

STAFF REPORT



Meeting: April 17, 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 First Replat of Block CC, College Hills South Addition, Section Thirty

Location: An unaddressed tract generally located at the north-northeast corner of the West Loop 306 frontage road and Forest Trail

Legal Description: Being 1.369 acres out of Block CC, College Hills South Addition, Section Thirty, as recorded under Document 201607917, Official Public Records, Tom Green County, TX

Size: 1.369 acres

General Information

Future Land Use:	Commercial
Current Zoning:	General-to-Heavy Commercial (CG/CH)
Existing Land Use:	Vacant

Surrounding Zoning / Land Use:

North:	Single-family Residential (RS-1) General-to-Heavy Commercial (CG/CH)	Local Road; Residential; Office Park
West:	Single-family Residential (RS-1)	Local Road; Residential
South:	General-to-Heavy Commercial (CG/CH)	Expressway; Offices; Retail
East:	General-to-Heavy Commercial (CG/CH)	Offices

District: SMD#3 – Farmer

Neighborhood: Sunset

Thoroughfares/Streets: Both Forest Trail and Wildewood Drive are classified as “Local or Minor Roads” 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 generally consist of a minimum right-of-way width of 50 feet.

West Loop 306 is classified as a “Freeway,” which generally has a minimum right-of-way (ROW) width in excess of 100 feet and is defined as a controlled access, multi-lane divided roadway according to the TX-DOT Roadway Design Manual. Freeways have unique design characteristics that set them apart from non-access controlled arterial roadways.

Background:

The subject property is part of an overall platted Block CC out of the College Hills South Addition, Section Thirty addition that was recorded in December of 1974. Block CC is bounded by Wildewood Drive to the north, College Hills Boulevard to the east, West Loop 306 to the south and Forest Trail to the west. All of Block CC has been partitioned

outside of the formal plat process over the years and is largely developed. The project area constitutes the last remnant of Block CC to be developed. The replat was originally approved by the Planning Commission in April of 2014 but was never recorded. The petitioner submitted an application to replat a portion of platted land into two non-residential lots was received on April 3, 2017. The replat is almost identical in layout to that which was previously approved, save for minor changes in lot frontages along Forest Trail and interior lot line configurations. If approved, the replat will facilitate the construction of two new, multi-storied medical offices.

The property is zoned General-to-Heavy Commercial (CG/CH). The proposed lot meets minimum development standards for this Zoning District (6,000-square-foot minimum lot area, 50-foot minimum lot width, 80-foot minimum lot depth). The proposed lot is rectilinear, relatively flat, and oriented north-to-south. No public dedications are proposed, and no additional pavement widths appear necessary. Sidewalks will be requested for this development.

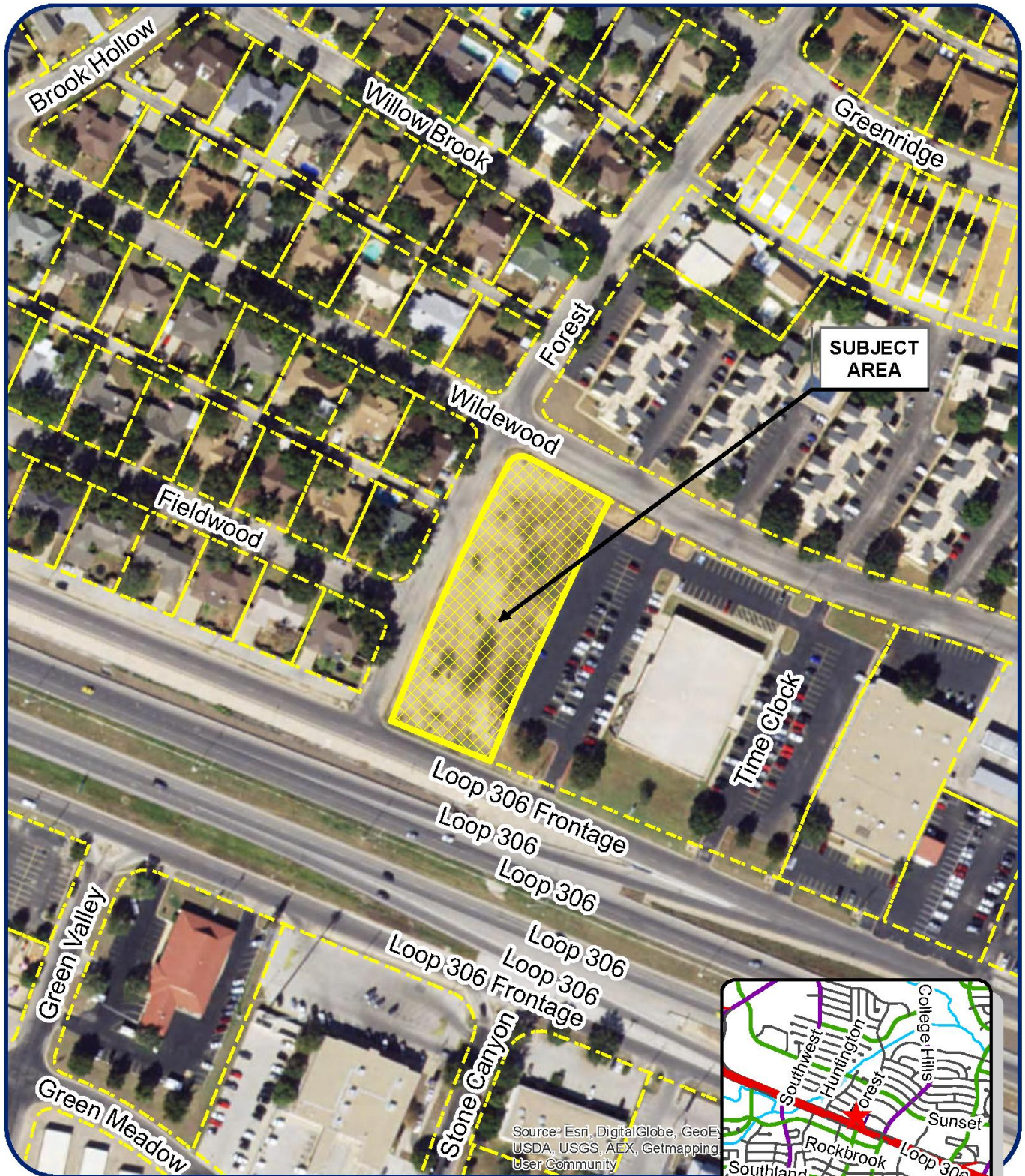
Staff Recommendation:

Staff recommends that the Planning Commission **APPROVE** the First Replat of Block CC, College Hills South Addition, Section Thirty, **subject to the following five 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. The replat name shall be revised to read “First Replat of Block CC...” as there is no record of a First Replat with the County Clerk’s Office, the current title of “Second Replat” is inaccurate.
3. Per understanding between City Staff and Property Owner/Agent reached on February 24, 2017, DRC meeting, sidewalks shall be required along Forest Trail and Wildewood property frontages, and a 5-foot-wide pedestrian easement along the subject area’s Loop 306 frontage will also be required for sidewalk purposes. The developer may include a note on the plat indicating that sidewalks will be required at time of building permit.
4. The replat shall include a note providing for reciprocal access and parking between Lots 1 and 2, Block CC.
5. Any easements or lease areas for existing or anticipated off-premise signage shall be indicated on the replat.

Attachments:

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



Subdivisions Case File

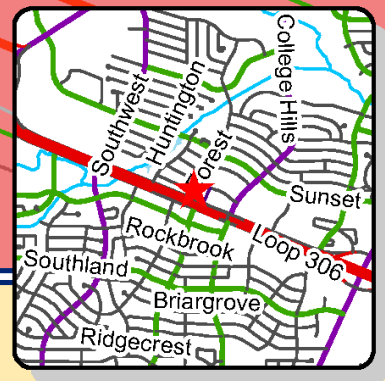
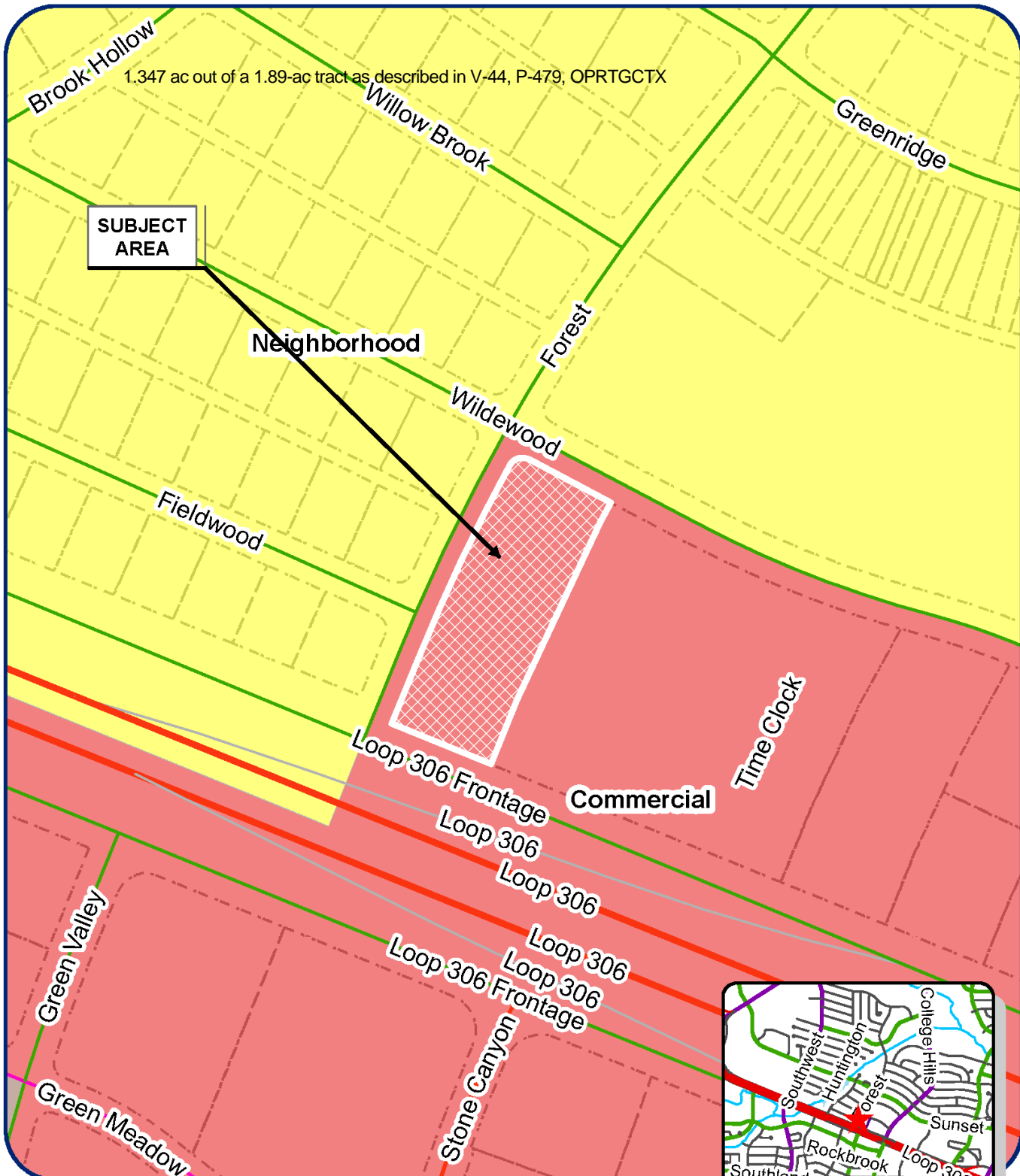
1R, Blk CC, College Hills South, S-30

Council District: District 6 (Farmer)
 Neighborhood: Sunset
 Scale: 1 Inch :: 200 Feet
 Legal Description: 1.369 ac out of Blk CC, College Hills South Add'n, Section 30

Legend

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






Subdivisions Case File

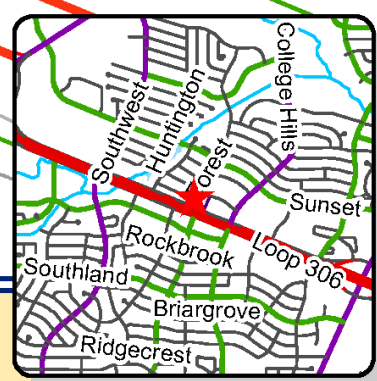
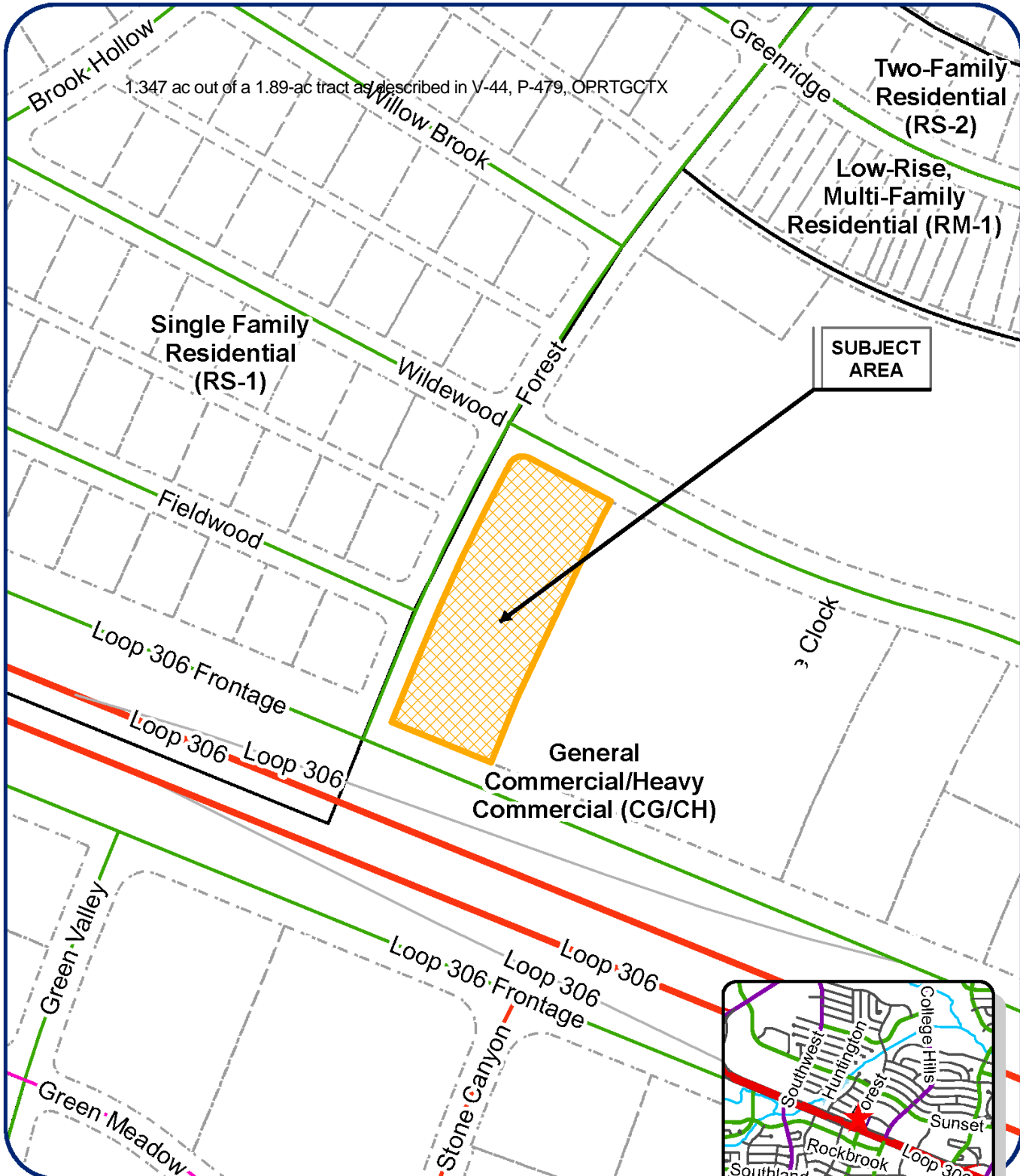
1R, Blk CC, College Hills South, S-30

Council District: District 6 (Farmer)
 Neighborhood: Sunset
 Scale: 1 Inch :: 200 Feet
 Legal Description: 1.369 ac out of Blk CC, College Hills South Add'n, Section 30

Legend

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





Subdivisions Case File

1R, Blk CC, College Hills South, S-30


Council District: District 6 (Farmer)

Neighborhood: Sunset

Scale: 1 Inch :: 200 Feet

Legal Description: 1.369 ac out of Blk CC, College Hills South Add'n, Section 30


Legend


Subject Properties: 

Current Zoning: **CG/CH**

Requested Zoning Change: **N/A**

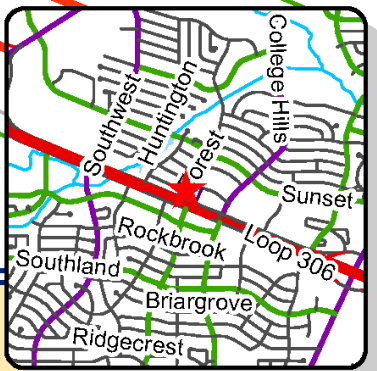
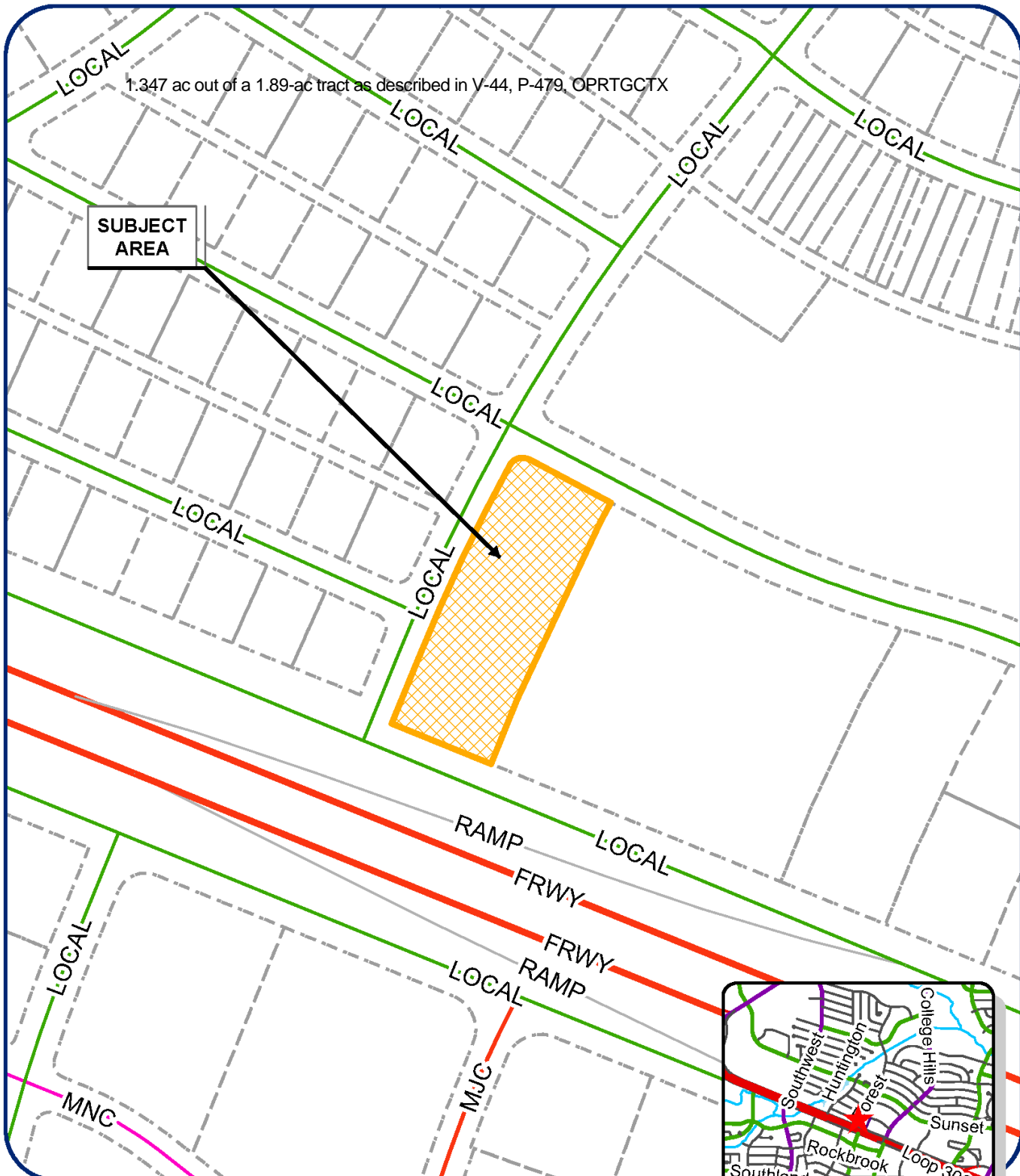
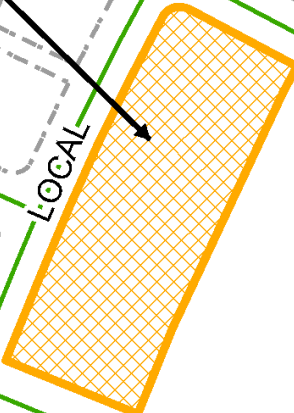
Vision: **Commercial**





1.347 ac out of a 1.89-ac tract as described in V-44, P-479, OPRTGCTX

SUBJECT AREA



Subdivisions Case File

1R, Blk CC, College Hills South, S-30

Council District: District 6 (Farmer)

Neighborhood: Sunset

Scale: 1 Inch :: 200 Feet

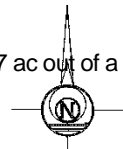
Legal Description: 1.369 ac out of Blk CC, College Hills South Add'n, Section 30

Legend

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



1.347 ac out of a 1.89-ac tract as described in V-44, P-479, OPRTGCTX



SCALE: 1"= 100'
 GRAPHIC SCALE: FEET
 NOTE: Bearings shown hereon are based on the plat of record.

LEGEND:

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

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

By: _____
 Chairman

 Secretary

DEPARTMENT OF WATER UTILITIES
 Approved for recording this ___ day
 of ___ 20___

By: _____
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this ___ day
 of ___ 20___

By: _____
 Director of Public Works

COUNTY CLERK
 Filed for record this ___ day of
 ___ 20___
 County Clerk of Tom Green Co., Tx.
 By: _____

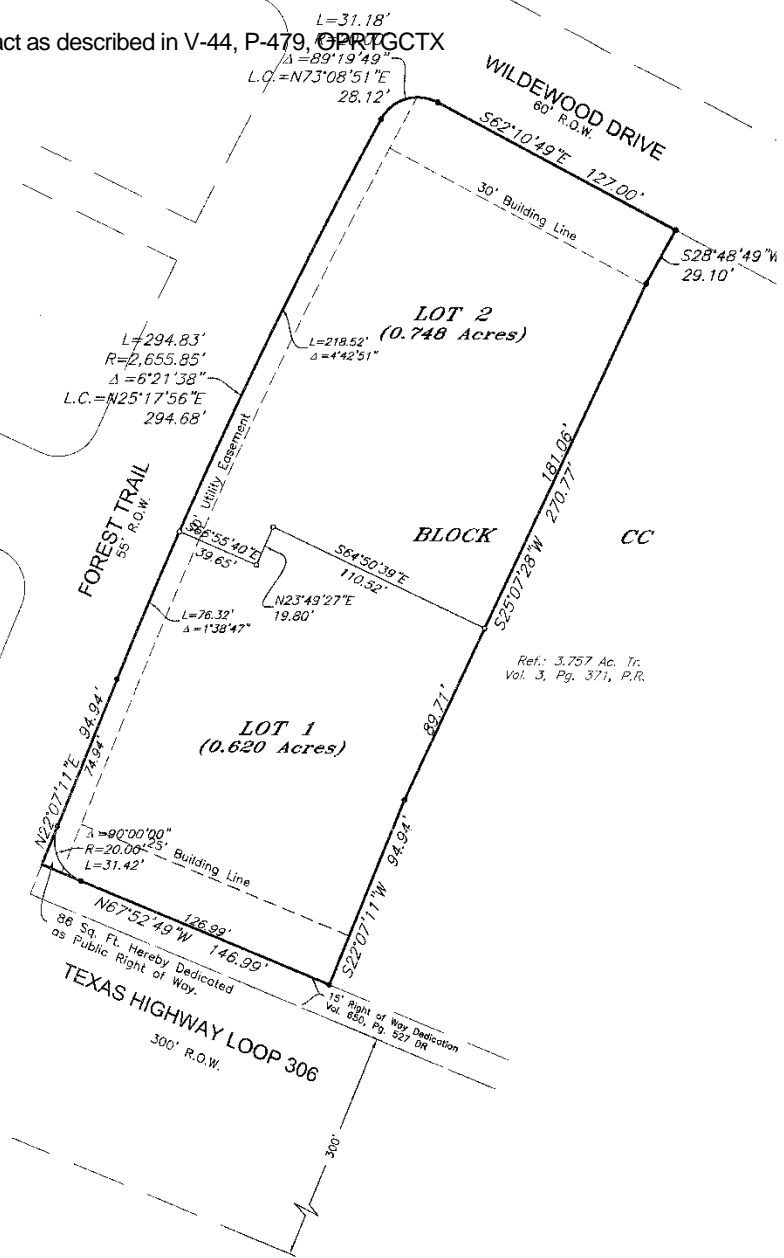
STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before
 me on ___
 by Davy H. David and Ashley H. David in the
 capacity shown.

Notary Public, State of 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, Tom Green County, Texas.

SKG
ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT
 706 SOUTH ADE STREET PHONE: 326.893.1238
 SAN ANGELO, TEXAS 76903 FAX: 326.857.8189
 Firm No. 10192460
 www.skg.com



**SECOND REPLAT OF BLOCK CC
 COLLEGE HILLS SOUTH
 ADDITION
 SECTION THIRTY**

City of San Angelo, Tom Green County, Texas.

OWNER/DEVELOPER: Davy H. David and Ashley H. David
 DESCRIPTION: Being 1.369 acres out of Block CC, Section
 30, Replat of College Hills South Addition and that contain
 1.369 acre tract described and recorded in Instrument
 Number 201607917, Official Public Records of Tom Green
 County, Texas.

ACKNOWLEDGEMENT/DEDICATION
 We, Davy H. David and Ashley H. David, do hereby adopt
 this plat as the subdivision of our property and dedicate for
 the use of the public the easements shown hereon.

Davy H. David Ashley H. David
 Owner Owner

Preliminary, this document
 shall not be recorded for any
 purpose and shall not be used
 or viewed or relied upon as a
 final survey document.

SURVEYOR'S CERTIFICATE

Know all men by these presents; that I,
 Russell T. Guly 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.

STAFF REPORT



Meeting: April 17, 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 Marylou Addition, Section Two, and approval of the following three Variances to the City's Land Development and Subdivision Ordinance:

- Sections 9.III.A.5.a.(2) and 10.III.A.2, which require the construction of additional pavement width along a segment of Montague Street to bring it into compliance with minimum Local Street standards;
- 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 (Montague Street); and
- Section 9.VI, which considers such items as parks, schools, playgrounds and other public requirements on a final plat

Location: An unaddressed tract generally located at the southwest corner of the Houston Harte Expressway (US-67/US277) frontage road (Ellis Street) and Montague Street

Legal

Description: Being 1.861 acres out of the George Schubitz Survey no. 326, Abstract 1854, Tom Green County, TX, as recorded under Document 201602535, Official Public Records, Tom Green County, TX

Size: 1.861 acres

General Information

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

Surrounding Zoning / Land Use:

North:	Expressway; Office Warehouse (OW)	Vacant Land
West:	Single-family Residential (RS-1)	Residential
South:	Neighborhood Commercial (CN)	Vacant Land
East:	General Commercial (CG)	Vacant Land

District: SMD #4 – Gonzales

Neighborhood: Paulann

Thoroughfares/Streets: Montague Street is classified as a “Local or Minor Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties and generally consist of a minimum right-of-way width of 50 feet.

The Houston Harte Expressway (US-277/US-67) is classified as a “Freeway,” which generally has a minimum right-of-way (ROW) width in

excess of 100 feet and is defined as a controlled access, multi-lane divided roadway according to the TX-DOT Roadway Design Manual. Freeways have unique design characteristics that set them apart from non-access controlled arterial roadways.

Background:

The subject property is currently unplatted. The subject property was rezoned from Single-family Residential (RS-1) to Office Warehouse (OW) by City Council on October 18, 2011 (RE: Z11-18 [Pittman]). A subsequent effort to up-zone the subject property to General Commercial was attempted in March of 2015, but City Council instead approved Neighborhood Commercial (CN), which was deemed consistent with the underlying Future Land Use of "Transitional" (RE: 14-37 [Calloway]).

The Petitioner submitted a Final Plat application on April 3 2017, to yield one 1.861-acre non-residential lot. The property meets for this Zoning District (6,000-square-foot minimum lot area, 50-foot minimum lot width, 80-foot minimum lot depth). The proposed lot is rectilinear, relatively flat, oriented east-to-west, and has almost 400 feet of frontage along Houston Harte, and over 200 feet of frontage along Montague. A Special Use application to facilitate the development of Retail Sales and Service, Industrial Service and Wholesale Trade in the Neighborhood Commercial Zoning District, SU17-02 (Kolster), corresponds to this application and is scheduled for first reading by the City Council on April 18, 2017.

Analysis:

There does not appear to be any substandard right-of-way widths along either of the subject property's street frontages. Should any pavement abutting the subject area be less than 36 feet in width, then the Petitioner will be 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.a.(2) and 10.III.A.2 (minimum pavement widths), 9.V (sidewalks along segments with less than 36 feet of pavement) and 9.VI (provision of parks, schools, playgrounds and other public facilities) of the City's Land Development and Subdivision Ordinance are being requested in conjunction with this application.

With respect to the request for a Variance to Section 9.VI, the property is not part of any long-term improvement plans for future development into public amenities or facilities. With this mind, Staff will recommend that this request be set aside as extraneous to the final plat 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 is obligated to either bring adjacent facilities up to standard or provide a means to do so in the future; such are the costs of development and the primary reason why development codes are in place. Until textual changes are otherwise adopted, the City, through its development code, has determined that 40 feet of pavement is the minimum necessary to safely operate within an urban local roadway. The Petitioner fails to provide either empirical evidence to the contrary or compelling evidence to indicate otherwise. Other points to consider include both the proposed intensification in use for the property and site access. Although the property is zoned Neighborhood Commercial, a Special Use to develop Retail Sales and Service, Industrial Service and Wholesale Trade was recommended for approval by the Planning Commission last March of this year, subject to nine conditions. The Special Use will facilitate the anticipated relocation of an existing trailer sales and fabrication operation currently operating in the Light Manufacturing (ML) zone. The new business will most likely introduce new traffic patterns and intensities along Montague Street, a roadway that is currently substandard and may not have been intended for commercial traffic. Lastly, there is no guarantee that site access will be allowed along Ellis Street/Houston Harte frontage road. Should the Variance be approved, and TxDOT limit site access to Montague only, safety will be further compromised if the substandard situation remains and traffic were to increase.

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 discounts the basis for this criterion by arguing that a variance should be based on merits rather than uniqueness of situation. Presumably, those merits will most likely be based on such precepts as “common sense” or “practicality” in order to promote economic development or invoke some sense of fairness. The criterion under challenge, however, exists to ensure that variances cannot be easily attained, but are justifiably given when a particular situation or condition that is seldom found anywhere else is recognized. This criterion ensures that decisions become less arbitrary and capricious than they would be if judged by the precepts earlier mentioned.

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 argues that a hardship “is created when an individual is required to perform or pay for what should be the responsibility of the public...” and that to impose these requirements is counter to the spirit of “reasonable” development requirements. In short, the Petitioner is making the argument for both the subjective and arbitrary application of development regulations and the public subsidizing of private development to avoid dealing with an economic inconvenience. Notably absent, however, are any arguments concerning a qualifying hardship, such as peculiar site constraints or unusual topography, the underlying basis for the criterion. There are certain “front end” aspects of development that should be considered from the onset, and while the City may understand the constraints posed by limited capital, the

reality is that the development may not be ready to move forward if the capital is not adequate enough to address all customary and necessary front end concerns.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** Under the present code, the Petitioner has several options that are available: (a) construct additional pavement up to the 40-foot-wide standard without sidewalk; (b) construct both additional pavement up to 36 feet in width in conjunction with a sidewalk; or (c) provide for a performance guarantee to construct at a later date. Variance approval, however, undermines our Ordinances, leads to an inconsistent application of construction and design standards, and paves the way for the unnecessary public (taxpayer) subsidization of private development. Approval of the Variance could potentially set an unwanted and unnecessary precedent for similar development requests along Montague south of the project site, which will eventually confound regulatory oversight and increase taxpayer burdens.

Staff Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** the Final Plat of the Marylou Addition, Section Two, in addition to the following actions:

- **DENY** the Variance to Sections 9.III.A.5.a.(1) and 10.III.A.1, which requires the construction of additional pavement width along a segment of Montague Street to bring it into compliance with minimum Local roadway standards;
- **DENY** 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 (Montague Street); and
- **SET ASIDE** the Variance to Section 9.VI, which considers such items as parks, schools, playgrounds and other public requirements on a final plat, due to irrelevancy with this final plat application

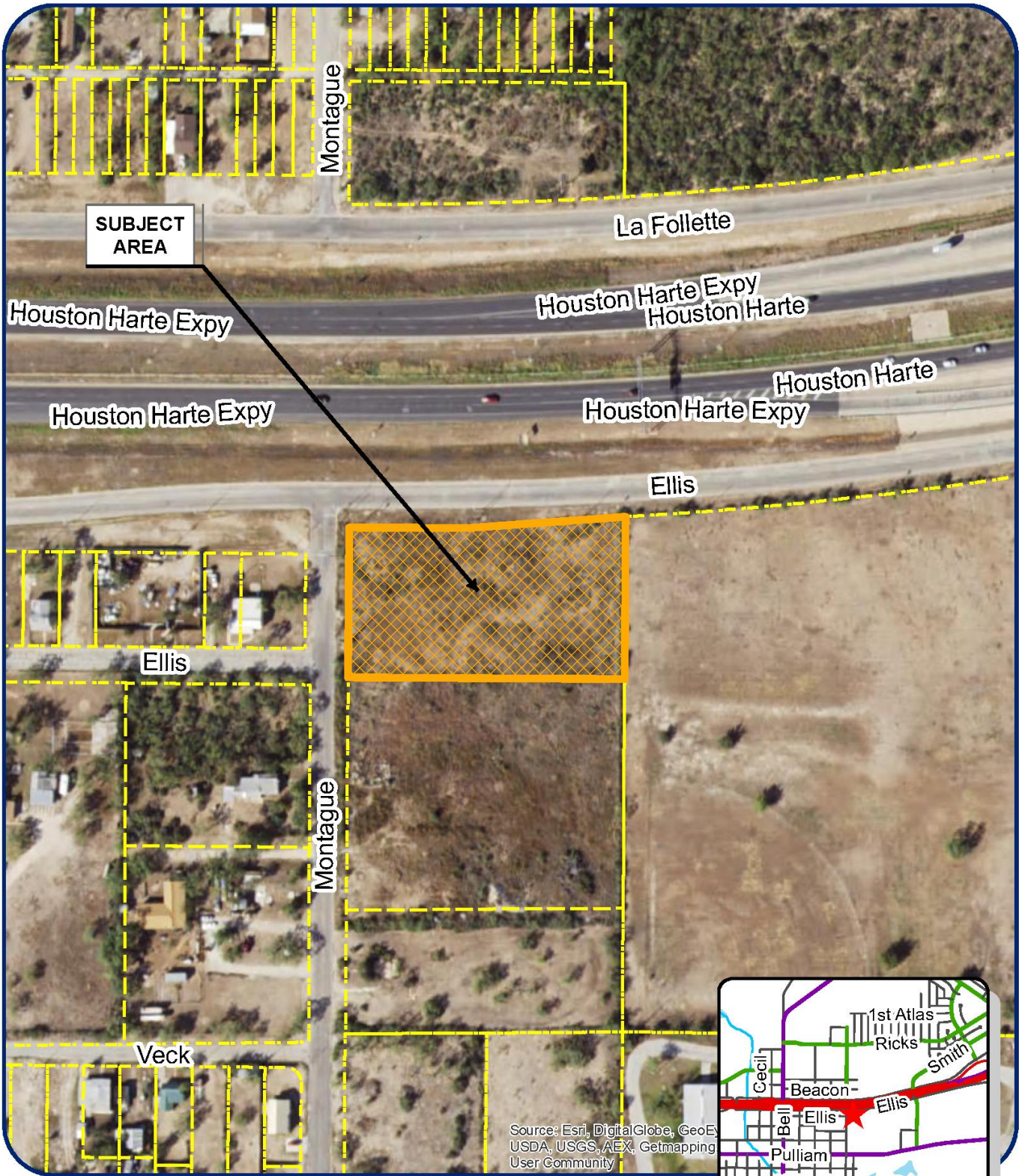
The Final Plat approval should be subject to the following **nine Conditions of Approval:**

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 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.

3. Per Section 7.II.J of the Land Development and Subdivision Ordinance, ROW widths (centerline or overall) of all existing adjoining road rights-of-way shall be clearly indicated on the final plat.
4. The "Description" portion of the caption underneath the title block must be revised to reflect Instrument no. "201602535," and not "20162535."
5. The acreage of the adjoining parcel to the south must be revised to read 2.789 acres, not 1.789 acres.
6. Prepare and submit plans for required improvements to streets (adjacent segments of Montague Street) by half the additional increment necessary to comprise the minimum paving widths, per Land Development and Subdivision Ordinance, Chapter 10. For Montague Street, the minimum width is 40 feet (in this case, requiring two 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.
7. Prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections, per both the Land Development and Subdivision Ordinance, Chapter 12.I.A and the City of San Angelo Standards & Specifications, and complete the installation in accordance with the approved version of these plans, per the Land Development and Subdivision Ordinance, Chapter 12.I.B. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period, per the Land Development and Subdivision Ordinance, Chapter 6.
8. A drainage study shall be submitted if the impervious area changes by 5% and development of a site exceeds 1 acre, per the City's Stormwater Ordinance, Section 12.05.001, and the Stormwater Design Manual, Section 2.13. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval, per the Stormwater Ordinance, Section 12.05.001, and the Stormwater Design Manual, Section 2.13 (Development is defined in ordinance as "any man-made change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, clearing, or removing vegetative cover").
9. If TxDOT does not approve curb cut for Ellis/Houston Harte Frontage, the lots shall be addressed off Montague Avenue.

Attachments:

Map Exhibits (Aerial, Future Land Use, Zoning)
Major Thoroughfare Plan Map
Proposed Final Plat/Application



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




Subdivisions Case File

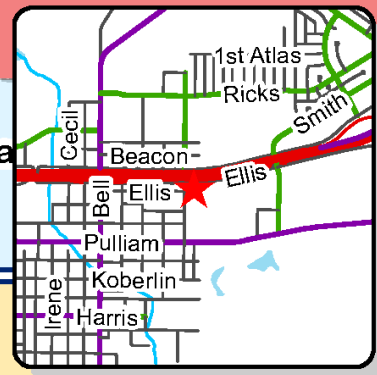
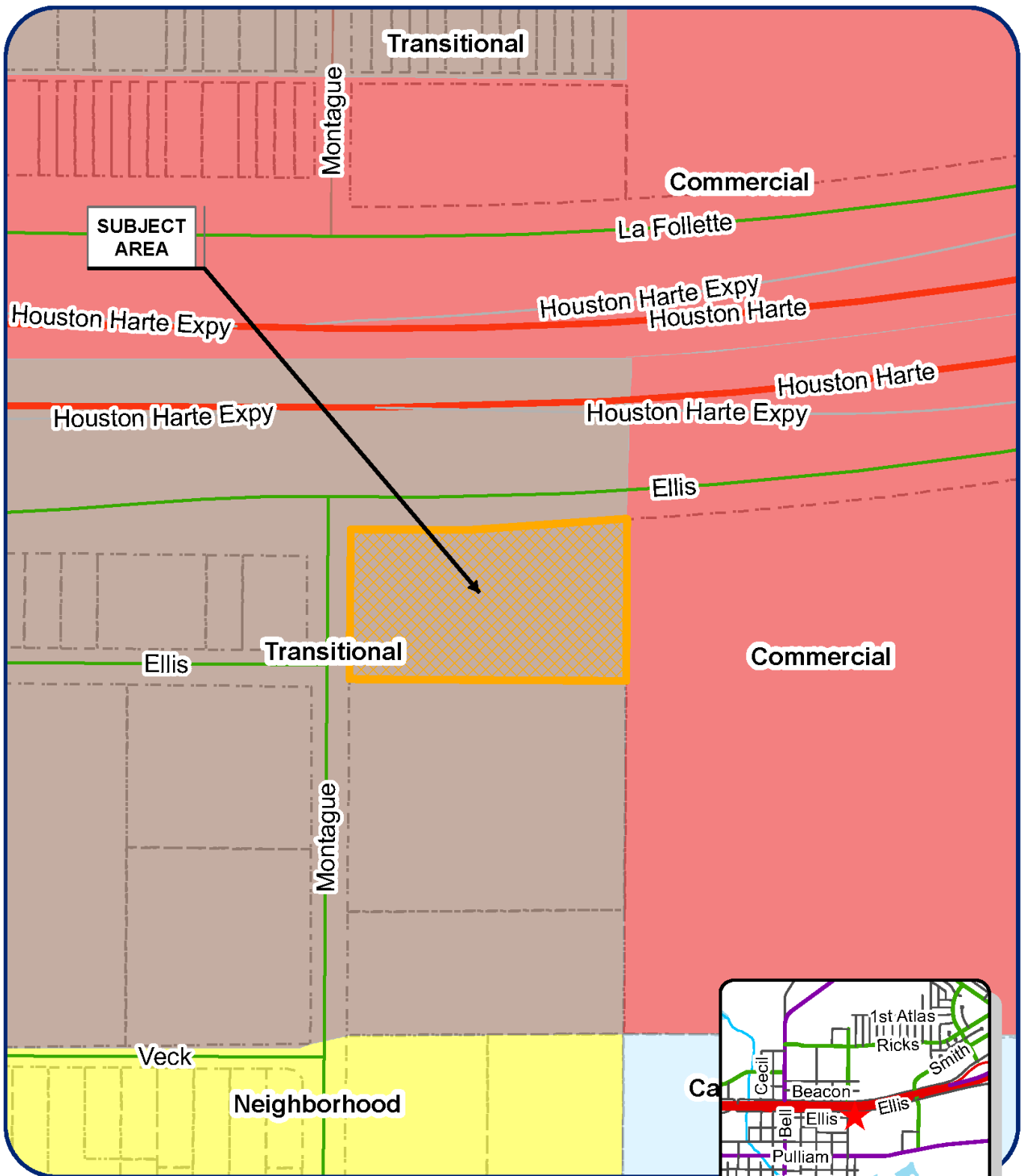
Marylou Add'n, S-2

Council District: District 4 (Gonzales)
 Neighborhood: Paulann
 Scale: 1 Inch :: 200 Feet
 Legal Description: 1.861 ac out of the Geo. Schubitz Surv 326, ABS 1854

Legend

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





Subdivisions Case File

Marylou Add'n, S-2

Council District: District 4 (Gonzales)

Neighborhood: Paulann

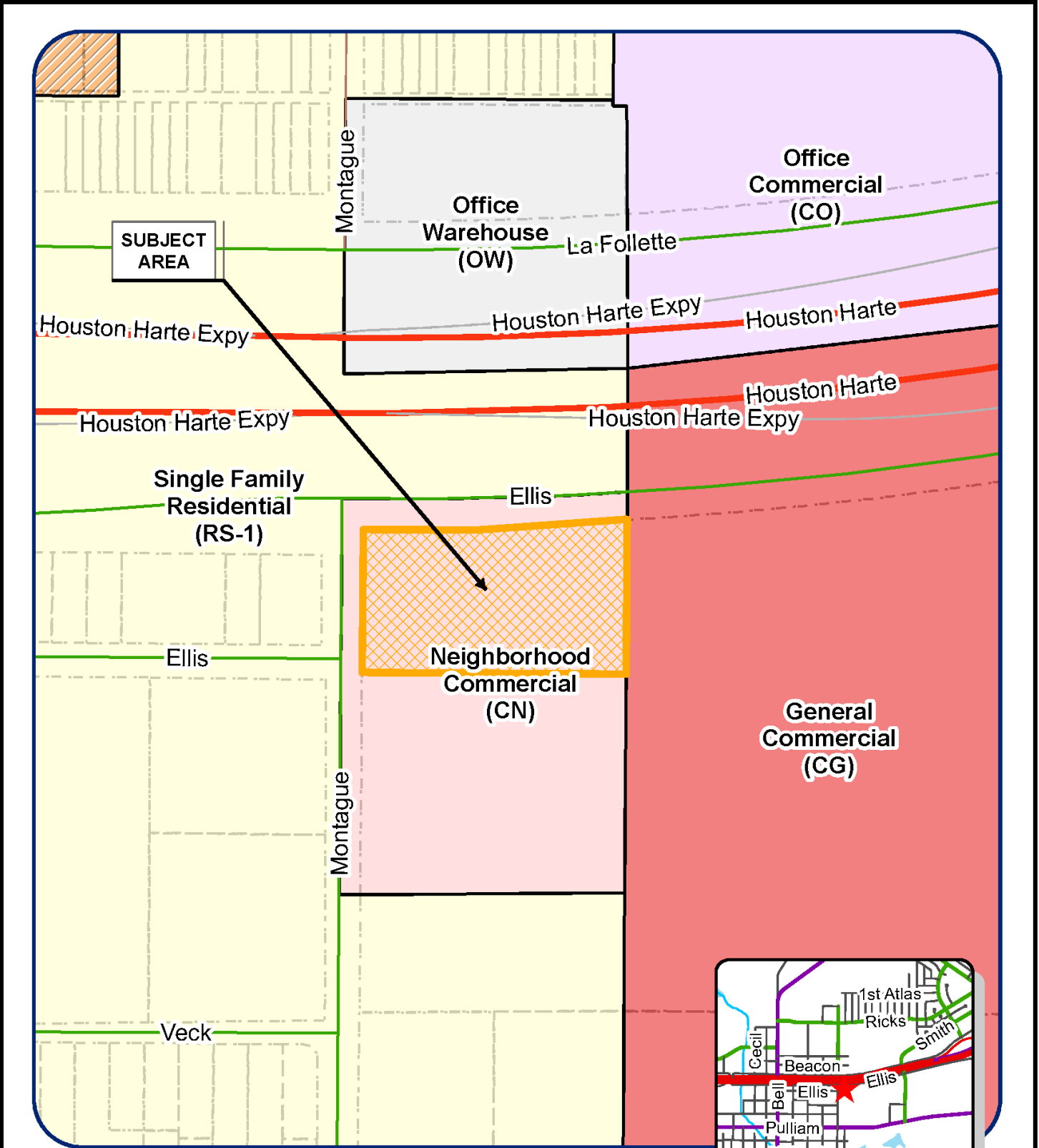
Scale: 1 Inch :: 200 Feet

Legal Description: 1.861 ac out of the Geo. Schubitz Surv 326, ABS 1854

Legend

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





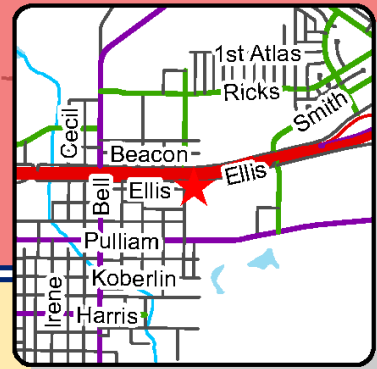
Subdivisions Case File

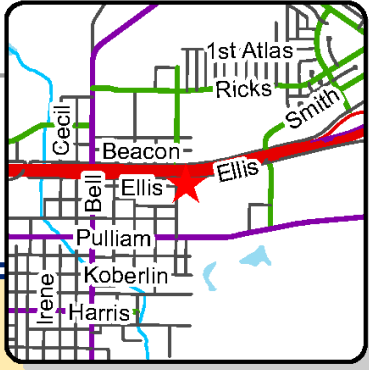
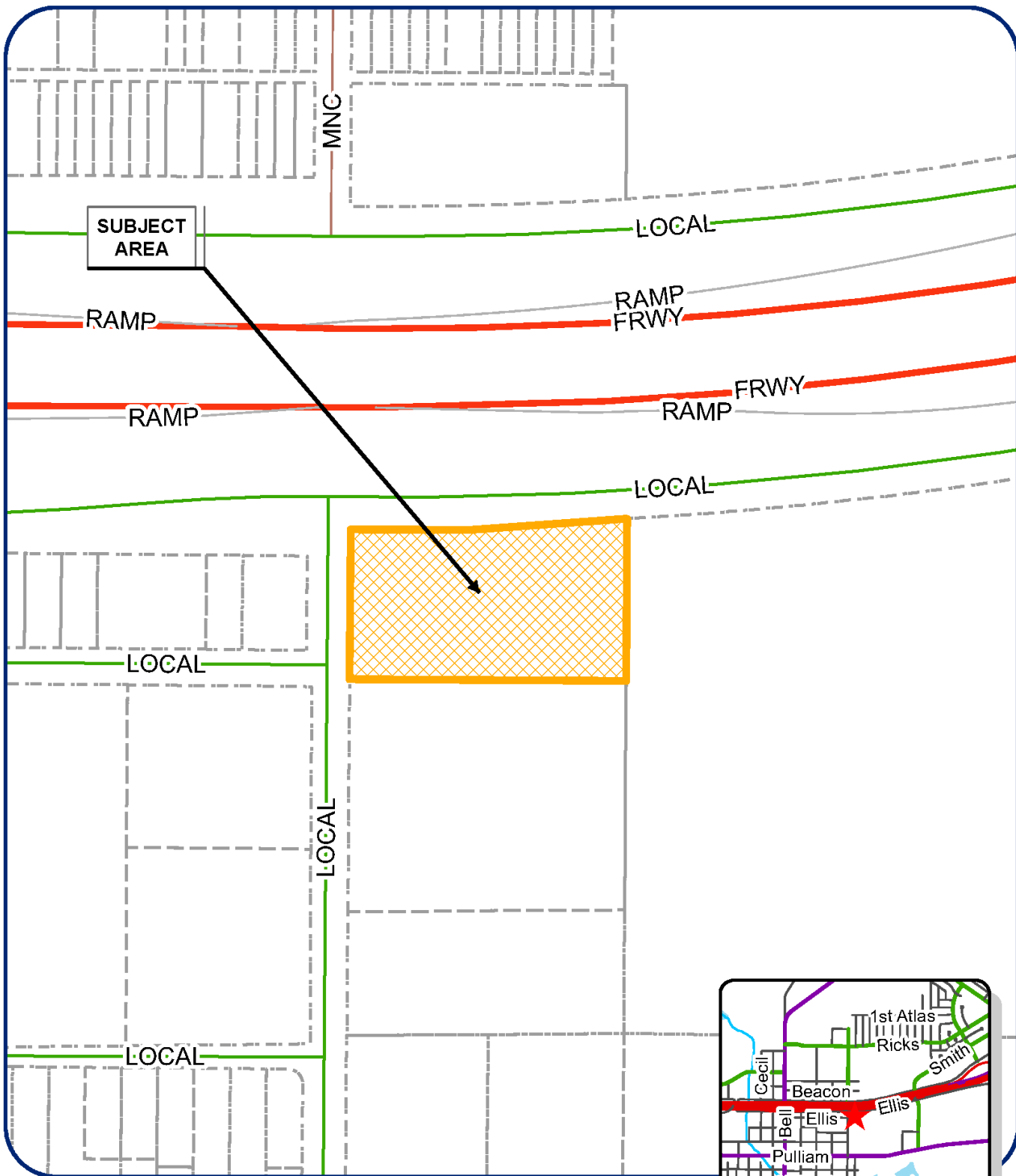
Marylou Add'n, S-2

Council District: District 4 (Gonzales)
 Neighborhood: Paulann
 Scale: 1 Inch :: 200 Feet
 Legal Description: 1.861 ac out of the Geo. Schubitz Surv 326, ABS 1854

Legend

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





Subdivisions Case File

Marylou Add'n, S-2

Council District: District 4 (Gonzales)
 Neighborhood: Paulann
 Scale: 1 Inch :: 200 Feet
 Legal Description: 1.861 ac out of the Geo. Schubitz Surv 326, ABS 1854

Legend

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



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

By: _____
 Chairman

 Secretary

DEPARTMENT OF WATER UTILITIES
 Approved for recording this _____ day
 of _____ 20____

By: _____
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this _____ day
 of _____ 20____

By: _____
 Director of Public Works

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

By: _____

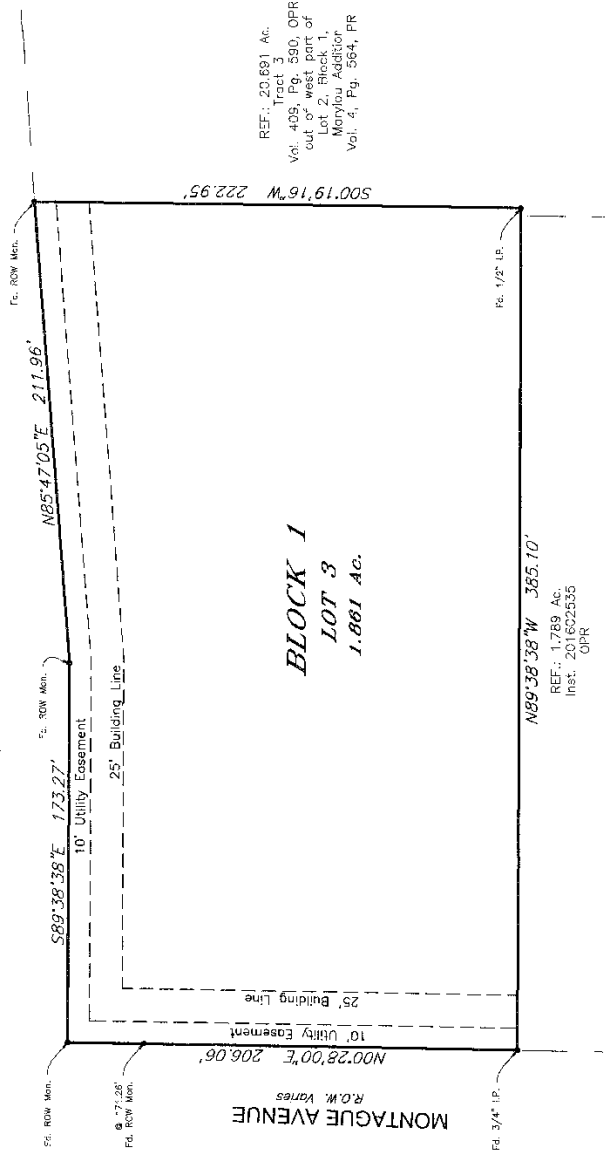
STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before
 me on _____ day of _____ 20____
 by Nicolas T. Kolster and Tina M. Kolster
 in the capacity shown.

Nicolas T. Kolster, State of 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, Tom Green County, Texas.

SKG
ENGINEERING LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
 PHONE 325.650.1288
 706 SOUTH ABE STREET
 SAN ANGELO, TEXAS 76903
 FAX 325.657.8786
 www.skg.com

HOUSTON HARTE THROUGHWAY
 (U.S. HIGHWAY 67)
 ELLIS STREET
 R.O.W. Varies



BLOCK 1
LOT 3
1.861 Ac.

MARYLOU ADDITION
SECTION TWO

City of San Angelo, Tom Green County, Texas.
 OWNER/DEVELOPER: Nicolas T. Kolster and Tina M. Kolster
 DESCRIPTION: Being 1.861 acres out of George Schulz,
 Survey No. 326, Abstract No. 1854 and being that certain
 Tract 1, described and recorded in Instrument No. 201622535,
 Official Public Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION
 We Nicolas T. Kolster and Tina M. Kolster do hereby adopt
 this plat as the subdivision of our property and hereby dedicate
 for the use of the public the easements shown hereon.

Nicolas T. Kolster
 Owner
 Tina M. Kolster
 Owner

REF.: 1.789 Ac.
 Inst.: 201622535
 OPR

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
 I, _____
 Surveyor, do hereby certify that I
 have personally examined the
 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.



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

Marylou Addition, Section Two

Proposed Subdivision Name

1.861 acres out of G. Schubitz, Survey No. 326, being Tract 1 of Instr. No. 20162535

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

Tax ID 38-01854-0101-010-00 Property ID R000072207

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
Nicholas and Tina Kolster	325-895-1949	kolsterwelding@suddenlinkmail.com

Name	Phone Number	Email Address
SKG Engineering	325-655-1288	rg@skge.com

Name	Phone Number	Email Address
SKG Engineering	325-655-1288	rg@skge.com

Name	Phone Number	Email Address
SKG Engineering	325-655-1288	rg@skge.com

Name	Phone Number	Email Address
SKG Engineering	325-655-1288	rg@skge.com

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

*If claiming eligibility for administrative approval, please note that **all of the following criteria** must be met; otherwise, the application will be scheduled for hearing by Planning Commission according to the adopted COSA submittal schedule.

- includes no more than four new lots or tracts;
- no dedication of land (including right-of-way, right-of-way expansion, corner clip dedication, etc) is required;
- all new lots or tracts front onto an existing public street right-of-way which is fully improved to City specifications;
- no extension of water or sewer mains are required to furnish service to the new lots or tracts;
- there is an absence of need for a detailed drainage plan;
- existing easement(s) for utilities are not removed or realigned without the express written permission from each utility service, or without the formalized release of said easement(s); and,
- in the case of replats requiring notification, no written opposition is received before the close of the public hearing.

Section 2: Utility & Easement Information

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

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

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

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

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

Section 3: Property Characteristics

1.861

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

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

- Vacant _____ Single-Family Residential _____ Office _____
 Multi-Family Residential _____ Industrial/Manufacturing 1.861 Commercial/Retail 1.861

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:

Chap. 9, Sec. V & VI

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

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

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

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

There is no evidence that the road in it's current condition is not functioning safely.

The current width is 34-37 feet which is adequate for a residential street two way traffic and on-street parking.

The mere fact that that it does not meet the city standards for width does not signify a detriment.

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.

Granting of this variance should be based upon the merits specific to its condition irregardless of whether the conditions of the request are unique to the property or not.

(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.

To require this is not in the spirit of the reasonable requirements for development.

A hardship is created when an individual is required to perform and pay for what should be the responsibility of the public.

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

No disparity between conditions of the adjacent and surrounding roadways would result from an approval of the variance request.

There are no pedestrian hubs or sidewalks in the vicinity to justify a need for sidewalks.

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.

Jana Holsten
Owner's Signature

[Signature]
Representative's Signature

4-3-17
Date

4.3.17
Date

FOR OFFICE USE ONLY:

Submitted to front desk: 4/3/2017 Date Deemed preliminary complete: 4/3/2017 3:15pm Date Time Initials af

Received by Development Services Technician for completeness review: 4/3/2017 3:15pm Date Time Initials af

Completeness review passed? Yes 4/3/2017 Date No _____ Date

If yes, when was application scheduled for staff review, if applicable? 4/12/2017 Date Initials af

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>4/12/17</u>	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____

MEMO



Meeting: April 17, 2017

To: Planning Commission

From: Jon C. James, AICP
Director

Request: Discussion on Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 3, Section 310 (Use Table), Section 314.G.4 (Exceptions), Section 314.I (Schools), Section 424 (New Specific Use Standards for Schools) and Article 5, Section 511.H. (Vehicle Stacking Areas)

Background:

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

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

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

Ordinance outlines which Zoning Districts allow schools as of right, and which require a Conditional Use approval:

Existing Use Table

Section 310 Use Table																		
Use Category	Definition	R&E	RS1	RS2	RS3	RM1	RM2	MHP	MHS	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
Schools	Elementary, middle, or high school level schools	C	C	C	C	C	C	-	C	C	A	A	-	A	-	-	-	A

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

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

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

Planning Commission Discussion – February 20, 2017:

On February 20, 2017, the Planning Director had brought forward a discussion on future amendments to the Zoning Ordinance for schools to the Planning Commission (see attached Minute Record). As indicated above, because the majority of schools within the City were constructed, and still remain, within residential Zoning Districts which do not allow schools by right, the Planning Division was seeking feedback from the Commission regarding a simplified process for schools to be newly constructed or expanded upon. The Director had outlined for the Commissioners several options,

including leaving the Zoning Ordinance as is, which requires a Conditional Use for new schools or expansions to existing schools in residential districts; rezoning new and existing schools to a Planned Development (PD) with specific conditions and restrictions tailored to that particular facility; or creating development standards and zoning requirements applicable to the type of school (recommended). Under the third option, all schools would be allowed in non-residential zoning districts by right; elementary and middle schools would be allowed in residential areas by right; and ninth grade and high schools would be allowed in residential areas, with either Special Use or Conditional Use approval. As part of the specific design standards, the Planning Director indicated that this item would be brought back with a draft ordinance in future, and that staff would be focusing on issues like pedestrian access, lighting, traffic, parking, and landscaping as part of the new ordinance.

Preliminary Recommendations:

The Planning Division has reviewed the current Zoning Ordinance as it relates to schools, and has conducted extensive research and comparison with other municipalities of similar size in Texas. The Planning Division provides the following preliminary recommendations for the Commission to consider along with an attached draft ordinance for review:

- Amending Section 310 (Use Table) to allow all K-9th grade schools to be allowed by right in all residential and commercial zones, excluding MHP, CG/CH, OW, ML, and MH zones. High school are allowed by right in the same commercial zones K-9th grade schools are allowed, but require a Conditional Use in all residential districts where allowed;
- Amending Section 314.G. to classify religious schools that provide curriculum equivalent to primary or secondary schools as “Schools” as defined in Section 314.I (Schools);
- Amending Section 314.I (Schools) to remove the word “basic” and replacing the words “elementary” with “primary” under the Characteristics definition;
- Create new Specific Use Standards section for Schools, Section 424. New standards will include requirements for vehicle stacking, lighting, sidewalks, building design, signage, and landscaping;
- Maintain the current off-street parking standards for Schools as outlined in Section 511.B: 1.5 spaces per classroom for elementary schools; 3 spaces per classroom for middle schools; and 9 spaces per classroom for high schools.

- Amending Article 8, Section 511.H. (Vehicle Stacking Areas) requiring stacking areas for eight (8) vehicles to be installed next to schools.

Attachment: Proposed Zoning Ordinance Amendment

Proposed Zoning Ordinance Amendment

Article 3
Use Regulations

Section 310.E. Use Table

Proposed Use Table

Section 310 Use Table																		
Institution	Definition	R&E	RS1	RS2	RS3	RM1	RM2	MHP	MHS	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
School	Kindergarten-Grade 9 Public or Private	A	A	A	A	A	A	-	A	A	A	A	-	A	-	-	-	-
School	High School Public or Private	C	C	C	C	C	C	-	C	A	A	A	-	A	-	-	-	-

Section 314. Institutional and Civic Use Categories

G. Religious Institutions

1. Characteristics. Religious Institutions primarily provide meeting areas for religious worship and education.
2. Accessory Uses. Accessory uses include classroom and meeting facilities used primarily for religious education, parking, caretaker's housing and on-site group living facilities such as convents, parsonages and rectories.
3. Examples. Examples include churches, temples, synagogues and mosques.
4. Exceptions.
 - a. Ministries offering service to the general public, such as marriage counseling, are classified as Office.

b. Public and private schools providing curriculum equivalent to a primary or secondary school are classified as Schools.

I. Schools

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

Article 4
Specific Use Standards

Section 424 Schools

- A. In all zoning districts where schools are permitted as-of-right, or by Conditional Use, the following standards shall apply:
1. All ingress and egress from the property shall be from streets that meet minimum paving standards as outlined in the Land Development and Subdivision Ordinance.
 2. Colors and materials for all new construction shall be of high quality and generally consistent with any existing buildings on the property. The applicant shall submit to the Planning Director samples of these colors and materials for approval prior to construction.
 3. Sidewalks shall be constructed per the Land Development and Subdivision Ordinance.

4. Crosswalks shall be installed across all driveways connecting to sidewalks, building entrances, and disabled parking areas, as determined by the Planning Director.
5. All lighting shall be fully shielded and shall not have any spillover glare onto adjacent properties. All parking areas and pathways shall be adequately lit to ensure safety of students, staff, and visitors.
6. School buildings can have a height up to 45 feet, or the maximum height in the Zoning District, whichever is greater.
7. All signs within a residential district shall comply with the following:
 - a. Signs may be permitted to have a sign area up to 75 square feet.
 - b. All electronic message signs in residential districts shall have installed light sensing devices or a scheduled dimming timer to automatically dim the light intensity during ambient low light conditions and at night. Maximum brightness shall not exceed 7,000 nits measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 250 nits when measured from the sign's face at its maximum brightness at night. Prior to issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above. The City may order the sign brightness further reduced or other operational characteristics if it finds that it interferes with or poses a traffic safety hazard.
8. All new schools and expansions of existing schools greater than 50% of the current gross floor area shall require a Traffic Impact Analysis to be submitted to the Planning Director for approval, and shall include any improvements both on-site and off-site as deemed necessary to mitigate traffic impacts.
9. A Landscape Plan shall be submitted to the Planning Director for approval that includes a combination of drought resistant and low allergen trees, shrubs, and ground cover, as determined by the Planning Director.
10. New schools and expansions of existing schools greater than 50% of the current gross floor area shall require vehicle stacking areas as outlined in Section 511.H.

Article 5
 General Development Standards

Sec. 511. Off-Street Parking Standards

B. Required Off-Street Parking Table

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

H. Vehicle Stacking Areas. A minimum number of off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Spaces	Measured From
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	4	Order Box
	4	Order Box to Order Window

Carwash stall, automatic	4	Entrance
Carwash stall, self-service	3	Entrance
Gasoline pump island	2	Pump Island
Schools	8	Between ingress and egress points of the stacking queue
Other	Determined by Planning Director based on study by applicant	