initials

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

If yes, when was application scheduled for staff review, if applicable? 2/8/17 Date df 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

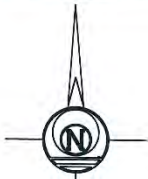
Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)
 Yes _____ Date No _____ Date

Approvals required for this application:

	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission <u>2/20/17</u>	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____



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.

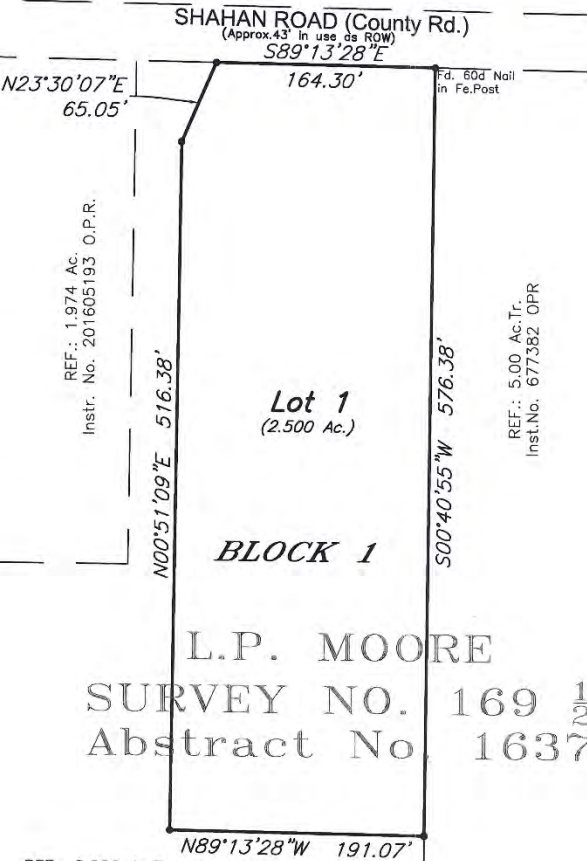
By: _____

STATE OF TEXAS

COUNTY OF TOM GREEN

This instrument was acknowledged before me on ___ by David C. Meier.

Notary Public, State of Texas



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

REF.: 8.026 Ac.Tr.
Vol. 758, Pg. 774 OPRRP
& Vol. 812, Pg. 49 OPRRP

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

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

708 SOUTH AIRE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.656.1288
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

CON
COM
OFF

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 before me, the undersigned authority, this 12th day of July 2016
Elizabeth McGill
 by
Debra M. Monahan Chief Deputy
 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.); 7/17/07 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	SEFOCK 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 6038	TYLER TER	2	JARRETT RD		US 87			2.217		20'	
AA 1400	UNTERMEYER RD	2	MAINT ENDS		FM388			0.492		22'	
AA 1106	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 4/06 Paved 2.1 mi.; 9/07 Seal .4 mi.; 10/07 Seal 1.3;
AA 2000	WILDE RD	2	JARRETT RD		FM 765			2.128		24'	
		2	US 87		SURFACE		2.657			24'	

STAFF REPORT



Meeting: March 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 Las Lomas Ranchettes Subdivision, Section Eleven, 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 requiring the dedication of 5 feet of public street right-of-way and improvement of 6.5 feet of additional pavement along a segment of Rio Vista Circle;
- Sections 9.III.A.5.a.2 and 10.III.A.2 to retain current substandard right-of-way and pavement widths along a segment of Rio Vista Circle, a rural local road; 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 (Rio Vista Circle)

Location: An unaddressed tract generally located outside of the San Angelo municipal corporate limits and within the City's Extra-

territorial Jurisdiction (ETJ) along the south side of Rio Vista Circle, east of Las Lomas Drive

Legal

Description: 0.265 acres, being 0.106 acres out of the P.W. McNease Survey 1, Abstract 5739, Tom Green County, TX and 0.159 acres out of the Peter Duffy Survey 171, Abstract 133, Tom Green County, TX

Size: 0.265 acres

General Information

Future Land Use: Neighborhood

Current Zoning: Single-family Residential (RS-1)

Existing Land Use: Vacant

Surrounding Zoning / Land Use:

North:	Single-family Residential (RS-1)	Residential
West:	Single-family Residential (RS-1)	Residential
South:	Ranch & Estate (R&E)	Vacant Land
East:	Single-family Residential (RS-1)	Residential

District: SMD #1

Neighborhood: Nasworthy

Thoroughfares/Streets:

Rio Vista Circle is defined as a "Rural Local 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, and they generally consist of a minimum ROW width of 60' and a minimum pavement width of 30', no curb and gutter required.

Background:

The proposed final plat will create one lot; new street right-of-way will not be created. The vacant 0.265-acre site is located in an area that was annexed in November of 1989. The Las Lomas Ranchettes neighborhood largely consists of metes-and-bounds conveyances that were conducted prior to annexation. Rio Vista Circle is classified as a Rural Local Road (60' minimum ROW, 30' minimum pavement width, no curb and gutter). There are no records of Rio Vista Circle ever having been platted or dedicated by separate instrument; the roadway, however, is being considered as public street right-of-way due to documented evidence of City maintenance being previously performed on this street. The subject area, which is the last vacant tract to be developed along Rio Vista Circle, meets minimum requirements for public water and private septic and has more than 50 feet of frontage. The Petitioner is seeking five variances to facilitate this final plat.

Analysis:

The abutting segment of Rio Vista Circle is currently substandard. The Petitioner will be required to dedicate a minimum of 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 6.5 feet. Should any pavement abutting the subject area be less than 36 feet in width, then the Petitioner must 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.a.1 and 10.III.A.1 (roadway dedication and improvement requirements), 9.V (sidewalks) and 9.III.A.5.a.2 and 10.III.A.2 (minimum right-of-way and pavement standards) 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 Petitioner fails to provide supporting evidence that maintaining the street at current substandard levels will promote general health, safety and welfare. Staff does acknowledge that significant traffic generation or high-speed traffic may be unlikely along a short, residential cul-de-sac. Conversely, if and when this segment is reconstructed to standard, however, right-of-way acquisition and reconstruction costs will be borne by taxpayers at an inflated rate. The provision of sidewalks along a limited length, rural residential roadway appears disproportionate and unreasonable.
- 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 cites that being the last property to develop along Rio Vista

Circle presents a unique situation that warrants special consideration. Timing of development, however, is generally not a qualifying circumstance. The platting process is the most appropriate mechanism through which facilities may be brought up to standard by a responsible party, regardless of the timing of the development.

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 fails to demonstrate any unique topographical features or peculiar site configurations specific to the property that would preclude development of the property, thereby driving the need for these variances. The Petitioner further fails to indicate the nature and extent of the hardship to be endured. It is presumed that any perceived hardships will be largely based on economics and inconvenience, neither of which are acceptable qualifiers for a variance. 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.** With the exception of the sidewalk variance, all other requests constitute a substantive variance from the provisions, and intent of applicable ordinances. Minimum roadway standards, regardless of the scale and magnitude to which they are applied, constitute what is accepted to be the minimum standards required to ensure general health and safety. If and when this segment of roadway is brought up to standard, an approved variance will inevitably shift the financial burden away from the responsible party and onto the taxpayer, who will be paying construction costs at a much inflated rate. As previously stated, however, sidewalks appear to be unnecessary in this circumstance, given the proposed rural residential development, as well as the location of the project area in relation to nearby pedestrian hubs.

Staff Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** the Final Plat of the Las Lomas Ranchettes Subdivision, Section Eleven, in addition to the following actions:

- **DENY** the Variances to Sections 9.III.A.5.a.1 and 10.III.A.1 requiring the dedication of 5 feet of public street right-of-way and improvement of 6.5 feet of additional pavement along the abutting segment of Rio Vista Circle;

- **DENY** the Variance to Sections 9.III.A.5.a.2 and 10.III.A.2 to retain current substandard right-of-way and pavement widths along the abutting segment of Rio Vista Circle, a rural local road; and

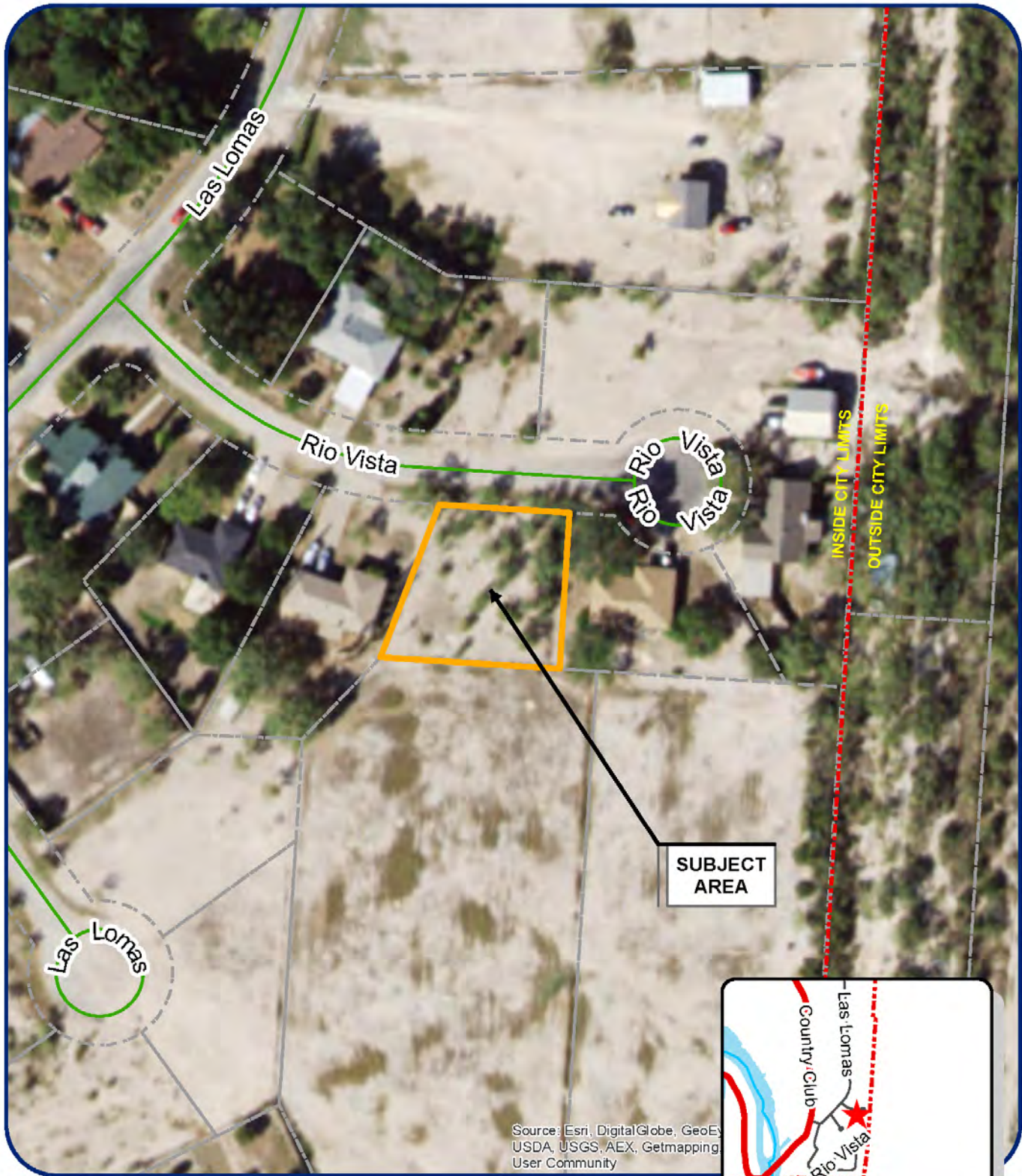
- **APPROVE** the Variance to Section 9.V, which requires the construction of sidewalk along a platted lot that abuts a road or street containing a pavement width that is less than 36 feet (Rio Vista Circle).

Said approval should be subject to the following **four 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. Per Section 9.V, Land Development and Subdivision Ordinance, sidewalks will 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.
3. Submit a revised plat, on which is illustrated the dedication of 55' of right-of-way for the adjacent segment of Rio Vista Circle, by half the additional increment necessary to comprise the minimum right-of-way width of 60 feet for a "rural" local road (in this case, approximately 5 feet), consistent with Land Development and Subdivision Ordinance, Chapter 10.
4. Prepare and submit plans for required improvements to streets (adjacent segments of Rio Vista Circle, a rural local road) by half the additional increment necessary to comprise the minimum paving widths, per Land Development and Subdivision Ordinance, Chapter 10. For Rio Vista Circle, the minimum width is 30 feet (in this case, requiring 6.5 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
Application/Justification Letter



Subdivisions Case File

Las Lomas Ranchettes, S-11

Council District: District 1 (Richardson)

Neighborhood: Nasworthy

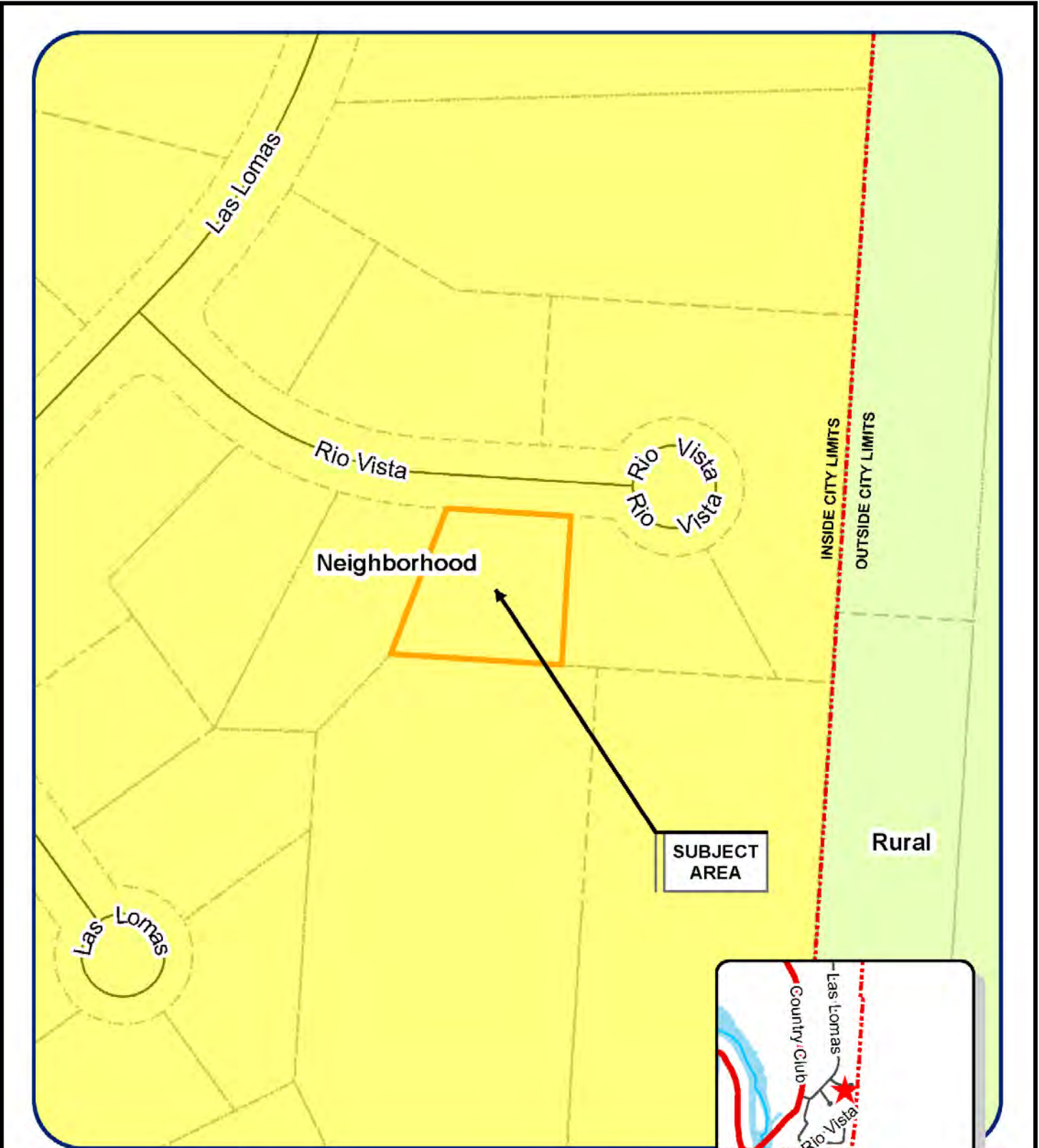
Scale: 1 Inch :: 100 Feet

Legal Desc: 0.265 ac out of P Duffy Surv 171, ABS 133 and PW McNeese Survey 1, ABS 5739

Legend

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





Subdivisions Case File

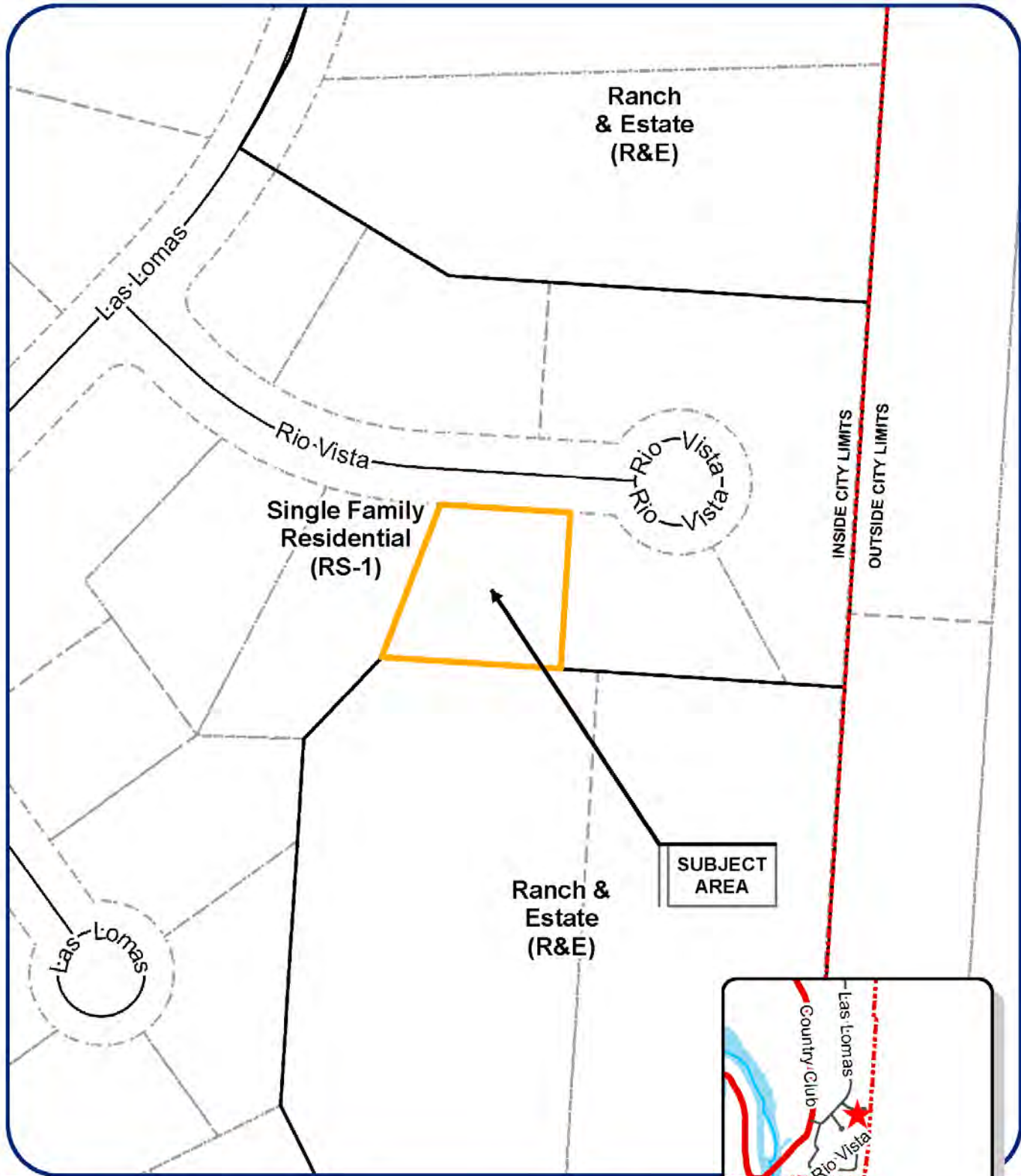
Las Lomas Ranchettes, S-11

Council District: District 1 (Richardson)
 Neighborhood: Nasworthy
 Scale: 1 Inch :: 100 Feet
 Legal Desc: 0.265 ac out of P Duffy Surv 171, ABS 133 and PW McNeese Survey 1, ABS 5739

Legend

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





Subdivisions Case File

Las Lomas Ranchettes, S-11

Council District: District 1 (Richardson)

Neighborhood: Nasworthy

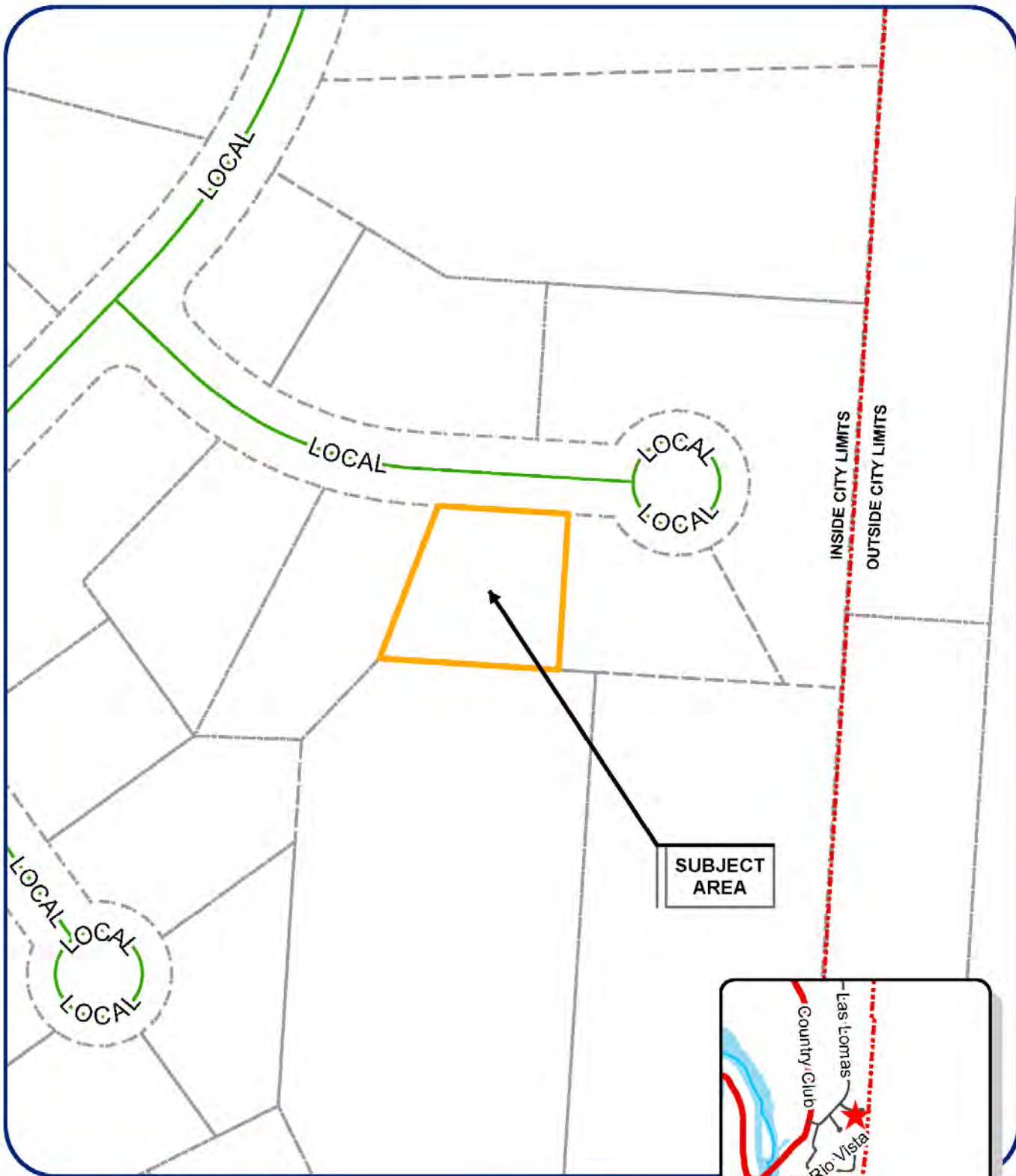
Scale: 1 Inch :: 100 Feet

Legal Desc: 0.265 ac out of P Duffy Surv 171, ABS 133 and PW McNeese Survey 1, ABS 5739

Legend

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





Subdivisions Case File

Las Lomas Ranchettes, S-11

Council District: District 1 (Richardson)

Neighborhood: Nasworthy

Scale: 1 Inch :: 100 Feet

Legal Desc: 0.265 ac out of P Duffy Surv 171, ABS 133 and PW McNeese Survey 1, ABS 5739

Legend

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



0 15 30 FEET 60 GRAPHIC SCALE 120

SKG
ENGINEERING, LLC

SURVEYING • ENVIRONMENTAL • LAB/CMT

108 SOUTH ABE STREET PHONE: 325.656.1288
SAN ANGELO, TEXAS 76903 FAX: 325.657.8145
FIRM NO. 1010430
www.skg.com

RIO VISTA CIRCLE

50' ROW

S 87°52'00" E 90.00'

REF.: 0.343 Ac.Tr.
Vol. 741, Pg. 237 DR

REF.: 0.270 Ac.Tr.
Vol. 726, Pg. 49 DR

Lot 5
0.265 Ac.

S.L. P. Duffy Survey No. 171 A-133
N.L. P.W. McNeese Survey No. 1 A-5739

BLOCK 2

N 19°32'47" E 113.19'

S 02°08'00" W 108.00'

PL. Fr. Which
Ft. 1/2" LP. Brs.
S 71°44'51" E. 0.29'

N 87°52'00" W 123.87'

REF.: 2.000 Ac.
Vol. 260, Pg. 515 DRRP

SCALE: 1" = 30'

0 15 30 60
GRAPHIC SCALE : FEET

NOTE : Bearings shown hereon are based on that certain 191.925 Acre Tract described and recorded in deed recorded in Vol. 807, Pg. 126 of the Deed Records of Tom Green County, Texas.
Distances shown are surface horizontal.

LEGEND:

- Found 1/2" Iron Pipe or Rod (unless otherwise noted)

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 Real Property, Tom Green County, Texas.

**LAS LOMAS RANCHETTES
SECTION ELEVEN,
CITY OF SAN ANGELO,
TOM GREEN COUNTY, TEXAS**

OWNER: Max Jacobs

PLANNING COMMISSION
Approved for recording this _____ day
of _____, 20____, City Planning
Commission of San Angelo, Texas.

DESCRIPTION : Being 0.265 acre of land comprised of 0.106
acre out of P.W. McNeese Survey 1, Abstract No. 5739 and
0.159 acre out of Peter Duffy Survey 171, Abstract 133, City
of San Angelo, Tom Green County, Texas and being that
same tract described in Instrument No. 645592 Official Public
Records of Tom Green County, 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: _____

ACKNOWLEDGEMENT/DEDICATION

I, Max Jacobs, do hereby adopt this plat as the
subdivision of my property.

Max Jacobs

STATE OF TEXAS
COUNTY OF TOM GREEN

This instrument was acknowledged before
me on _____
by Max Jacobs.

Notary Public, State of Texas

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 city limits of the City of
San Angelo, Texas.

16-S-0389



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

Las Lomas Ranchettes, Section 11

Proposed Subdivision Name

See attached Exhibit A

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)

38-00133-0061-000-00

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
------	--------------	---------------

Property Owner: Max Jacobs	650-1115	frontier@wcc.net
----------------------------	----------	------------------

Name	Phone Number	Email Address
------	--------------	---------------

Architect/Engineer/Design Professional: SKG Engineering	655-1288	herbh@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

*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? 5/8" (8" in road)
 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? over 1/4 acre - "grandfathered"

(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

0.265

1

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 0.265 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 0.265 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:

Request 1: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: Section 10.III.A.2 (paving), Section 9.III.A.5.a.1 (&2), Section 10.III.A.1 (&2) (ROW & width requirements) and Section 9.V (sidewalks).

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.
Rio Vista Circle is a short, dead-end road with seven houses on it. There is one vacant lot left, the subject property. I would like to build a new home on this lot. In so doing, my home will not add measurably to the traffic already on the road, which is minimal. Additionally, granting my request will be in keeping with the aesthetics in front of the other homes.

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.
All other lots are improved and not subject to platting requirements.

(Section 4 continues on next page)

Section 4, continued

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 Due to existing roadway considerations, a hardship would result.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 The existing roadway and ROW are adequate and functional for the neighborhood.

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.

Max Jacobs  3/6/17
 Owner's Signature Date

 Representative's Signature Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
Date Date

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

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

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

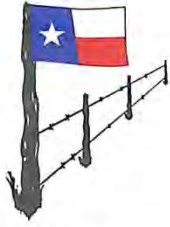
Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)
 Yes _____ No _____
Date Date

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____



Frontier Real Estate Investments, Inc.

901 S. Abe
San Angelo, TX 76903

Established 1996

frontier@wcc.net

Max Jacobs, President

(325) 658-8892 Office
658-7874 Fax
(800) 672-4122 Toll Free

Land Development
Purchase of Real Estate Notes
Residential & Commercial Construction

January 27th, 2017

Re: Land Subdivision Application

Dear Planning Department,

Please allow this letter to expand on my request for both final plat acceptance and a request for a partial variance.

The subject property is currently described legally in the attached Exhibit A, and known locally as 207 Rio Vista Circle. I respectfully request acceptance of the attached final plat, in accordance with City platting requirements necessary to obtain a building permit for a single-family residence.

I also respectfully request a partial variance from current City requirements regarding street improvements. I hope you will agree that my request is reasonable, because Rio Vista Circle is a very short, dead-end street, with no room for additional houses, except for my lot. I have attached a plat from the City's website, showing the other tracts on Rio Vista (mine is highlighted in black), and noting with an "H" that each tract already has a house. I've also attached a Google Earth photo showing the existing houses.

This variance would not vary the provisions of applicable ordinances.

Respectfully,

Max Jacobs

Attch:

Land Subdivision Application (1)
Proposed final plat (15)
Current legal description (1)
Surrounding property lines plat (1)
Google Earth photo (1)

STAFF REPORT



Meeting: March 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 resubmission of a Final Plat of B & R Subdivision, Section Three, and a Variance from Chapter 9.V to exempt the construction of a sidewalk

Location: Unaddressed tracts, generally located 1,100 feet west of the intersection of Cox Lane and Ben Ficklin Road

Legal Description: Being 5.330 acres out of the H. Hornburg Survey 175, Abstract No. 350

Size: 5.330 acres

General Information

Future Land Use: Neighborhood

Zoning: Office Warehouse (OW) Zoning District

Existing Land Use: Vacant land

Surrounding Zoning/Land Use:

North:	Ranch and Estate (R&E) and Single-Family Residential (RS-1)	Vacant Land
West:	Ranch and Estate (R&E)	Vacant Land
South:	Low Rise Multifamily Residential (RM-1)	Existing Mobile Home Park (Special Permit 796)
East:	Office Warehouse (OW)	Construction contractor office and storage

District: SMD#3 – Harry Thomas

Neighborhood: Fort Concho Neighborhood

Thoroughfares/Streets:

Per the Master Thoroughfare Plan (MTP), Cox Lane is classified as an “Urban Collector Street” which requires a minimum right-of-way width of 60 feet and a minimum paving width of 50 feet. Cox Lane has a right-of-way width of 30 feet and a paving width of 30 feet, which are both substandard. The applicant has delineated on their proposed plat dedication of the required 15 feet of right-of-way on their side of Cox Lane as per Chapter 9.III of the Subdivision Ordinance. They will also be required to dedicate 10 additional feet of paving width on their half of Cox Lane. The applicant has required a Variance from a sidewalk as per Chapter 9.V of the Subdivision Ordinance.

Background:

The proposed final plat would plat the five existing unplatted tracts into seven new platted tracts. Tracts 2-7 will be 0.666 acres each, and Tract 8 furthest to the west will be 0.946 acres in size. All of the lots will have direct and abutting access onto Cox Lane, a Collector Street, and as indicated above, the applicant will dedicate the required additional right-of-way and paving widths as required. All of the proposed lots will exceed the minimum lot size (6,000 square feet), minimum lot frontage (50 feet), and minimum lot depth (80 feet) requirements of the Office Warehouse (OW) Zoning District. A previous subdivision plat was approved for the exact same plat

configuration by the Planning Commission on May 20, 2013. This plat approval however, expired on May 20, 2016, due to that applicant not completing the required conditions of approval and not recording the plat.

Analysis:

Conformity with Comprehensive Plan and Intent of Purpose Statements

Chapter 5.III.A.3.c.(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final plat, if the Planning 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.”

City of San Angelo’s Comprehensive Plan aka Vision Plan

The proposed plat although zoned Office Warehouse (OW) Zoning District is designated “Neighborhood” in the City’s Comprehensive Plan. The Neighborhood designation calls to “promote an appropriate balance of use within each neighborhood.” In this case, the south side of Cox Lane from the subject properties east to Ben Ficklin Road contains existing industrial and heavy commercial development and platting these lands zoned Office Warehouse (OW) is consistent with these existing land uses, and the above policy.

Intent of Purpose Statements, Subdivision Ordinance, Chapter 2

The Planning Division believes that the proposed Final Plat conforms with all of the applicable Intent of Purpose Statements in Chapter 2 of the Subdivision Ordinance. The relevant statements, and rationale for each, are as follows:

C. To provide for the orderly, safe, convenient and functional systems for vehicular and pedestrian circulation.

The proposed subdivision plat is platting the same lot configuration that was previously approved by the Planning Commission. Planning Staff believes that the proposed tracts, which all have direct and abutting access onto Cox Lane, a Collector Street, will provide for orderly, safe, convenient and functional development once these lots are developed.

M. To prevent scattered or premature subdivision of land that would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, or other public services; or

necessitate an excessive expenditure of public funds for the supply of such services.

The proposed plat will utilize the existing street network and the applicant has agreed to pave the additional 10 feet required for Cox Lane and dedicate the required 15 additional feet of right-of-way to facilitate its construction. The proposed plat would be consistent with the above policy.

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

As indicated above, the proposed plat will utilize the existing street network and the platted lots will match the same sizes and configuration previously approved by the Planning Commission.

Variance Analysis (Cox Lane):

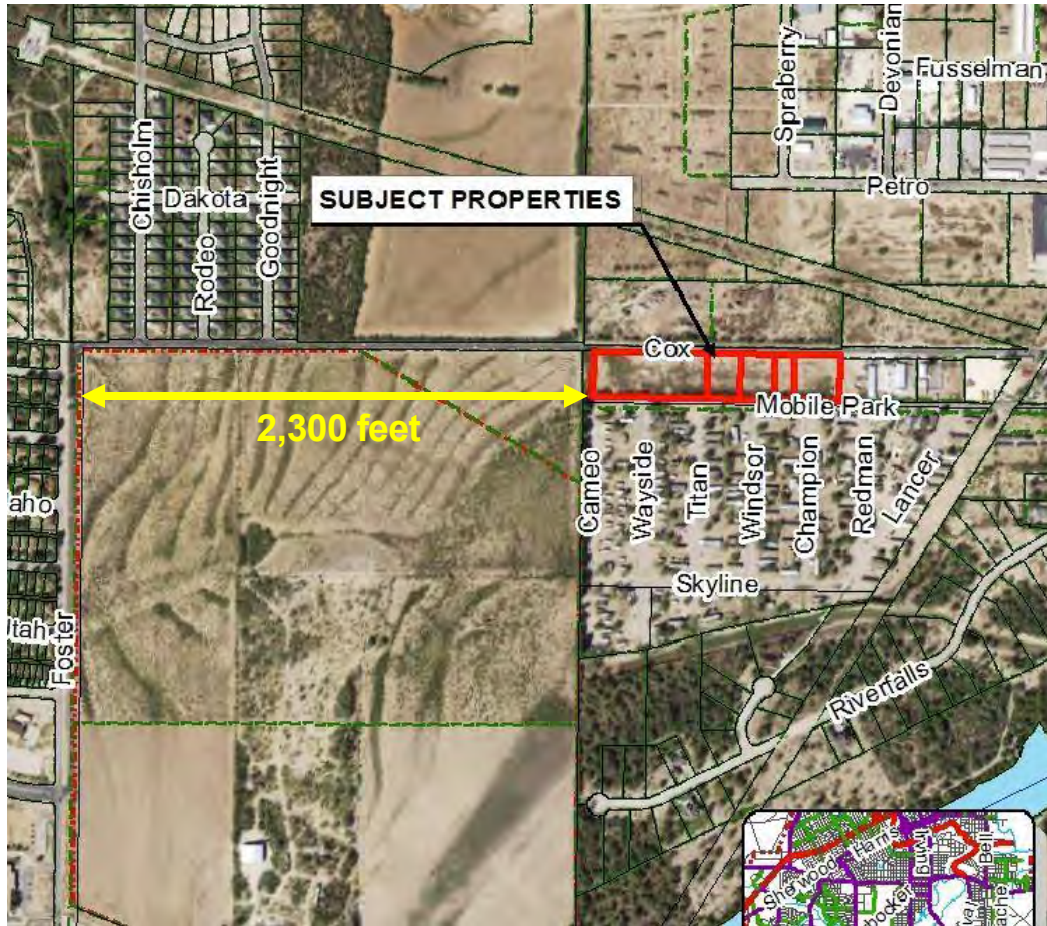
Chapter 9.V of the Subdivision Ordinance authorizes the City “to require the construction of sidewalks in any subdivision or land development if it is deemed necessary for safety reasons, such as in association with a school route plan, or in areas where heavy pedestrian and vehicular traffic is anticipated.”

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 believes that granting a sidewalk variance would not be detrimental given that this area is not a known pedestrian walking route. Planning and Engineering Staff agree that while this area may not be a primary walking route today, it very likely stands to be in the future, given the large amount of vacant land along Cox Road west and north of the subject property, and the large area of land just outside the City limits where Cox Lane meets Foster Road that may be annexed into the City in future (see map below).

Land Inventory – Vacant and Developed



The proposed plat includes over 1,100 feet of frontage onto Cox Lane. Not requiring a sidewalk could leave a substantial gap in the street network should future sidewalks be approved along this corridor. There is also a bus route along Ben Ficklin Road in walking distance of the proposed development. Future employees of businesses on these tracts would have the benefit of utilizing a sidewalk to walk to and from Ben Ficklin Road. While no sidewalk was required for the subdivision to the east, having a sidewalk across the full 1,100 feet of this property would at least mitigate the potential safety issues that may arise for pedestrians attempting to walk to and from Ben Ficklin Road and utilize the bus service and the Stripes convenience store nearby which contains everyday food and sundry items.

- 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 because the previous plat to the east did not require a sidewalk, that it would be unique to require this developer to install one. Planning Staff and Engineering Staff believe that even if a sidewalk had not been required as part of the previous plat, this should not exempt the proposed plat from providing one. It is noted that the properties immediately adjacent to Ben Ficklin Road, on the south side of Cox Lane and east of the proposed plat, remain metes-and-bounds surveyed land. It is very likely that these tracts will be platted in the future, leading to a potential sidewalk requirement, thus leaving only the property immediately east of the proposed plat without a sidewalk. Staff and the applicant have not identified anything unique about this property that would exempt them from the installation of a sidewalk.

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 indicated there would be a particular hardship created if a sidewalk was required, due to the shape of the property. Planning and Engineering Staff do not see any physical or topographical issues with the shape of the property. The property is relatively flat and there is substantial area to construct a sidewalk.

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

The applicant indicates that a variance of the provisions of applicable ordinances will not benefit anyone. Planning and Engineering Staff believe a sidewalk will very likely benefit the existing development and future residents and employees of the surrounding area. Intent of Purpose Statement #3 of Chapter 2 of the Subdivision Ordinance requires that new development “provide for the orderly, safe and efficient development of the City and surrounding area.” Exempting the developer from constructing a sidewalk would vary from this purpose statement leading to potential safety issues, and having a gap in any future sidewalks in this large expanse of vacant land to the west, and potential land that could be redeveloped to the east to Ben Ficklin Road.

Staff Recommendation:

Staff’s recommendation is for the Planning Commission to **APPROVE** a resubmission of a Final Plat of B & R Subdivision, Section Three, and **DENY** a Variance from Chapter 9.V to exempt the construction of a sidewalk along Cox Lane, **subject to the following six (6) Conditions of Approval:**

Proposed Conditions:

1. Per the 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 the Subdivision Ordinance, Chapter 12.1.A, prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections and as per Chapter 12.I.B, complete the installation in accordance with the approved version of these plans.
3. Per the Subdivision Ordinance, Chapter 9.V, prepare and submit plans for approval, illustrating the proposed installation of a sidewalk adjacent to the right-of-way for Cox Lane and built to City specifications. If placement of a sidewalk is not feasible within the public right-of-way, easement(s) shall be provided & illustrated on the plat. Alternatively, as per Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative as per Chapter IV would be to obtain approval of a variance from the Planning Commission as per the Land Development and Subdivision Ordinance.
4. Illustrate the reservation of necessary easement(s) to encompass existing sewer mains crossing the property.
5. If the adjacent private road is to provide access to the properties, illustrate an unobstructed access easement on the plat.
6. Contact the City of San Angelo Department of Water Utilities Customer Service Office at 122 W. 1st Street or by calling (325) 657-4323 to request water and sewer service connections and to establish a utility service account.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Photos of Site and Surrounding Area
Plat
Application with Variance Request



Subdivision Case File

B&R Subdivision, Section Three

Council District: Harry Thomas (SMD #3)

Neighborhood: Fort Concho

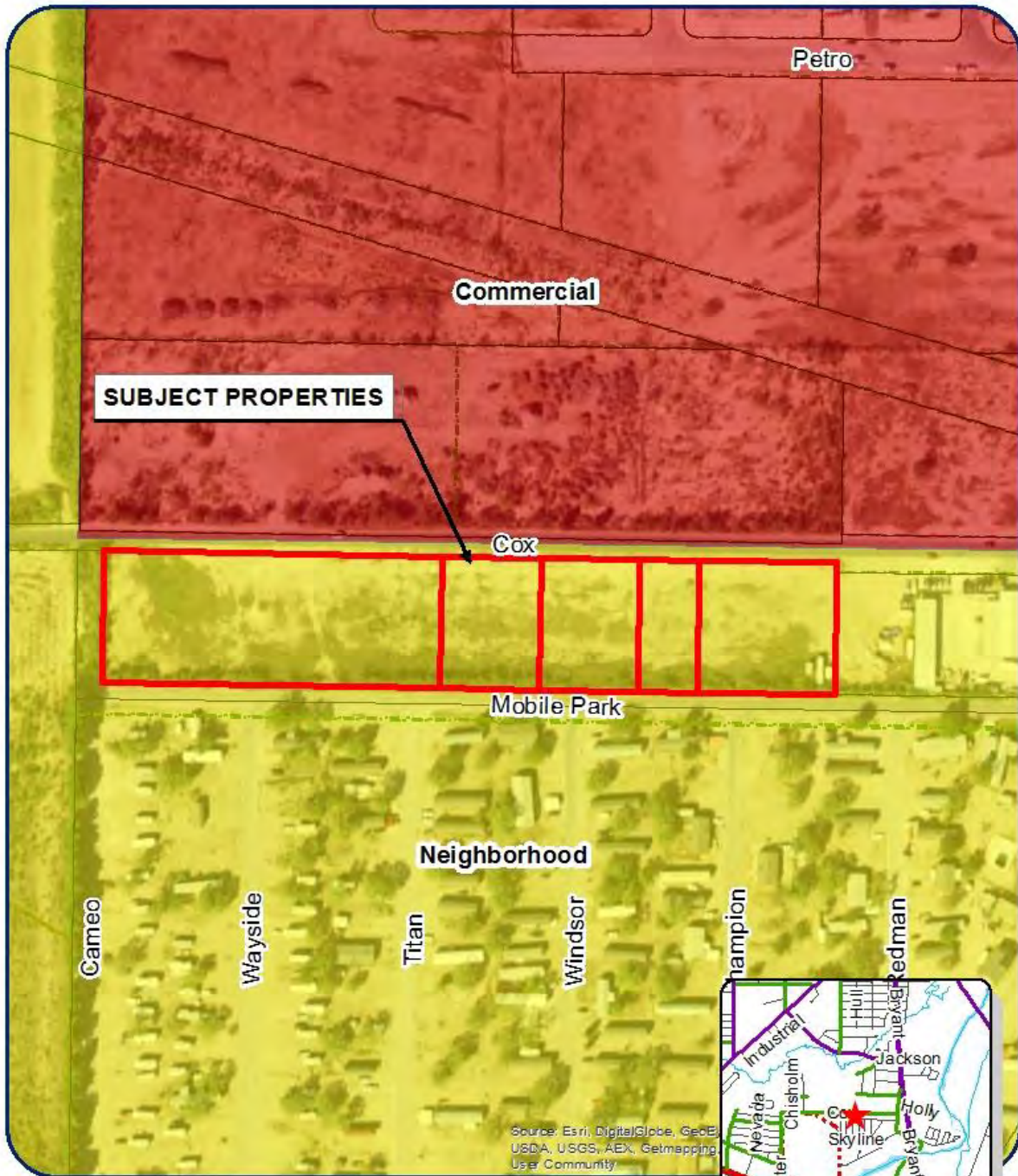
Scale: 1" approx. = 197 ft

Subject Properties: Unaddressed tracts, 5.33 ac Cox Ln/Ben Ficklin Rd

Legend

- Subject Properties: —
- Current Zoning: OW
- Requested Zoning Change: N/A
- Vision: Neighborhood





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

Subdivision Case File

B&R Subdivision, Section Three

Council District: Harry Thomas (SMD #3)

Neighborhood: Fort Concho

Scale: 1" approx. = 197 ft

Subject Properties: Unaddressed tracts, 5.33 ac Cox Ln/Ben Ficklin Rd

Legend

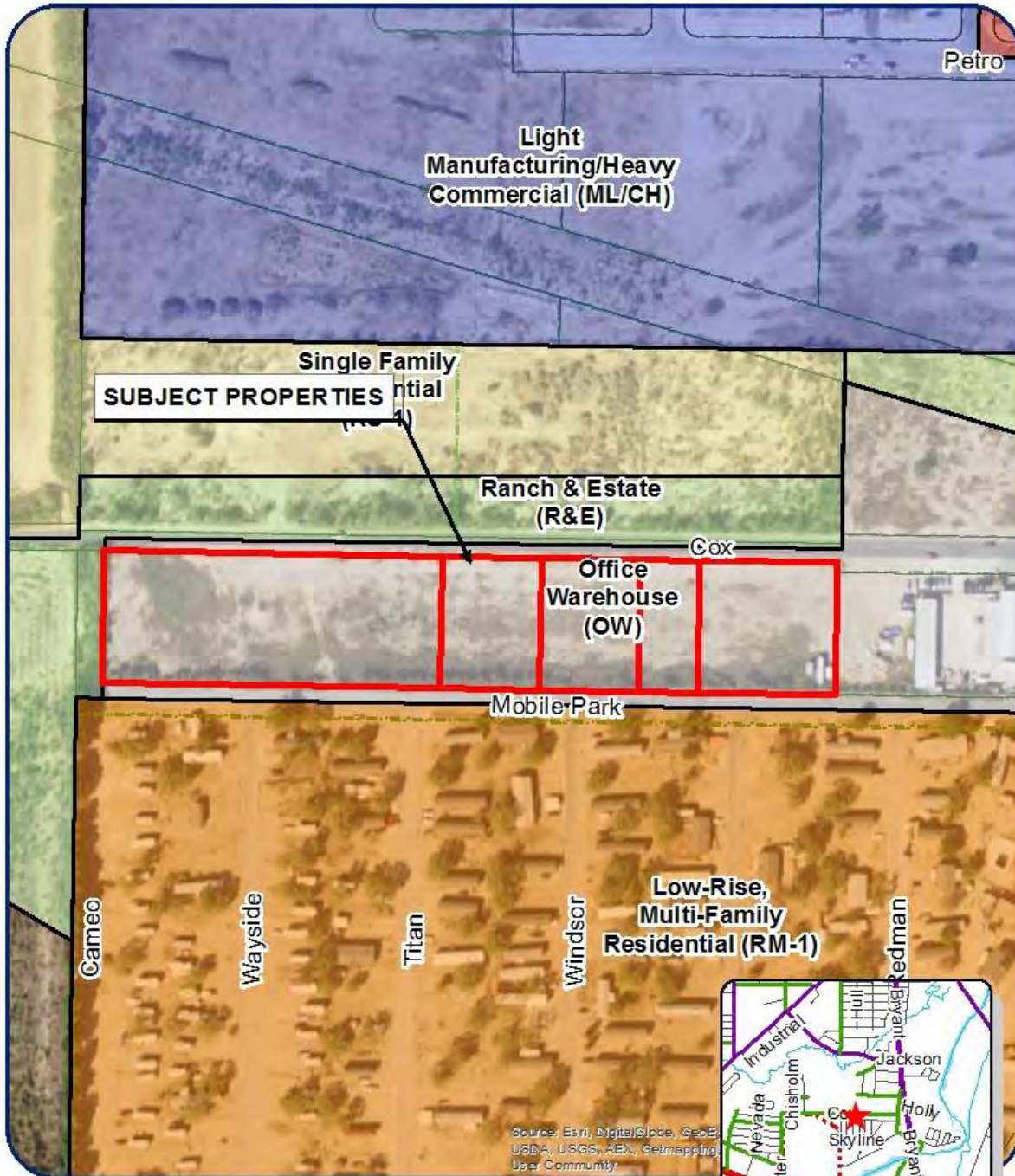
Subject Properties: **OW**

Current Zoning: **N/A**

Requested Zoning Change: **N/A**

Vision: **Neighborhood**





Subdivision Case File

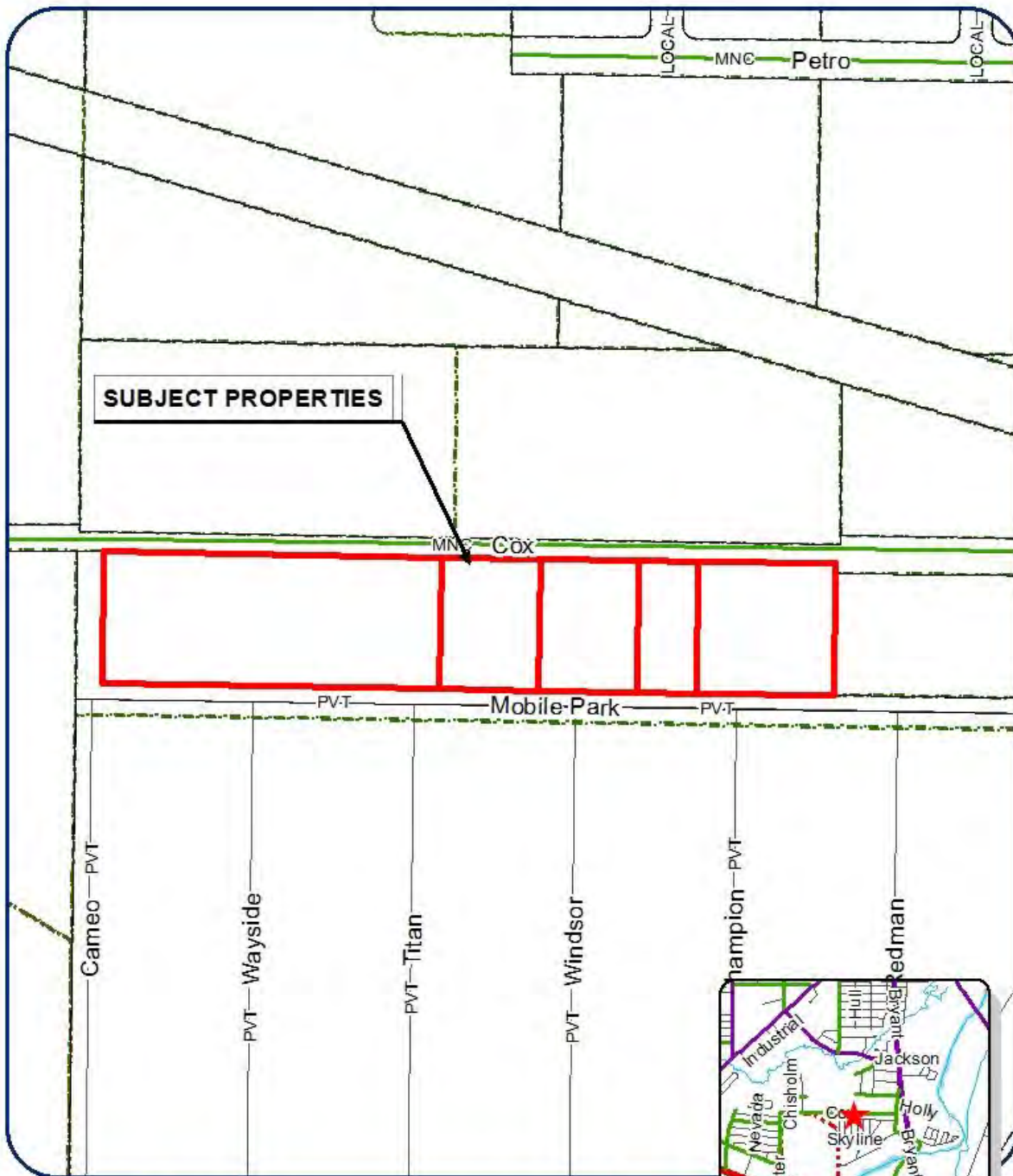
B&R Subdivision, Section Three

Council District: Harry Thomas (SMD #3)
 Neighborhood: Fort Concho
 Scale: 1" approx. = 197 ft
 Subject Properties: Unaddressed tracts, 5.33 ac Cox Ln/Ben Ficklin Rd

Legend

Subject Properties: 
 Current Zoning: OW
 Requested Zoning Change: N/A
 Vision: Neighborhood





Subdivision Case File

B&R Subdivision, Section Three

Council District: Harry Thomas (SMD #3)

Neighborhood: Fort Concho

Scale: 1" approx. = 197 ft

Subject Properties: Unaddressed tracts, 5.33 ac Cox Ln/Ben Ficklin Rd

Legend

- Subject Properties: —
- Current Zoning: OW
- Requested Zoning Change: N/A
- Vision: Neighborhood



Photos of Site and Surrounding Area

South at property



West



East



North



Plat

This plat is filed of record in Official Public Records of Tom Green County, Texas.
 Field Notes are filed as Instrument No. _____
 Official Public Records of Real Property of Tom Green County, Texas.



REF. 84,741 Ac.
 Vol. 215, Pg. 099 OPR

REF. B & R Subdivision
 Section One, Tract 1,
 Plat A, Slide 234 PR

NOTE: Bearings shown herein are based on the
 bearing 7,281 feet for a road, recorded in the
 County Records of Tom Green County, Texas.
 Distances shown are within tolerance.

SCALE 1" = 100'
 0 25 50 100
 LEGEND 1" = 50' 1/2" Iron Rod w/Coil
 (unless otherwise noted)

ACKNOWLEDGMENT / DEDICATION
 I, Casey Deering, Towner, LLC, and
 Randy A. & Connie L. Gill, as
 the owners of the above described
 property, do hereby dedicate
 this plat on the subdivision of our
 property and dedicate for the use of the
 public the easement and right-of-way
 shown hereon.

**B & R SUBDIVISION SECTION THREE
 SAN ANGELO, TOM GREEN COUNTY,
 TEXAS**

**OWNERS: CASEY DEERING, TOWNER, LLC, AND
 RANDY A. & CONNIE L. GILL**

DESCRIPTION: being 3,330 acres of land out of H. Hornburg
 Subdivision, Section One, Tract 1, Plat A, recorded in the
 County Records of Tom Green County, Texas, and being the west 3,330 acres of the section 7, 281 acre
 tract described and recorded in Volume 747, Page 819 Deed
 Records of Tom Green County, Texas.

PLANNING COMMISSION
 Approved for recording this _____ day
 of _____ 20____
 By: _____
 Chairman

 Secretary

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this _____ day
 of _____ 20____
 By: _____
 Director of Public Works

DEPARTMENT OF WATER UTILITIES
 Approved for recording this _____ day
 of _____ 20____
 By: _____
 Director of Water Utilities

STATE OF TEXAS
COUNTY OF TOM GREEN
 This instrument was acknowledged before
 me on _____ day of _____, 20____
 by Casey Deering, Towner, LLC, and
 Randy A. & Connie L. Gill,
 County Clerk.

_____ County Clerk, State of Texas

**PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED
 FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED
 OR RELED UPON AS A FINAL SURVEY DOCUMENT.**

SEC 17 ENGINEERING/C.L.L.C. Form No. 101028406 FOR SOUTH ABBE STREET SAN ANGELO, TEXAS 3888 325 658 1386

17-5-0191



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

B & R Subdivision Section Three

Proposed Subdivision Name

5.330 acres out of H. Hornburg Survey 175, Abstract No. 350

Current Legal Description (can be found on property tax statement or at www.tamgreencad.com)

R73330, R101364, R101363, R101267, R73331

Tax ID Number(s) (can be found on property tax statement or at www.tamgreencad.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: Vacant

Name	Phone Number	Email Address
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Property Owner: Casey Deering, TAJMER, LLC, Randy A. & Connie L. Gill 450-5386 casey@centurybuilders.us

Name	Phone Number	Email Address
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Architect/Engineer/Design Professional: SKG Engineering 325-655-1288 herbh@skge.com

Name	Phone Number	Email Address
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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 servied, 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? 5/8"
 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? min. 0.666 ac.

(NOTE: Please see Tam 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

5.330

7

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 5.330 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 4.942
- 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:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Ch.9, Sec.V

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 granting of the variance will not be detrimental to public safety, health, or welfare, or be injurious to other property in that this area is not a know pedestrian walking route and would not suffer from granting the variance.

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.
Conditions are unique to this property in that it is the only property in OW zoning classification remaining unplatted in this area and all the previously platted properties were not required to install this improvement.

(Section 4 continues on next page)

Section 4, continued

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 Because of the particular shape of this property a hardship would result if required to make this improvement.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 The variance will not vary the provision of the ordinance, this improvement is not needed and will not benefit anyone.

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.11 of the Subdivision Ordinance.

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

Owner's Signature
Ned Hooker
 Representative's Signature

Date
02/22/2017
 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 2/27/17 Deemed preliminary complete: 2/27/17 9:00 AM df
Date Date Time Initials

Received by Development Services Technician for completeness review: 2/27/17 9 AM df
Date Time Initials

Completeness review passed? Yes 2/27/17 No _____
Date Date

If yes, when was application scheduled for staff review, if applicable? 3/8/17 df
Date Initials

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

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

Completeness review passed? (Note: if resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)
 Yes _____ No _____
Date Date

Approvals required for this application:

	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission <u>3/20/17</u>	_____	_____	_____
City Council (earliest with appeal)	_____	_____	_____

Date of Approval Expiration: _____
 Date Recorded: _____

STAFF REPORT



Meeting: March 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

Case: Z17-01: Mills Development

Request: A request for approval of a Zone Change from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District

Location: An unaddressed site, generally located west of Willke and Pinon Ridge Drives, west of the Prestonwood residential development

Legal Description: Part of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas.

Size: 17.192 acres

General Information

Future Land Use: Neighborhood

Current Zoning: Pending – Ranch and Estate (R&E)
Zoning District

Existing Land Use: Vacant

Surrounding Zoning / Land Use:

North:	General Commercial (CG)	Vacant
West:	ETJ (no zoning)	Vacant
South:	ETJ (no zoning)	Vacant
East:	Single-family Residential (RS-1)	Residential

District: SMD #6 – Farmer

Neighborhood: Bonham

Thoroughfares/Streets:

Pinion Ridge Drive is defined as an “Urban Minor Collector” roadway in the City’s Master Thoroughfare Plan (MTP). Minor Collectors are designed to collect traffic from residential or local streets and discharge it into a Major Collector Street. They typically require a minimum ROW width of 60’ and a minimum paving width of 50’.

Willeke Drive is defined as an “Urban Local 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, and they generally consist of a minimum ROW width of 50’ and a minimum pavement width of 36’ to 40’.

Background:

The vacant 17.192-acre subject property is part of the Deaf and Dumb Asylum Lands annexation. On January 10, 2017, the Planning Division received a “Petition to Annex” the subject property from the property owner, Rocky Templin. City Council unanimously voted on February 7, 2017, to accept the Petition. The first public hearing on this annexation was conducted by the San Angelo City Council on March 7. As part of the annexation, the subject

area will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a holding or reserve zone until such time when the Planning Commission recommends a zoning plan of the property to the City Council. The owner now seeks approval of an application to rezone the subject property from the Ranch and Estate (R&E) Zoning District to the Single-family Residential (RS-1) Zoning District to facilitate the westward expansion of the adjacent Prestonwood residential development.

Analysis:

Zoning: The subject property will be initially zoned Ranch and Estate (R&E) under a pending annexation, in accordance with Section 302 of the Zoning Ordinance. This zoning district is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning district is also intended to serve as a holding zone for vacant land areas annexed to the City.

The Petitioner is seeking a rezoning to Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. At 17.192 acres, the rezoning could accommodate a net density of 8.71 units per acre, or a potential yield of roughly 119 dwelling units.

Comprehensive Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Neighborhood." This designation is intended to reserve and reinforce the stability and diversity of local neighborhoods while allowing for increased density in order to attract and retain long-term residents...and ensure the City's residential quality and economic vitality. The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary.

Criteria: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

As previously stated, the subject area currently has a Future Land Use designation of "Neighborhood." The petition for rezoning is being sought to facilitate the westward expansion of the adjacent Prestonwood residential development to the east. The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Under the pending annexation, the subject property will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a holding or reserve zone until such time when the Planning Commission recommends a zoning plan of the property to the City Council. Should that classification maintain, ultimate net residential density would be roughly 13 - 14 dwelling units per acre, which is inconsistent with nearby residential development patterns. The proposed rezoning would facilitate a net density of 8.71 dwelling units per acre, which reflects nearby residential development patterns.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

Given that both the pending R&E zoning and the proposed RS-1 zoning facilitate single-family detached residential development, either appear to be compatible with the underlying Future Land Use designation of "Neighborhood." The pending R&E zoning, however, allows for a development pattern that is inconsistent with area residential patterns. The proposed zoning should facilitate a reasonable expansion of existing residential development, the Prestonwood subdivision, to the immediate east.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.*

The voluntary and uncontested annexation of the subject property constitutes a change in conditions that would warrant the zone change. The annexation was sought to facilitate the expansion of the Prestonwood residential development to the immediate east. The pending R&E zoning functions more of a holding zone until such a time as when the annexed area becomes ripe for development and a suitable zoning category is adopted.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

No appreciable adverse impact on the natural environment appears likely as a result of the rezoning. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management as a result of any development of the property will be addressed during the platting process.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

There does not appear to be a shortfall in current local residential housing inventory. There are also no indications that the proposed zone change will lead to an increase in local affordable housing stock. Conversely, the local market appears stable enough to absorb additional single-family housing stock and will most likely not result in either a housing glut or a development stall, barring unforeseen circumstances. Additionally, the proposed zoning will address future residential need as the local economy begins to grow and new users migrate into the area as a result of that growth.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

Single-family residential uses are generally viewed as low traffic generators and are suitable within a neighborhood context. The land uses allowed under the proposed zoning category is consistent with similar neighborhood-type land use patterns that exist in the immediate area.

Notification:

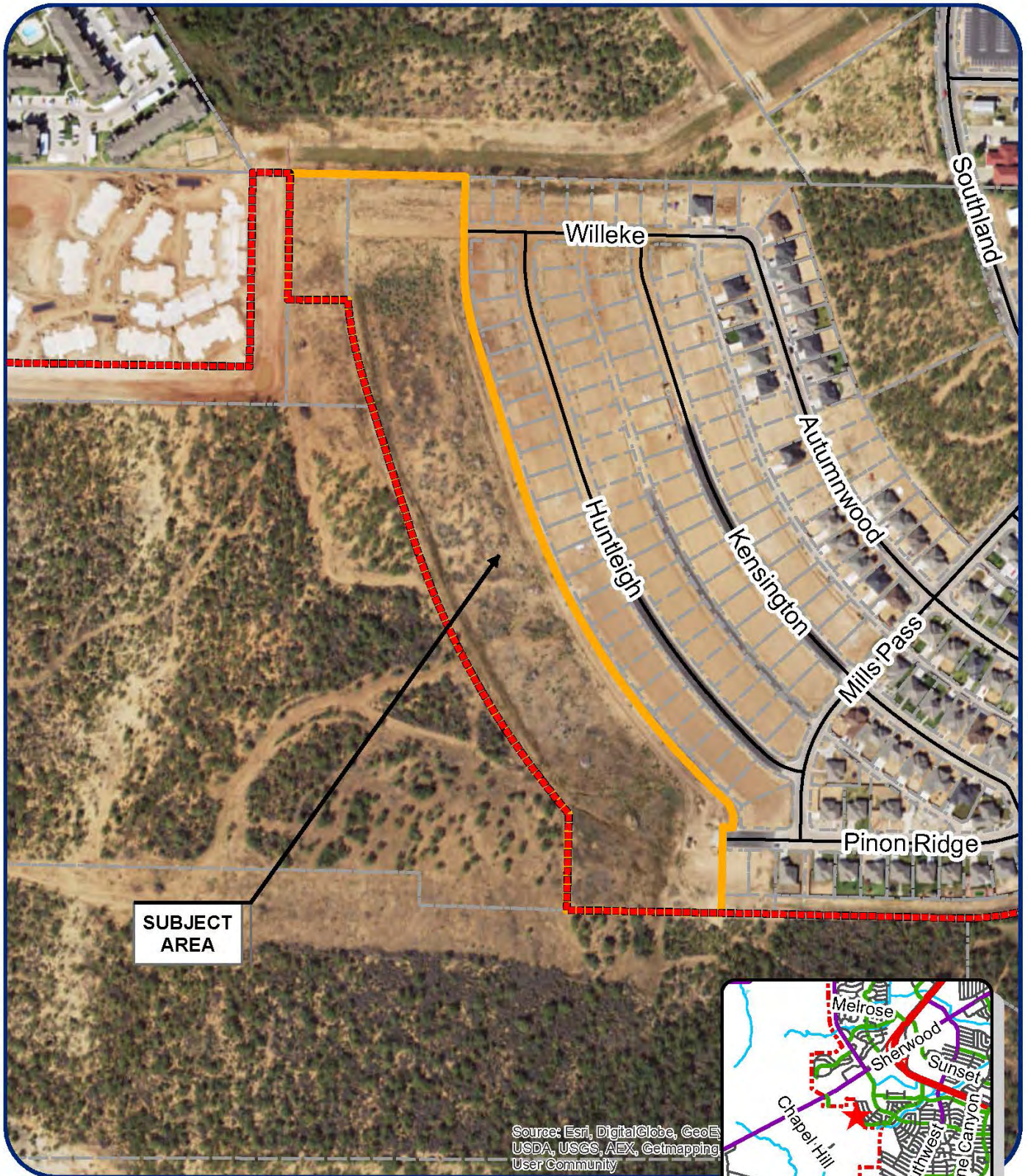
On February 27, 2017, sixty-one notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to, the request.

Staff Recommendation:

Staff recommends that the Planning Commission recommend **APPROVAL** of a Zone Change from the Ranch and Estate (R&E) Zoning District to the Single-family Residential (RS-1) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Information
Application
Petitioner Justification
Site Photographs



Zone Change Case File
Case Z17_01; Mills Development
 Council District: District 6 (Farmer)
 Neighborhood: Bonham
 Scale: 1 Inch :: 400 Feet
 Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend
 Subject Properties: 
 Current Zoning: **R&E**
 Requested Zoning Change: **RS-1**
 Vision: **Neighborhood**



Commercial

Campus/Institutional

Southland

Willeke

Autumnwood

Huntleigh

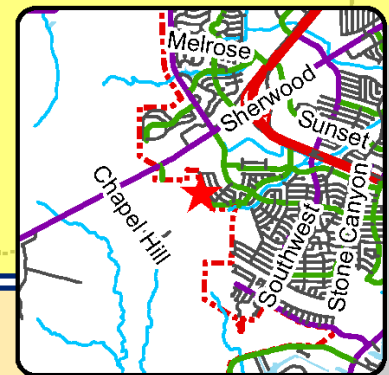
Kensington

Mills Pass

Neighborhood

Pinon Ridge

SUBJECT AREA



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

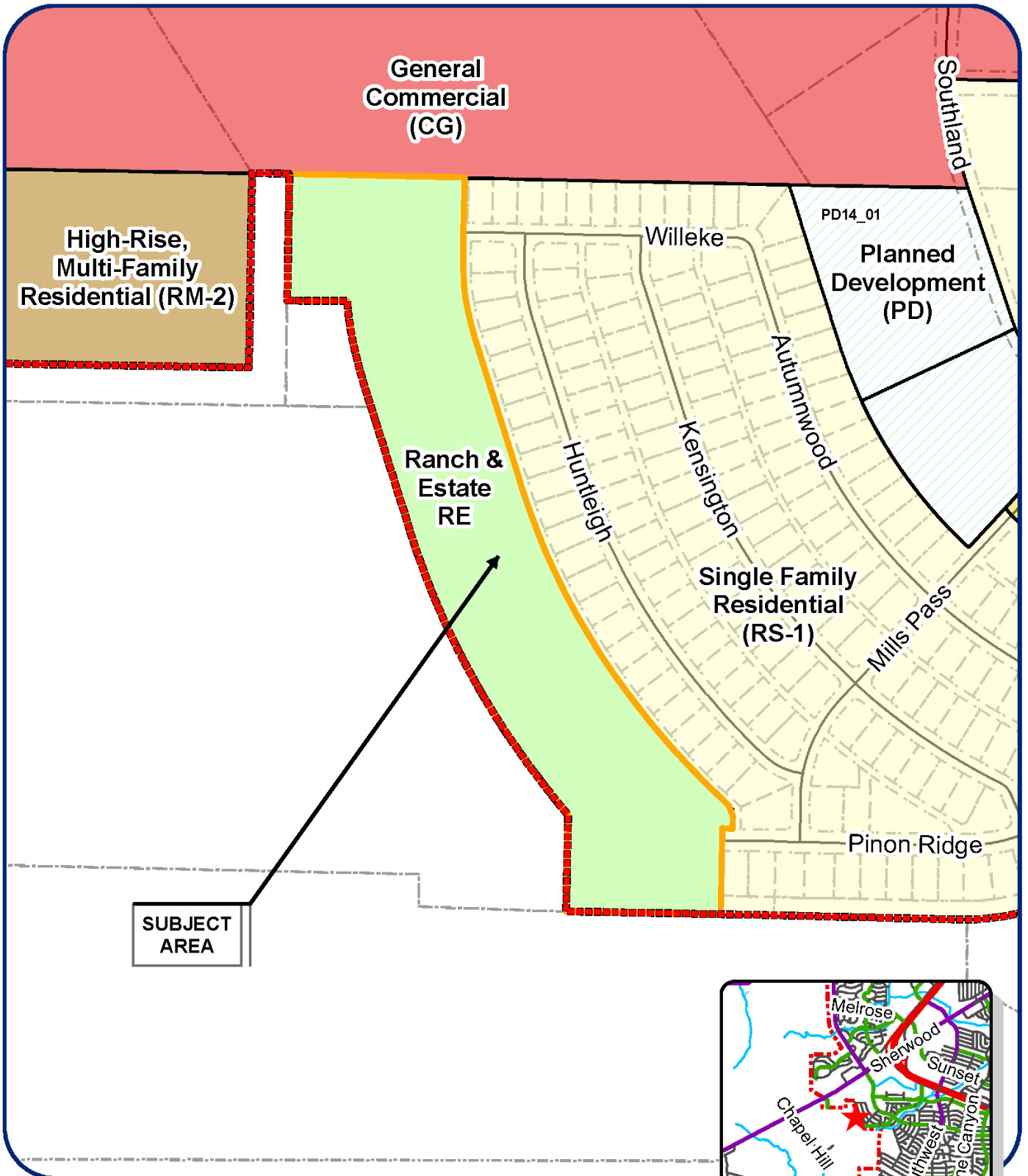
Subject Properties: 

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Zone Change Case File

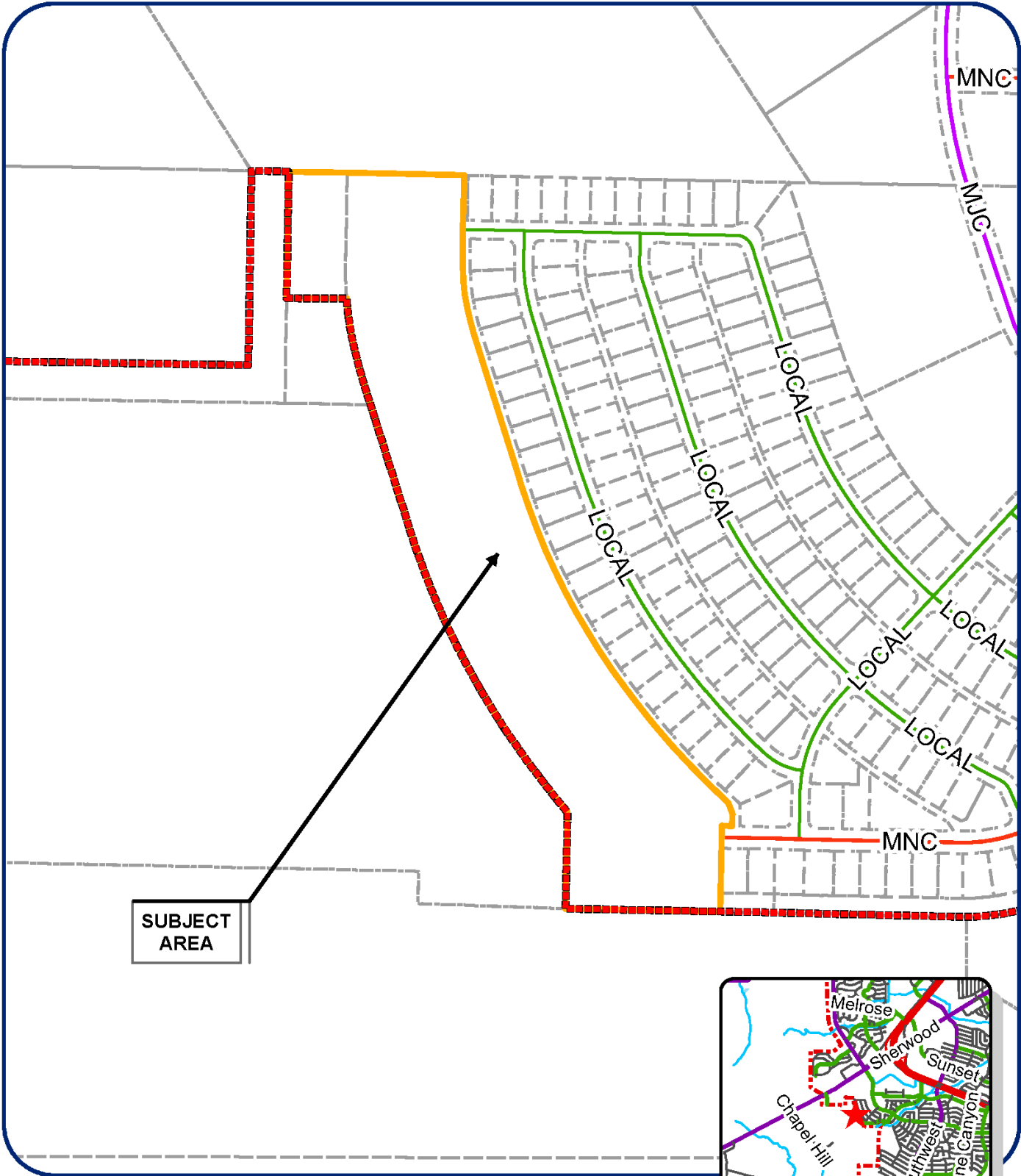
Case Z17_01; Mills Development

Council District: District 6 (Farmer)
 Neighborhood: Bonham
 Scale: 1 Inch :: 400 Feet
 Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

- Subject Properties: —
- Current Zoning: **R&E**
- Requested Zoning Change: **RS-1**
- Vision: **Neighborhood**





SUBJECT
AREA




Zone Change Case File

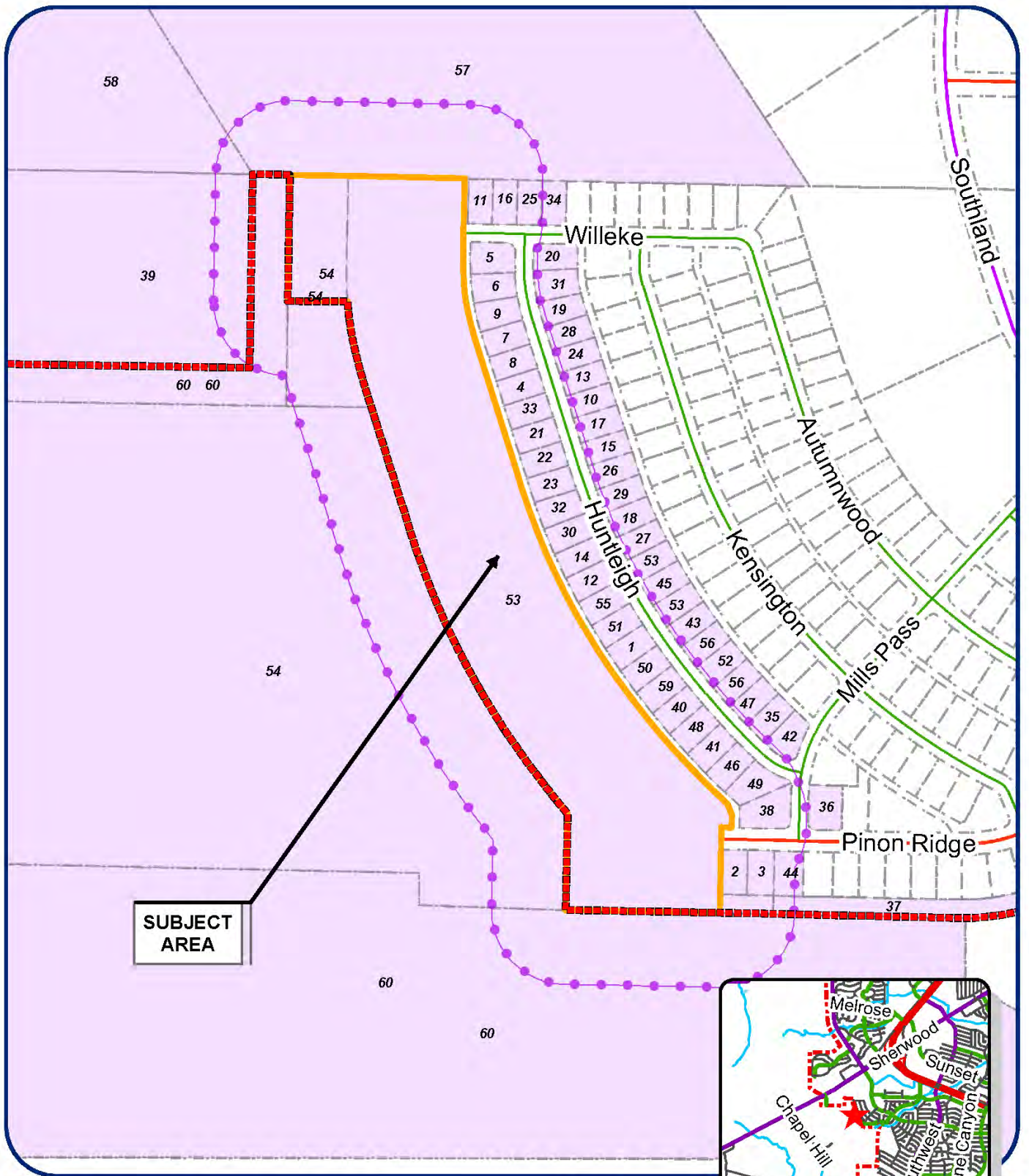
Case Z17_01; Mills Development

Council District: District 6 (Farmer)
 Neighborhood: Bonham
 Scale: 1 Inch :: 400 Feet
 Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

Subject Properties: 
 Current Zoning: **R&E**
 Requested Zoning Change: **RS-1**
 Vision: **Neighborhood**





Zone Change Case File
Case Z17_01; Mills Development

Council District: District 6 (Farmer)
 Neighborhood: Bonham
 Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

- Subject Properties: ———
- Current Zoning: **R&E**
- Requested Zoning Change: **RS-1**
- Vision: **Neighborhood**



Z17-01: MILLS DEVELOPMENT

Total Notices: 60

vm_id	vm_name	vm_incare	vm_line1	vm_city	vm_vm_zip
1	PROPERTY OWNER		4165 HUNTLEIGH DR	SAN ANGELO	TX 76904
2	PROPERTY OWNER		4809 PINON RIDGE DR	SAN ANGELO	TX 76904
3	PROPERTY OWNER		4805 PINON RIDGE DR	SAN ANGELO	TX 76904
4	PROPERTY OWNER		4121 HUNTLEIGH DR	SAN ANGELO	TX 76904
5	PROPERTY OWNER		4101 HUNTLEIGH DR	SAN ANGELO	TX 76904
6	PROPERTY OWNER		4105 HUNTLEIGH DR	SAN ANGELO	TX 76904
7	PROPERTY OWNER		4113 HUNTLEIGH DR	SAN ANGELO	TX 76904
8	PROPERTY OWNER		4117 HUNTLEIGH DR	SAN ANGELO	TX 76904
9	PROPERTY OWNER		4109 HUNTLEIGH DR	SAN ANGELO	TX 76904
10	PROPERTY OWNER		4165 HUNTLEIGH DR	SAN ANGELO	TX 76904
11	PROPERTY OWNER		5906 WILLEKE DR	SAN ANGELO	TX 76904
12	PROPERTY OWNER		4153 HUNTLEIGH DR	SAN ANGELO	TX 76904
13	PROPERTY OWNER		4122 HUNTLEIGH DR	SAN ANGELO	TX 76904
14	PROPERTY OWNER		4149 HUNTLEIGH DR	SAN ANGELO	TX 76904
15	PROPERTY OWNER		4134 HUNTLEIGH DR	SAN ANGELO	TX 76904
16	PROPERTY OWNER		5902 WILLEKE DR	SAN ANGELO	TX 76904
17	PROPERTY OWNER		4130 HUNTLEIGH DR	SAN ANGELO	TX 76904
18	PROPERTY OWNER		4146 HUNTLEIGH DR	SAN ANGELO	TX 76904
19	PROPERTY OWNER		4110 HUNTLEIGH DR	SAN ANGELO	TX 76904
20	PROPERTY OWNER		4102 HUNTLEIGH DR	SAN ANGELO	TX 76904
21	PROPERTY OWNER		4129 HUNTLEIGH DR	SAN ANGELO	TX 76904
22	PROPERTY OWNER		4133 HUNTLEIGH DR	SAN ANGELO	TX 76904
23	PROPERTY OWNER		4137 HUNTLEIGH DR	SAN ANGELO	TX 76904
24	PROPERTY OWNER		4118 HUNTLEIGH DR	SAN ANGELO	TX 76904
25	PROPERTY OWNER		5818 WILLEKE DR	SAN ANGELO	TX 76904
26	PROPERTY OWNER		4138 HUNTLEIGH DR	SAN ANGELO	TX 76904
27	PROPERTY OWNER		4150 HUNTLEIGH DR	SAN ANGELO	TX 76904
28	PROPERTY OWNER		4114 HUNTLEIGH DR	SAN ANGELO	TX 76904
29	PROPERTY OWNER		4142 HUNTLEIGH DR	SAN ANGELO	TX 76904
30	PROPERTY OWNER		4145 HUNTLEIGH DR	SAN ANGELO	TX 76904
31	PROPERTY OWNER		4106 HUNTLEIGH DR	SAN ANGELO	TX 76904
32	PROPERTY OWNER		4141 HUNTLEIGH DR	SAN ANGELO	TX 76904
33	PROPERTY OWNER		4125 HUNTLEIGH DR	SAN ANGELO	TX 76904

Z17-01: MILLS DEVELOPMENT

Total Notices: 60

34	PROPERTY OWNER	5814 WILLEKE DR	SAN ANGELO	TX	76904
35	ARROYO LOPEZ FERNANDO J & COLON CARDONA LILLIVETTE	4186 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
36	BUITRON DAVID S & DORA	2953 RANCH ROAD 864	SONORA	TX	788405110
37	CITY OF SAN ANGELO	PLANNING DIVISION	SAN ANGELO	TX	76903-5814
38	CLIFTON CHRISTOPHER & KELLY	5902 MILL PASS DRIVE	SAN ANGELO	TX	76904-9999
39	CN BOULEVARD SAN ANGELO II LP	420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
40	EDWARDS RHEBA DENECE	4177 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
41	FLOYD GARY	2199 COYOTE BEND	SAN ANGELO	TX	76903-0135
42	FOSTER JOHN & JANA	4190 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
43	GAMMONS ROGER D & JOYCE A	4166 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
44	HEIL STEVEN G & BRANDI S	4801 PINON RIDGE DR	SAN ANGELO	TX	76904-9999
45	HENRY CHRISTOPHER & WELA	4158 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
46	HERON JOSEPH W & AUDREY B	4189 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
47	KAMALAPUR RAJ & SEEMA	4182 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-1405
48	KEMP CHARLOTTE	4181 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
49	KENNEDY JOSEPHINE M & JOHN D	4193 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
50	LEWIS EDWARD EUGENE & KIMBERLY ANN	4169 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
51	LYNCH JEAN	4161 HUNTLEIGH DR	SAN ANGELO	TX	76904-0000
52	MERRY WILLIAM CARLETON & PAMELA	4174 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
53	MILLS DEVELOPMENT INC	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-5918
54	MILLS DEVELOPMENT INC	PO BOX 60831	SAN ANGELO	TX	76906-0831
55	RICH TIMOTHY S & ANGELA D	4157 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
56	RIDGECREST INC	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-0000
57	SAMS EAST INC	PO BOX 8050	BENTONVILLE	AR	72712-8050
58	TWIN BUTTES APARTMENTS LLC	420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
59	WAGNER DAVID L & STEFANIE D	4173 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
60	WILLEKE HUDSON LP	PO BOX 810490	DALLAS	TX	75381-0490

City of San Angelo, Texas
Planning Division

Application for Approval of a ZONE CHANGE

Name of Applicant(s): Mills Development, Inc

Owner - Authorized Representative (Affidavit required)

Mailing Address: 3845 Lake Ridge Dr. Telephone: 656.7814

City/State/Zip: San Angelo, Texas Fax/other: _____

Subject Property Address and/or Location*:
West of the extension of Willeke Drive and Pinon Ridge Drive

Legal Description*:
17.192 acres out of Deaf & Dumb Asylums, Survey No. 2, Abstract No. 8211, COSA, Tom Green County, Texas

Zoning: R&E Vision Plan Map Designation: Neighborhood

Existing Use of Property: Vacant

Proposed Use of Property: Residential

Requested Zone Change: RS-1

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct.

Roddy Yeghlin 2-17-17
Signature Date

NOTE: Please also read information and sign on back of page.

OFFICE USE ONLY	
Case no.: <u>Z 17 - 01</u> L R M	Date of application: <u>2/17/2017</u>
Received by: <u>[Signature]</u>	-walk-in - by mail
Nonrefundable application fee: \$ <u>500</u>	Date paid: _____
Sign deposit: \$ <u>37.50</u>	Date paid: _____
Affidavit attached? - yes - no - N/A	Applicant's signature on information sheet? -
Previous Zone Change Inquiry? - yes - no	If yes, ZCI case no.: _____
River Corridor Commission? - yes - no	If yes, RCC meeting date: _____
Planning Commission hearing date: <u>3/20/17 (?)</u>	Date notifications due: _____
City Council hearing date: _____	Packets due date: _____ Publication date: _____

City of San Angelo, Texas
Department of Planning

Important Information Regarding Zone Change Requests

Please read the following and sign below.

1. An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner.
2. No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
3. If approved, **a zone change is applied to the property, not the property owner.**
4. The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
5. If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
6. Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
7. One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
8. If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If the Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.
9. The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We have read and understand the preceding information.

Booby Templin
Signature

2-17-17
Date

OFFICE USE ONLY

Case no.: Z _____ - _____ Date of application: _____ Received by: _____

Planning Manager
City of San Angelo- Planning Division
52 West College Avenue
San Angelo, Texas 76903

RECEIVED
FEB 22 2017
f. planning

Dear Sir or Madame:

I am requesting a zone change for an approximate 18-acre site that is under annexation and is located west of Willeke and Pinion Ridge Drives, west of the Prestonwood residential development. The subject property was incorporated into the City under a Rural and Estate (R&E) zoning category, as required by Code. I respectfully request that the property be rezoned in its entirety to Single-family Residential (RS-1) for the following reasons, per Section 212.G of the San Angelo Zoning Ordinance:

1. I believe the proposed is consistent with the Comprehensive Plan as to guide community growth in a sustainable way providing opportunities for growth both now and in the future.
2. This area is occurring next to similar development and away from incompatibly zoned areas. This zone change will ensure consistent predictable growth both now and in the future.
3. The envisioned growth for this area is Neighborhood. The proposed subdivisions that tie into the existing subdivisions there by establishing single family home sites are consistent with growth patterns.
4. Annexation with R&E zoning is triggering this zone change. If I could annex with RS-1 I would have.
5. I do not anticipate any adverse environmental impact from this zone change. RS-1 is a very low impact type of zoning when compared to other more dense residential zoning categories and commercial designations.
6. The community has been growing in a steady fashion for 6 years. Demand for more housing opportunities for families is needed. Single family residences are one way this demand can be meet. This isolated location from highway will provide a relatively quiet area for the future development of home sites.
7. This subdivision will help to fill a community need while ensuring that development patterns remain consistent. This area has access to thoroughfares capable carrying future residents to and from home; the area is also located within a mile of retail opportunities that will help future residents meet their needs. Families and children who locate in the area may enjoy walking to and from a nearby school which not only saves natural resources and minimizes area traffic but also provides exercise.

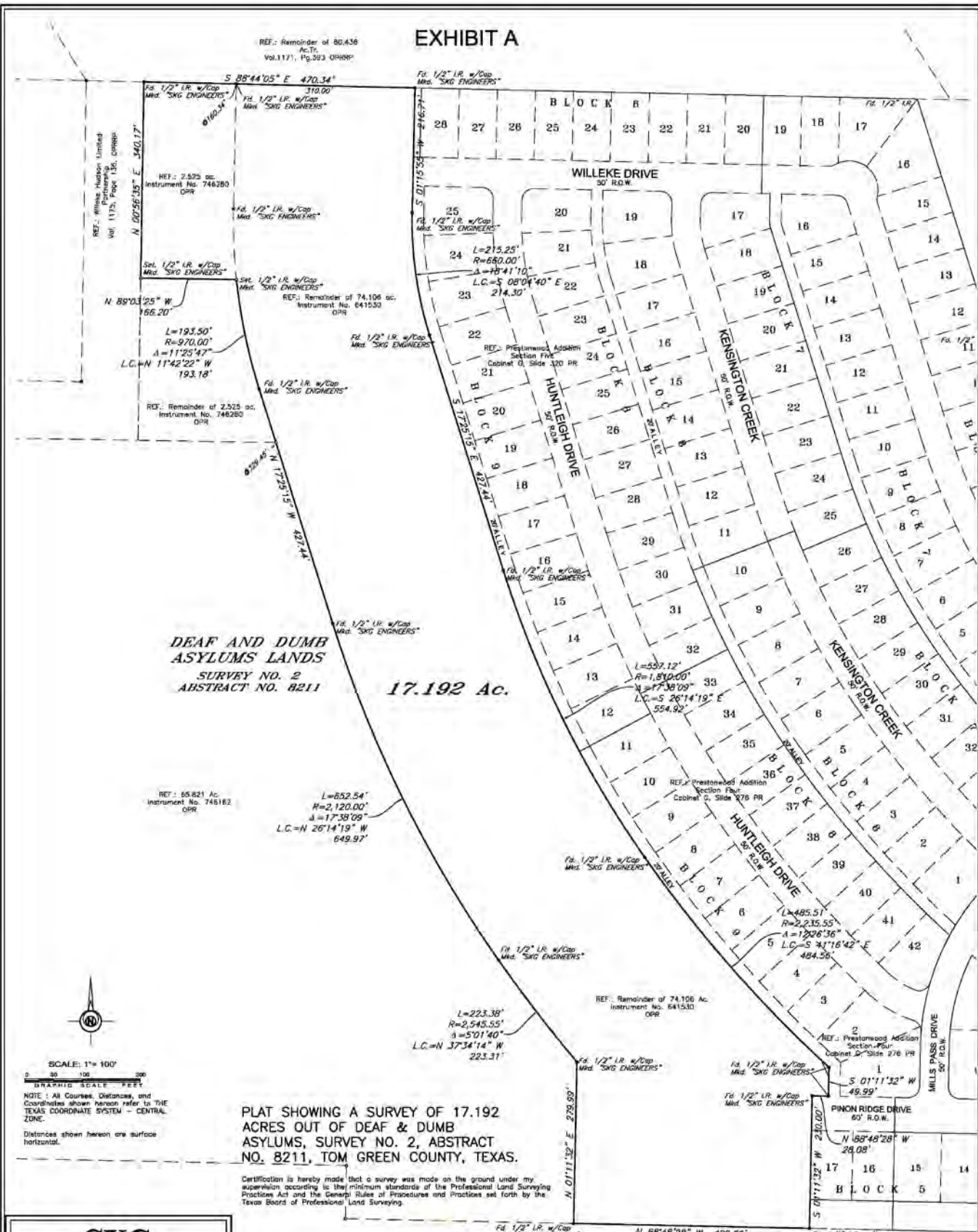
No future land use category amendment should be necessary for this request. Come out and take a look if you are not familiar with Prestonwood. Your favorable consideration of this request shall be greatly appreciated. Thank you.

Respectfully,

Bob Taylor

EXHIBIT A

REF.: Remainder of 80,436 Ac. Tr. Vol. 1171, Pg. 393 ORRRP



DEAF AND DUMB ASYLUMS LANDS
SURVEY NO. 2
ABSTRACT NO. 8211

17.192 Ac.

PLAT SHOWING A SURVEY OF 17.192 ACRES OUT OF DEAF & DUMB ASYLUMS, SURVEY NO. 2, ABSTRACT NO. 8211, TOM GREEN COUNTY, TEXAS.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practice Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyed on the ground January 5, 2017.



R. Gully
RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5638

SCALE: 1" = 100'
GRAPHIC SCALE - FEET
NOTE: All Courses, Distances, and Coordinates shown herein refer to the TEXAS COORDINATE SYSTEM - CENTRAL ZONE.
Distances shown herein are surface horizontal.

SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH AIRE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.865.1288
FAX: 325.867.8189
FIRM No.: 10102400
WWW.SKGE.COM

REF.: Willeke Hudson Limited Partnership Vol. 1175, Page 136, ORRRP

FIELD NOTES

17.192 Acres

January 6, 2017
17-E-0004_17ac

Being an area of 17.192 acres of land out of Deaf and Dumb Asylums, Survey No. 2, Abstract No. 8211, Tom Green County, Texas and said 17.192 acre tract also being out of that certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas and out of that certain 74.106 acre tract described and recorded in Instrument No. 641530, Official Public Records of Tom Green County, Texas and said 17.192 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap marked "SKG ENGINEERS" found for the northeast corner of this tract in the north line of said 74.106 acre tract and in the south line of certain remainder of an 80.436 acre tract described and recorded in Volume 1171, Page 393, Official Public Records of Real Property of Tom Green County, Texas and said beginning corner also being the northwest corner of Lot 28, Block 6, Prestonwood Addition, Section Five as per plat recorded in Cabinet G, Slide 320, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Five, S. 01° 15' 55" W. 216.71 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 660.00 feet, central angle of 18° 41' 10", arc length of 215.25 feet and whose long chord bears S. 08° 04' 40" E. 214.30 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the east or northeast line of this tract and the west or southwest line of said Section Five, S. 17° 25' 15" E. 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 1810.00 feet, central angle of 17° 38' 09", arc length of 557.12 feet and whose long chord bears S. 26° 14' 19" E. 554.92 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the left;

Thence with said curve to the left, having a radius of 2235.55 feet, central angle of 12° 26' 36", arc length of 485.51 feet and whose long chord bears S. 41° 16' 42" E. 484.56 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an angle corner of this tract and certain Prestonwood Addition, Section Four, as per plat recorded in Cabinet G, Slide 276, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Four, S. 01° 11' 32" W. 49.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, N. 88° 48' 28" W. 28.08 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, S. 01° 11' 32" W. 230.00 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southeast corner of this tract in the south line of said 74.106 acre tract;

Thence with the south line of this tract and said 74.106 acre tract, N. 88° 48' 28" W. 409.29 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 74.106 acre tract and the southeast corner of a certain 65.821 acre tract described and recorded in Instrument No. 746162, Official Public Records of Tom Green County, Texas;

Thence with the west line of this tract and said 74.106 acre tract and the east line of said 65.821 acre tract, N. 01° 11' 32" E. 279.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for angle corner of this tract and said 74.106 acre tract and said 65.821 acre tract;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract with a curve to the right, having a radius of 2545.55 feet, central angle of 05° 01' 40", arc length of 223.38 feet and whose long chord bears N. 37° 34' 14" W. 223.31 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the right;

Thence with said curve to the right, having a radius of 2120.00 feet, central angle of 17° 38' 09", arc length of 652.54 feet and whose long chord bears N. 26° 14' 19" W. 649.97 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract, N. 17° 25' 15" W. at 329.45 feet pass the northeast corner of said 65.821 acre tract and southeast corner of a certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas, in all a total distance of 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of curve to the right;

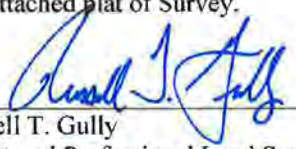
Thence with said curve to the right, having a radius of 970.00 feet, central angle for this part traversed of 11° 25' 47", arc length of 193.50 feet and whose long chord bears N. 11° 42' 22" W. 193.18 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for angle corner;

Thence across said 2.525 acre tract, N. 89° 03' 25" W. 166.20 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the west southwest corner of this tract in the west line of said 2.525 acre tract;

Thence with the most westerly line of this tract and west line of said 2.525 acre tract, N. 00° 56' 35" E. 340.17 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of this tract and said 2.525 acre tract and being in the south line of said 80.436 acre tract;

Thence with the north line of this tract and said 2.525 acre tract and south line of said 80.436 acre tract, S. 88° 44' 05" E. at 160.34 feet pass the northeast corner of said 2.525 acre tract and the northwest corner of said 74.106 acre tract, in all a total distance of 470.34 feet to the place of beginning and containing an area of 17.192 acres of land.

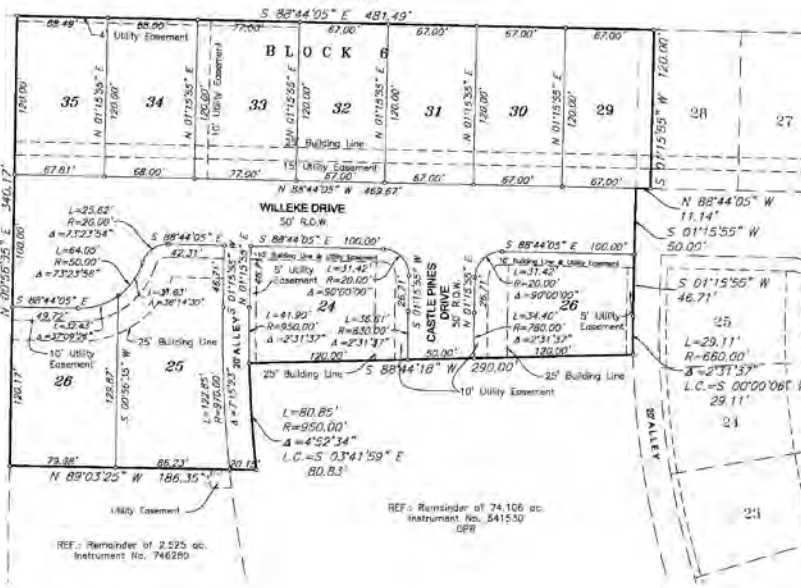
See attached plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



REF: Remainder of 40.436 Ac. Tr.
Vol. 1171, Pg. 293 OPRRP



REF: Wilke Division Limited Partnership
Vol. 1171, Page 136, OPRRP

REF: Remainder of 74.106 ac.
Instrument No. 641530
OPR

REF: Remainder of 2.525 ac.
Instrument No. 746280



SCALE: 1" = 80'
GRAPHIC SCALE - FEET
NOTE: Bearings shown herein are based on the Texas Coordinate System - Central Zone. Distances shown are surface distances.

LEGEND:
 • Found 1/2" Iron Pipe or Rod
 • Set 1/2" Iron Rod with Cap
 • Witness: SKG ENGINEER, P.C.

PLANNING COMMISSION
Approved for recording this _____ day
of _____, 20____ City Planning
Commission of San Angelo, Texas

By: _____
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

This Plat is Filed in Cabinet _____, Side _____
Real Records of Tom Green County, Texas.

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

SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LABORATORY
100 WINDHARVEST STREET | PHONE: 325.652.1288
SOUTHWIND, TEXAS 76863 | FAX: 325.652.1199
P.O. Box 131624-0000 | www.skg.com

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before
me on _____ day of _____, 20____
by Rocky T. Jamlin in the capacity shown.

Notary Public, State of Texas

ACKNOWLEDGEMENT/DEDICATION
We, Mils Development, Inc., do hereby adopt this plat as
the subdivision of our property and dedicate to the use of
the public the streets and easements shown herein.

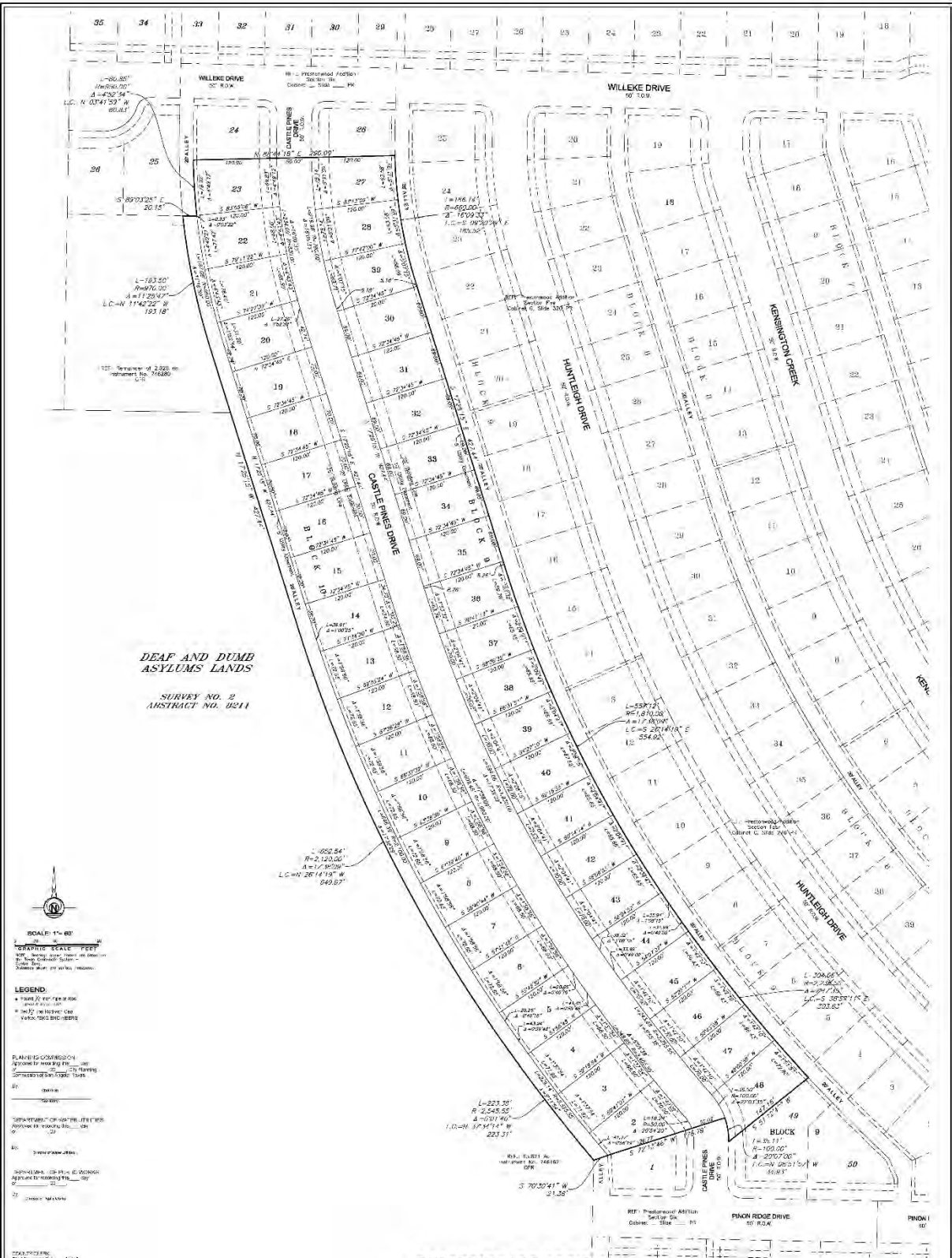
Notary Public, State of Texas

**PRESTONWOOD ADDITION
SECTION SIX
City of San Angelo, Tom Green County, Texas.**

OWNER/DEVELOPER: MILS DEVELOPMENT, INC.
DESCRIPTION: Being 5.773 acres out of the South 1/2
East 1/4, District 14, Survey No. 2, Abstract No. 821, City
of San Angelo, Tom Green County, Texas and being all of
that certain 74.106 acre tract described in Instrument No.
641530, Official Public Records, Tom Green County, Texas.

Preliminary plat document
may not be adopted for the
purpose and may not be used
as a basis for a final plat
without approval.

SURVEYOR'S CERTIFICATE
Know all men by these presents, that I,
Robert T. Colby, P.E., do hereby certify that I
prepared this plat from an actual and
accurate survey of the land and that certain
encumbrances shown herein were properly
placed under my supervision. In accordance
with the rules for land subdivision by the City
Council of the City of San Angelo, and I
further certify that the tract of land herein
public use within the city limits of the City of
San Angelo, Texas.



DEAF AND DUMB
ASYLUMS LANDS

SURVEY NO. 2
ABSTRACT NO. 0211

SCALE: 1" = 60'

STARTING SCALE FEET

LEGEND:

PLANNED COMMERCIAL

APPROVED FOR RECORD BY...

DATE: ...

APPROVED FOR RECORD BY...

DATE: ...

**PRESTONWOOD ADDITION
SECTION SEVEN**

City of San Angelo, Tom Green County, Texas.

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/IT

1400 S. ...
SAN ANGELO, TEXAS 76901
PHONE: 325.955.1100
FAX: 325.955.1100
WWW.SKG-LLC.COM

SHOULD BE FILED IN ...

THE RECORDS OF TOM GREEN COUNTY, TEXAS

DATE: ...

APPROVED FOR RECORD BY ...

DATE: ...

CONVEYANCE TO ...

ACCEPTED FOR RECORD BY ...

DATE: ...

APPROVED FOR RECORD BY ...

DATE: ...

LOOKING WEST FROM PINON RIDGE DR
(Panoramic View)



LOOKING WEST FROM WILLEKE DR



LOOKING SOUTH FROM WILLKE DRIVE



STAFF REPORT



Meeting: March 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

Case: Z17-02; Hargraves

Request: A request for approval of a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District

Location: 508-510 W. 17th Street; generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87)

Legal Description: Lots 16 and 17, Block 1, Mineola Addition.

Size: 0.345 acres

General Information

Future Land Use: Transitional

Current Zoning: RS-1 Single-Family Residence

Existing Land Use: Residential and Vacant Lot

Surrounding Zoning / Land Use:

North:	Low Rise Multi-Family Residence (RM-1)	Vacant
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	General Commercial/Heavy Commercial (CG/CH)	Auto Sales

District: SMD #4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets:

North Bryant Blvd is defined as a “Major Arterial” roadway in the City’s Master Thoroughfare Plan (MTP) and is under TX-DOT jurisdiction. Major Arterial Roads are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds and typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet.

West 17th Street is defined as an “Urban Local 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, and they generally consist of a minimum ROW width of 50 feet and a minimum pavement width of 36 feet to 40 feet.

Background:

The partially vacant subject property was platted in 1928 as part of the Mineola Addition (Volume 1, Pages 90 and 91, Official Plat Records). The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. cursory research appears to indicate that it has historically been zoned for single-family use. The subject property is rectilinear, oriented north-to-south, and has approximately 150 feet of frontage

along North Bryant Boulevard and 100 feet of frontage along West 17th Street. A 20-foot public alley runs along the subject property's north lot line.

Analysis:

Zoning: The undeveloped subject property is presently classified as Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood.

Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Commercial development should be low intensity with small floor areas and limited traffic generation and trade area. The character of commercial development is compatible with the surrounding residential neighborhood. This District is also intended for commercial establishments whose activity, materials and merchandise are housed entirely inside the building, except as may be allowed by the General Development Standards of this Zoning Ordinance. Auto and boat dealerships are not permitted outright in this zoning district, which is the reason that this application is accompanied by a separate Special Use application (cross-referencing SU17-01 [Hargraves]).

Comprehensive Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Transitional." According to the Comprehensive Plan, there are two types of Transitional areas, the first involving conversions of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second involving the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In either case, Transitional areas should provide for a progressive scaling of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. This is further expressed in Goal number two, which seeks to "...blend intensive commercial areas into neighborhoods seamlessly." The Comprehensive Plan recognizes that "commercial areas often do not make for compatible neighbors for residential uses, but rather than completely turning their back on neighborhoods, Transition Areas should be used to graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide areas for increased housing and nonresidential options not currently being met." In short, the current Future Land Use designation of "Transitional" appears, at least in this instance, to be furthered by a Neighborhood Commercial zoning classification rather than a conventional General Commercial classification, particularly if the accompanying Special Use were to be replaced with a different non-residential use adjacent to existing single-family residential uses.

Criteria: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

As previously stated, the subject area currently has a Future Land Use designation of "Transitional." The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary. The application for rezoning is being sought to facilitate the development of an automobile and light truck dealership, which is not permitted under the CN zoning category. The Petitioner is also seeking Special Use approval in conjunction with this application to facilitate the proposed use. Additional conditions may need to be imposed through the Special Use, should the Special Use be deemed appropriate for the site, in order to remain in keeping with both the spirit of the Zoning Ordinance and the intent of the Comprehensive Plan.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Both the current and proposed zoning categories appear to be appropriate for the subject property, and the site appears suitable for either residential or non-residential purposes. Other than close proximity to both a major arterial and primary corridor into the city (North Bryant Boulevard [US-87]), there is nothing to suggest that single-family residential is not appropriate for the subject property; low marketability is not a credible metric. Conversely, close proximity to both a major arterial and primary corridor into the city may not properly indicate that the site is ripe for non-residential development, taking into account current development patterns in the surrounding area.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

Transitional areas can accommodate both RS-1 and CN zoning categories, therefore both the current and proposed zoning categories appear to be appropriate for the subject property. The site appears suitable for either residential or non-residential purposes. The 2009 Comprehensive Plan update designated this property as "Transitional," presumably to accommodate the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In light of this, the proposed zoning should provide for a progressive scaling of activity from more intense areas to nearby residential neighborhoods. Because the proposed use requires Special Use approval, additional conditions may

be necessary to ensure compatibility with surrounding environs and keep within the spirit of the Zoning Ordinance.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.*

The surrounding area appears to have historically contained single-family residential neighborhoods both before and after the realignment and expansion of US 87 (North Bryant Boulevard). Additionally, a portion of the subject property contains an abandoned residence, while the remaining portion may have contained a residence prior to 2008. Based on these observations, there is nothing to indicate that single-family residential is no longer appropriate for this location. On the other hand, there may be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

No appreciable adverse impact on the natural environment appears likely as a result of the rezoning. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management and site access as a result of any development of the property will be addressed during the permitting process.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

There may appear to be a deficit in current local residential housing opportunities, as well as affordable housing opportunities, as a result of the proposed rezoning. Conversely, local market conditions do not appear to indicate that a housing shortage currently exists. The Petitioner does not offer any compelling arguments to suggest either a shortfall in existing local office/commercial inventories, let alone the need for more automobile dealerships in the community. Equally, however, new commercial opportunities could expand the local tax base and generate much needed revenue, as well as provide for additional employment opportunities within the immediate area. Ironically, the proposed zoning may not satisfy future residential need as the local economy begins to grow and new users migrate into the area as a result of economic growth.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The surrounding area has a wide array of uses and zoning patterns, including single-family residential to the south and west, vacant multi-family to the north, various commercial further north and to the east (restaurants, convenience retail, used car dealerships, etc.), and institutional to the southeast (church). As previously stated, the areas to the south, west and northwest appear to have historically contained single-family residential neighborhoods both before and after the realignment and expansion of US 87 (North Bryant Boulevard). Additionally, a portion of the subject property contains an abandoned residence, while the remaining portion may have contained a residence prior to 2008. Based on these observations, there is nothing to indicate that single-family residential is no longer appropriate for this location. On the other hand, there may be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined. By and large, there is no compelling evidence to suggest that either zoning category is antiquated or would be in conflict with current patterns.

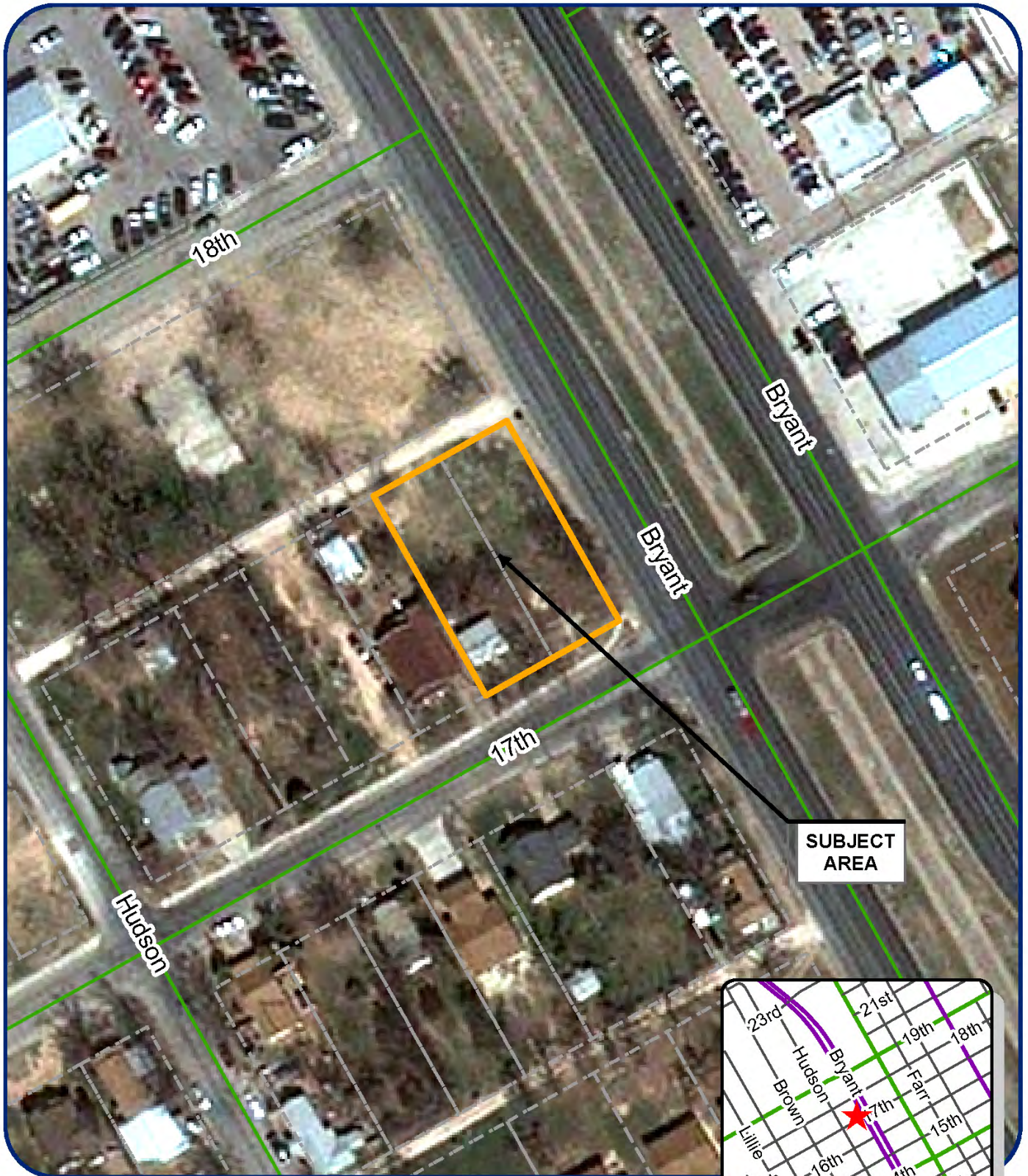
Notification:

On February 24, 2017, fourteen notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to the request.

Staff Recommendation:

Staff recommends that the Planning Commission recommend **APPROVAL** of Case Z17-02, a request for a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Attachments: Aerial Map
 Future Land Use Map
 Zoning Map
 Major Thoroughfare Plan
 Application
 Petitioner Justification
 Site Photographs



SUBJECT AREA



Multiple Case Files

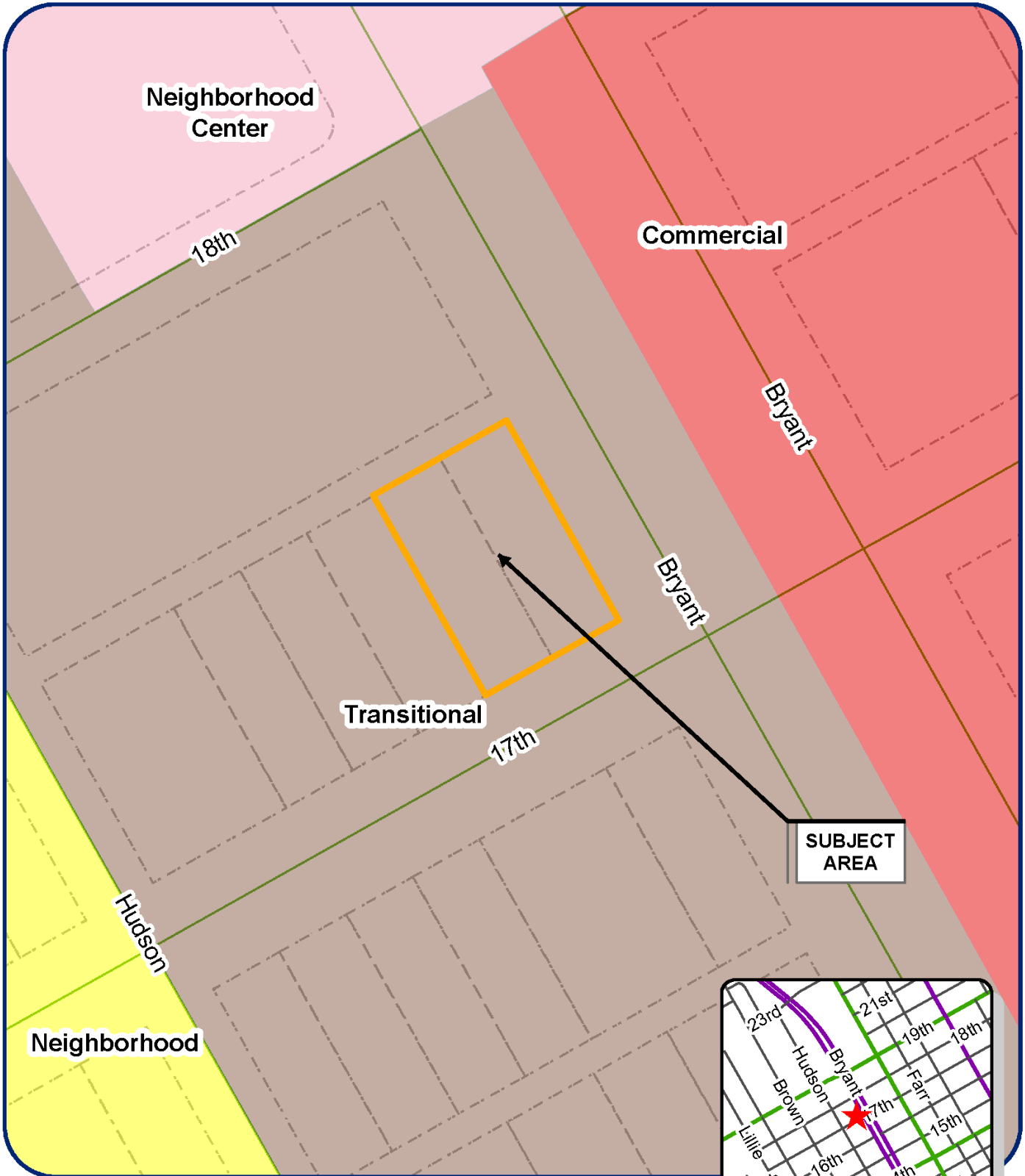
Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)
 Neighborhood: Blackshear
 Scale: 1 Inch :: 100 Feet
 Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:
 Current Zoning: **RS 1**
 Requested Zoning Change: **CN/SU**
 Vision: **Transitional**





Multiple Case Files
Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)
 Neighborhood: Blackshear
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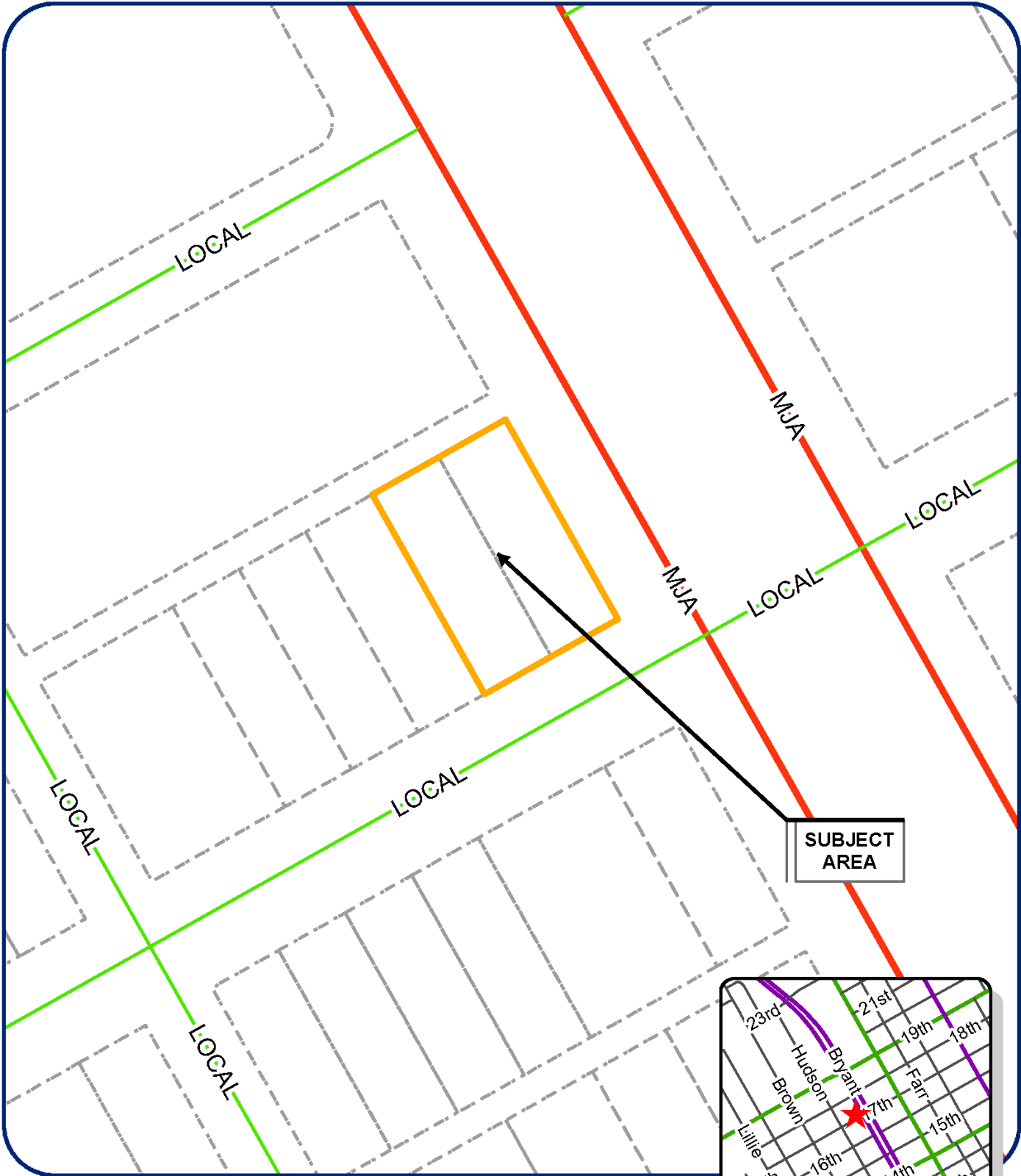
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Multiple Case Files

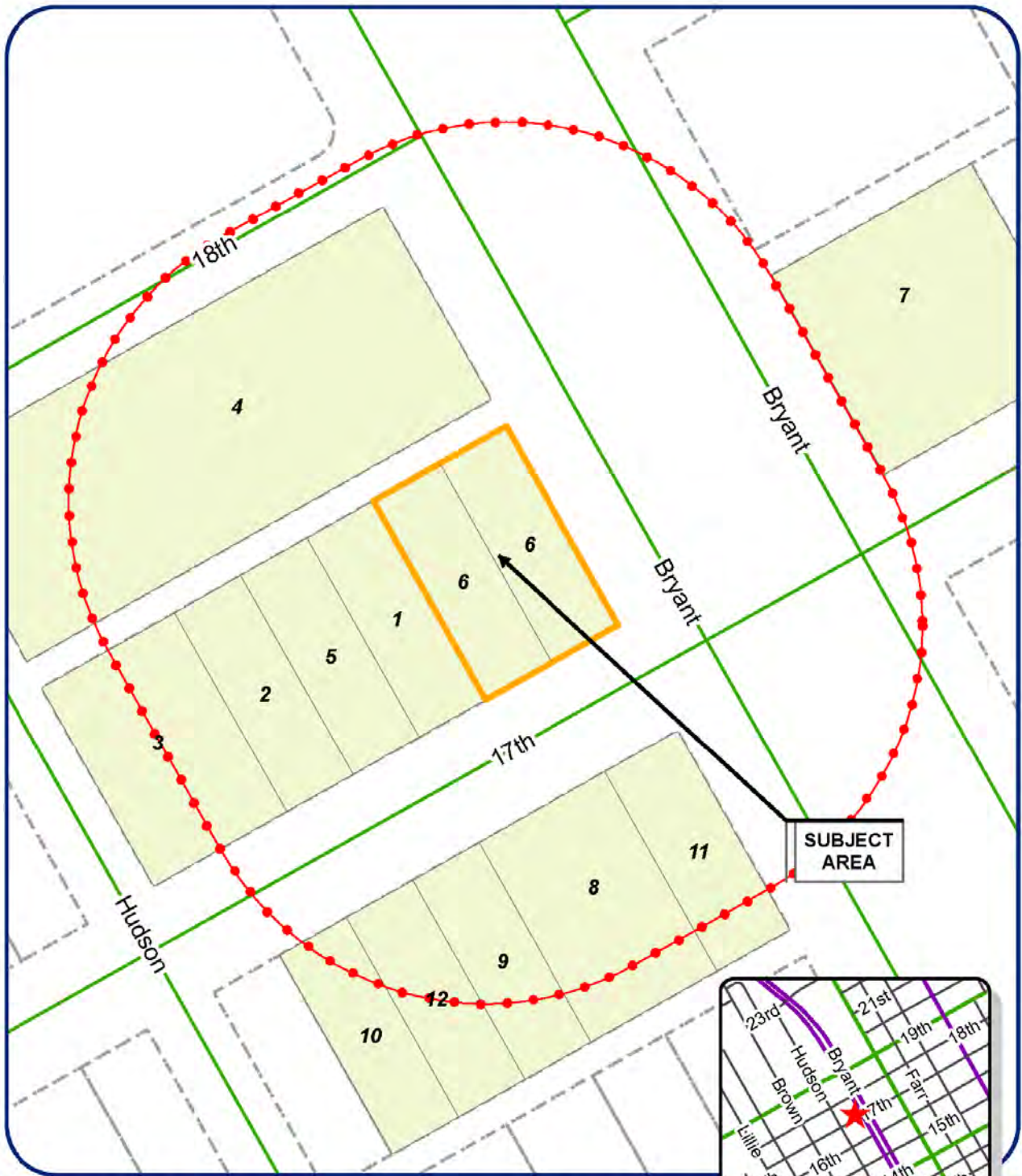
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Multiple Case Files
Z17-02/SU17-01; Hargraves

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 Neighborhood: Blackshear
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 Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend
 Subject Properties:
 Current Zoning: **RS 1**
 Requested Zoning Change: **CN/SU**
 Vision: **Transitional**



IND	vm_name	vm_incare	vm_line1	vm_city	vm_state	vm_zip
0	CITY OF SAN ANGELO	PLANNING DIVISION	52 W COLLEGE AVE	SAN ANGELO	TX	76903
1	ACEVEDO PEDRO R & LETICIA GARCIA		512 W 17TH ST	SAN ANGELO	TX	76903-4502
2	ACEVEDO SAUL		512 W 17TH ST	SAN ANGELO	TX	76903-4502
3	CARDENAS ISMAEL - DECEASED		520 W 17TH ST	SAN ANGELO	TX	76903-4502
4	DE WITT DE LARNCE		1117 ASHFORD DRIVE	SAN ANGELO	TX	76901-5305
5	DE WITT LANGSTON - DECEASED	DORETHEA DEWITT	3810 SOUTHLAND BLVD	SAN ANGELO	TX	76904-7241
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
7	HARRIS WALT		8750 WREN RD	SAN ANGELO	TX	76901-7436
8	MARTINEZ BEATRIZ		814 N VAN BUREN	SAN ANGELO	TX	76901-2518
9	NOAH ESTATES PROPERTIES I LP		1404 S OAKES ST	SAN ANGELO	TX	76903-7506
10	OWENS LEARY		521 W 17TH ST	SAN ANGELO	TX	76903-4501
11	REED CHARLES		401 KENNEDY DR	SAN ANGELO	TX	76905-7715
12	VIGIL SAMUEL & JULIE Z		817 E 18TH ST	SAN ANGELO	TX	76903-3568

Z17-01: MILLS DEVELOPMENT

Total Notices: 60

34	PROPERTY OWNER	5814 WILLEKE DR	SAN ANGELO	TX	76904
35	ARROYO LOPEZ FERNANDO J & COLON CARDONA LILLIVETTE	4186 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
36	BUITRON DAVID S & DORA	2953 RANCH ROAD 864	SONORA	TX	788405110
37	CITY OF SAN ANGELO	PLANNING DIVISION	SAN ANGELO	TX	76903-5814
38	CLIFTON CHRISTOPHER & KELLY	5902 MILL PASS DRIVE	SAN ANGELO	TX	76904-9999
39	CN BOULEVARD SAN ANGELO II LP	420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
40	EDWARDS RHEBA DENECE	4177 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
41	FLOYD GARY	2199 COYOTE BEND	SAN ANGELO	TX	76903-0135
42	FOSTER JOHN & JANA	4190 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
43	GAMMONS ROGER D & JOYCE A	4166 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
44	HEIL STEVEN G & BRANDI S	4801 PINON RIDGE DR	SAN ANGELO	TX	76904-9999
45	HENRY CHRISTOPHER & WELA	4158 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
46	HERON JOSEPH W & AUDREY B	4189 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
47	KAMALAPUR RAJ & SEEMA	4182 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-1405
48	KEMP CHARLOTTE	4181 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
49	KENNEDY JOSEPHINE M & JOHN D	4193 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
50	LEWIS EDWARD EUGENE & KIMBERLY ANN	4169 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
51	LYNCH JEAN	4161 HUNTLEIGH DR	SAN ANGELO	TX	76904-0000
52	MERRY WILLIAM CARLETON & PAMELA	4174 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
53	MILLS DEVELOPMENT INC	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-5918
54	MILLS DEVELOPMENT INC	PO BOX 60831	SAN ANGELO	TX	76906-0831
55	RICH TIMOTHY S & ANGELA D	4157 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
56	RIDGECREST INC	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-0000
57	SAMS EAST INC	PO BOX 8050	BENTONVILLE	AR	72712-8050
58	TWIN BUTTES APARTMENTS LLC	420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
59	WAGNER DAVID L & STEFANIE D	4173 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
60	WILLEKE HUDSON LP	PO BOX 810490	DALLAS	TX	75381-0490



City of San Angelo, Texas – Planning Division
 52 West College Avenue
Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): Robby W. HARGRAVES
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 1218 KENWOOD DR. SAN ANGELO, TX 76904
City State Zip Code

Contact Phone Number: 325 277 9636 Contact E-mail Address: rwhargraves@msn.com

Subject Property Address: 508 & 510 W. 17th SAN ANGELO, TX 76903
City State Zip Code

Legal Description (can be found on property tax statement or at www.tomgreencad.com):
LOTS SIXTEEN AND SEVENTEEN BLOCK ONE MINEOLA ADDITION
508 & 510 West 17th St

Existing Zoning: RS-1 Proposed Zoning: CG Lot size: ± 15066 ft²
FLU - Transitional CN 0.345 ac
(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Vacant

*Proposed Use of Property: FOR Auto & Light Truck dealerships (SALES) ONLY

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

- An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- If approved, a zone change is applied to the property, not the property owner.
- The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Section 3 continued : Applicant(s) Acknowledgement

The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

ROBBY W. HARGRAVES R.W. Hargraves _____ 2.22.17
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: ____/____/____

Case No.: Z 17 -- 02 Fully-dimensional site plan:

Nonrefundable fee: \$ 500 Receipt #: _____ Date paid: ____/____/____

Sign Deposit \$37.50 Receipt #: _____ Date paid: ____/____/____

Affidavit attached? Yes No N/A Applicant's signature on information sheet? Yes No

Previous Zone Change Inquiry? Yes No If yes, ZCI case no.: _____ -- _____

River Corridor Commission? Yes No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: ____/____/____ Date notifications due: ____/____/____

City Council hearing date: ____/____/____ Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

February 21, 2017

Planning Manager
City of San Angelo Planning Division
52 West College Ave.
San Angelo, TX 76903

I am requesting a zone change for properties 508 & 510 West 17th St (Legal Description, Lots 16 & 17, Block 1, Minnieola addition, City of San Angelo, Tom Green County.

Both properties currently zoned R1. and join Bryant thruway South & 17th St. Both properties have not been in use for a number of years. Previous owner seems to have had a real struggle complying with City used & brush control. We have cleaned the brush & mesquite off. I respectfully request a change to accommodate the use for a used motor vehicle sales lot, with a small 16x30 office, with the balance to be paved.

There are four other like business on either side of Bryant, with the rest being predominantly commercial. I believe this to be the best use for this property, & would create more taxes and 2 to 4 more jobs

My plan will conform with the other business that are in this area, and also enhance the value of the surrounding property.

I pray that you will favor my request.

I thank you very respectfully

R. W. Hargraves

IMAGES OF THE SUBJECT PROPERTY (Looking north along West 17th)



IMAGES OF THE SUBJECT PROPERTY (Looking south from rear alley)



AREA CONDITIONS SOUTH OF THE SITE



AREA CONDITIONS WEST OF THE SITE



AREA CONDITIONS NORTH OF THE SITE



AREA CONDITIONS EAST OF THE SITE



STAFF REPORT



Meeting: March 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

Case: SU17-01: Hargraves

Request: A request for approval of a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District

Location: 508-510 W. 17th Street; generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87)

Legal Description: Lots 16 and 17, Block 1, Mineola Addition.

Size: 0.345 acres

General Information

Future Land Use: Transitional

Current Zoning: RS-1 Single-Family Residence

Existing Land Use: Residential and Vacant Lot

Surrounding Zoning / Land Use:

North:	Low Rise Multi-Family Residence (RM-1)	Vacant
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	General Commercial/Heavy Commercial (CG/CH)	Auto Sales

District: SMD #4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets:

North Bryant Blvd is defined as a “Major Arterial” roadway in the City’s Master Thoroughfare Plan (MTP) and is under TX-DOT jurisdiction. Major Arterial Roads are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds and typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet.

West 17th Street is defined as an “Urban Local 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, and they generally consist of a minimum ROW width of 50 feet and a minimum pavement width of 36 feet to 40 feet.

Background:

The partially vacant subject property was platted in 1928 as part of the Mineola Addition (Volume 1, Pages 90 and 91, Official Plat Records). The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. cursory research appears to indicate that it has historically been zoned for single-family use. The subject property is rectilinear, oriented north-to-south, and has approximately 150 feet of frontage

along North Bryant Boulevard and 100 feet of frontage along West 17th Street. A 20-foot public alley runs along the subject property's north lot line.

Analysis:

Zoning: The undeveloped subject property is presently classified as Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood.

Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Commercial development should be low intensity with small floor areas and limited traffic generation and trade area. Auto and boat dealerships are not permitted outright in this zoning district, which is the impetus behind this Special Use application. Approval of this application, however, is predicated on the approval of a corresponding rezoning application from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District (RE: Z17-02; Hargraves).

Comprehensive (Vision) Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Transitional." According to the Comprehensive Plan, there are two types of Transitional areas, the first involving conversions of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second involving the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In either case, Transitional areas should provide for a progressive scaling of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. This is further expressed in Goal number two, which seeks to "...blend intensive commercial areas into neighborhoods seamlessly." The Comprehensive Plan recognizes that "commercial areas often do not make for compatible neighbors for residential uses, but rather than completely turning their back on neighborhoods, Transition Areas should be used to graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide areas for increased housing and nonresidential options not currently being met." The Special Use, if deemed appropriate, may include conditions deemed necessary and appropriate to achieving this end. Special Uses are generally considered suitable in transitional areas.

Criteria: Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request.

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*

Both the zone change from RS-1 to CN and the corresponding Special Use application are made to facilitate the development of an automobile and light truck dealership. The proposed use may be considered to be non-intense enough to be located next to single-family residential because of the nature of the business and the infrequency and level of activity that may be associated with such a business, activities that are comparatively different to those stemming from such permitted uses as offices and general retail. Furthermore, even though there are other similar uses within close proximity to the subject property, the present size of the property is considerably smaller than that enjoyed by nearby contemporaries, therefore the extent of inventory coverage and visual impact would be comparatively less. It would therefore be reasonable to mitigate the Special Use with respect to residential adjacency, site operations and aesthetics to ensure that the use neither intrudes upon, nor inconveniences nearby residences.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Per Section 209.A of the Zoning Ordinance, the Special Use process allows for the review of larger-scale uses that may be appropriate in designated areas, as subject to determinations as allowed under Section 310. The Special Use mechanism helps to ensure that substantive consideration is given to conditions that will minimize any negative impacts of the use. This mechanism acknowledges the potential suitability of a site for a particular use which may be considered special due to infrequent occurrence, its effect on surrounding property, or its possible impacts on safety and quality of life. Lastly, this mechanism looks at the appropriateness of the use in relation to a specific location and its dependency on the character of site design.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

Again, the Special Use mechanism helps to ensure that substantive consideration is given to conditions that will minimize any negative impacts of the use. This mechanism acknowledges the potential suitability of a site for a particular use which may be considered special due to infrequent occurrence, its effect on surrounding property, or its possible impacts on safety and quality of life. Lastly, this mechanism looks at the appropriateness of the use in relation to a specific location and its dependency on the character of site design. Any matters of potential incompatibility between the Special Use and the surrounding neighborhood could be adequately mitigated through the imposition of conditions deemed necessary and appropriate. Careful consideration should therefore be given to such matters as site landscaping, perimeter screening,

site access and layout and site lighting to ensure that new non-residential development is harmonious with surrounding residential development and that divergent land uses in close proximity to each other otherwise appear as seamless and environmentally cohesive as possible.

4. **Traffic Circulation.** *Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*

There may be some appreciable level of business-related traffic generated by the proposed Special Use. The extent of this impact may depend upon the location of site access, however. It is not anticipated that traffic generated by the Special Use will require increases in road capacity along either West 17th or North Bryant. Conditions may be imposed, however, to address possible customer parking along West 17th to ensure that potential nuisances may be averted.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

No appreciable adverse impact on the natural environment appears likely as a result of Special Use approval. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management and site access as a result of any development of the property will be addressed during the permitting process. Any anticipated adverse impacts resulting from the Special Use could be adequately mitigated through the imposition of conditions deemed necessary and appropriate. With respect to recommended conditions involving landscaping, plantings ideally should be drought-tolerant, hardy and non-allergen-producing. Streetscape should be provided to add both aesthetic and shade value to the project site. To this end, examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The Petitioner does not offer any arguments to suggest a compelling need for more automobile dealerships in the community. On the other hand, new commercial opportunities could expand the local tax base and generate much needed revenue, as well as provide for additional employment opportunities within the immediate area.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The surrounding area has a wide array of uses and zoning patterns, including single-family residential to the south and west, vacant multi-family to the north, various commercial further north and to the east (restaurants, convenience retail, used car dealerships, etc.), and institutional to the southeast (church). Although there is preponderance of historic single-family residential development within the surrounding area, there may also be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined.

Notification:

On February 24, 2017, fourteen notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to the request.

Staff Recommendation:

Staff recommends that the Planning Commission recommend **APPROVAL** of Case SU17-01, a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, subject to the following fourteen Conditions of Approval:

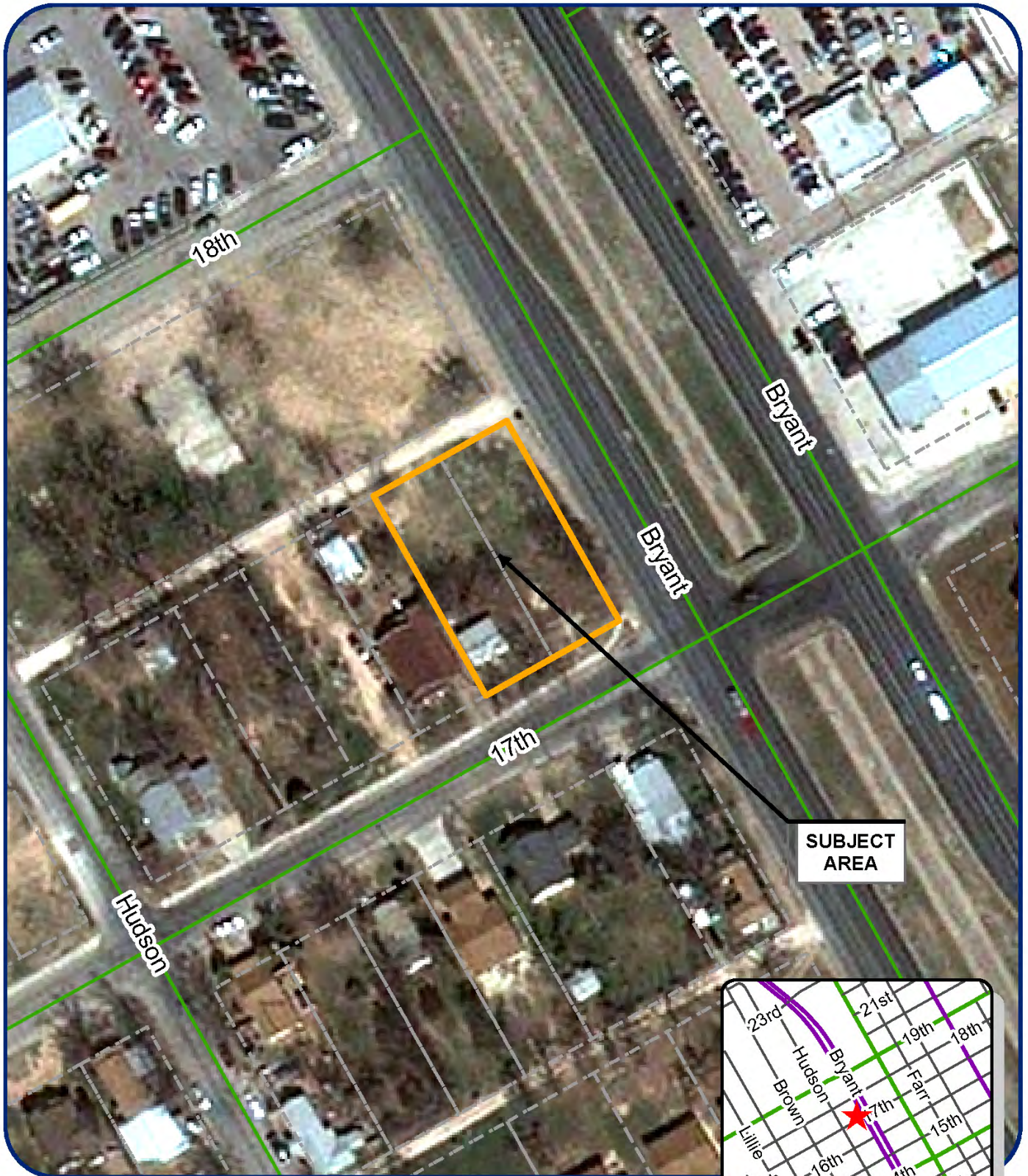
1. All business activities shall be limited to the sale of passenger automobiles, light and medium trucks and motorcycles only. Both lots that comprise the subject property shall be replatted into a single lot, and an approved and recorded plat shall be provided prior to the application for a building permit.
2. All site lighting on the premises, both existing and new, shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands and is suitably engineered for night-sky purposes. No new site lighting or building lighting shall be upward emitting. New site lighting shall utilize light emitting diode (LED) illumination.
3. The property owner shall be responsible for the construction of new sidewalk and replacement of any existing, substandard sidewalk abutting the subject property.
4. A minimum of 2 non-allergenic trees, with a minimum of 3 inches in caliper and 6 feet in height at time of planting, shall be placed along each street frontage. Examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine. A minimum of 2 non-allergen producing trees, each with a minimum of 3 inches in caliper and 6 feet in height at time of planting, shall be placed along each street frontage. A landscape strip with a

minimum width of 10 feet, in conjunction with required street trees, shall also be provided along both street frontages. This landscape strip may include landscaped portions of the street right-of-way. All site landscaping shall be subject to the approval of the Planning and Development Services Director, or designee.

5. Off- and on-loading activities are prohibited within the public right-of-way of West 17th Street, North Bryant Boulevard and the abutting service alley to the north of the subject property. Site access from West 17th Street shall be prohibited.
6. No vehicular inventory shall utilize a required parking space. All parking, circulation and vehicle display areas on the premises shall be paved in accordance with minimum City standards. The property owner shall ensure that any business-related parking does not intrude upon, or inconvenience nearby residents.
7. No vehicle repair, maintenance or vehicle body repair shall be permitted on the premises. No salvage or junk vehicles shall be maintained on the premises, nor shall any debris, vehicle parts, tires, lubricants or other toxic and caustic materials be stored on the premises.
8. All incidental outdoor storage shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Incidental outdoor storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
9. No portable signage shall be allowed on the premises. All illuminated signage on the premises shall be turned off between the hours of 10:00 PM and 7:00 AM the following day.
10. No loud speakers, paging systems or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
11. No intermodal storage containers, boxcars, recreational vehicles or mobile homes shall be placed on the premises.
12. Solid screening or a suitable vegetative alternative shall be utilized along the west and north property lines for matters of residential adjacency. Chain-link fencing with vinyl slats may not be used for screening purposes.
13. All fencing along West 17th Street and North Bryant Boulevard shall consist of any of the following: (a) low-post, split-rail metal fencing, painted in either earth-tone or black; (b) green or black vinyl-clad, chain-link fencing (4-ft maximum height); (c) decorative wrought-iron fencing (4-ft maximum height); or (d) reinforced bollards, painted in either earth-tone or black, concrete or decorative metal. No barbed or concertina (razor) wire fencing shall be permitted.

14. If the approved Special Use is inactive or discontinued for a period exceeding 360 consecutive days, or if the approved Special Use does not become active within a period of six months following the date of City Council approval, then the Special Use shall be declared null and void.

- Attachments:
- Aerial Map
 - Future Land Use Map
 - Zoning Map
 - Major Thoroughfare Plan
 - Application
 - Petitioner Justification
 - Site Photographs



SUBJECT AREA



Multiple Case Files

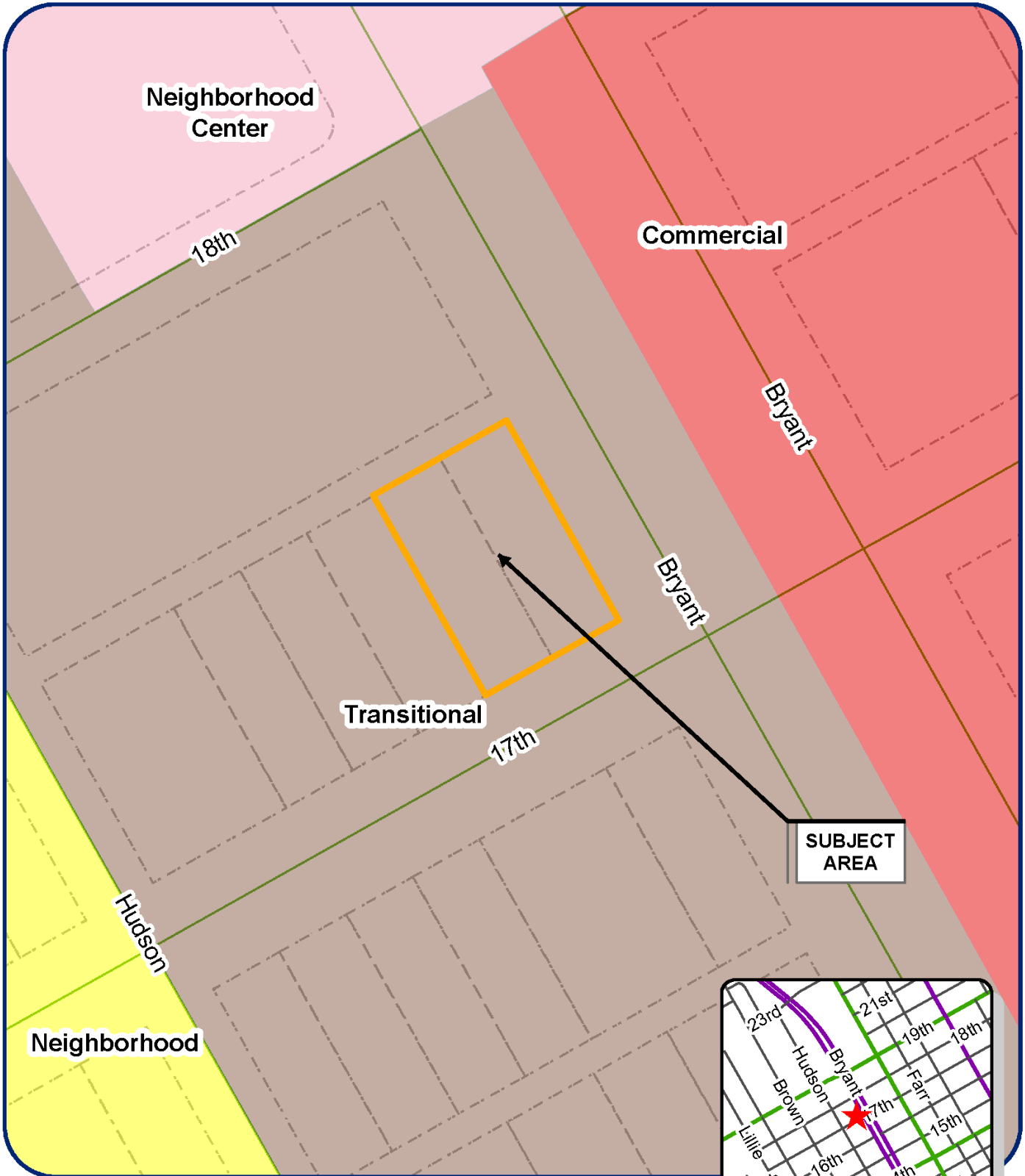
Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)
 Neighborhood: Blackshear
 Scale: 1 Inch :: 100 Feet
 Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

- Subject Properties: █
- Current Zoning: █ RS 1
- Requested Zoning Change: █ CN/SU
- Vision: █ Transitional



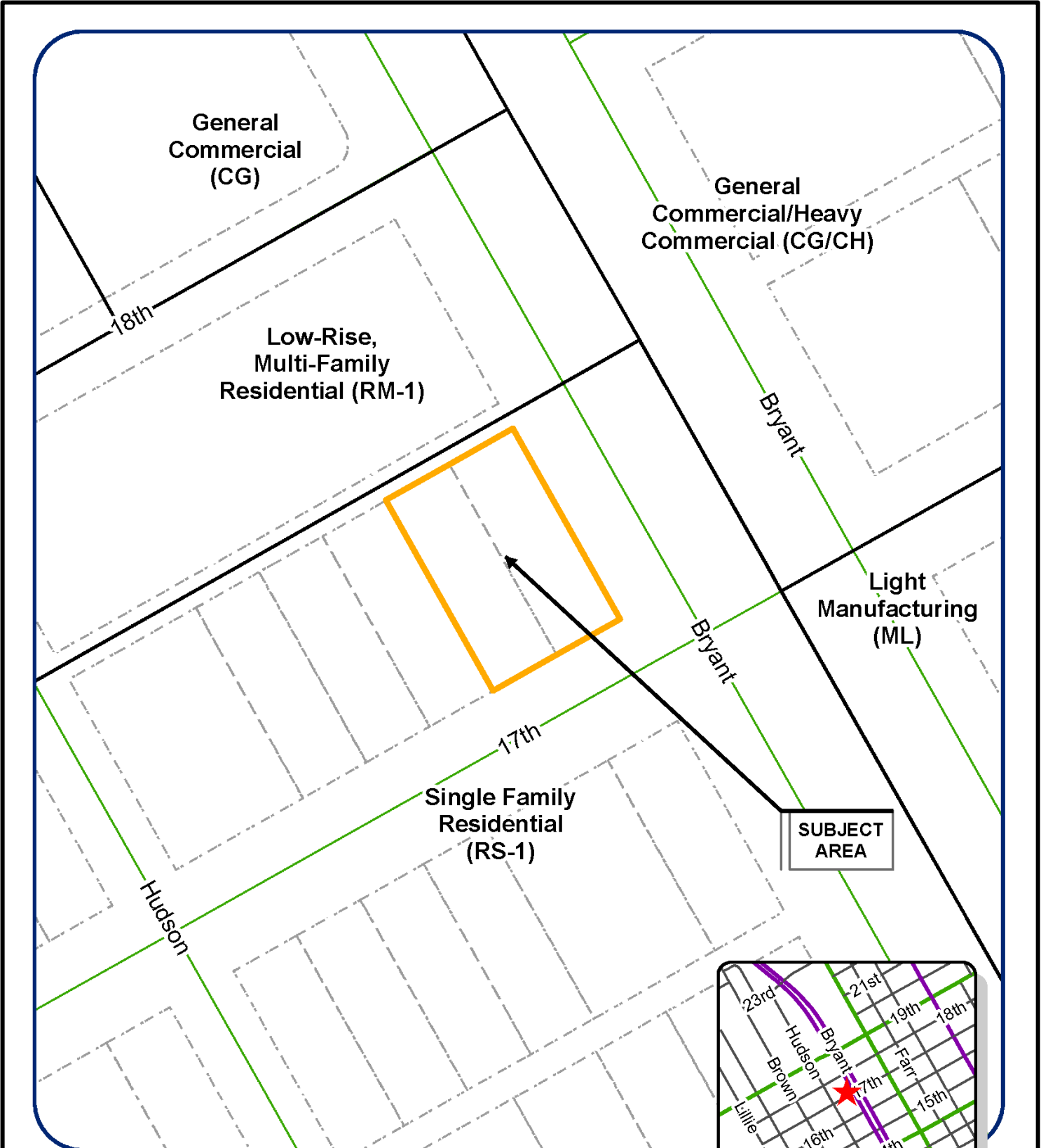


Multiple Case Files
Z17-02/SU17-01; Hargraves

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Legend
 Subject Properties:
 Current Zoning: **RS 1**
 Requested Zoning Change: **CN/SU**
 Vision: **Transitional**





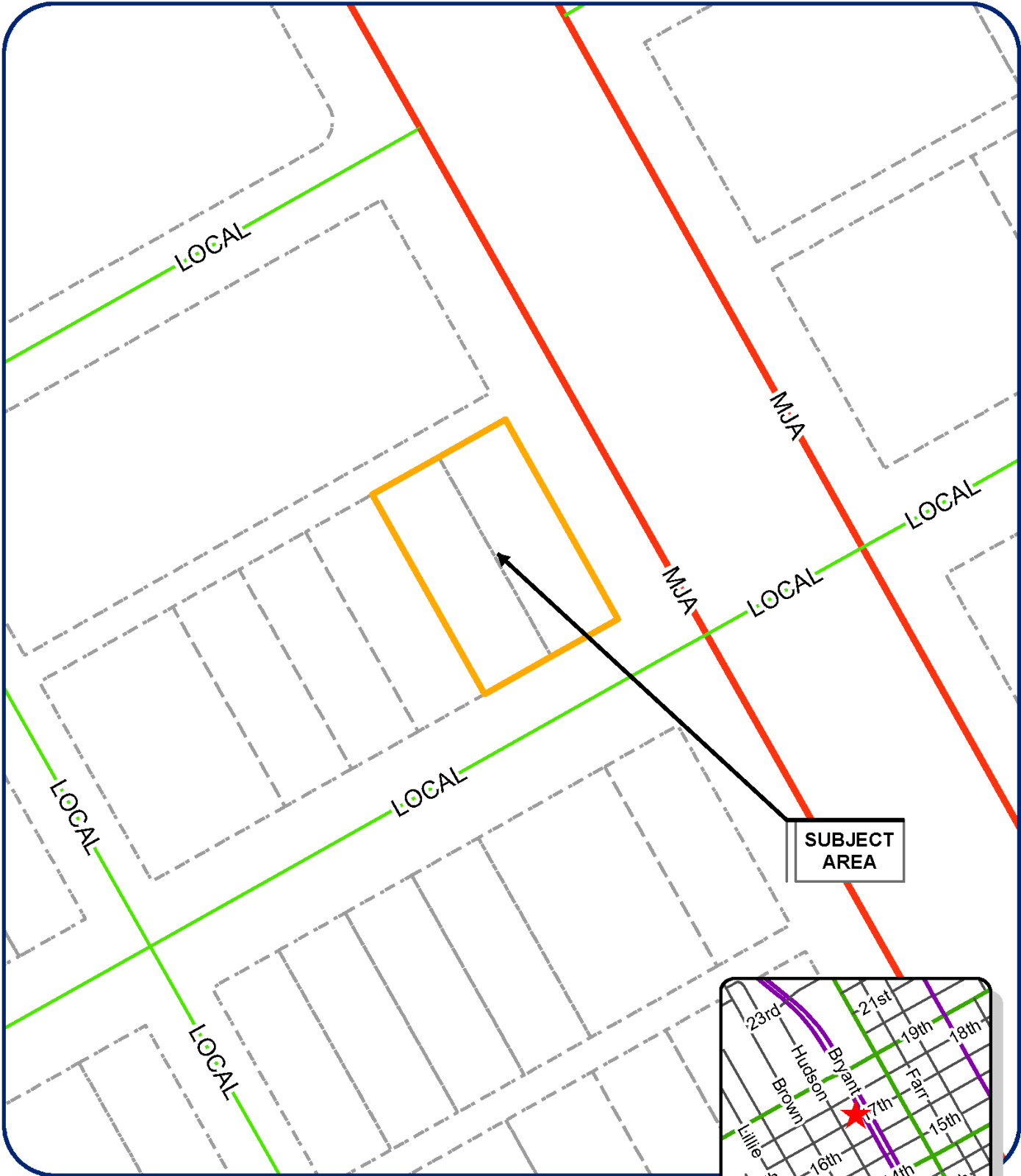
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 Requested Zoning Change: **CN/SU**
 Vision: **Transitional**





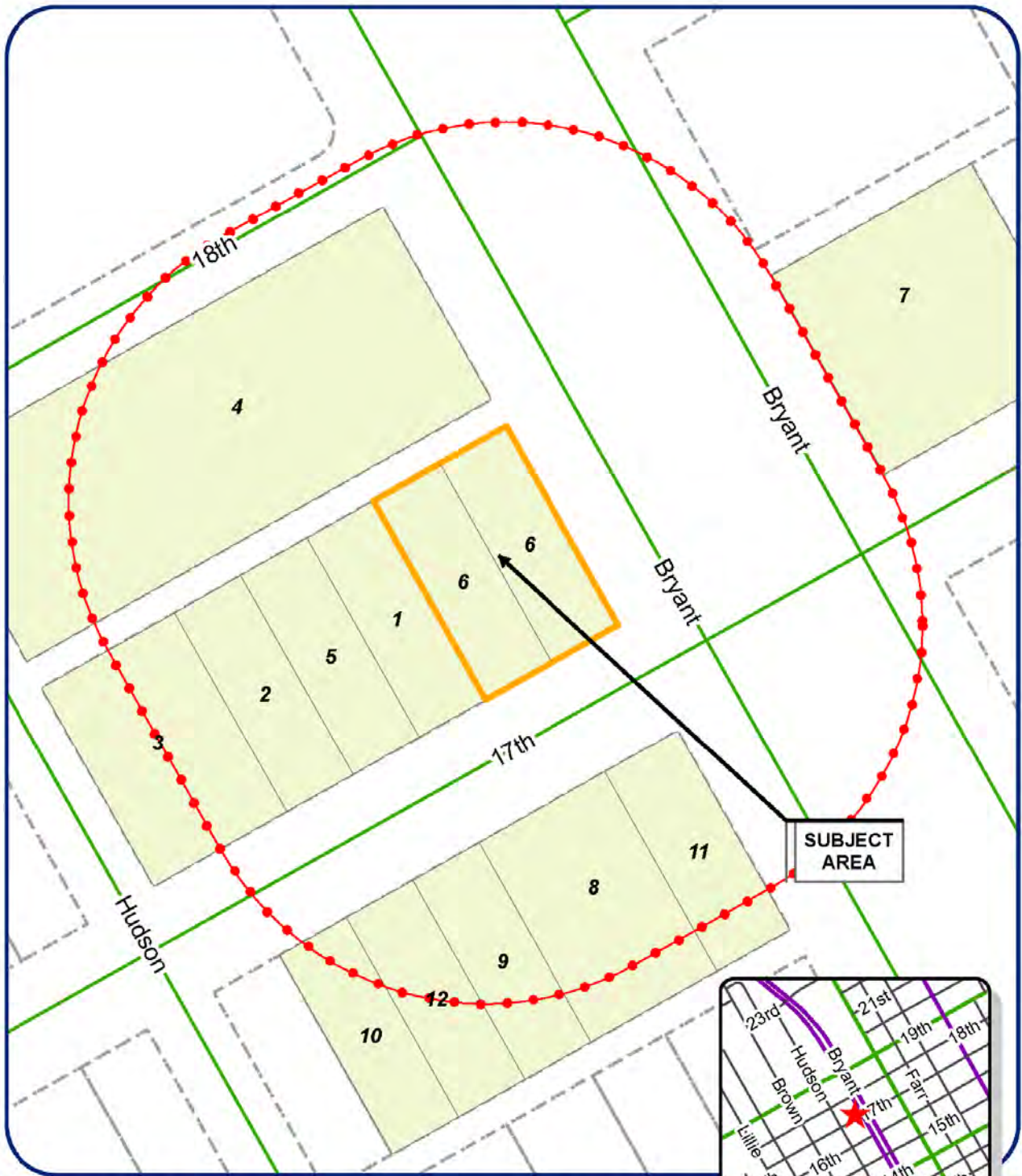
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 Requested Zoning Change: **Transitional**
 Vision: **Transitional**





Multiple Case Files
Z17-02/SU17-01; Hargraves

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 Neighborhood: Blackshear
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 Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend
 Subject Properties:
 Current Zoning: **RS 1**
 Requested Zoning Change: **CN/SU**
 Vision: **Transitional**



IND	vm_name	vm_incare	vm_line1	vm_city	vm_state	vm_zip
0	CITY OF SAN ANGELO	PLANNING DIVISION	52 W COLLEGE AVE	SAN ANGELO	TX	76903
1	ACEVEDO PEDRO R & LETICIA GARCIA		512 W 17TH ST	SAN ANGELO	TX	76903-4502
2	ACEVEDO SAUL		512 W 17TH ST	SAN ANGELO	TX	76903-4502
3	CARDENAS ISMAEL - DECEASED		520 W 17TH ST	SAN ANGELO	TX	76903-4502
4	DE WITT DE LARNCE		1117 ASHFORD DRIVE	SAN ANGELO	TX	76901-5305
5	DE WITT LANGSTON - DECEASED	DORETHEA DEWITT	3810 SOUTHLAND BLVD	SAN ANGELO	TX	76904-7241
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
7	HARRIS WALT		8750 WREN RD	SAN ANGELO	TX	76901-7436
8	MARTINEZ BEATRIZ		814 N VAN BUREN	SAN ANGELO	TX	76901-2518
9	NOAH ESTATES PROPERTIES I LP		1404 S OAKES ST	SAN ANGELO	TX	76903-7506
10	OWENS LEARY		521 W 17TH ST	SAN ANGELO	TX	76903-4501
11	REED CHARLES		401 KENNEDY DR	SAN ANGELO	TX	76905-7715
12	VIGIL SAMUEL & JULIE Z		817 E 18TH ST	SAN ANGELO	TX	76903-3568



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use



Section 1: Basic Information

Name of Applicant(s): Robby W. Hargraves
 Owner Representative (Affidavit Required)

Mailing Address: 1218 Kenwood City: SA Tx State: TX Zip Code: 76904

Contact Phone Number: 325.277.9636 Contact E-mail Address: rwargraves@msn.com

Subject Property Address: 508-510 W. 17th St. City: SA State: TX Zip Code: 76903

Lot Size: 0.345 ac Zoning: RS-1 Future Land Use designation (Comprehensive Plan): Transition Pending Δ to CN

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: Vacant

Proposed Use of Property: Auto Sales

Proposed Special Use: Special Use for Auto + Light Truck Sales

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: See attached letter

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: See attached letter

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: See attached letter

Section 2 continued: Site Specific Details

Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to , adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: See attached letter

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: See attached letter

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: See attached letter

Section 3: Applicant(s) Acknowledgement

Please initial the following:

- If approved, a Special Use is applied to the property, not the property owner.
- The Planning Commission makes recommendations on Special Use requests, City Council has final approval.
- Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

I/We the undersigned acknowledge that the information provided above is true and correct.

Signature of licensee or authorized representative _____ Date 2-22-17

Robby W. Hargraves
Printed name of licensee or authorized representative

Robby W. Hargraves
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17 -- 01 Date of application: 2 / 22 / 17

Planning Commission Date: 3 / 20 / 17 City Council Date: _____ / _____ / _____

Nonrefundable application fee: \$ 400 Receipt #: _____ Date paid: _____ / _____ / _____

Reviewed/Accepted by: _____ Date: _____ / _____ / _____

February 21, 2017

Planning Manager
City of San Angelo Planning Division
52 West College Ave.
San Angelo, TX 76903

I am requesting a zone change for
properties 508 & 510 West 17th St (Legal
Description, Lots 16 & 17, Block 1, Minnieola
addition, City of San Angelo, Tom Green County.

Both properties currently zoned R1 and
Join Bryant thruway South & 17th St.
Both properties have not been in use for a
number of years. Previous owner seems to
have had a real struggle complying with
City weed & brush control. We have cleaned
the brush & mesquite off. I respectfully request
a change to accommodate the use for a used
motor vehicle sales lot, with a small 16x30
office, with the balance to be paved.

There are four other like business on either
side of Bryant, with the rest being predominantly
commercial. I believe this to be the best use
for this property, & would create more taxes
and 2 to 4 more jobs

My plan will conform with the other business that are in this area, and also enhance the value of the surrounding property.

I pray that you will favor my request.

I thank you very respectfully

R. W. Hargraves

IMAGES OF THE SUBJECT PROPERTY (Looking north along West 17th)



IMAGES OF THE SUBJECT PROPERTY (Looking south from rear alley)



AREA CONDITIONS SOUTH OF THE SITE



AREA CONDITIONS WEST OF THE SITE



AREA CONDITIONS NORTH OF THE SITE



AREA CONDITIONS EAST OF THE SITE



STAFF REPORT



Meeting: March 20, 2017

To: Planning Commission

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

Staff Planner: Jeff Fisher
Planner

Case: SU17-02

Request: A request for a Special Use to allow for Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance; Industrial Service as defined in Section 316.A of the Zoning Ordinance; and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District

Location: 2025 Ellis Avenue and 428 Montague Street; generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue

Legal Description: Being 1.861 acres and 2.79 acres respectively in the G. Schubitz Survey #326, Abstract A-1854

Acreage: 4.651 acres

General Information

Future Land Use: Transitional
Current Zoning: Neighborhood Commercial (CN)
Existing Land Use: Vacant Land

Surrounding Zoning / Land Use:

North:	Single-Family Residence (RS-1) Office Warehouse (OW)	Houston Harte Expressway, Vacant Office Warehouse (OW) zoned land
West:	Single-Family Residence (RS-1)	Single-family residences
South:	Single-Family Residence (RS-1)	Vacant residential land, single-family residences
East:	General Commercial (CG)	Vacant commercial zoned land

District: SMD #4 – Lucy Gonzales

Neighborhood: Paulann

Thoroughfares/Streets:

The East Houston Harte Expressway Frontage Road (Ellis Street) is classified as a Freeway in the Master Thoroughfare Plan (MTP) as a TXDOT right-of-way. Because it is not a city-owned and maintained road, no specifications are listed in the MTP.

Montague Avenue is classified as a “Local Street” in the Master Thoroughfare Plan (MTP). A Local Street carries light neighborhood traffic at low speeds, and requires a minimum right-of-way width of 50 feet and a minimum paving width of 40 feet with no sidewalk, or 36 feet with a sidewalk. Montague Avenue has an existing right-of-way of 50 feet in compliance with the MTP, and a paving width of approximately 30 feet, which is substandard. The properties are presently unplatted, and will require a subdivision plat approval, which may require future street improvements and sidewalk construction.

Background:

On March 2, 2017, the applicant submitted this application for a Special Use to allow for the use categories “Retail Sales and Service,” “Industrial Services,” and “Wholesale Trade” on the property which is zoned “Neighborhood Commercial” (CN). The purpose of the Special Use is to allow the sale of farm and ranch supplies and equipment from the properties, including a sales office and the welding and light construction of trailers. The applicant has submitted a site plan for Phase I of the development on the northerly 1.861 acres at the southeast corner of Montague Avenue and the East Houston Harte Expressway Frontage Road (Ellis Street). The site plan delineates an 800-square foot sales/office area, a 2,400-square foot workshop, and a 1,200-square foot storage building. The site plan also delineates eight parking spaces, and an additional 23 spaces for the parking of trailers for sale. The applicant is proposing to erect a 6-foot high metal privacy fence along the west and north property lines to provide additional screening and security for the proposed use. It is noted that the applicant currently operates this business on a smaller scale at 1024 North Bell Street.

The applicant originally applied for a Planned Development (PD) Zone Change on February 15, 2017, to allow the above uses. However, Planning Staff recommended to the applicant at that time that a Special Use would be the correct application to make in order to allow the proposed uses. A PD is not the correct means to allow the proposed uses given that the area was designated “Transitional” in the City’s Comprehensive Plan and that there is not a transitional zoning category that would designate a transition between Single-Family Residential (RS-1) neighborhood to the west and south, and lower intensity General Commercial (CG) to the east. Moreover, a PD is not a tool meant to be used to allow for a Use Category that is not currently allowed in the existing zoning district.

Planning Staff recommended that a Special Use was the correct type of planning application given that unlike a traditional zone change, the existing underlying zone category, in this case, Neighborhood Commercial (CN), could remain on the property, and a Special Use would essentially allow the uses that the CN does not allow, in this case, the proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment). However, Staff also communicated to the applicant that there was no guarantee that a Special Use application would be approved, as the applicant would have to demonstrate “an effective transition between restrictive and more restrictive zoning districts,” as per the Use Table in Section 310 of the Zoning Ordinance. Planning Staff does not believe that the applicant has demonstrated an effective transition, and provides the following analysis of the proposed Special Use as follows:

Analysis:

Criteria: Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request:

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*

The proposed development, except for the proposed privacy fencing, does not appear to minimize any potential adverse impacts on the surrounding residential properties to the west and south. The City's Comprehensive Plan designates this area as "Transitional" which calls for "a scaling back of activity from more intense areas to neighborhoods which should be more passive in character," as well as allowing for "more appropriate uses such as office, live-work, mixed-use, and residential activity along these corridors." The proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are generally allowed in the Heavy Commercial (CH) Zoning District which would not provide a transition or scaling back of activities between the Single-Family Residential (RS-1) neighborhood to the west and south, and the General Commercial (CG) zoned properties to the east. Welding and wholesale trade uses do not conform to the Transitional Policies of office, live-work, or mixed-uses which are focused on retail commercial uses and residential type development. This was the same reason that City Council supported Planning Staff and the Planning Commission's recommendation and approved a Zone Change on this property on March 2015 from the original Office Warehouse (OW) zoning to Neighborhood Commercial (CN) but not to General Commercial (CG) as an effective transition could not be established. The proposed uses would be even more intense and as Heavy Commercial uses would simply not be appropriate in this area.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

The proposed development would not be consistent with the Zoning Ordinance as the proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are not permitted in the CN zoning on the property are do not provide an effective transition between the residential areas to the west and south, and retail commercial uses to the east, for the reasons mentioned above. The Transitional policies in the Comprehensive Plan also call to "replace all CG/CH" zoning on commercial corridors with better-specified zoning classifications that prohibit incompatible land uses and focus on built form." The proposed development is essentially attempting to fit CH land uses in a CN zoning district between CG and RS-1 zoning which Staff believes is inappropriate and inconsistent with the Zoning Ordinance. While the above policy discusses existing dual-zoned CG/CH properties, CH-type land uses in this location are also "incompatible land uses," consistent with the above policy. In addition, should the Special Use be approved, the proposed 6-foot high privacy fence along the front property lines of Montague Avenue and Ellis Street will require a variance from the Zoning Board of Adjustment (ZBA), as per Section 509 of the Zoning Ordinance, which does not allow a fence higher than 4 feet in a front yard and both of these streets are deemed front yards. Any proposed outdoor storage, with the exception of the sale of

equipment which would be allowed as Wholesale Trade, would also require a variance from the ZBA as the underlying CN zone only allows Type 1 outdoor storage which is limited to within 5 feet from the building wall. These requests serve to further the notion that Heavy Commercial uses, and their underlying development standards, are being made to fit an area clearly designated for transitional zoning and uses more in line with those that are light commercial and neighborhood in scale.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

The proposed wholesale trade and industrial service uses are not compatible with the surrounding area for the above stated reasons. Moreover, the established residential area to the west and south would be immediately next to intense heavy commercial development if this Special Use is approved. Even with a 6-foot high privacy fence installed along Montague Avenue, noise, dust, odor, and vibrations could all emanate from the facility, and could be potentially heard across the street which is only 50 feet away. City Council envisioned a zoning district that was Transitional in nature, in essence, providing for a scaling down in intensity between the long-established residential area and the General Commercial zoning along the Houston Harte frontage road. It was, in fact, that very reason why Council voted against General Commercial on the site in 2015 and instead voted to approve Neighborhood Commercial.

4. **Traffic Circulation.** *Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*

The subject property is located next to a predominantly residential area. While much of the future traffic is anticipated to enter from the East Houston Harte Expressway (Ellis Street), additional commercial traffic may access the site northbound from Montague Avenue which extends south to Pulliam Street, an Arterial Street. This would be considerable strain on Montague Avenue, which is designed as a local street and which already appears to have a substandard paving width of only 30 feet.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

The proposed development covers a 4.651-acre area of land. It is difficult to determine the effects on the natural environment at this time given that the applicant's site plan does not show any development plan for Phase 2 to the south. Any potential grading, drainage, and stormwater issues will be reviewed as part of the subdivision platting process which is required before a building permit for new construction can be issued.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The applicant indicates that because their current operation at 1024 North Bell Street is thriving, there is a community need for a new location at the subject site. Staff does not believe that a demand for a new location means that this particular location is appropriate. The Bell Street location is surrounded by intense industrial uses and Light Manufacturing (ML) and Heavy Manufacturing (MH) zoning. The proposed location is much different and includes much less intense residential and retail commercial uses and zoning. Community need must be demonstrated not merely by a desire to expand a successful business, by also providing evidence that this specific area has a clear need for these particular uses.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

Planning Staff does not believe the proposed development will result in logical or orderly development. As indicated above, the proposed development is located next to a well-established residential neighborhood on one side and will increase the traffic in the area, particularly on Montague Avenue, a substandard local street. Moreover, the applicant has not provided plans for Phase 2 which comprises 2.79 acres to the south, over half of the proposed developable area. Approval of this Special Use could allow a potential doubling or even tripling of the developable area across from a residential neighborhood.

Notification:

On March 9, 2017, nine notifications were mailed out within a 200-foot radius of the properties, as required. As of March 14, 2017, there was one response in favor and zero in opposition of the request.

Staff Recommendation:

Staff's recommendation is for the Planning Commission to recommend **DENIAL** of Case SU17-02, a request for a Special Use to allow for Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance; Industrial Service as defined in Section 316.A of the Zoning Ordinance; and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District on the subject property for the reasons mentioned above.

If however the Planning Commission decides to approve the Special Use, then Staff recommends the following **nine Conditions of Approval**:

1. All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
2. The owner shall require approval of a Variance from the Zoning Board of Adjustment (ZBA) to allow 6-foot high privacy fencing within the front yards adjacent to Montague Avenue and Ellis Street, as well as a Variance to allow any outdoor storage greater than 5 feet from a building wall. The proposed fence shall not contain any barbed wire, razor wire, or similar.
3. The applicant shall be required to plat six drought-resistant trees along the City right-of-way adjacent to Montague Avenue, to provide additional screening from the residential neighborhood to the west. The trees shall have a minimum of 3 inches in caliper and 6 feet in height, at the time of planting. Should there be insufficient room for the trees within the City right-of-way, they shall be planted on private property.
4. There shall be no commercial traffic, off-loading, or on-loading of vehicles from Montague Avenue.
5. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.
6. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
7. No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
8. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.
9. This approval shall be limited to the 1.861-acre property to the north (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly 2.79-acre property (Phase II).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Photographs
Site Plan
Company Description
Response Letter
Application



Special Use Case File

SU17-02: Kolster

Council District: Lucy Gonzales (SMD#4)

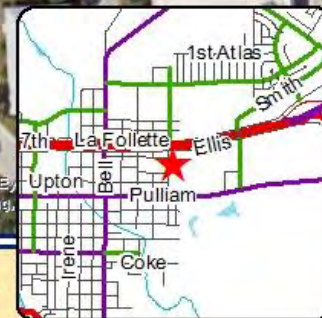
Neighborhood: Paulann

Scale: 1" approx. = 200 ft

Subject Properties: 2025 Ellis St. and 428 Montague Ave.

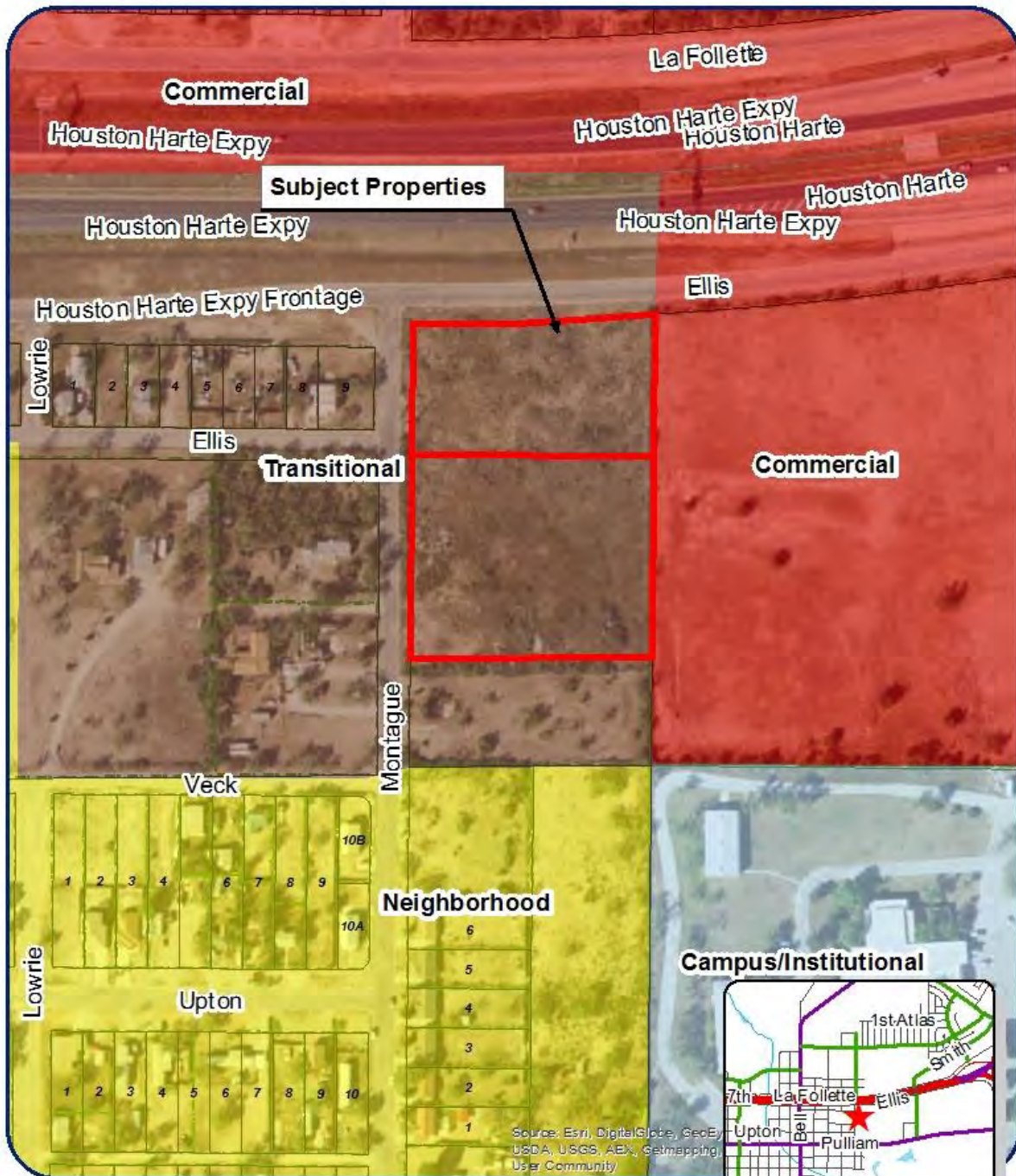
Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**



N





Special Use Case File

SU17-02: Kolster

Council District: Lucy Gonzales (SMD#4)

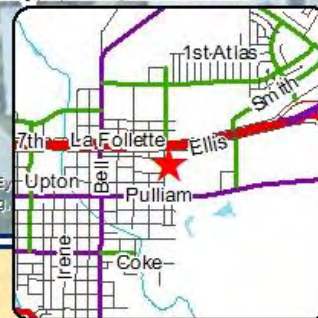
Neighborhood: Paulann

Scale: 1" approx. = 200 ft

Subject Properties: 2025 Ellis St. and 428 Montague Ave.

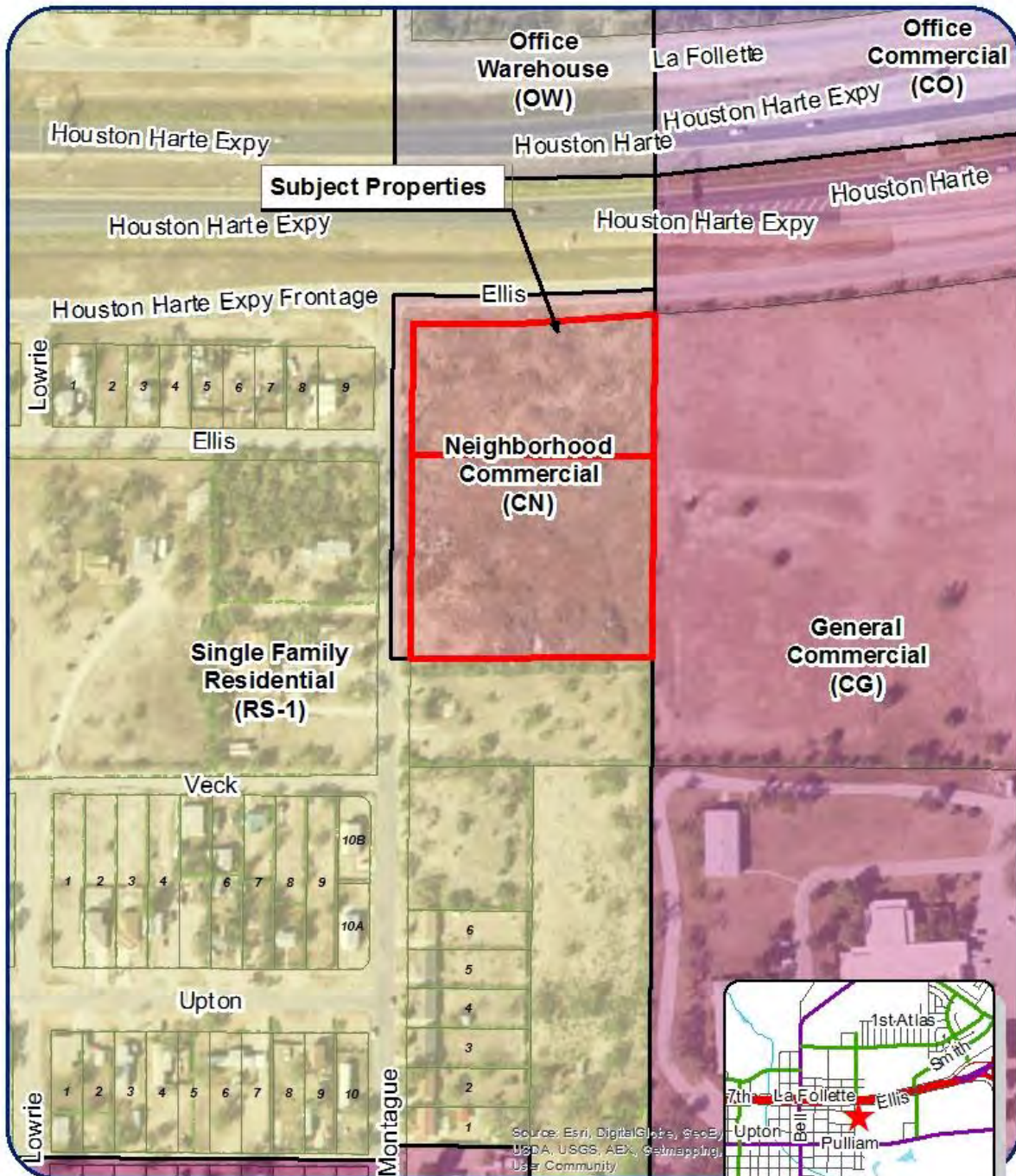
Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**



N





Special Use Case File

SU17-02: Kolster

Council District: Lucy Gonzales (SMD#4)

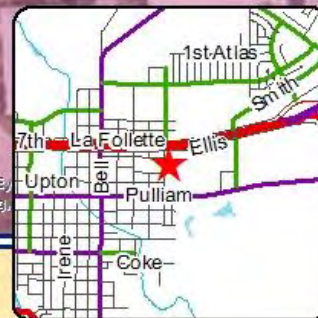
Neighborhood: Paulann

Scale: 1" approx. = 200 ft

Subject Properties: 2025 Ellis St. and 428 Montague Ave.

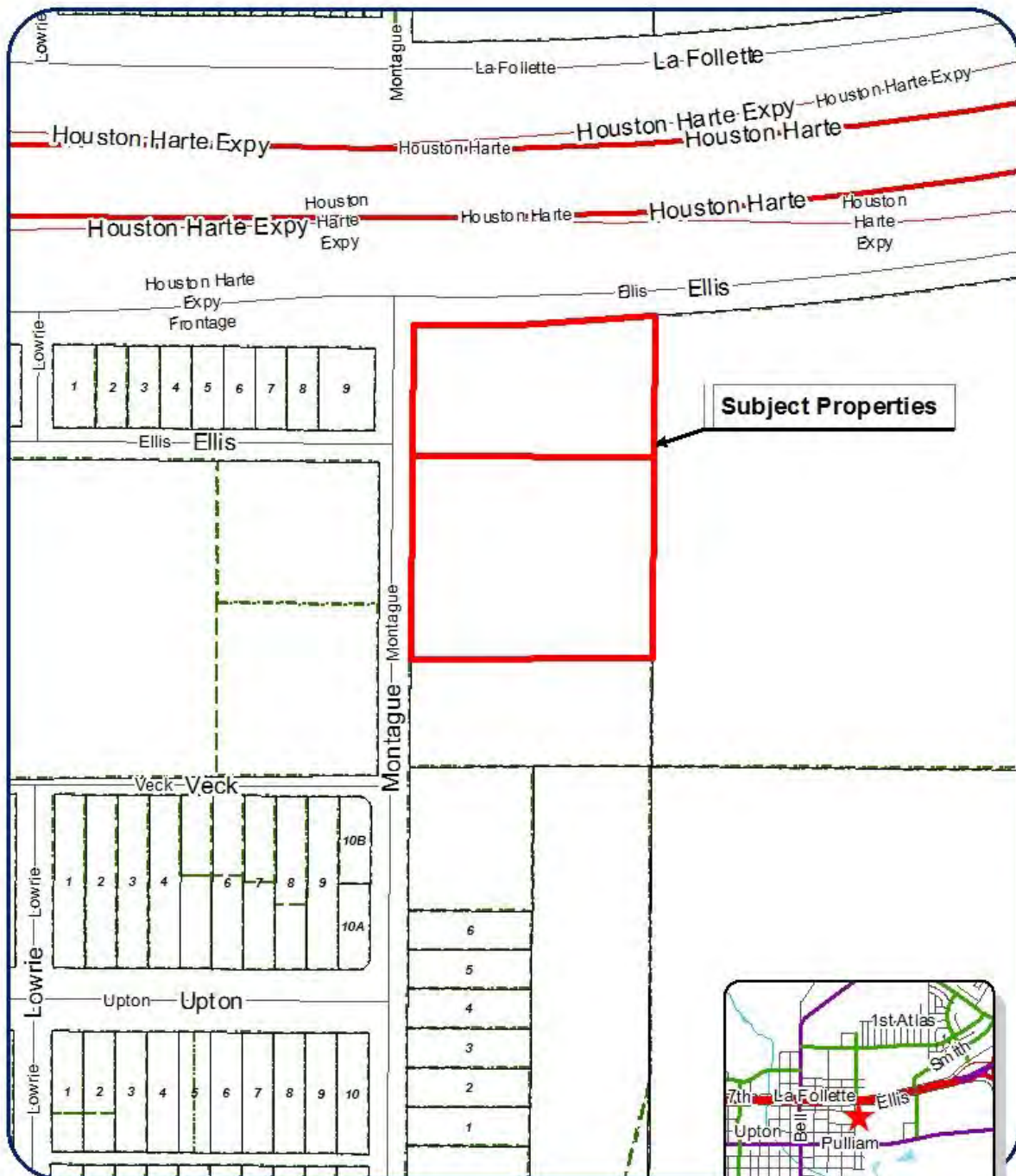
Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**



N





Special Use Case File

SU17-02: Kolster

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

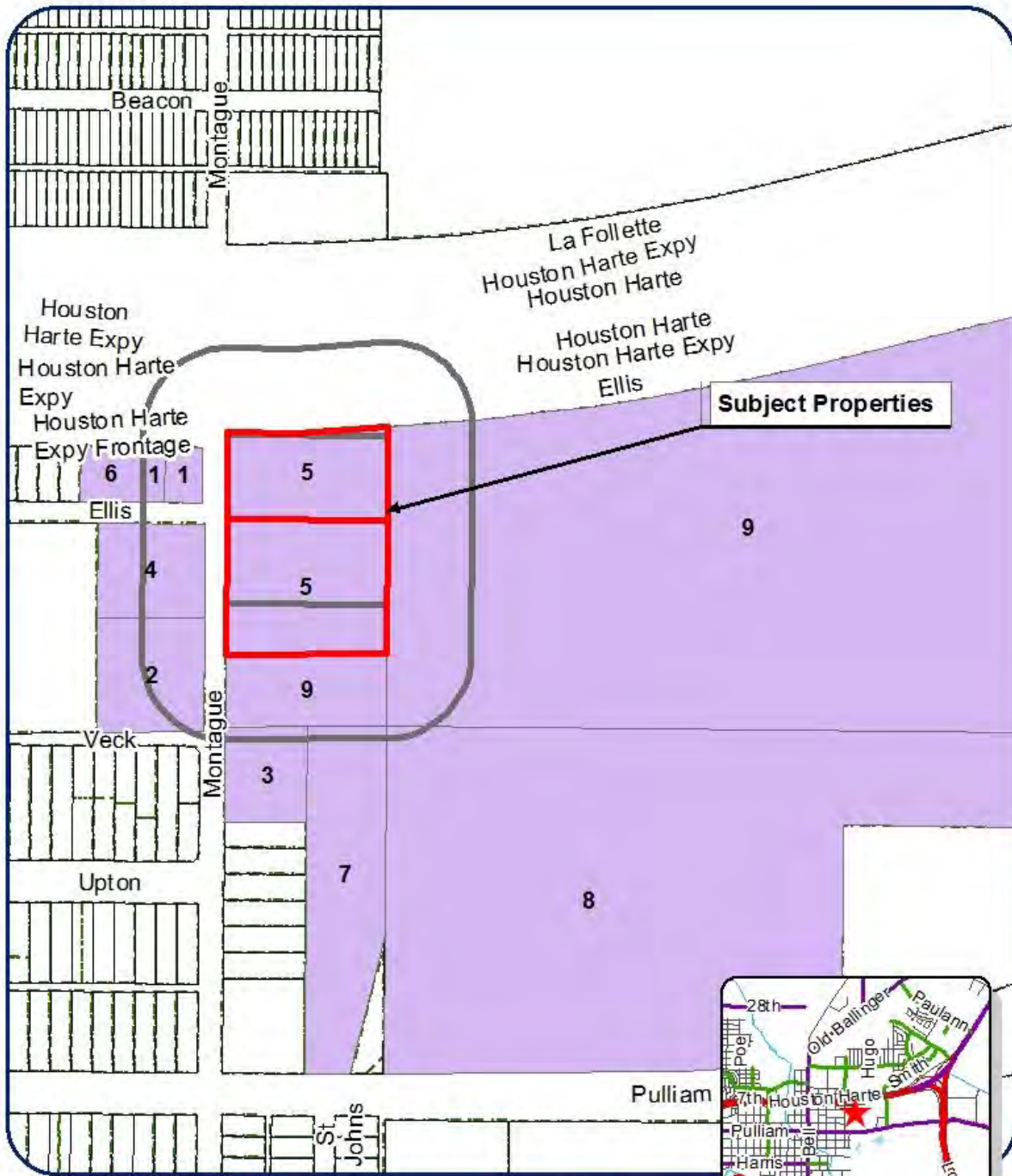
Scale: 1" approx. = 200 ft

Subject Properties: 2025 Ellis St. and 428 Montague Ave.

Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**





Special Use Case File

SU17-02: Kolster

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 300 ft

Subject Properties: 2025 Ellis St. and 428 Montague Ave.

Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**



N



Photos of Site and Surrounding Area

South at property



East at property



North



East



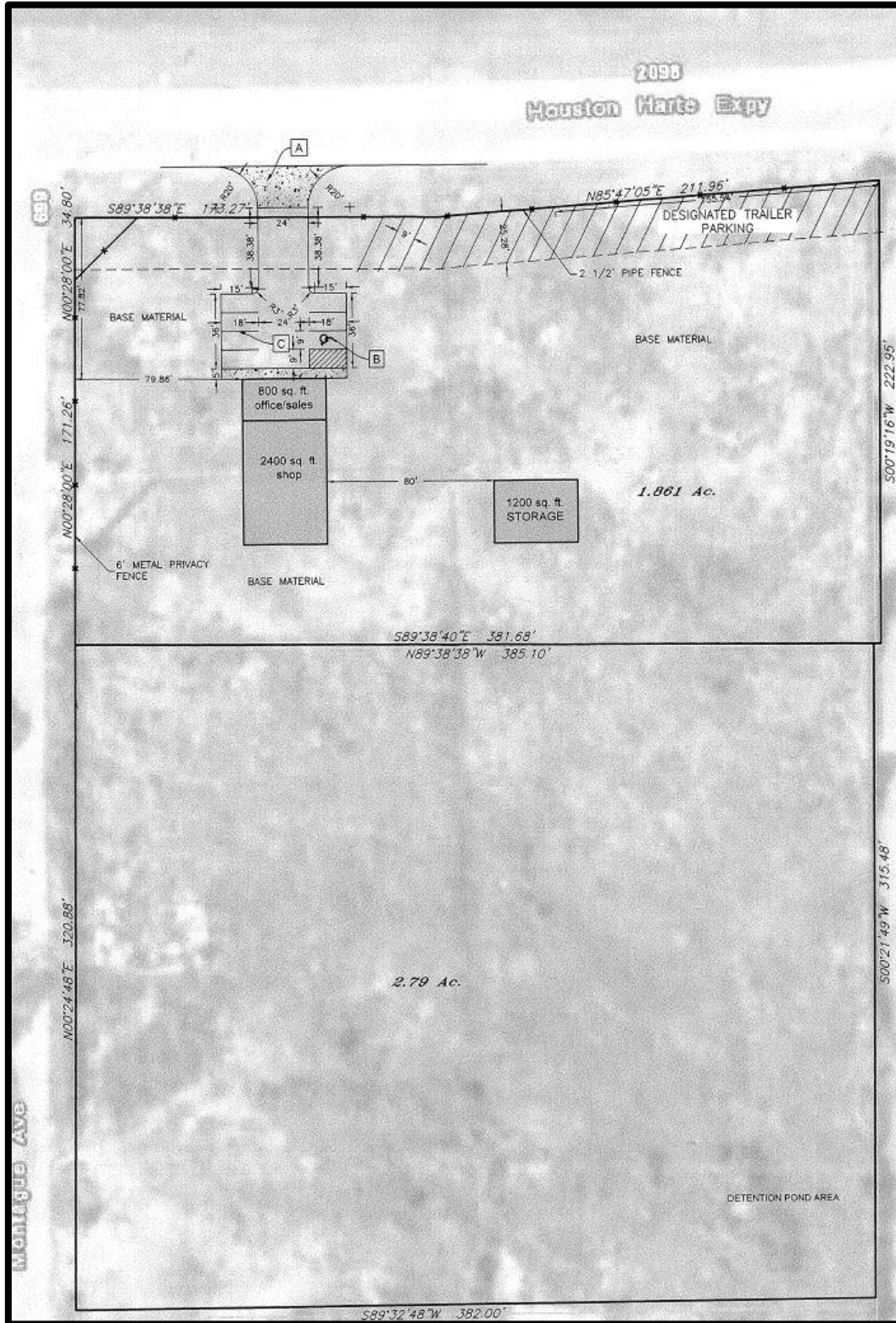
South



West



Site Plan





Kolster Welding

Farm & Ranch Supply Specialists

Overhead Feed Bins • Custom Trailers • Gate Operators • Trailer Repair & More

1024 N. Bell St. • San Angelo, TX 76903



325-895-1949

[HOME PAGE](#) [OUR SERVICES](#) [OVERHEAD FEED BINS](#) [PROJECT PHOTO GALLERY](#) [LOCATION MAP](#) [CONTACT US](#)



OUR SERVICES INCLUDE:

- Welding Services
- Fabrication Services
- Gates & Entry Ways
- Gate Operators
- Handrails
- Rail & Pipe Fence
- Farm & Ranch Fence Construction

**In-Shop Or At
Your Location!**

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

Please rezone 429 Montague also.

If possible Thank-You

Roy D. Henry

RECEIVED
MAR 14 2017

Jeff Fisher Planning

NAME: *Roy D. Henry*

ADDRESS: *8000 CR 522*

Brownwood, TX 76801

SIGNATURE: *Roy D. Henry*

SU17-02: Kolster
property owner number: *4*

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use



Section 1: Basic Information

Name of Applicant(s): Nick and Tina Kolster

Owner Representative (Affidavit Required)

1024 North Bell San Angelo Texas 76903
Mailing Address City State Zip Code

325-895-1949 erica@skge.com
Contact Phone Number Contact E-mail Address

428 Montague Street and the property to the north without an address San Angelo, Texas 7601
Subject Property Address City State Zip Code

Lot Size: 1.8610 & 2.7300 acres Zoning: CN Future Land Use designation (Comprehensive Plan): Transitional

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: Vacant

Proposed Use of Property: _____

Proposed Special Use: Trailer Sales, Sales of farm and ranch supplies and/or equipment (Wholesale Trade)

Sales office (retail sales and service)

Welding and light construction of trailers (Industrial service)

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: At present, the property is used as a dumping area. The north part of the site will be covered in base and the property line across from the residential area will have a nice metal fence along it.

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: The area is transitional on the vision plan and sits between a commercial area and across the street from a residential area.

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: The use is compatible to the commercial zoning directly adjacent to it.

Section 2 continued: Site Specific Details

Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to , adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: The owners will do whatever needs to be done to ensure the surrounding environment is not impacted adversely. They moved the building closer to the residential area so the trailers displayed will abutt the commercial zoned area.

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: This business is thriving at it's current location which represents a community need for it.

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: This business will provide an orderly pattern of urban development along Loop 306.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

- tak If approved, a Special Use is applied to the property, not the property owner.
- tak The Planning Commission makes recommendations on Special Use requests. City Council has final approval.
- tak Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- tak If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

I/We the undersigned acknowledge that the information provided above is true and correct.

Jana Kolster
Signature of licensee or authorized representative

3-1-17
Date

Tina Kolster
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17-02 Date of application: 3-2-2017
Planning Commission Date: 3-20-17 City Council Date: 4-18-17
Nonrefundable application fee: \$ 437.50 Receipt #: _____ Date paid: 3-2-17
Reviewed/Accepted by: Jeff Fisher Date: 3-2-17



City of San Angelo, Texas – Planning Division
52 West College Avenue



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Nick & Tina Kolster, make this affidavit and hereby on oath state the following
Print Property Owner Name

I, being the sole partial owner of the following property:

<u>428 Montague</u>	<u>San Angelo</u>	<u>Texas</u>	<u>76901</u>	<u>325-655-1288</u>	<u>erica@skge.com</u>
<small>Property Address</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>Contact Number</small>	<small>E-mail Address</small>

Legal Description of Location (can be found on property tax statement or at www.tomgreencad.com):

Abst: A-1854 S-0326, Survey: G SCHUBITZ, 1.8610 ACRES &

Abst: A-1854 S-0326, Survey: G SCHUBITZ, 2.7900 ACRES

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

SKG Engineering, LLC.

(Please print) Representative's Organization or Entity

Signed this the 1 day of March, 2017.

Tina Kolster

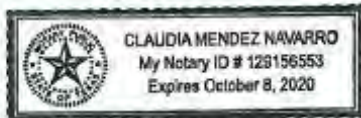
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Tina Kolster and
Name

on oath stated that the facts hereinabove stated are true to the best of her knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 1st day of March, 2017.



Claudia Mendez Navarro
Notary Public, State of Texas

STAFF REPORT



Meeting: March 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: Jeff Fisher
Planner I

Case: CU17-01: Powell

Request: A request for approval of a Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, within an existing single-family dwelling in the Single-Family Residence (RS-1) Zoning District

Location: 2181A Gun Club Road; generally located approximately 750 feet west of the intersection of Gun Club Road and Mesquite Lane

Legal Description: Being Lot 14B in Block 1 of the Lake Nasworthy Subdivision, Group 10

Size: 0.242 acres

General Information

Future Land Use: Neighborhood

Zoning: Single-Family Residence (RS-1)

Existing Land Use: Single detached dwelling with registered short term rental

Existing Buildings: Single detached dwelling (1959): 1,024 sq. ft.
Carport (2009): 400 sq. ft.
Patio porch (2004): 430 sq. ft.
Covered dock (2004): 400 sq. ft.
Sea wall (1959)

Surrounding Zoning/Land Use:

North:	Single-Family Residence (RS-1)	Single detached dwellings
West:	Single-Family Residence (RS-1)	Single detached dwellings
South:	No Zoning	Lake Nasworthy
East:	Single-Family Residence (RS-1)	Single detached dwellings

District: SMD#1 – Vacant

Neighborhood: Nasworthy Neighborhood
District:

Thoroughfares/Streets:

Gun Club Road is classified as a “Local Street” in the Master Thoroughfare Plan (MTP). A Local Street carries light neighborhood traffic at low speeds, and requires a right-of-way width of 50 feet and a paving width of 40 feet, or a paving width of 36 feet with a 4-foot sidewalk. The existing right-of-way width of Gun Club Road varies between 36 feet and 40 feet, and the paving width is 18 feet, both of which are substandard. However, all the lots within this subdivision have been previously platted and there is no trigger to require any future road widening or right-of-way dedication at this time.

History and Background:

On February 16, 2017, the applicant submitted this request for a Conditional Use (CU) to allow their dwelling to continue to be used as a short term rental. The applicant submitted along with their completed (CU) Application, copies of the City and State portions of Hotel Occupancy Reports confirming they have used the property as a Short Term Rental since at least July 2016, and have indicated to Planning Staff they began operation in April 2014.

Prior to January 17, 2017, a short term rental, “an establishment used for dwelling purposes for a period of less than 30 consecutive days in which the entire dwelling unit is offered to transient guests for compensation” was not allowed as-of-right, or by Conditional Use option in residential districts. The owners of the subject dwelling, although paying their local and state hotel tax, were not operating as a legal short term rental due to non-compliance with zoning.

On January 17, 2017, City Council approved an amendment to the Zoning Ordinance which allowed short term rentals by Conditional Use in residential districts, subject to certain criteria outlined in the new Section 406 of the Zoning Ordinance. The owner and applicant is now seeking a Conditional Use approval to allow the short term rental to continue to operate.

The owners currently live in a different location in San Angelo and rent up to three bedrooms in the subject dwelling for a short-term rental. The subject property although part of the same legally platted lot is separated into two parts by Gun Club Road. The applicant currently utilizes a portion of an existing detached carport on the north side of Gun Club Road to park two vehicles, as well as an additional two spaces immediately west. All four spaces are a combination of dirt and caliche. Short-term rental parking requires the same parking standard as a single-detached dwelling, a minimum of two paved parking spaces. Therefore, as a condition of approval, the applicant will either have to pave two of the required parking spaces, 9 feet wide by 18 feet long, or may seek a Variance.

Analysis:

Section 208(F) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, six (6) factors in determining the appropriateness of any Conditional Use request.

1. **Impacts Minimized.** *Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.*

Planning Staff believe impacts will be minimized given that the use will be conducted primarily within the single-detached dwelling on the property. Guests may congregate outside and take advantage of the scenic view of the Lake, no different than other renters or owners of properties along this street. The new ordinance amendment for short-term rentals restricts hours of operation between 7:00 am and 10:30 pm which should mitigate most noise concerns.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.*

The existing dwelling was built in 1959 prior to annexation and may be used as single-detached dwelling or a short term rental. The lot exceeds the minimum lot width of 50 feet, minimum lot depth of 100 feet, and minimum lot area of 5,000 square feet for the RS-1 Zoning District. The applicant indicates that the dwelling is being used exclusively as a short term rental. A short term rental requires two paved parking spaces, and the applicant as indicated has the option of paving two of the available parking spaces, or seek a Variance. The Zoning Ordinance amendment for short-term rentals prohibits new short term rentals on streets less than 30 feet in paving width which includes Gun Club Road at 18 feet wide. However, existing short term rentals are exempt from this requirement provided they can confirm they have been registered for the state and local portions of the hotel occupancy tax. The applicant has provided hotel occupancy reports confirming they have been registered for these taxes since July 2016, and are therefore in compliance.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject property.*

Gun Club Road is located within a rustic, residential area that includes several properties with lake views. A short term rental would be suitable in this location given the substantially large lot sizes and wider lot frontages, and that the fact that it is common for local residents to utilize their lake views to have guests on a regular basis.

4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

Staff does not foresee any adverse impacts on the natural environment given that the proposed use will utilize the existing building on the property. The parking area underneath the carport has already been paved as required.

5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.*

The applicant believes there is a community need given that the property has already been used to provide accommodations for travelers for several years. Staff agrees in this regard given the applicant has also provided the necessary copies of the hotel occupancy reports verifying the dwelling has been used a short term rental in past and continues to be used as such.

6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.*

Gun Club Road has a narrow street width, however, it is anticipated that a three-bedroom short term rental, which allows only two adults per bedroom would only generate 3-4 vehicles. As indicated above, there are four parking spaces available on the portion of the property on the north side of Gun Club Road. There is a concern about spillover parking onto Gun Club Road with additional visitors during hours of operation. However, this would be no different than owner occupants of a single-family dwelling inviting guests to visit. The extensive right-of-ways would allow some spillover parallel parking onto the sides of Gun Club Road. Staff believes existing development patterns would not be adversely affected with approval of a short term rental on this property.

Notification:

On March 9, 2017, six (6) notifications were mailed out within a 200-foot radius of the subject site. As of March 14, 2017, there was one response in favor and zero in opposition of the request.

Staff's Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVE** Case CU17-01, a request for approval of a Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, within an existing single-family dwelling in the Single-Family Residence (RS-1) Zoning District, **subject to the following six Conditions of Approval:**

1. The applicant shall acquire a building permit approval from the Permits and Inspections Division for a Change of Occupancy from the existing single-detached dwelling to a short-term rental.

2. The property owner shall either maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance, or seek a Variance.
3. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, initial permit acquisition and subsequent permit renewals.
4. No commercial outdoor storage shall be allowed on the premises.
5. The number of bedrooms on the premises shall not exceed three bedrooms, nor shall any existing living spaces or great rooms within the primary residence be converted to additional bedroom space.
6. The Conditional Use is not transferable, and the Conditional Use shall be considered null and void upon the transfer of, or change in ownership of the property that contains the short-term rental.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
Survey Plat of Property
Photos
Response Letter
Hotel Occupancy Tax Reports
Application



Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, AeroGRID, IGN, Sina, AeroGRID, IGN, Sina, User Community



Conditional Use Case File

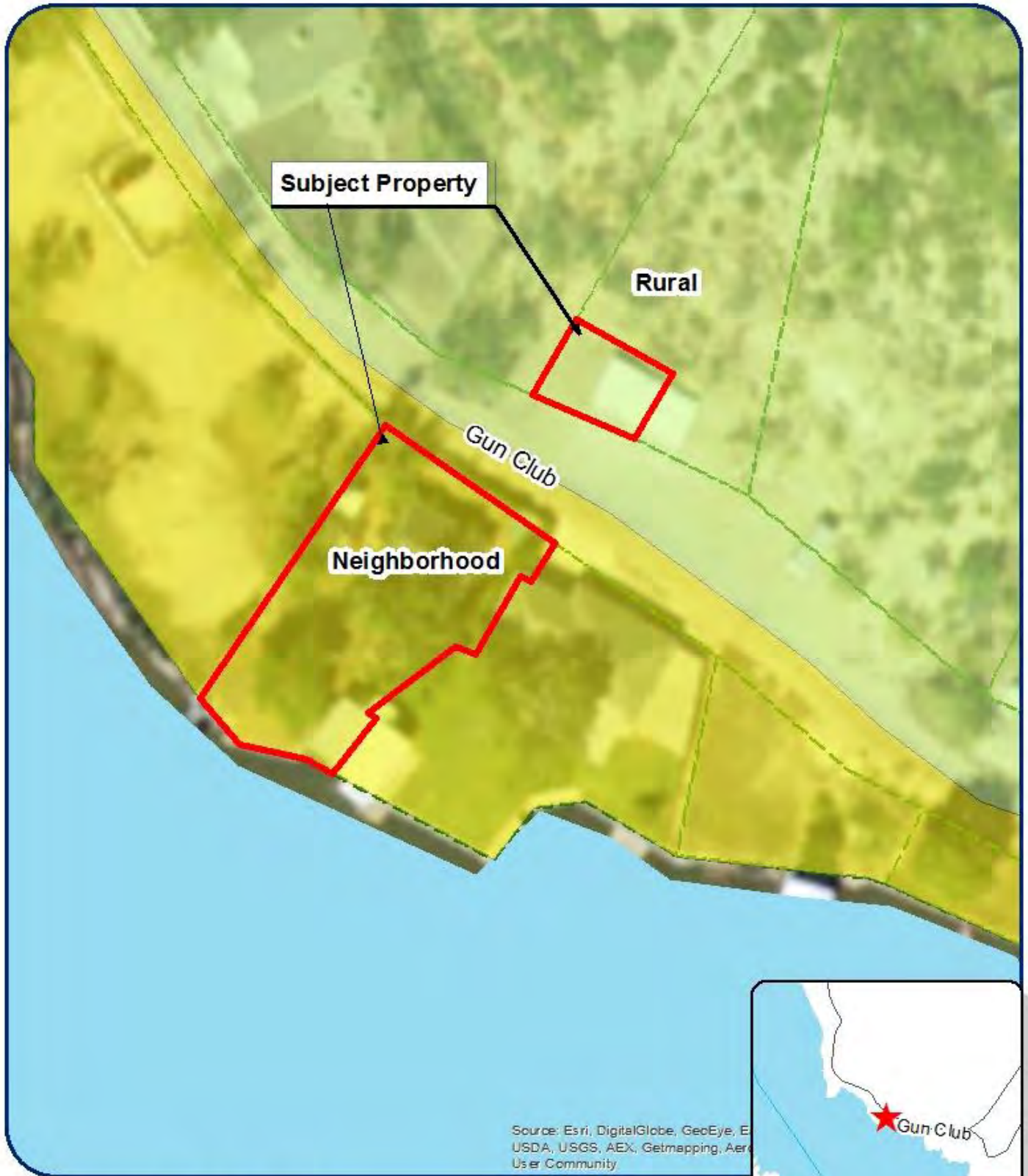
CU17-01: Powell

Council District: District 1
 Neighborhood: Nasworthy
 Scale: 1" approx. = 50 ft
 Subject Property: 2181A Gun Club Rd.

Legend

Subject Properties: 
 Current Zoning: **RS-1**
 Requested Zoning Change: **N/A**
 Vision: **South lot: Neighborhood**
North lot: Rural



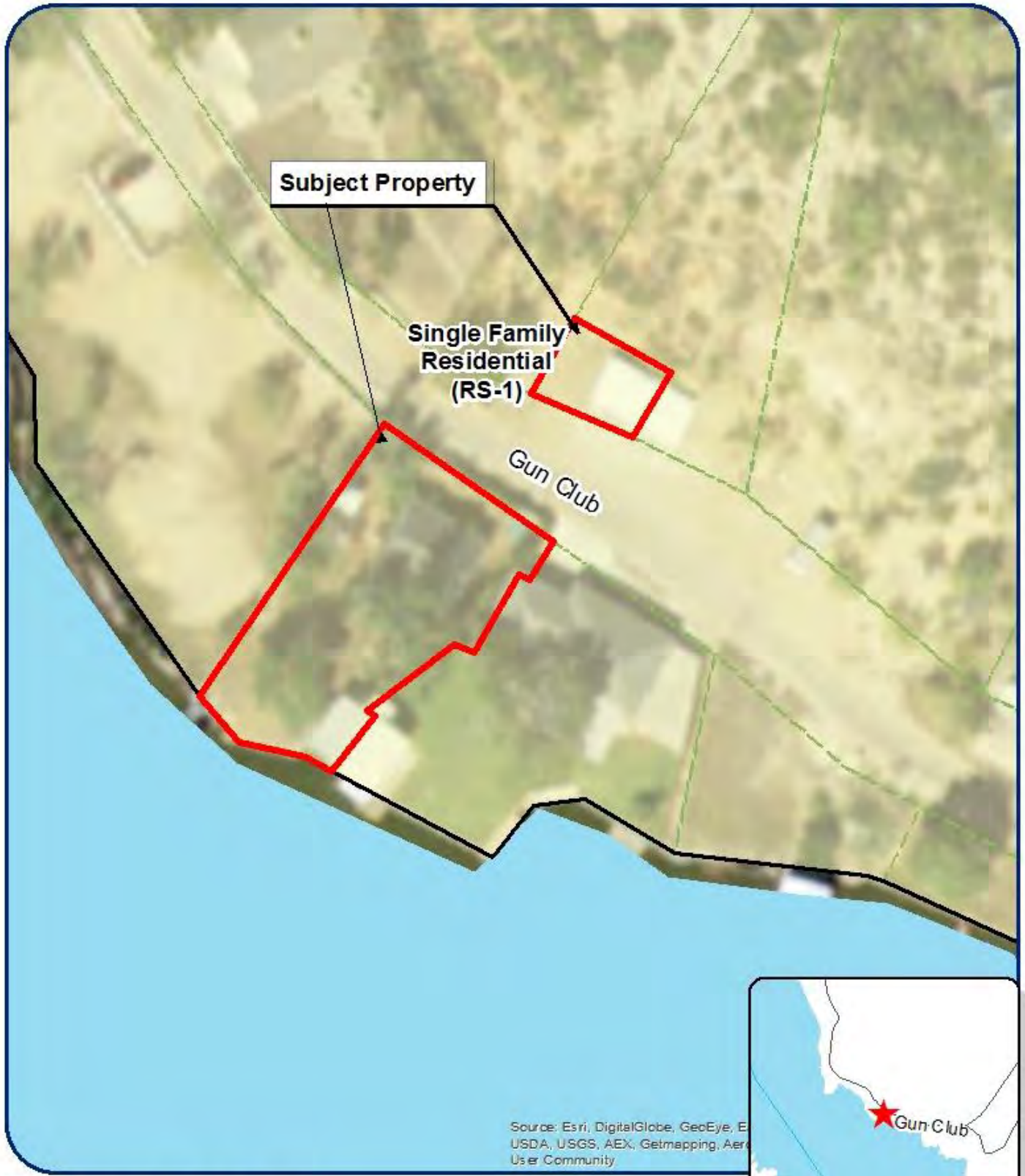


Conditional Use Case File
CU17-01: Powell
 Council District: District 1
 Neighborhood: Nasworthy
 Scale: 1" approx. = 50 ft
 Subject Property: 2181A Gun Club Rd.

Legend

Subject Properties: 
 Current Zoning: **RS-1**
 Requested Zoning Change: **N/A**
 Vision: **South lot: Neighborhood**
North lot: Rural

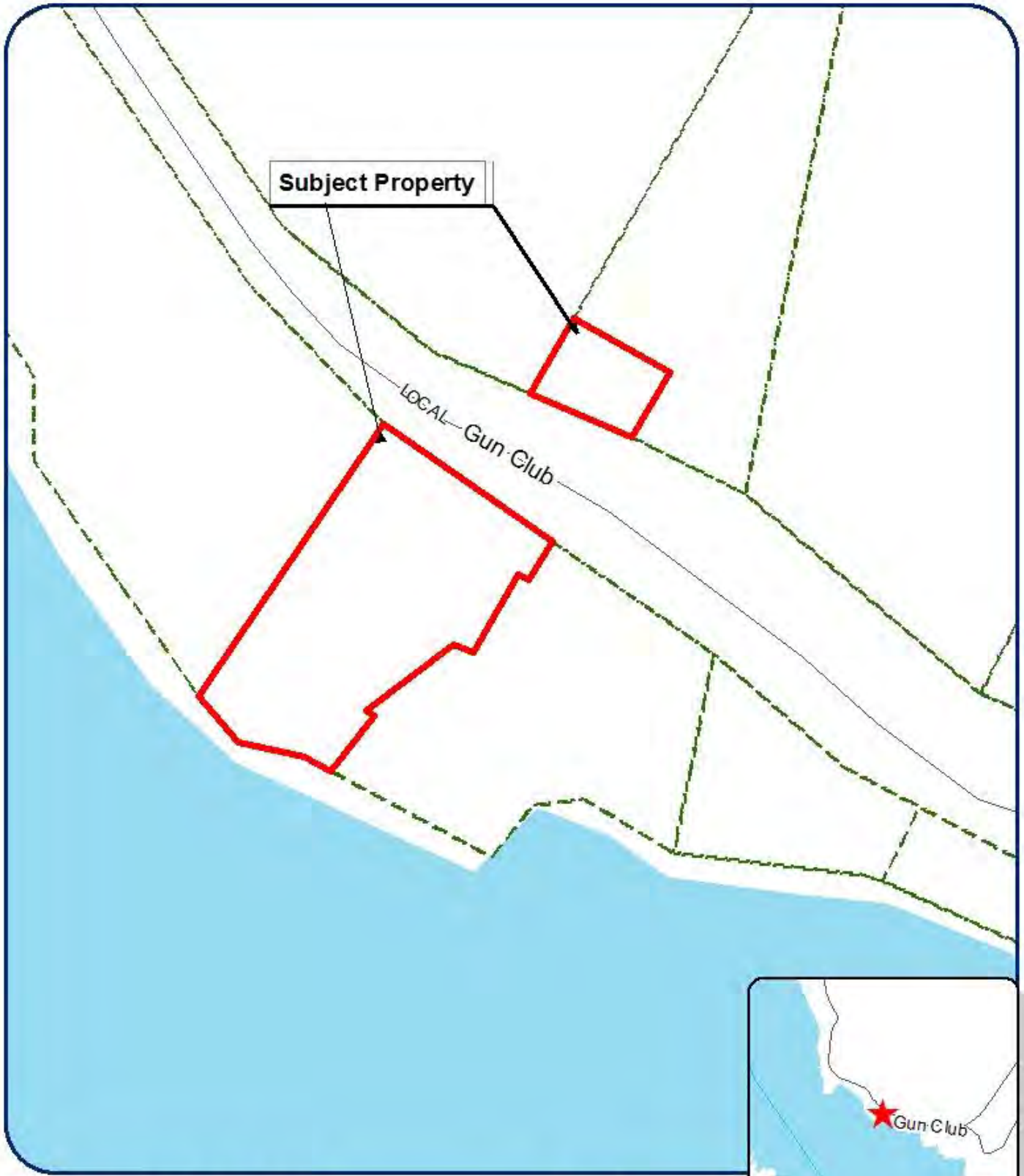




Conditional Use Case File
CU17-01: Powell
 Council District: District 1
 Neighborhood: Nasworthy
 Scale: 1" approx. = 50 ft
 Subject Property: 2181A Gun Club Rd.

Legend
 Subject Properties: 
 Current Zoning: **RS-1**
 Requested Zoning Change: **N/A**
 Vision: **South lot: Neighborhood**
North lot: Rural

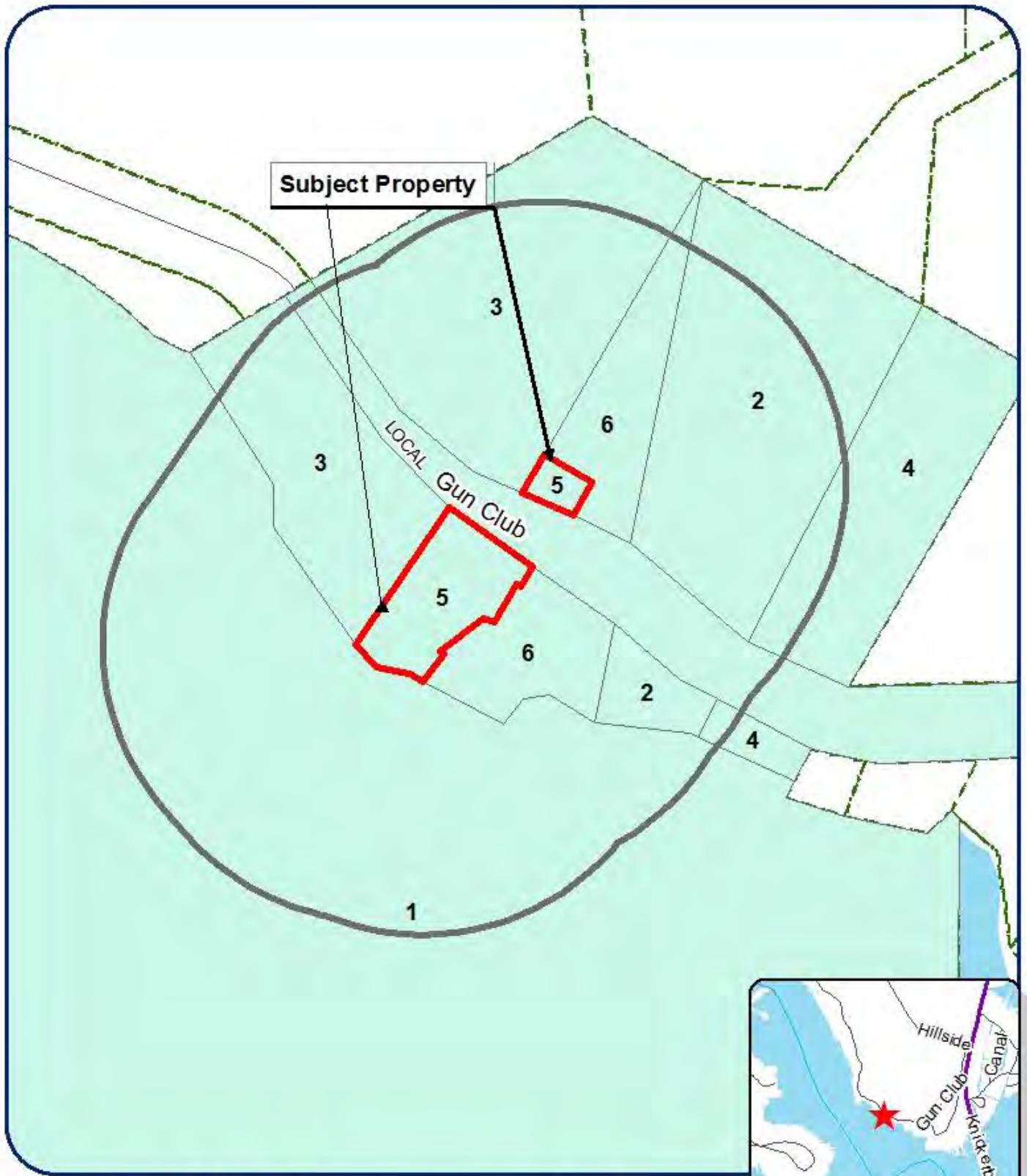




Conditional Use Case File
CU17-01: Powell
 Council District: District 1
 Neighborhood: Nasworthy
 Scale: 1" approx. = 50 ft
 Subject Property: 2181A Gun Club Rd.

Legend
 Subject Properties: —
 Current Zoning: **RS-1**
 Requested Zoning Change: **N/A**
 Vision: **South lot: Neighborhood**
North lot: Rural





Conditional Use Case File

CU17-01: Powell

Council District: District 1
 Neighborhood: Nasworthy
 Scale: 1" approx. = 100 ft
 Subject Property: 2181A Gun Club Rd.

Legend

Subject Properties: —
 Current Zoning: **RS-1**
 Requested Zoning Change: **N/A**
 Vision: **South lot: Neighborhood**
North lot: Rural



Survey Plat of Property



Site Photos

South portion of property (with house)



East



Front of house



North portion of property (with carport)



West



Behind house at Lake Nasworthy



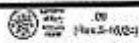
Fisher, Jeff

From: swede.01@suddenlink.net
Sent: Saturday, March 11, 2017 3:18 PM
To: Fisher, Jeff
Subject: CU17-01:Powell

We have had no issues with the Powell property being a Short Term Rental. Owners and renters have always been very conscientious, of our property and any noise.

—
E. Paul Johnson

RECEIVED
MAR 11 2017
Jeffrey Manning



Texas Hotel Occupancy Tax Report



You have certain rights under Chapters 552 and 562, Government Code, to review, receive and correct information we have on file about you. Contact us at the address or phone number listed on this report.

Page 1 of 1

3. Tax Code 75100

4. Taxpayer number

4. Filing period
QTR ENDING 12/31/2016

5. 164

1. Due date
01/20, 2017

5. Name and mailing address (file any necessary name changes below)

DEBBIE L POWELL
4315 HATCHERY RD
SAN ANGELO TX 76903-1513

2H07

6. IMPORTANT

Check the box if any pertinent information has changed. Show changes beside the preprinted information.

Check the box if any location shown longer in business. Write the location and the date you went out of business below.

LOCATION NUMBER DATE

- A report must be filed even if no tax is due.

- Do not write in shaded areas.

1. NUMBER OF ROOMS	2. LOCATION TRADE NAME AND ADDRESS	3. LOCATION NUMBER	4. TOTAL DOLLAR AMOUNT OF RECEIPTS	5. TOTAL TAXABLE RECEIPTS
1	LAKE VIEW CASITA 2181 GUN CLUB RD UNIT A SAN ANGELO TX 76904-7802	00003	1413.00	1413.00

3. Tax Code 75180

6. Total room receipts (dollars) for ALL locations (Item 4 from this and all supplemental pages) 6. 1413.00

7. Total taxable receipts (dollars) for ALL locations (Item 5 from this and all supplemental pages) 7. 1413.00

8. Total tax due (6.0 % of Item 7) 8. 84.78

9. Discount (if paid on time, enter 1% of Item 8) 9. .85

10. Tax due after discount (Item 8 minus Item 9) 10. 83.93

12-100 (Rev. 10-09)

11. Penalty (See instructions) 11.

12. Interest (See instructions) 12.

13. TOTAL AMOUNT DUE AND PAYABLE (Item 10 plus Item 11 and Item 12) 13. 83.93

Taxpayer name
DEBBIE L. POWELL

Tax Code Taxpayer number Period

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.

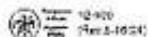
sign here *Debbie L Powell*
Daily authorized agent
Daytime phone (Area code and number) 325-374-1243 Date 1-15-17

Make the amount in Item 13 payable to STATE COMPTROLLER
Mail to: Comptroller of Public Accounts
P.O. Box 149356
Austin, TX 78714-9356

For assistance call 1-800-252-1305.
Information is also available at www.comptroller.texas.gov

333 A

0001077



Texas Hotel Occupancy Tax Report



You have certain rights under Chapters 502 and 560, Government Code, to review, request and correct information we have or had about you. Contact us with the address or phone number listed on this report.



Page 1 of 1

4. T Code ■ 75100

5. Taxpayer number

6. Filing period
QTR ENDING 09/30/2016

7. ■ 163

8. Due date
10/20/2016

9. Name and mailing address (Make any necessary name changes below)

DEBBIE L POWELL
4315 HATCHERY RD
SAN ANGELO TX 76903-1513

2HD7

10. IMPORTANT

Check this box if any reported information has changed. Show changes inside the reported information.

Check this box if any location report is no longer in business. Write the location number and the date you went out of business below.

LOCATION NUMBER DATE

A report must be filed even if no tax is due.

- Do not write in shaded areas.

1. NUMBER OF LOCATIONS	2. LOCATION TRADE NAME AND ADDRESS	3. LOCATION NUMBER	4. TOTAL DOLLAR AMOUNT OF RECEIPTS	5. TOTAL TAXABLE RECEIPTS
1	LAKE VIEW CASITA 2181 GUN CLUB RD UNIT A SAN ANGELO TX 76904-7802	00003	2116.00	2116.00

11. Total room receipts (dollars) for ALL locations (Item 4 from this and all supplemental pages)	6	2116.00
12. Total taxable receipts (dollars) for ALL locations (Item 5 from this and all supplemental pages)	7	2116.00
13. Total tax due (6.0 % of item 7)	8	126.96
14. Discount (if paid on time, enter 1% of item 8)	9	1.27
15. Tax due after discount (Item 8 minus Item 9)	10	125.69
16. Penalty (See instructions)	11	
17. Interest (See instructions)	12	
18. TOTAL AMOUNT DUE AND PAYABLE (Item 10 plus Item 11 and Item 12)	13	125.69

Taxpayer name: **DEBBIE L POWELL**

Make the amount in item 13 payable to STATE COMPTROLLER
Mail to: Comptroller of Public Accounts
P.O. Box 149356
Austin, TX 78714-9356

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.
Sign here: *Debbie Powell*
Daytime phone (Area code and number): 325-657-6224 Date: 10/17/16

For assistance call 1-800-262-1385
Information is also available at www.comptroller.texas.gov

333 A

CITY OF SAN ANGELO
HOTEL AND MOTEL TAX REPORT
TAXPAYER NAME AND MAILING ADDRESS:

Debbie Powell
4315 Hatchery Rd
San Angelo, TX 76903 MONTH ENDING DATE Dec. 2016

OUTLET TRADE NAME AND LOCATION ADDRESS:

Lake View Cas. ta
3181 A Gun Club Rd

Taxpayer Identification Number: _____

1. TOTAL GROSS ROOM RENTAL RECEIPTS	<u>1413.00</u>
2. LESS EXEMPT ROOM RENTALS (govt. employees on official business)	_____
3. TAXABLE ROOM RENTAL RECEIPTS (1-2)	<u>1413.00</u>
4. TOTAL AMOUNT OF TAX DUE (7% OF 3)	<u>98.91</u>
5. DISCOUNT (deduct 1% of line 4 if paid before due date)	<u>.99</u>
6. LESS PAYMENTS PREVIOUSLY PAID	_____
7. NET TAX DUE (line 4 less line 5 and 6)	<u>97.92</u>
8. LATE PENALTY	_____
9. LATE INTEREST	_____
10. TOTAL AMOUNT DUE (line 7 plus 8 and 9)	<u>97.92</u>

MAKE CHECKS PAYABLE TO: CITY OF SAN ANGELO
72 W. COLLEGE AVE.
SAN ANGELO, TX 76903

SIGNATURE OF OWNER OR MANAGER

Debbie Powell

1-18-17
DATE

CITY OF SAN ANGELO
HOTEL AND MOTEL TAX REPORT
TAXPAYER NAME AND MAILING ADDRESS:

Debbie Powell
4315 Hatchery Rd
San Angelo, TX 76903 MONTH ENDING DATE Sep 2016

OUTLET TRADE NAME AND LOCATION ADDRESS:

Lake View Cas.ta
2181 A Gun Club Rd

Taxpayer Identification Number:

1. TOTAL GROSS ROOM RENTAL RECEIPTS	<u>2116.00</u>
2. LESS EXEMPT ROOM RENTALS (govt. employees on official business)	<u> </u>
3. TAXABLE ROOM RENTAL RECEIPTS (1-2)	<u>2116.00</u>
4. TOTAL AMOUNT OF TAX DUE (7% OF 3)	<u>148.12</u>
5. DISCOUNT (deduct 1% of line 4 if paid before due date)	<u>1.49</u>
6. LESS PAYMENTS PREVIOUSLY PAID	<u> </u>
7. NET TAX DUE (line 4 less line 5 and 6)	<u>146.63</u>
8. LATE PENALTY	<u> </u>
9. LATE INTEREST	<u> </u>
10. TOTAL AMOUNT DUE (line 7 plus 8 and 9)	<u>146.63</u>

MAKE CHECKS PAYABLE TO: CITY OF SAN ANGELO
72 W. COLLEGE AVE.
SAN ANGELO, TX 76903

SIGNATURE OF OWNER OR MANAGER

Debbie Powell

10-17-16
DATE



City of San Angelo, Texas – Planning Division
 52 West College Avenue
**Application for Conditional Use:
 Short-Term Rental Property**



Office Use Only – Date Accepted

Section 1: Basic Information

SELECT ONE: Property Owner Designated Operator (Affidavit Required) Representative (Affidavit Required)

Patrick & Debrah Powell		Patrick & Debrah Powell	
Name of Property Owner (s)		Name of Operator (s)	
4315 Hatchery Rd	San Angelo TX	76903	
Property Owner Mailing Address	City State	Zip Code	
325-374-1214	debbie@casitavacations.com		
Property Owner Contact Phone Number	Property Owner Contact E-mail Address		
4315 Hatchery Rd	San Angelo TX	76903	
Designated Operator Mailing Address	City State	Zip Code	
325-374-1214	debbie@casitavacations.com		
Designated Operator Contact Phone Number	Designated Operator Contact E-mail Address		
2181A Gun Club Rd	San Angelo TX	76904	
Short Term Property Address	City State	Zip Code	
Number of bedrooms: 3	Number of Off-street Parking Spaces: 5	Zoning: RS1	

Section 2: Site Specific Details

Provided Site Plan to include a Parking Table and any/all proposed lighting Yes No

Please initial and provide explanations for the following:

dep I understand that the Planning Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanations below:

Impacts Minimized. Whether and the extent to which the short-term rental or Bed & Breakfast property use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: The property is well maintained creating a positive visual impact.

Consistent with Surrounding Area. Whether and the extent to which the proposed short-term rental Bed & Breakfast property use is compatible with existing and anticipated uses, surrounding the subject property.

Explanation: The property will be used for people to eat, sleep and enjoy the lake. This is what all the surrounding property is used for.

Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical function of the natural environment.

Explanation: No adverse impacts.

Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.

Explanation: Travel to all cities has increased to having the option of staying in a private home. This use will give that option to potential travelers to San Angelo. The property has been used as a short term rental for several years and has consistently had travelers, thus demonstrating a need.

Development Patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

Explanation: This will have no effect on the development of the community. It is a house where people stay. All the surrounding property is also where people stay—some are permanent residents and some are vacation homes.

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 www.cosatx.us/planning

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

- dip* Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- dip* Unless exempt, a permit cannot be granted for a STR on a street less than 30 feet in width nor within 500 feet of another STR.
- dip* The applicant has designated an "Operator" who resides in Tom Green County, Texas and has furnish a telephone number for the named operator. This information must be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator must mail notice of the new contact information to owners of real property within 200 feet of the property.
- dip* The operator shall keep a current guest register in compliance with State code.
- dip* If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- dip* The operator of a Short Term Rental must post conspicuously in the common area of each unit
 - 1) The name and contact information of the operator, and
 - 2) The occupancy limits and restrictions on noise as set out in the City Code of Ordinances
- dip* Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- dip* Meal service may not be provided.
- dip* Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- dip* Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- dip* A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- dip* Tents, trailers, cabin, lean-to or similar used for temporary living quarters are prohibited, with the exception of one "pup tent" for no more than two persons and no larger than 40 inches in height or 8 feet in length.
- dip* All Bed and Breakfast and Short Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax.
- dip* The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office
- dip* The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- dip* Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- dip* If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- dip* A certificate of occupancy through the City's Permits and Inspections division will be required

I/We, the undersigned, acknowledge and understand that the above information is not an exhaustive list of standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"]

I/We, the undersigned, acknowledge and understand that failure to comply with all applicable standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"] for such an establishment may result in revocation of the Certificate of Occupancy.

Debbie Powell
Debbie Powell
Printed name and Signature of Property Owner or Authorized Representative

2-16-17
Date

Debbie Powell
Debbie Powell
Printed name and Signature of Designated Operator

2-16-17
Date

STAFF REPORT



Meeting: March 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: David Stallworth, AICP
Principal Planner

Request: A request to approve the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition

Location: Generally located approximately 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street

Size: Approximately 0.064 acres (+/-2,794 square feet)

General Information

Future Land Use: Neighborhood Center

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

Existing Land Use: Public Alley Right-of-Way

Surrounding Zoning/Land Use:

North:	General-to-Heavy Commercial (CG/CH)	Vacant
West:	General Commercial (CG)	Residential
South:	General-to-Heavy Commercial (CG/CH)	Retail Sales/Service
East:	Single-family Residential (RS-1)	School District Maintenance Offices

District: SMD#3 – Harry Thomas

Neighborhood: Glenmore

Background:

The subject alley was platted in 1928 (Rio Vista Addition, Volume 1, pages 106 and 107) with an approximate 233-ft length and 12-foot width through Block One, which yields seven platted lots. Upon subsequent assembly, the overall site will be comprised of approximately 57,190 square feet, or 1.31 acres. The purpose of this request is to revert otherwise unutilized and platted alley right-of-way into useable area. Planning Staff circulated the application to other City departments and private utility companies in the area. The City’s Engineering and Water Utilities Departments offer no objection. It is noted, however, that there is an existing 30’ sewer easement that runs diagonally across the property that turns and encompasses a portion of the alley way that is not being shown on any of the provided diagrams. It is an active sewer easement with multiple large 42” and 30” sewer lines. Although City Engineering can support the abandonment of alley, City Engineering will not support any release of easements, and those areas must remain accessible. This matter should be satisfactorily addressed through the subsequent and mandatory land assembly by replat. No opposition or special requests from the utility companies were received.

Notification:

On March 3, 2017, two public notices were mailed to abutting property owners. The petition is also subject to notice through publication in a newspaper of record.

Recommendation:

Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of a request to approve the vacation and abandonment of all of the east-

to-west public alley located in Block 1, Rio Vista Addition, **subject to the following three Conditions of Approval:**

Proposed Conditions:

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of quit claim deed(s) officially abandoning the City's claim to the entirety of the abandoned alley shall be provided.
3. The Petitioner shall record an approved replat that assembles all platted lands and reversions to acreage associated with the overall property into a single lot within a period not to exceed twelve months from the effective date of this approval.

Attachments:

Aerial Map
Location Map
Descriptions of Vacation / Abandonment
Public Notice Information
Existing Sewer Main Locations



SUBJECT AREA
(Yellow X-Hatch)




Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

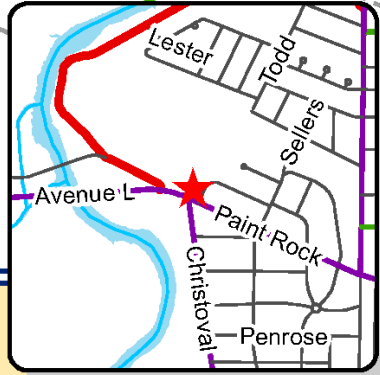
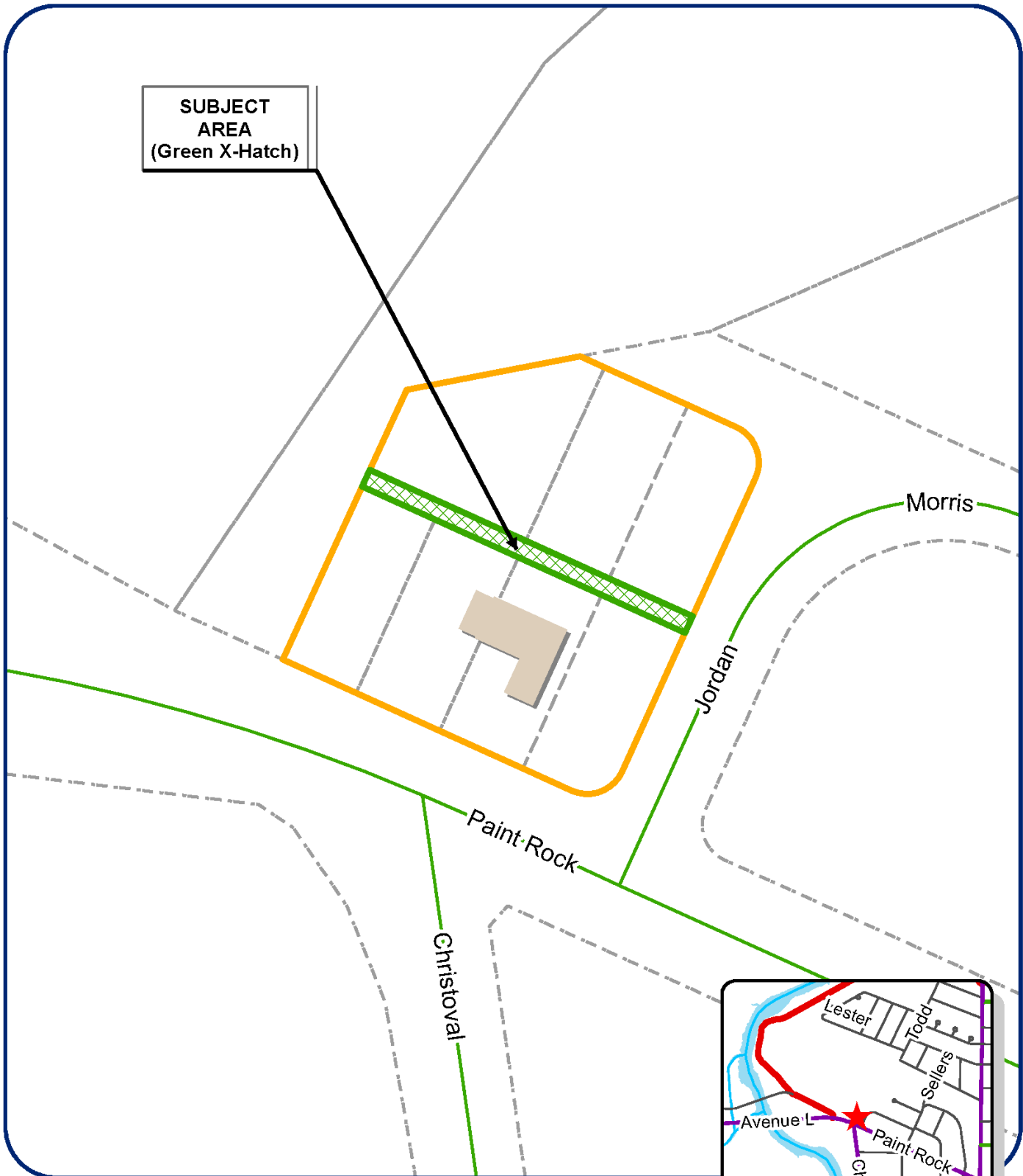
Council District: District 3 (Thomas)
 Neighborhood: Glenmore
 Scale: 1 Inch :: 100 Feet
 Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: 
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood Ctr**



SUBJECT
AREA
(Green X-Hatch)



Alley Abandonment Case File
Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)
Neighborhood: Glenmore
Scale: 1 Inch :: 100 Feet
Legal Description: Alley, Block 1, Rio Vista Add'n

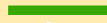
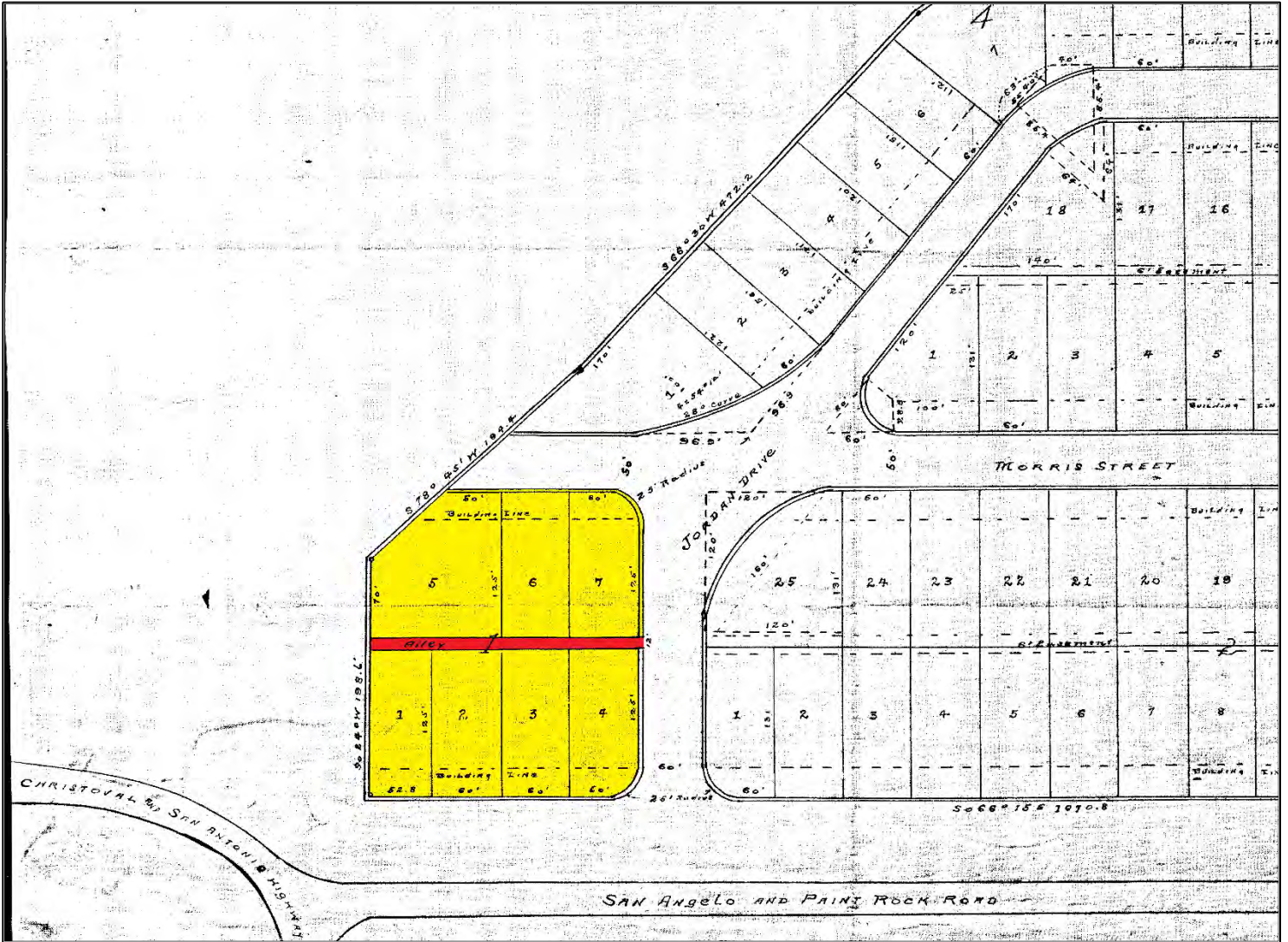
Legend
Subject Area: 
Current Zoning: **CG/CH**
Requested Zoning Change: **N/A**
Vision: **Neighborhood Ctr**

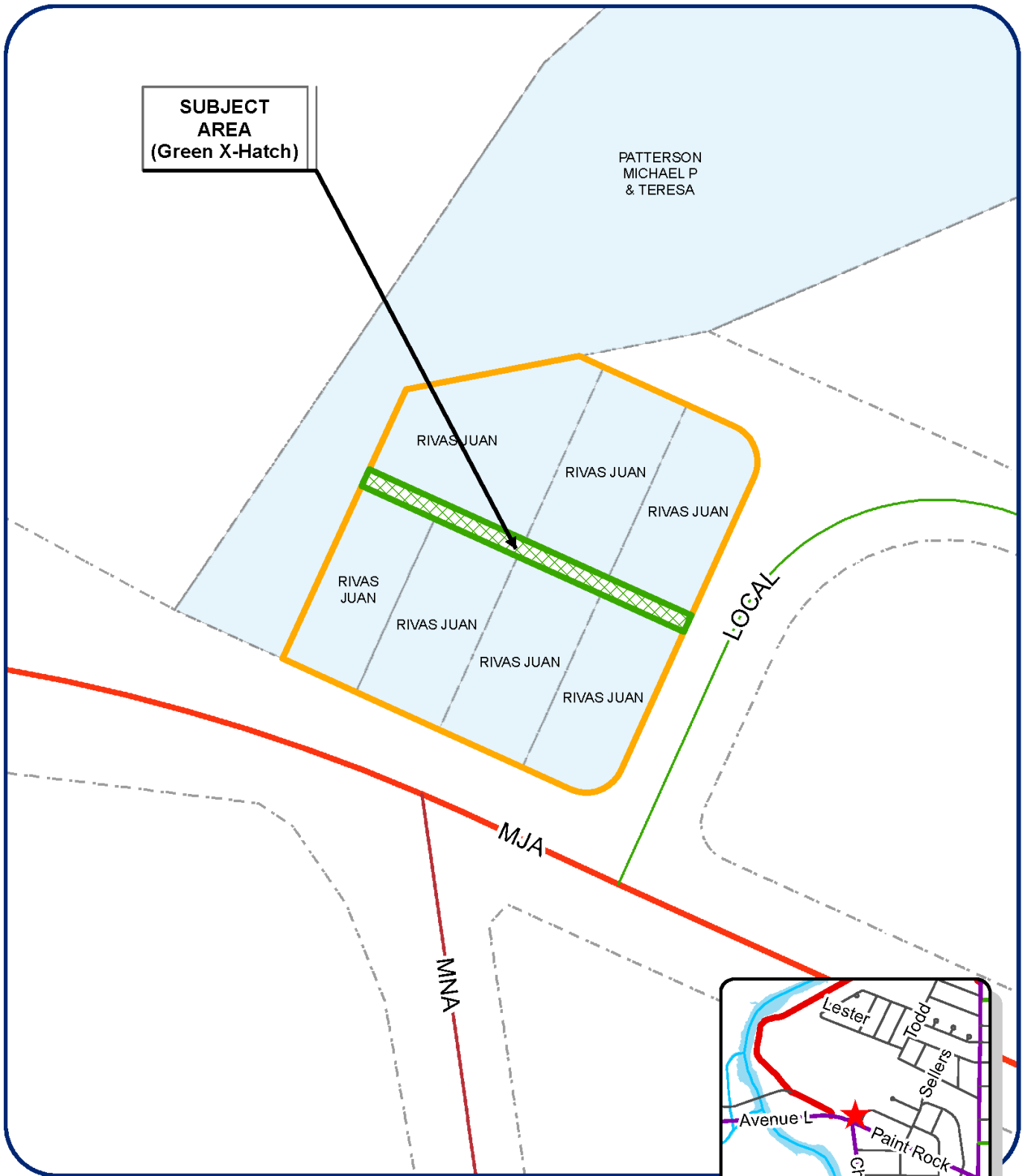


EXHIBIT – A

LOCATION MAP; PROJECT AREA DESCRIPTION



An east-to-west alley right-of-way, being approximately 232.8 feet in length by 12 feet in width, situated in Block One, Rio Vista Addition, as recorded under Volume 1, Pages 106 and 107, Official Plat Records, Tom Green County, TX, and consisting of approximately 2,794 square feet, or 0.064 acres




Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)
 Neighborhood: Glenmore
 Scale: 1 Inch :: 100 Feet
 Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: 
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood Ctr**

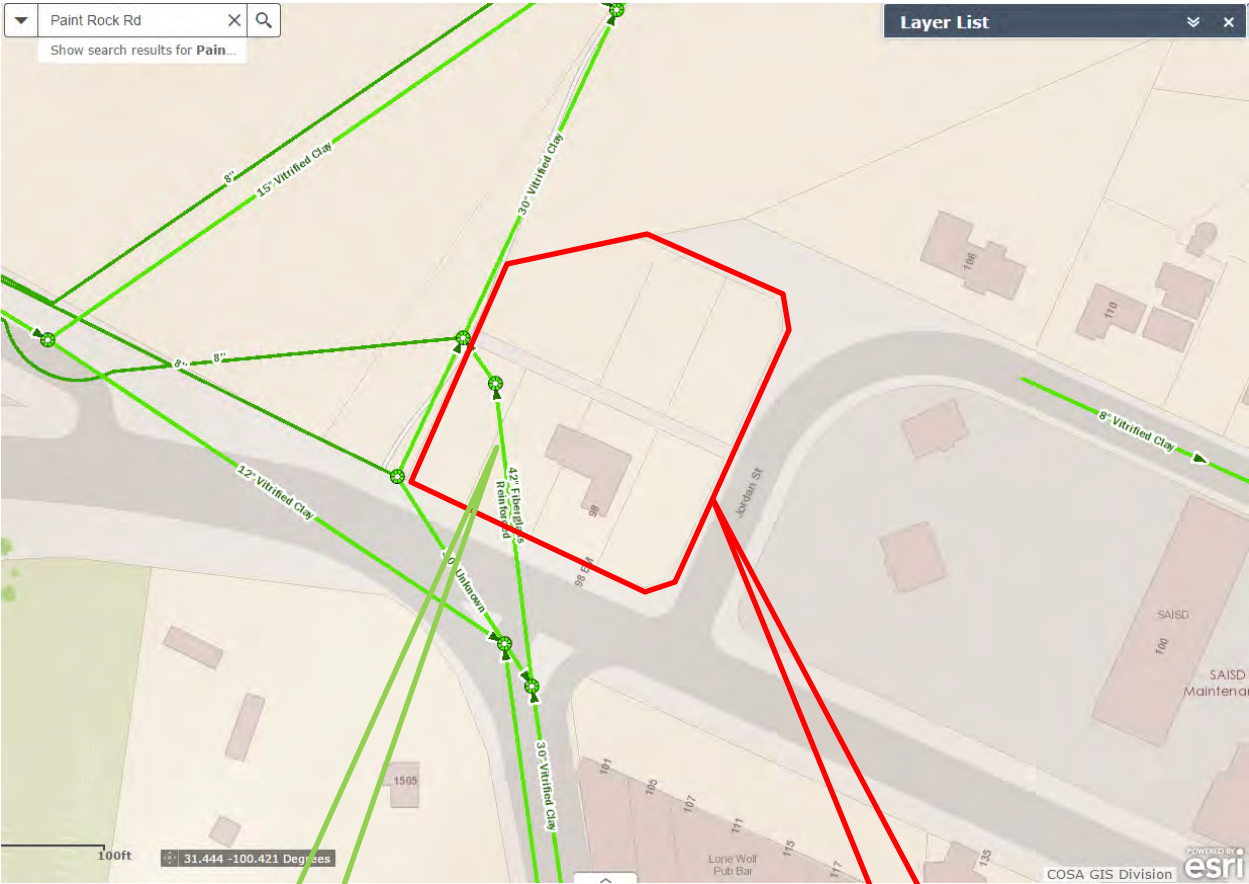


ALLEY ABANDONMENT - BLK 1, RIO VISTA ADD'N

Total Recipients: 2

vm_name	vm_line1	vm_city	vm_state	vm_zip
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
PATTERSON MICHAEL P & TERESA	92 PAINT ROCK RD	SAN ANGELO	TX	76903-7924

**LOCATION OF EXISTING SEWER MAINS
TO BE PRESERVED THROUGH REPLAT OF THE PROPERTY**



EXISTING
SEWER MAINS
(in GREEN)

PROPERTY
BOUNDARY
(in RED)

ALLEY TO BE VACATED AND ABANDONED



GENERAL LOCATION OF WESTWARD EXTENSION, MORRIS ST.
(Platted and Unimproved)



RIVAS PROPERTY (Looking south)



RIVAS PROPERTY (Looking west)



PATTERSON PROPERTY ENTRANCE FROM PAINT ROCK RD



MEMO



Meeting
 Date: March 20, 2017

To: Planning Commission

From: Jon C. James, AICP
 Director

Request: Text Amendment to Chapter 12, Exhibit “A” Zoning Ordinance, Article 5, Section 501 Residential District Standards) and Article 8, Section 804 (Defined Terms)

Background:

The attached is an amendment to Chapter 12, Exhibit “A” Zoning Ordinance, Article 5, Section 501, to create standards for Industrialized Housing (i.e. Modular Homes) and an amendment to Article 8, Section 804 to create a definition for “Industrialized Housing.”

Industrialized housing is not a mobile home; it is simply a residence that is built off-site, as opposed to on-site. These residences are often called factory-built, system-built, or prefab (short for prefabricated). The Texas Department of Licensing and Regulation defines “Industrial Housing” 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 Planning & Development Services Department has interpreted this allowance to also convey applicability to industrialized housing. This means that industrialized housing is permitted, by right, in the R&E, RS-1, RS-2, RM-1, and MHS Zoning District.

Based on its research, Staff has drafted a text amendment that seeks to:

- Provide architectural conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located;
- Require all industrialized housing to be securely fixed to a permanent foundation and comply with City building setbacks, subdivision control, square footage, and other site requirements applicable;
- Mandates that before an industrial housing unit is constructed, erected, installed, or moved onto a site, an application to the Building Official shall be submitted;
- Provides for a means of requiring that any industrial housing have a value equal to or greater than the median taxable value for each single-family

- dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located; and
- Creates a definition for “Industrial Housing” that is consistent with the Texas Department of Licensing and Regulation’s standards.

Attachment: Proposed Zoning Ordinance Amendment

Article 5
General Development Standards

Section 501. Residential District Standards

E. Additional Standards for Industrialized Housing

1. All industrialized housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located.
2. All industrialized housing shall comply with City building setbacks, subdivision control, square footage, and other site requirements applicable.
3. All industrialized housing shall be securely fixed to a permanent foundation.
4. Any property owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the Building Official and obtain the required permits.
5. If the industrialized housing is the principal single-family dwelling on a lot:
 - a. It shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County. For purposes of this subsection, "value" shall mean the taxable value of the industrialized housing and lot after installation of the housing.
 - b. If no single-family dwellings exist within 500 feet of the outer boundaries of the lot, the property owner shall not be required to demonstrate comparable value.

- c. If there are existing single-family dwellings, the Planning Director shall determine compliance with comparable value after the property owner has provided a list of the addresses and current tax valuations of all existing single-family dwellings within 500 feet of the lot on which the industrialized housing will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and industrialized housing will have after installation.

Article 8 Definitions

Section 804. Defined Terms

INDUSTRIAL HOUSING: A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system as specified in this Ordinance. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready built home which is constructed so that the entire living area is purposed of selling it moving it to another location. Also known as a Modular Home.

MEMO



Meeting

Date: March 20, 2017

To: Planning Commission

From: Jon C. James, AICP
Director

Request: Text Amendment to the Land Development and Subdivision Ordinance, Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. and Chapter 9 Subdivision Design Policies, Section III Streets and Roads, A.7.b. and C.2.

Background:

The attached are amendments to the Land Development and Subdivision Ordinance. The first amendment is in Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. in order to allow for the submittal of plat applications consistent with State statute and in accordance with the published schedule for plat submittals.

Additionally, there are also amendments to Chapter 9 Subdivision Design Policies, Section III Streets and Roads to allow for an applicant to seek a variances from two provisions, which currently cannot be varied. First, in subsection A.7.b. in order to allow for an applicant to seek a variance from the prohibition of Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments to have primary access to the site from a local street and from and also in subsection C.2 to allow a variance from the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land.

The Ordinance currently allows applicants to submit their plat applications no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting. State statute requires municipalities to process plat requests within 30 days of their acceptance. The Ordinance effectively removes one week of staff review from the process and has led to several instances where applicants have had to provide corrections or explanations with one or two days of lead time. Additionally, the Ordinance currently requires 13 copies of the proposed plat to be submitted. Staff believes that such a high number of copies is no longer necessary, especially given that the majority of plats today can, and have been, submitted electronically. This amendment seeks to minimize the waste of superfluous paper copies and reduce the burden on both staff and the applicant.

The Ordinance currently also prohibits applicants from seeking variances from two subsections of Chapter 9 Subdivision Design Policies, Section III Streets and Roads (A.7.b. and C.2.). These sections include the verbiage “shall not be allowed under any circumstance” and “in no circumstance, though, shall any.” The City’s Legal Department has determined that these sections have the effect of denying an applicant the ability to obtain variance relief from the Planning Commission and City Council. Therefore, at the request of City Council at its March 7, 2017, meeting, the second part of the proposed amendment eliminates the above-referenced language and replaces it with simple verbiage that maintains the individual sections’ requirements while still providing for the opportunity for an applicant to seek a variance.

Attachment:

Proposed Land Development and Subdivision Ordinance Amendments

CHAPTER 5
PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS

SECTION III: STAGES OF DEVELOPMENT REVIEW

A. Major Subdivisions

2. Preliminary Plat. The preliminary plat shall be submitted to the City Planning Commission for approval before consideration of a final plat intended for future recording with the Tom Green County Clerk. Preliminary plats will not be reviewed by the City Planning Commission, until such plats are officially accepted by the Planning Department. Plats not accompanied by an official application and not containing all proper information will not be accepted for review. Either the preliminary plat itself or an accompanying map shall illustrate the total contiguous tract(s) of land owned by or under the control of the subdivider, even if only a portion of the tract is intended for subdivision by a final plat. A boundary survey will not be required, but the boundaries of land intended to be submitted as a final plat shall be dimensioned and accurately drawn to scale, and so shall the boundaries of all land owned by, or under the control of, the subdivider (if more extensive than the area intended for final subdivision). Boundary data from recorded deeds shall be used, whenever appropriate. The preliminary plat shall be prepared by a qualified professional, trained and experienced in subdivision design.

- a. Deadline for submission. ~~Thirteen paper copies of~~ An application and copy of the preliminary plat must be submitted to the Planning Department ~~no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting at which the applicant desires to have the Plat reviewed~~ in accordance with the published schedule for plat submittals.

3. Final Plat. A subdivider shall be responsible for filing an application for final plat review of a major subdivision, after a preliminary plat thereof has been approved. A final plat may be submitted for all or any portion of the preliminary plat, unless the City Planning Commission determines that final platting is necessary for additional land covered by the preliminary plat. A final plat will not be considered by the City Planning Commission, until an approved preliminary plat incorporating all changes or corrections required by the City Planning Commission is on file with the Planning Department. A revised preliminary plat may be submitted to the Planning Department at the same time an application is made for a final plat. The final plat shall generally conform to the preliminary subdivision plat as approved by the City Planning Commission. A final plat that does not conform with the preliminary may require submission of a revised preliminary plat, for review by the City Planning Commission. This requirement will be determined by the Planning Director; however, this determination may be appealed to the City Planning Commission.
 - a. ~~Deadline for submission. Thirteen copies of the~~ An application and copy of the final plat must be submitted to the Planning Department ~~no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting at which the applicant desires to have the plat reviewed~~ in accordance with the published schedule for plat submittals.

CHAPTER 9

SUBDIVISION DESIGN POLICIES

Section III: STREETS AND ROADS

A. General Design Guidelines. All streets shall be improved to the minimum standards as defined in Chapter 10, for the type of subdivision proposed, and shall be properly integrated with the existing and proposed system of streets, roads and other dedicated rights-of-way.

7. Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments:

b. Primary access to the site shall not be allowed ~~under any circumstance~~ from a local street as indicated in the City of San Angelo Thoroughfare Plan.

C. Dead End Streets

2. 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~~ A dead-end street shall not provide exclusive frontage to more than 40 lots or tracts of land.