



**PLANNING COMMISSION – July 17, 2017
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Replat		Replat of Lots 15 & 16, Block 138, Fort Concho Addition	
SYNOPSIS:			
<p>The proposed replat would reorient the existing 50' x 150' Lots 15 and 16 facing West Avenue R into two new 75' x 100' lots facing South Irving Street to facilitate construction of a new single family dwelling on the southerly Lot 15A. An associated Rezoning request (Z17-06) from Neighborhood Commercial (CN) to Single-Family Residential (RS-1) on Lot 16 was recommended approved by the Planning Commission at their June 19, 2017 Meeting, and is pending a final decision by City Council at their meetings of July 18 and August 1, 2017. If approved, the entire property would be rezoned to RS-1, allowing construction of the new single-family dwelling on Lot 15A, and allowing expansions to the existing single-detached dwelling on Lot 16A. Both of the new lots will comply with the required lot area, lot depth, and lot width requirements of the RS-1 Zoning District. The applicant has requested a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow South Irving Street and West Avenue R, both Urban Local Streets, to maintain a 36-foot street width in lieu of the required 40 feet, or 36 feet with a 4-foot sidewalk.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2124 and 2128 S. Irving Street; generally located at the northeast corner of S. Irving Street and W. Avenue R		Being 0.344 acres of land comprised of Lots 15 and 16, Block 138, Fort Concho Addition as per plat of record in Volume 2, Page 96, Deed Records of Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FLU:
SMD District: Harry Thomas (SMD#3) Neighborhood: Rio Vista		Lot 15: RS-1 Lot 16: CN	N - Neighborhood
SIZE:			
0.344 acres			
THOROUGHFARE PLAN:			
<p>South Irving Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 80' right-of-way, 36' pavement and no sidewalk (pre-existing street exempt from these standards as already platted in accordance with standards at that time).</p> <p>West Avenue R – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 66' right-of-way, 36' pavement and no sidewalk (pre-existing street exempt from these standards as already platted in accordance with standards at that time).</p>			
NOTIFICATIONS:			
15 notifications mailed within 200-foot radius on June 23, 2017 a required. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Replat of Lots 15 & 16, Block 138, Fort Concho Addition, subject to three Conditions of Approval , APPROVAL of a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow South Irving Street, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk, and APPROVE a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow West Avenue R, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk.			
PROPERTY OWNER/PETITIONER:			
Property Owner(s): Nicolas R. and Jovita T. Trust			
STAFF CONTACT:			
Jeff Fisher, Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

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

The subject property is designated “Neighborhood” in the City’s Comprehensive Plan which intends to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices.” As indicated above, the purpose of the Replat is to facilitate future construction of a single-family dwelling on Lot 15A. This would provide additional housing in this area which contains exclusively residential dwellings, consistent with the above policy.

The proposed plat will also conform to the Intent of Purpose Statements of Chapter 2 of the Subdivision Ordinance. The plat will provide for the orderly development of the land (Statement C); will assist in guiding future growth and development, extending logically from the existing streets in Section One (Statement E); and will insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development (Statement O). The new lot configurations will be consistent with the three lots direct west with frontages onto South Irving Street, providing a unified streetscape.

Variances: As indicated above, the applicant has submitted a variance request from Chapter 10.III.A.2 of the Subdivision Ordinance to allow South Irving Street and West Avenue R, both local urban streets, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk. In accordance with Chapter 1, Section IV.A, the Planning Commission **shall not approve** a Variance unless the request meets the four criteria below 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 property.** The applicant believes that the existing streets are functional in their current capacity and are identical to other streets in this primarily built-out subdivision. Engineering Services agrees with the applicant that not paving an additional 2 feet would not be detrimental to the public. Planning Staff also agrees and supports the variance. The proposed reconfigured lots are located within an existing subdivision that was recorded over 100 years ago in 1909. Almost all of the lots are fully built out onto these Local Streets and the existing 36-foot paving widths appear to be sufficient. Adding an additional 2 feet of paving width would not be of any benefit and would create an irregular jog in the street for a short length. In addition, sidewalks are generally not required for streets at least 36 feet in width or greater, except for public safety purposes, and the lots are not within a school safety zone or high commercial area.
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 this property is unique given the existing subdivision is fully developed and built-out and has no large scale areas subject to platting action and similar conditions. Engineering Services agrees with the applicant in that the area is already fully developed. Planning Staff also agree given that this is an established residential neighborhood with most of the properties already built-out with limited room for replatting. An additional two feet of pavement or sidewalks would not provide appear to provide a public benefit in this particular case.

3. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** The applicant believes a hardship would result if the applicant were required to increase the paving width given existing drainage patterns, along with incompatible development conditions. Engineering Services believes an additional 2 feet of paving would be difficult to construct in a material that has the longevity the city desires for roadway surfaces in this case. They further indicate that a basic connection to existing water and sewer mains is all that is needed to facilitate future development on this property. In addition, Planning Staff believe that a hardship would result in this primarily built-out neighborhood if the requirement was upheld. Staff supports sidewalks or road improvements where they provide a logical connection or extension to existing sidewalks or roadways, but in this case, the existing 36-foot paving width, without a sidewalk, is consistent with the surrounding area which maintains the same standards.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** The applicant believes the existing street widths are more than sufficient to provide safe and orderly movement of traffic and would not vary any applicable ordinances. Engineering Services and Planning Staff agree with this justification and that the variance request is generally consistent with applicable ordinances. The applicant is not requesting any additional variances and the existing traffic patterns would not be effected by maintaining the existing street widths. Staff believes the proposed reconfiguration of the lots will not hinder traffic safety and would maintain consistency with the lot configurations direct across the street on the west side of South Irving Street.

Recommendations: Staff recommends that the Planning Commission do the following:

APPROVE the Replat of Lots 15 and 16, Block 138, Fort Concho Addition;

APPROVE the Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow South Irving Street, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk; and

APPROVE the from Chapter 10.III.A.2 of the Subdivision Ordinance to allow West Avenue R, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk.

The following **three Conditions of Approval** are recommended:

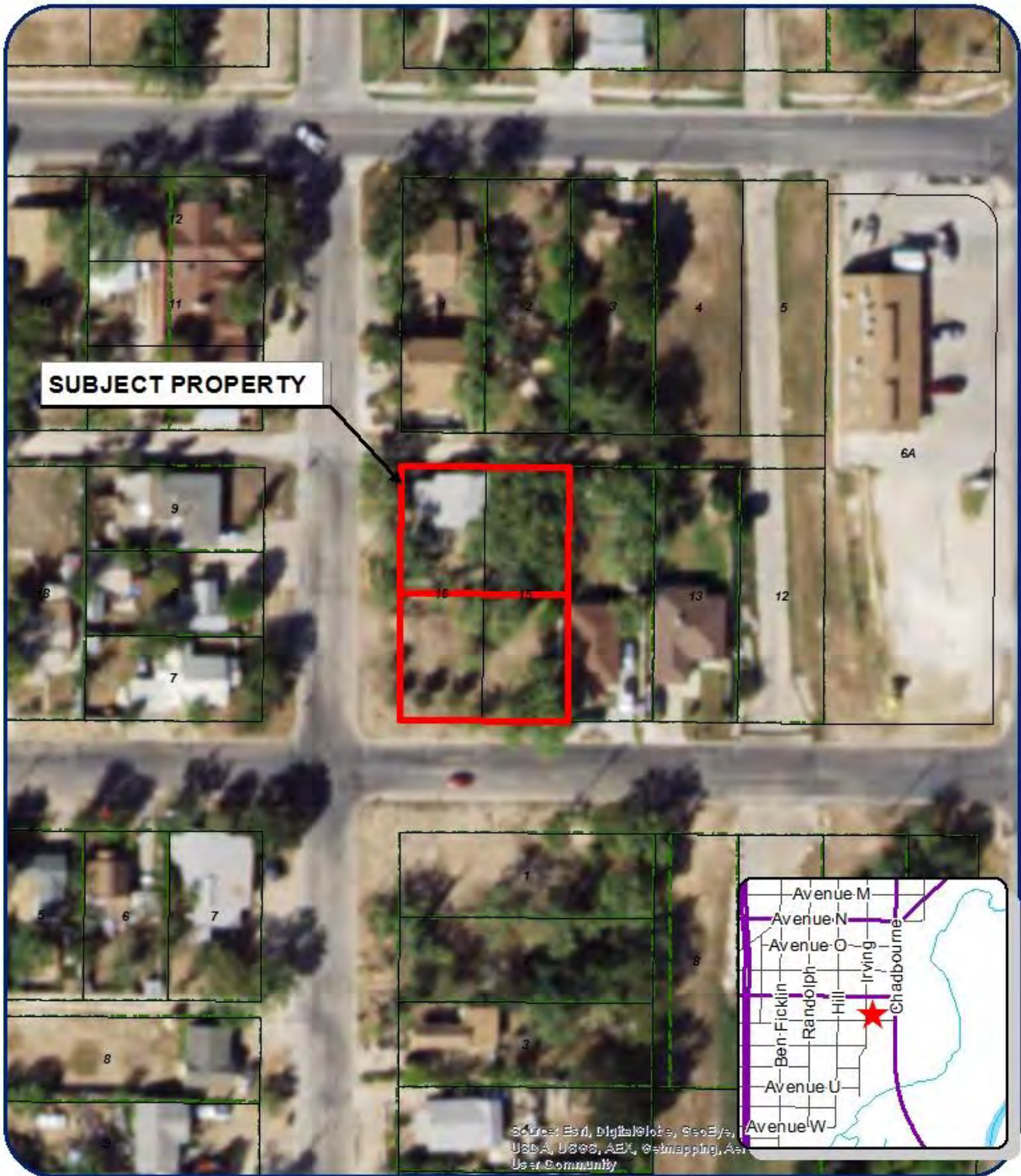
1. Per Subdivision Ordinance, Chapter 7.II.A, provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District indicating there to be no delinquent taxes on the subject property of this subdivision.

2. Per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to the adjacent segments of South Irving Street and West Avenue R by half the additional increment necessary to comprise the minimum paving widths. For South Irving Street and West Avenue R, both Local Urban Streets, the minimum width is 40 feet (in this case, requiring 2 additional feet with curb-and-gutter), or, provide a 4-foot wide sidewalk. 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 alterative would be to obtain approval of a variance from the Planning Commission, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV.

3. Contact the City of San Angelo Department of Water Utilities Customer Service Office at 122 West 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
Proposed Final Plat
Application



Subdivision Case File

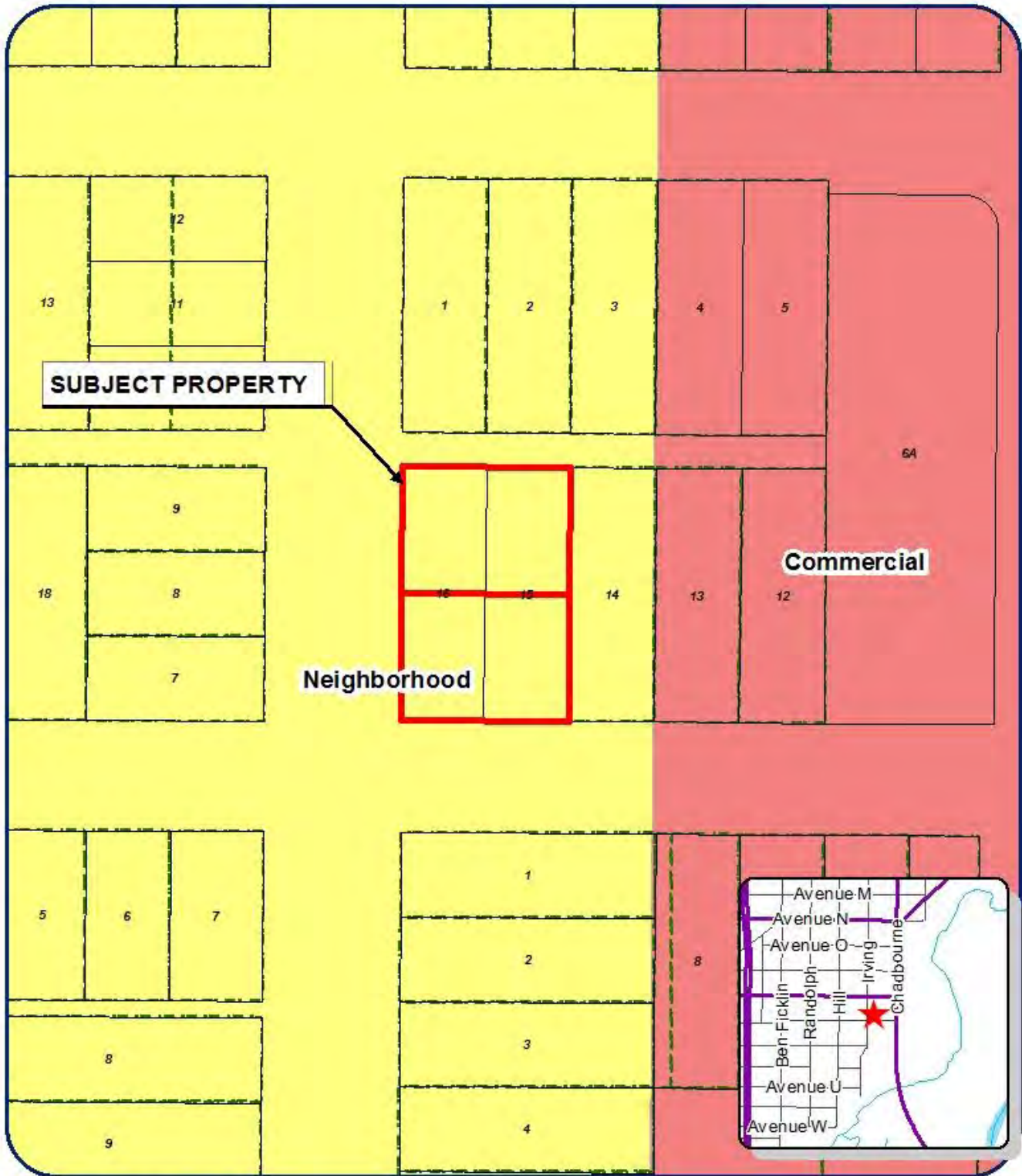
Lots 15 & 16, Blk. 138, Fort Concho Add'n

Council District: Harry Thomas (SMD#3)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 75 ft
 Subject Property: 2124 & 2128 S. Irving St.

Legend

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





Subdivision Case File

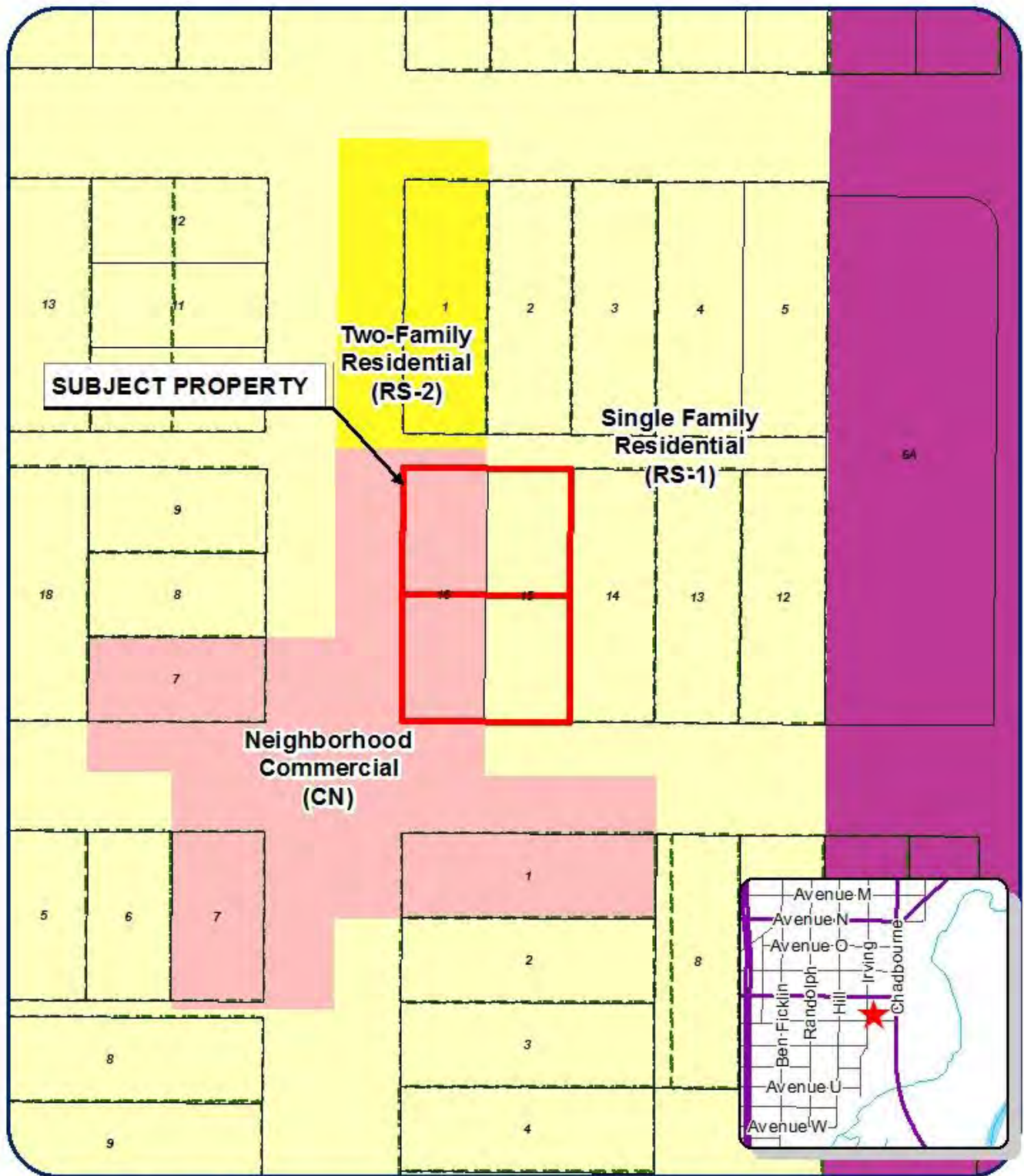
Lots 15 & 16, Blk. 138, Fort Concho Add'n

Council District: Harry Thomas (SMD#3)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 75 ft
 Subject Property: 2124 & 2128 S. Irving St.

Legend

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





Subdivision Case File

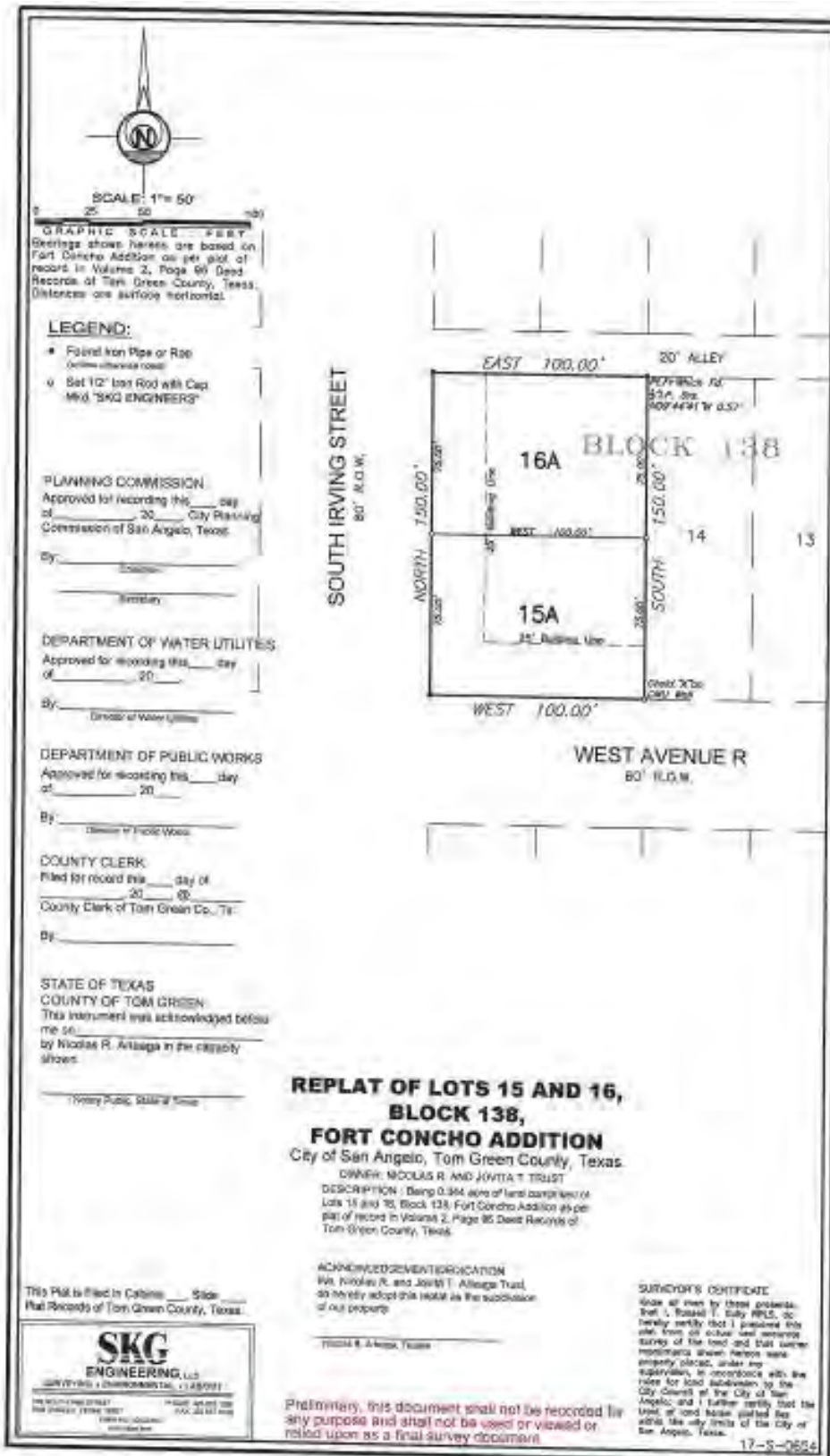
Lots 15 & 16, Blk. 138, Fort Concho Add'n

Council District: Harry Thomas (SMD#3)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 75 ft
 Subject Property: 2124 & 2128 S. Irving St.

Legend

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







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

Replat of Lots 15 and 16, Block 138, Fort Concho Addition

Proposed Subdivision Name

Lots 15 and 16, Block 138, Fort Concho Addition

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

13-23200-0138-016-00 & 13-23200-0138-015-00

Tax ID Number(s) (can be found on property tax statement or at www.tcomgwebportal.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:		
Nicolas R. & Jovita T. Trust	655-2948	
Architect/Engineer/Design Professional:		
SKG Engineering	325-655-1288	rg@skge.com
Name	Phone Number	Email Address

Property Owner:

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"
 City - utilizing existing services Existing size? 5/8"
 Other Please specify: _____

Sewer: City - requesting new services Proposed size? 4"
 City - utilizing existing services Existing size? 4"
 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

0.344 2

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 0.172 Single-Family Residential 0.172 Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

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

Vacant _____ Single-Family Residential 0.344 Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Are there existing structures on the property? Yes No

If yes, how many structures exist? 1 What type of structures exist currently? Residence

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: 10.III.A.2

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

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
The 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 built to the standards at the time of construction and identical to the other streets in this (primarily built-out) subdivision.

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 it exists in a developed subdivision which is almost entirely built-out and has no large scale areas that would be subject to platting action and similar conditions.

(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, 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, functional roadway is identical to other roads in this area and is more than sufficient to provide safe and orderly movement of required traffic within and through this 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.

Owner's Signature _____
Harold Hooker
 Representative's Signature _____

Date _____
 06/17
 Date _____

FOR OFFICE USE ONLY:

Submitted to front desk: 6/21/17 Date Deemed preliminary complete: 6/21/17 Date 3:51pm Time JF Initials

Received by Development Services Technician for completeness review: 6/21/17 Date 3:51pm Time JF Initials

Completeness review passed? Yes 6/21/17 Date No _____ Date

If yes, when was application scheduled for staff review, if applicable? 6/28/17 Date JF Initials

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____



**PLANNING COMMISSION – July 17, 2017
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Replat		Replat of Lots 9-14, Block 5, Exall Addition	
SYNOPSIS:			
<p>This is an application to combine five lots into one lot, under the same property ownership. If the replat is approved, the applicant will be able to construct their new building without crossing lot lines which will enable them to build with less stringent building standards</p> <p>The applicant has requested two variances:</p> <ol style="list-style-type: none"> 1. Section 10.III.A.2, which requires the construction of a sidewalk along East 8th Street 2. Section 10.III.A.2, which requires the construction of additional pavement width along North Main Street 			
LOCATION:		LEGAL DESCRIPTION:	
901 North Main Street, generally located at the northwest corner of the intersection of North Main Street and East 8 th Street		Being 1.201 acres out of the Exall Addition, Block 5, Lots 9-14, City of San Angelo, Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #3 – Harry Thomas Reagan Neighborhood	CO – Commercial Office	Campus / Institutional	1.201 acres
THOROUGHFARE PLAN:			
<p>North Main Street – Urban Major Arterial, Required 80’ min. ROW, 64’ min. paving width. Actual 90’ ROW, 42’ paving width.</p> <p>East 8th Street – Urban Local Street, Required 50’ min. ROW, 36’ min. paving width with sidewalk, or 40’ min. without. Actual 60’ ROW, 36’ paving width without sidewalk.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends that the Planning Commission APPROVE the Replat of Lots 9-14, Block 5, Exall Addition Estates, subject to three Conditions of Approval, APPROVE a Variance from 10.III.A.2. of the Subdivision Ordinance, to allow East 8th Street, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk, and APPROVE a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Main Street, an Urban Major Arterial, to maintain a 42-foot street width in lieu of the required 64 feet.</p>			
NOTIFICATIONS:			
<p>Staff mailed out ten (10) notices within a 200-foot buffer. Staff has received one response in favor, and zero responses in opposition.</p>			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner(s):</i> 9th and Main Church of Christ</p> <p><i>Agent:</i> Dennis Reed, Church Elder</p>			
STAFF CONTACT:			
<p>Kristina Heredia Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us</p>			

Variations: In conjunction with the plat application, the applicant has submitted a request for variances from Section 10.III.A.2 (roadway improvement requirements) of the City's Land Development and Subdivision Ordinance. 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 property.**

Staff agrees with the petitioner that sidewalks are not necessary along East 8th Street, nor does North Main Street need to be widened for the benefit of public safety, health, or welfare. There are no sidewalks or footpaths in the vicinity of either streets, and both streets have developed to an extent that there is no reasonable expectation of an increased amount of traffic that would require additional paving width.

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.**

Because the lots in question are located on a corner, there are two different streets that are substandard. However since both streets are fully developed, and East 8th Street is adjacent to the feeder road for Loop 306, there is little-to-no room for a sidewalk to be constructed or pavement improvements to be made.

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.**

Both Main Street and East 8th Street have development on either sides that are at, or near, full growth. Improving the pavement and sidewalk along these roads, respectively, would create an undue hardship to the existing businesses and churches along these streets, and particularly, to the applicant.

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

Staff has determined that the granting of the variances to both construct sidewalks and widen the paving width will not vary the provisions of the applicable ordinance as this neighborhood appears to be built out to its fullest capacity and no other replats or variances are expected to be presented in the near future. All the subject lots are zoned CO and the expectation is that they will continue to develop in the same pattern thus far, being consistent with the provisions of the Zoning Ordinance.

Recommendations: Staff recommends that the Planning Commission do the following:

APPROVE the Replat of Lots 9-14, Block 5, Exall Addition, **subject to three Conditions of Approval,**

APPROVE a Variance from 10.III.A.2 of the Subdivision Ordinance, to allow East 8th Street, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk; and

APPROVE a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Main Street, an Urban Major Arterial, to maintain a 42-foot street width in lieu of the required 64 feet.

The following three Conditions of Approval are recommended:

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 Land Development and Subdivision Ordinance, Chapter 10.III.A.2, prepare and submit plans for the required sidewalks to the adjacent segment of East 8th Street. Alternatively, submit a financial guarantee ensuring the completion of this improvement 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, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV.
3. Per Land Development and Subdivision Ordinance, Chapter 10.III.A.2, prepare and submit plans for the required street improvements to North Main Street by half the additional increment necessary to comprise the minimum paving widths. For North Main Street, an Urban Major Arterial, the minimum width is 64 feet (in this case, requiring 11 additional feet with curb-and-gutter). Alternatively, submit a financial guarantee ensuring the completion of this improvement 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, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Letter of Support
Proposed Replat



Aerial Map

Replat, Exall Addition

Council District: Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend

- Subject Properties: —
- Current Zoning: **CO**
- Requested Zoning Change: **N/A**
- Vision: **Campus/Inst.**





FLU Map

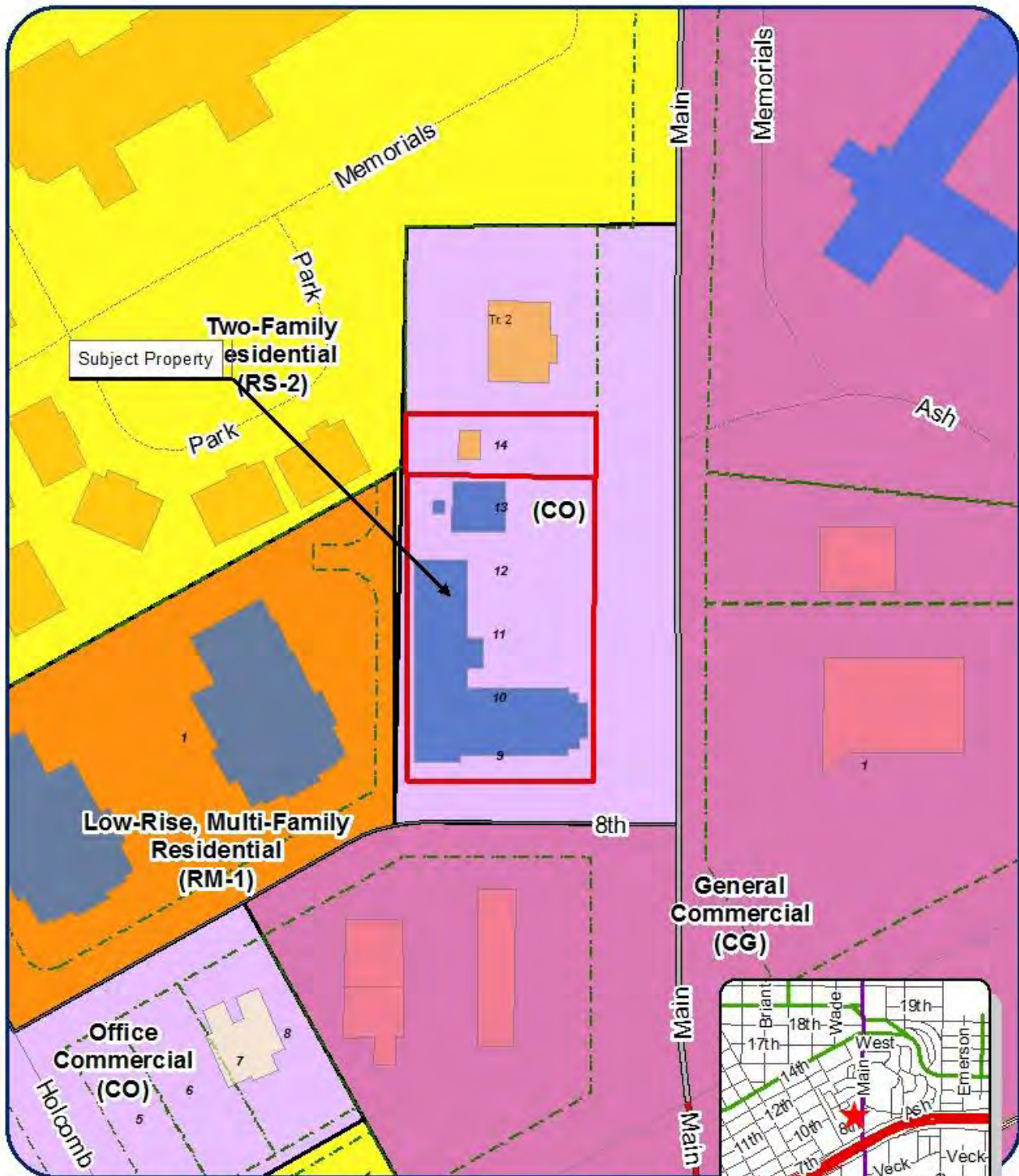
Replat, Exall Addition

Council District: Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend

Subject Properties:
 Current Zoning: CO
 Requested Zoning Change: N/A
 Vision: Campus/Inst.





Zoning Map

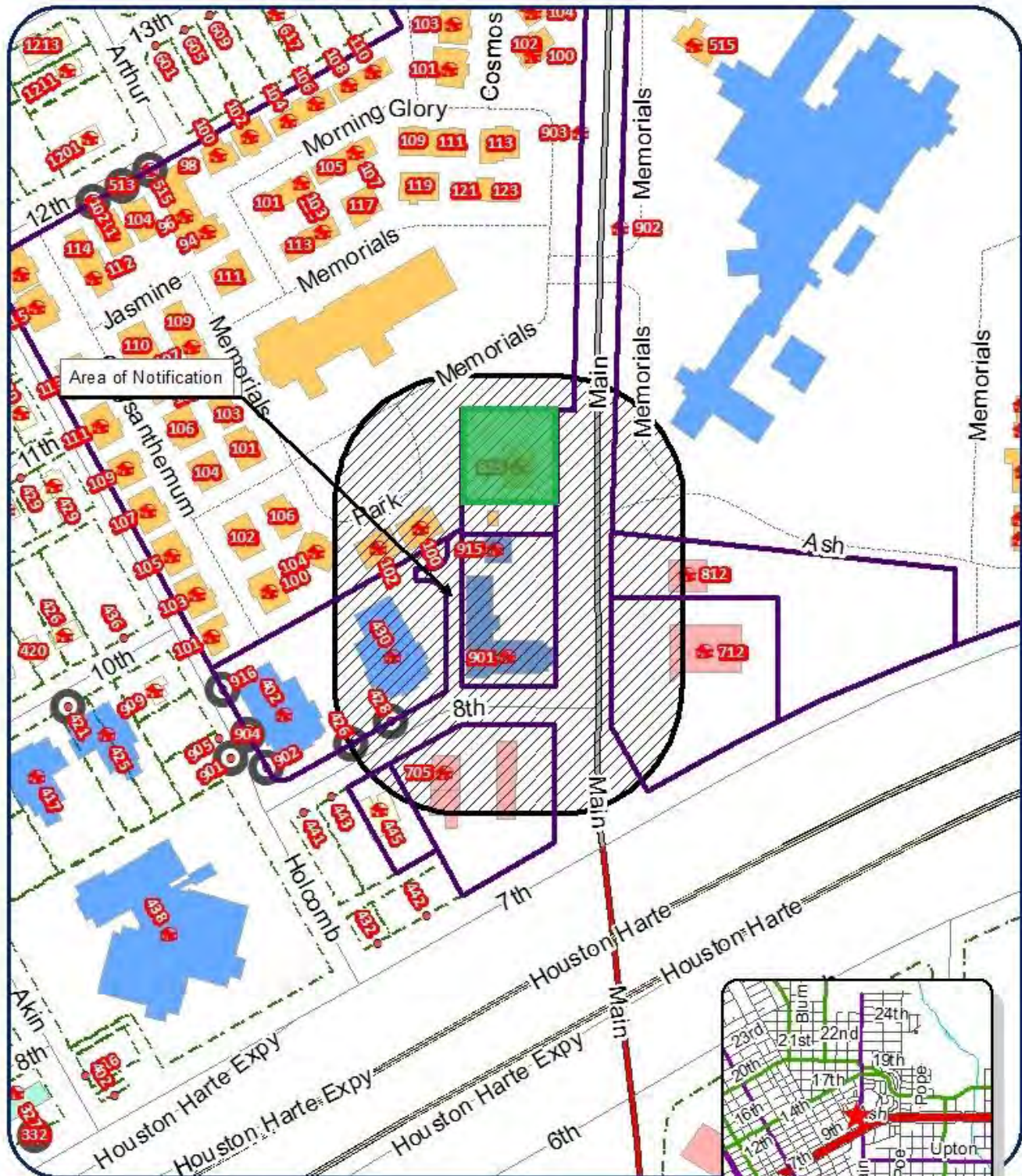
Replat, Exall Addition

Council District: Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend

- Subject Properties: —
- Current Zoning: CO
- Requested Zoning Change: N/A
- Vision: Campus/Inst.





Notification Map


Replat, Exall Addition

Council District: Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 200 ft

Legend

- Subject Properties: —
- Current Zoning: **CO**
- Requested Zoning Change: **N/A**
- Vision: **Campus/Inst.**



 Mon 7/3/2017 3:08 PM
Jeff Box <jeff@cvba.org>
Replat of the Exall Addition, Block 5, Lots 9-14

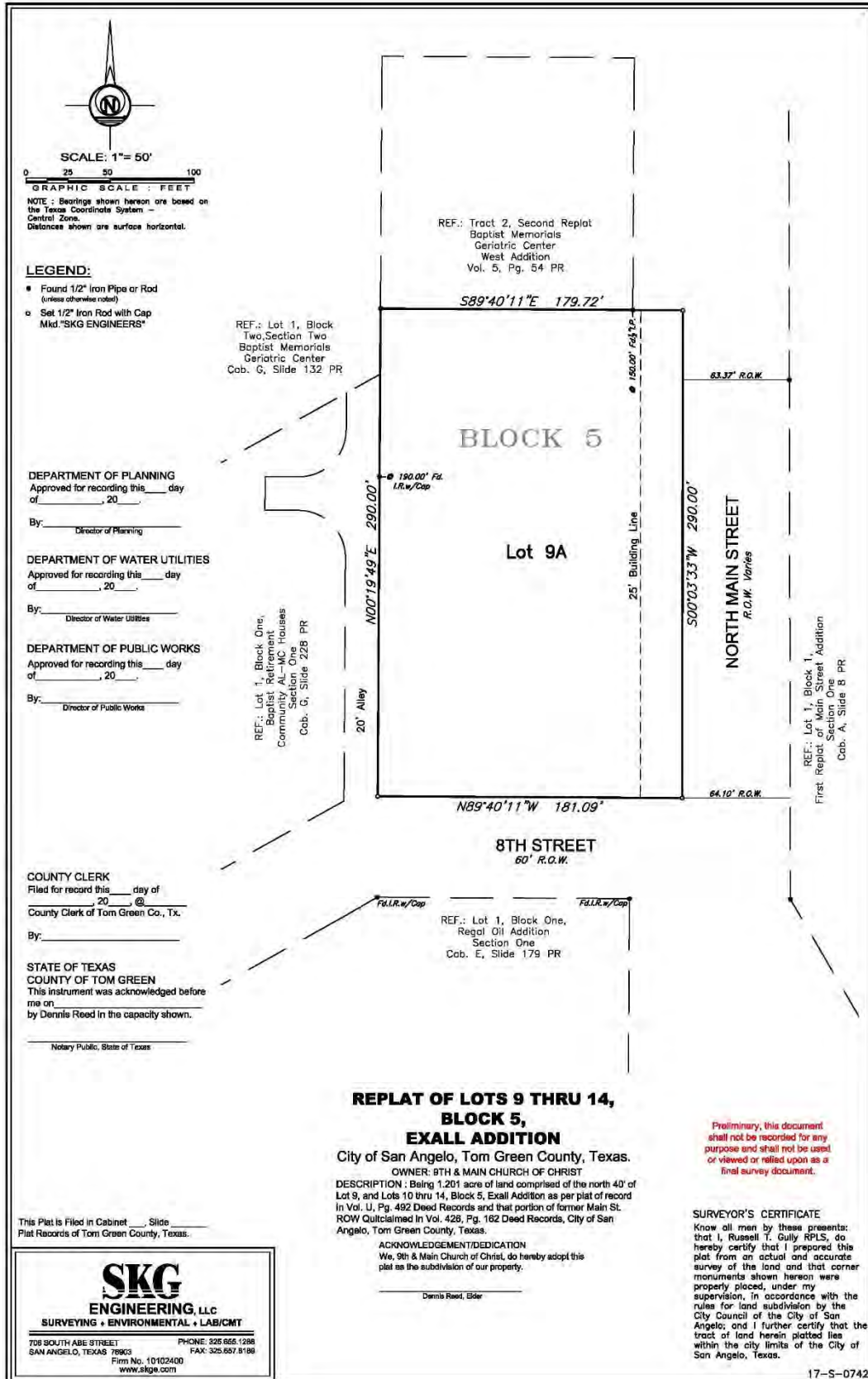
To: Heredia, Kristina
You replied to this message on 7/3/2017 3:10 PM.

Recently received information concerning the public hearing for this property. Our land in adjacent to theirs and I have no objection to the requested change.

Sincerely,

Jeff Box
Director, Concho Valley Baptist Association
825 N. Main
San Angelo, Texas 76903
325.653.4898

...seeking first the Kingdom of God... MTTHEW 6:33



SKG ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT

708 SOUTH ABE STREET
 SAN ANGELO, TEXAS 76903
 Firm No. 10102400
 www.skg.com

PHONE: 325.656.1298
 FAX: 325.657.8198



**PLANNING COMMISSION – July 17, 2017
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Replat		First Replat of Lots 1-3, Block 21, Lakeview Addition Estates	
SYNOPSIS:			
<p>This is an application to combine three lots and a street abandonment into two separate lots, under the same property ownership. If the replat is approved, the applicant will have two lots that front on East 47th Street, with both lots meeting the minimum requirement for lot dimensions for the RS-1 Zoning District.</p> <p>The applicant has requested two variances:</p> <ol style="list-style-type: none"> 1. Section 9.III.5, which requires dedication and improvement of Street Right-of-Way 2. Section 10.III, which requires the construction of additional pavement width along East 47th Street 			
LOCATION:		LEGAL DESCRIPTION:	
361 East 47th Street; generally located along the south side of East 47th Street, approximately 110 feet west of Oaklawn Street		Being 0.47 acres of land comprised of all of the West 100 feet of 1 to 3 & 50' X 100' N & ADJ, Block 21, Lakeview Addition, City of San Angelo, Tom Green County	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #3 – Tom Thompson Lakeview Neighborhood	RS-1 – Single Family Residential	Neighborhood	0.47 acres
THOROUGHFARE PLAN:			
East 47th Street – Urban Local Street, Required 50' min. ROW, 36' min. paving width with sidewalk, or 40' min. without. Actual 62' ROW, 36' paving width <u>without</u> sidewalk.			
STAFF RECOMMENDATION:			
Staff recommends that the Planning Commission APPROVAL of the First Replat of Lots 1-3, Block 21, Lakeview Addition Estates, subject to three Conditions of Approval , APPROVAL of a Variance from Section 10.III.A.2 of the Subdivision Ordinance to allow East 47 th Street, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk, and APPROVAL of a Variance from Section 9.III of the Subdivision Ordinance for any right-of-way dedications or improvements to East 47th Street.			
NOTIFICATIONS:			
Staff mailed out twenty (20) notices within the 200-foot buffer. Staff has received zero responses in favor, and zero responses in opposition.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner(s):</i> Juan and Norma Duran <i>Agent:</i> Herb Hooker, SKG Engineering			
STAFF CONTACT:			
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us			

Variances: In conjunction with the plat application, the applicant has submitted a request for variances from Sections 9.III.A.5 and 10.III.A.2 (roadway improvement requirements) of the City's Land Development and Subdivision Ordinance. With respect to the request for a Variance to Section 9.III.A.5, Staff finds the Variance Request redundant to the Variance Request from Ch.10.III.A.2. 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 property.**

Staff agrees with the petitioner that East 47th Street does not need to be widened for the benefit of the public's safety, health, or welfare. There are no sidewalks or footpaths in the vicinity and the built out street has existing curb and gutter.

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 area is almost completely developed to an extent that any improvements may adversely affect residences built along that street. Furthermore, the City abandoned ROW for East 47th Street that resulted in properties along both the north and south side of the street each getting approximately 50 feet of additional frontage.

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.**

Both lots will continue to be under the same ownership. As stated previously current conditions and lot alignments could lead to potential hardships for the property owner if improvements are required. Correcting the orientation of the lots will bring the lots up to City standards and eliminate the potential for hardships.

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

Staff has determined that the granting of the variance to widen the paving width will not vary the provisions of the applicable ordinance as this neighborhood appears to be built out to its fullest capacity and no other replats or variances are expected to be presented in the near future. The street has already been determined to be only developed and used as a local street with adequate pavement for such a classification.

Recommendations: Staff recommends that the Planning Commission do the following:

APPROVE the First Replat of Lots 1-3, Block 21, Lakeview Addition Estates, **subject to three Conditions of Approval;**

APPROVE a Variance from Section 10.III.A.2 of the Subdivision Ordinance to allow East 47th Street, an Urban Local Street, to maintain a 36-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk; and

APPROVE a Variance from Section 9.III of the Subdivision Ordinance for any right-of-way dedications or improvements to East 47th Street

The following three Condition of Approvals are recommended:

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. By creating two new lots 1B and 1A, there will be an addressing issue because of lack of numbering space between existing address of 359 East 47th Street on west side and 363 East 47th Street on east side of proposed new lots. One of these existing houses will have to have an address change to accommodate both new lots with a proper address since the current address for the property is 361 East 47th Street.
3. Per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to the adjacent segment of East 47th Street by half the additional increment necessary to comprise the minimum paving widths. For East 47th Street, a Local Urban Street, the minimum width is 40 feet (in this case, requiring 2 additional feet with curb-and-gutter), or, provide a 4-foot wide sidewalk. Alternatively, submit a financial guarantee ensuring the completion of this improvement 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, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV.

Attachments:

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



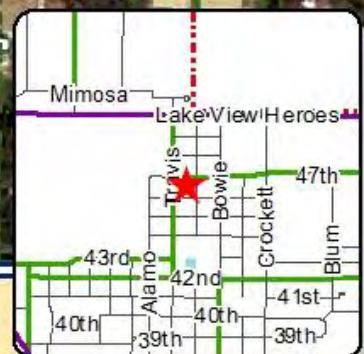
Aerial Map

Lakeview Addition, Blk 21

Council District: Tom Thompson
 Neighborhood: Lakeview
 Scale: 1" approx. = 125 ft

Legend

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





FLU Map

Lakeview Addition, Blk 21

Council District: Tom Thompson
 Neighborhood: Lakeview
 Scale: 1" approx. = 125 ft

Legend

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





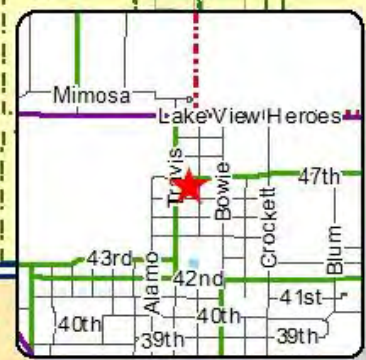
Zoning Map

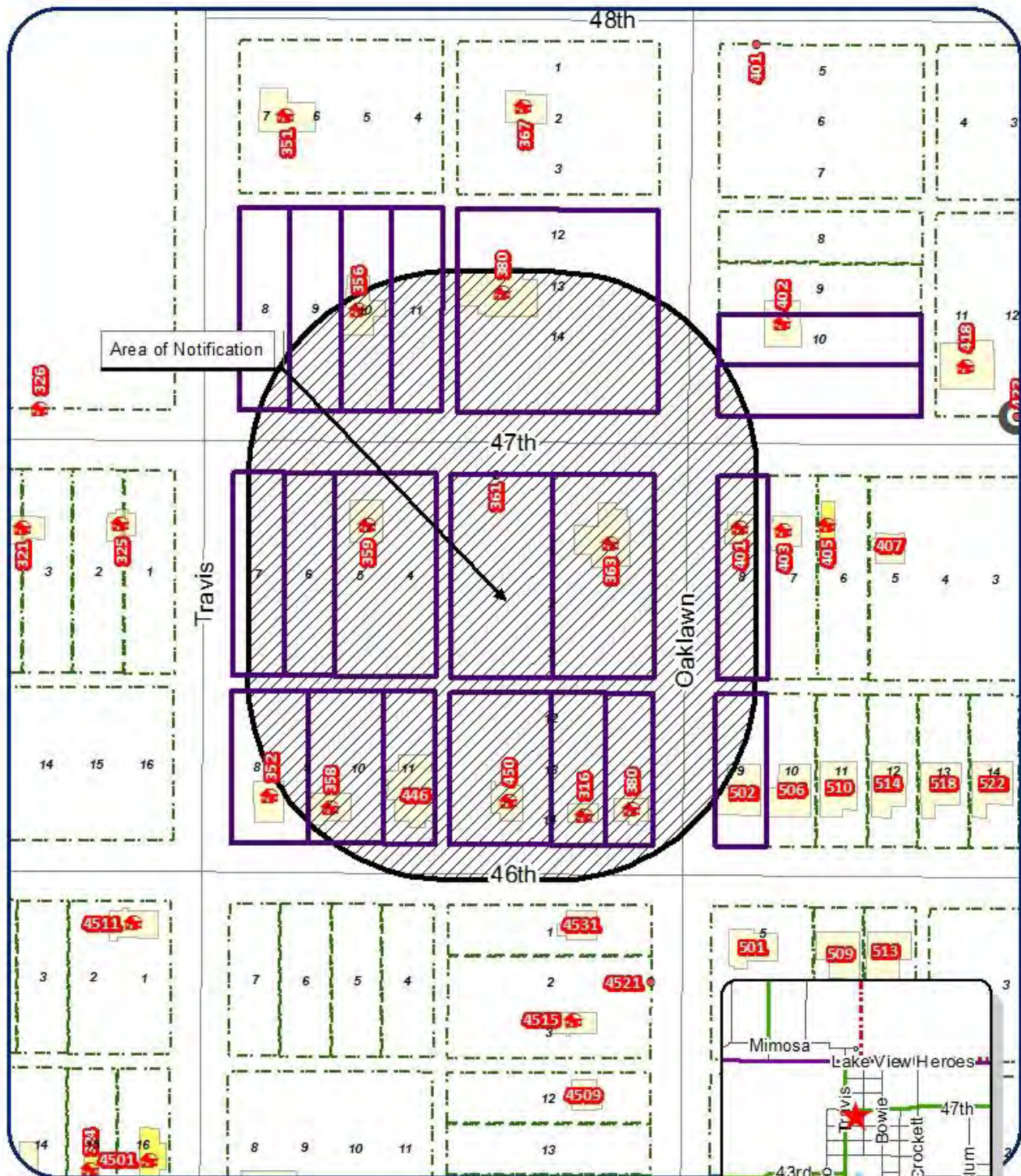
Lakeview Addition, Blk 21

Council District: Tom Thompson
 Neighborhood: Lakeview
 Scale: 1" approx. = 125 ft

Legend

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





Notification Map

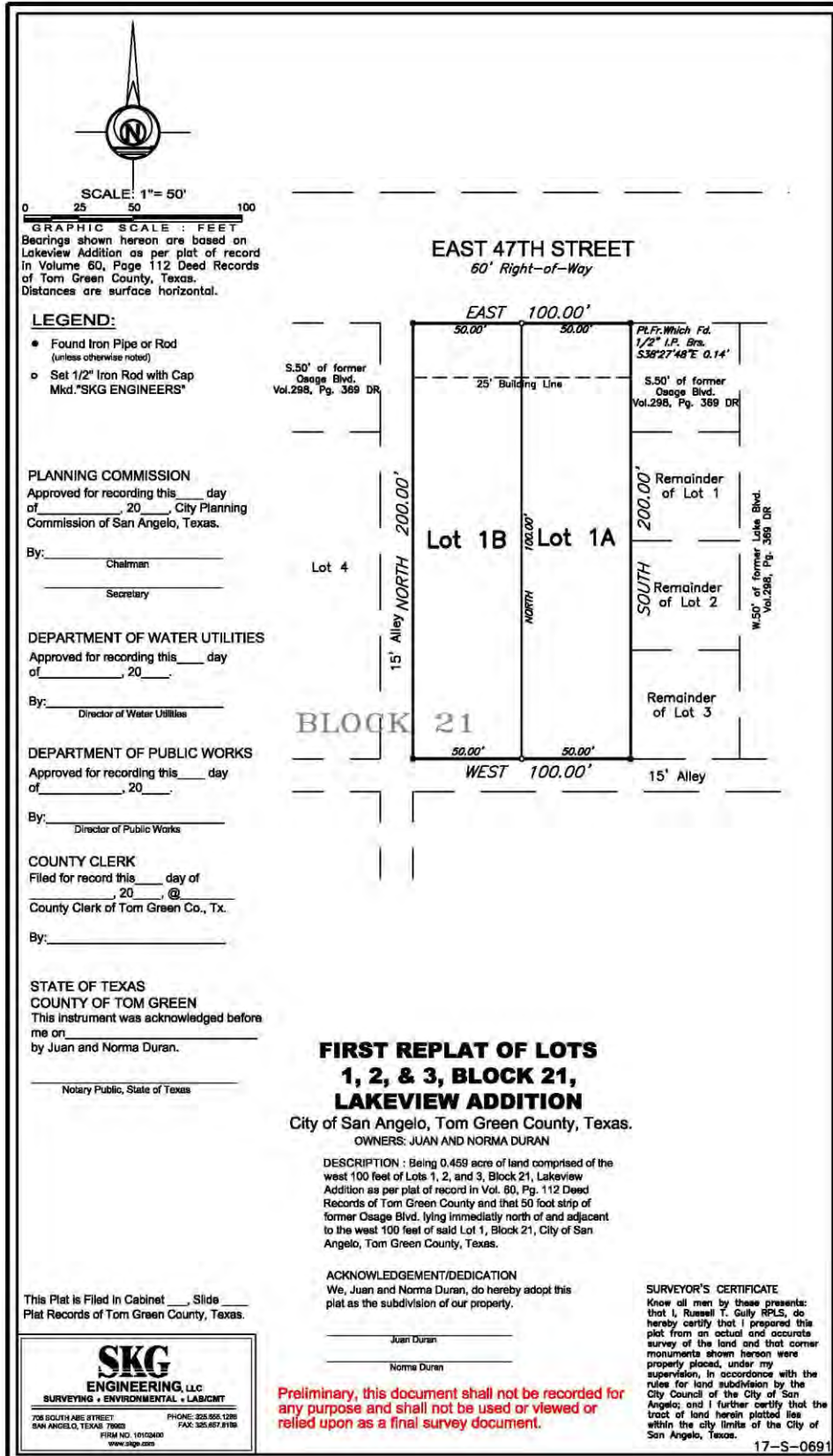
Lakeview Addition, Blk 21

Council District: Tom Thompson
 Neighborhood: Lakeview
 Scale: 1" approx. = 125 ft

Legend

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





SKG ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT

708 SOUTH ABE STREET
 SAN ANGELO, TEXAS 76903
 PHONE: 325.555.1285
 FAX: 325.657.8198
 FIRM NO. 10120400
 www.skg.com

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



**PLANNING COMMISSION – July 17, 2017
STAFF REPORT**

APPLICATION TYPE:		CASES:	
Amendment to Planned Development (PD)		Amendment to PD12-03, Howard College at San Angelo Foundation/COSA	
SYNOPSIS:			
The applicant has submitted this request for an Amendment to an existing Planned Development PD12-03, amending Section 6A to allow for building façade consistency amongst similar building types, and eliminate Section 7G to allow metal buildings anywhere within the site.			
LOCATION:		LEGAL DESCRIPTION:	
3501 US Highway 67 Frontage Road; generally located approximately 400 feet north of the intersection of McGill Boulevard and US Highway 67 Frontage Road		Being 48.59 acres out of the J. Pointevent Survey 1113; Paulann Park Addition, Section 3, Tract H, being 0.76 acres; and Paulann Park Addition, Section 3, Tract G, being the northwest 0.145 acres	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FLU:
SMD District #4 – Lucy Gonzales Paulann Neighborhood		Planned Development	C/I – Campus/ Institutional
SIZE:			
49.5 acres			
THOROUGHFARE PLAN:			
<p>Highway 67 Frontage Road (TXDOT) – Urban Arterial Street (TXDOT road, no City specifications)</p> <p>McGill Boulevard – Urban Collector Street Required: 60’ right-of-way, 50’ pavement Provided: 80’ right-of-way, 60’ pavement</p> <p>Smith Boulevard – Urban Collector Street Required: 60’ right-of-way, 50’ pavement Provided: 80’ right-of-way, 50’ pavement</p> <p>Voight Boulevard – Urban Collector Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk Provided: 60’ right-of-way, 40’ pavement</p>			
NOTIFICATIONS:			
17 notifications mailed within 200-foot radius on June 29, 2017. Zero were received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Amendment to a Planned Development (PD12-03) to modify Section 6A to allow for building façade consistency amongst similar building types and to eliminate Section 7G to allow metal buildings anywhere within the site, subject to three Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant: Howard College at San Angelo Foundation /City of San Angelo</i>			
STAFF CONTACT:			
Jeff Fisher, Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The existing PD site is home to Howard College's San Angelo Campus, providing educational classrooms and training facilities. The college is undergoing an expansion for their trades program that requires additional metal buildings for construction, welding, electronics and other trades students and faculty. The current PD Ordinance requires all building facades to be unified in style and limits metal buildings to only a 3.15-acre area behind the main building fronting onto US Highway 67 Frontage Road. In order to be able to expand on their property, the applicant requires additional flexibility in design and location of buildings on the site to allow future construction.

The City of San Angelo owns the southerly 20.07 acres of the subject property. As per required by the Zoning Ordinance, notification was sent to all property owners within 200 feet of the subject property, which included the City of San Angelo, thereby meeting the technical requirements for notification.

Rezoning (Planned Developments): 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.** The proposed amendment to allow additional metal buildings on the Howard College Campus is consistent with the Comprehensive Plan designation of "Campus/Institutional." These properties comprise of public and institutional properties as well as college/university campuses including Howard College and Angelo State University, which "focus redevelopment efforts on multi-purpose, mixed-use facilities that provide a wide variety of business, housing, and office space." The proposed changes, as indicated above, will be consistent with these policies, allowing multi-purpose classroom buildings for trade programs. Flexibility in design will permit Howard College to meet its expansion objectives and provide additional needed classroom space in the future.
- 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 changes will be generally consistent with the Zoning Ordinance. Howard College provides a large offering of trade programs including construction, welding, and electronics that require on-site training facilities. The school has indicated that a metal fabricated building best suits the needs of these trades and apprenticeship programs. The proposed amendment will still maintain consistency of buildings by occupancy type, so that metal buildings, in and of themselves, will look similar to one another, but will not have to look similar to other types of buildings (i.e masonry or stucco buildings). This will allow students and faculty to easily identify buildings related to their specific area of learning and teaching. No further changes are being proposed at this time. Future development will still be required to maintain compliance with the underlying General Commercial (CG) Zoning Standards. As a condition of approval, the applicant will require submission of an updated Master Concept Plan at the time of permitting.

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 amendment will be compatible with the surrounding area. The new metal buildings would be used for classrooms and training for the existing Howard College Campus which comprises 49.5 acres. There is another institutional building, a correctional facility immediately west, as well as a City Business Park to the north and a large church further west. The new buildings would allow the college to meet its expansion objectives and would blend into the surrounding area.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* Howard College has indicated it intends to expand its trades program and provide additional classroom buildings for this purpose. This will require additional space on the property for metal fabricated buildings that relates to these programs. By ensuring that the architectural style within this building class is consistent and unified in style, the college can meet its objectives.
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.* Planning Staff does not anticipate any adverse impacts on the natural environment. Any grading, drainage, and stormwater issues can be reviewed as permit of the building permit site plan review process.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning Staff believe there is a demonstrated community need for the proposed amendment. Howard College serves 13 counties and hosts 29 independent school districts for a total full time enrolment of 2,522 and dual credit enrollment of 968 at the San Angelo Campus for Fall 2013 (http://www.howardcollege.edu/pdf/abouthc/ie/Quickfacts_Fall_2013.pdf). The original Campus Master Concept Plan shows a large area to the north which has not been developed, but the college has indicated plans to expand in future. Given the college already serves thousands of students and requires this amendment to expand further, Staff believe there is justification for the proposed amendment.
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 property has convenient abutting access onto the US Highway 67 Frontage Road, a Major Arterial Road which connects to the freeway portion of the highway. It is anticipated that most traffic will use Highway 67 to access the property given that the college services a wide geographic area.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed Amendment to an existing Planned Development PD12-03, amending Section 6A to allow for building façade consistency amongst similar building types, and eliminate Section 7G to allow metal buildings anywhere within the site, **subject to following three Conditions of Approval:**

1. Notwithstanding the proposed amendment changes, any future development shall be subject to the remaining provisions of the PD12-03 Ordinance.

2. The applicant shall submit a new Master Concept Plan for each new phase of development on the property to the Planning and Development Services Director for approval, prior to any construction.
3. The applicant shall obtain permit(s) from the Permits and Inspections Division prior to any construction on the property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Original PD12-03 - Location where metal buildings allowed
Master Concept Plan
Application



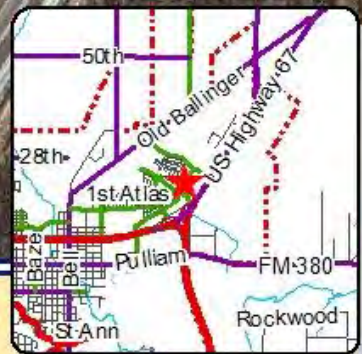
Aerial Map

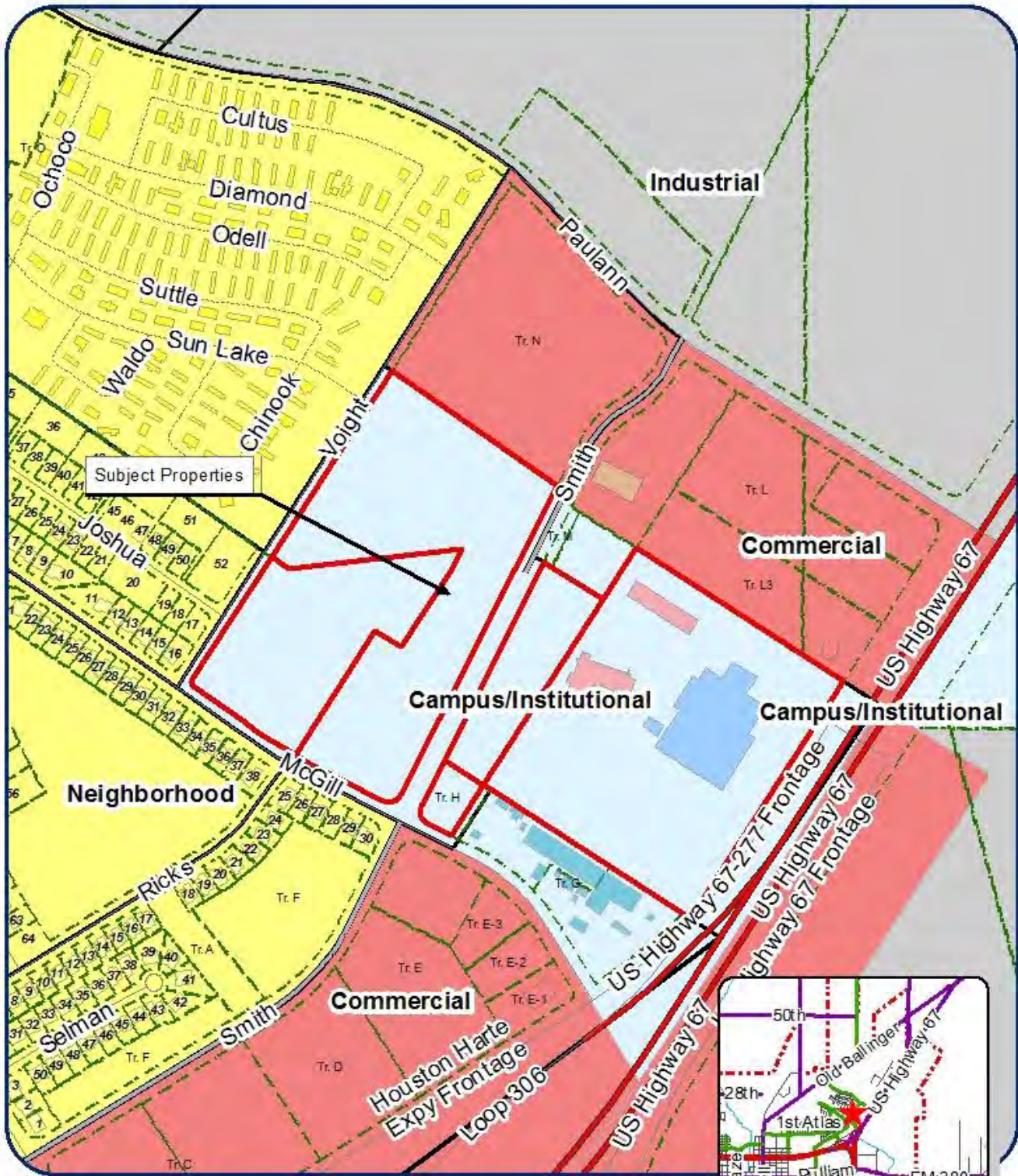
Howard College PD Amend.

Council District: Lucy Gonzales
 Neighborhood: Paulann
 Scale: 1" approx. = 450 ft

Legend

- Subject Properties: —
- Current Zoning: PD
- Requested Zoning Change: N/A
- Vision: Campus/Inst.





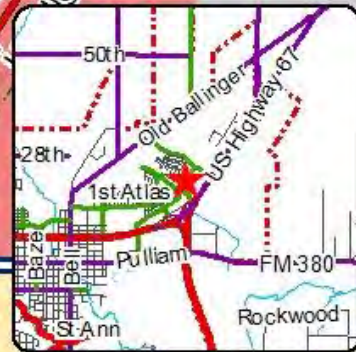
FLU Map

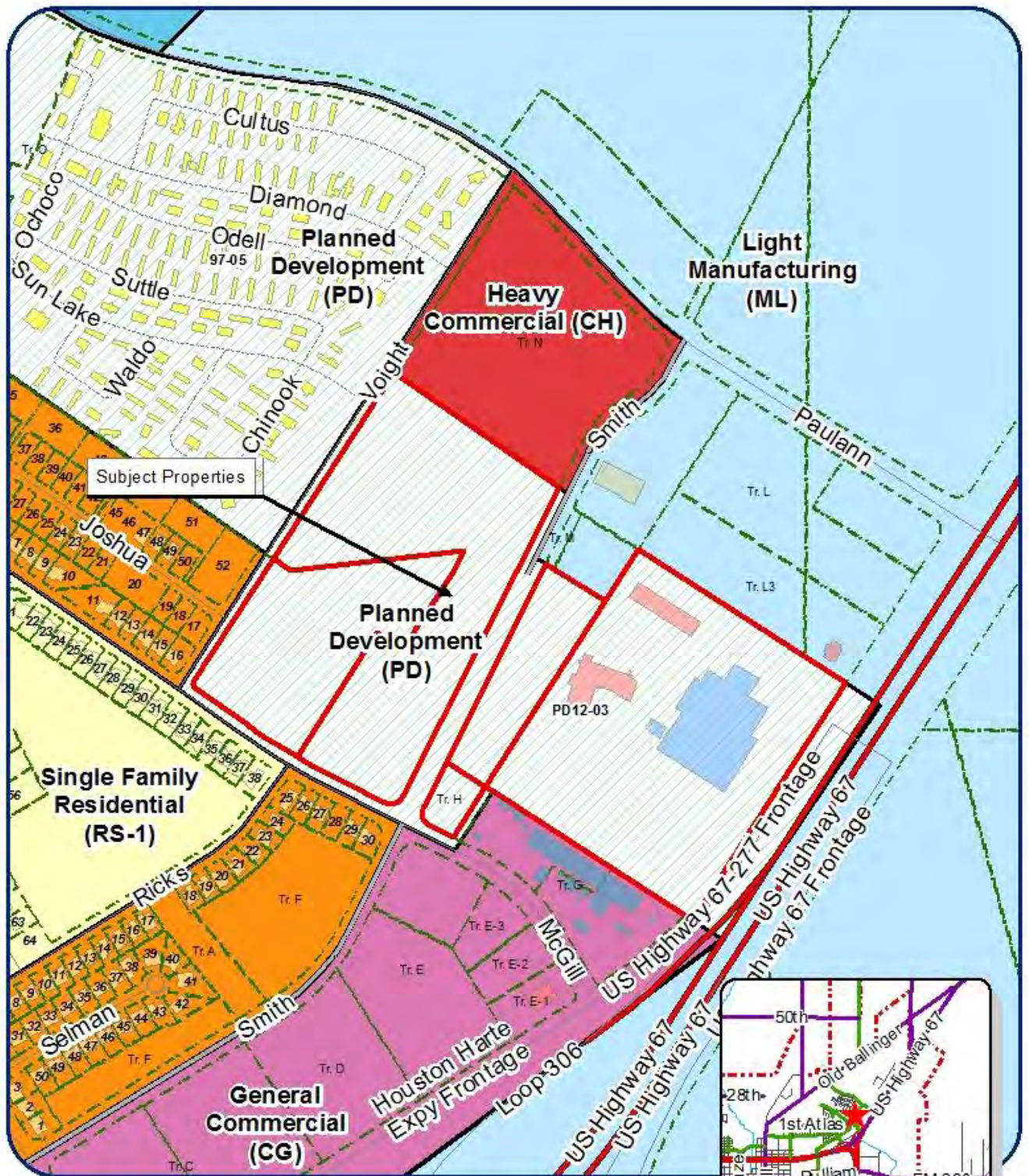
Howard College PD Amend.

Council District: Lucy Gonzales
 Neighborhood: Paulann
 Scale: 1" approx. = 450 ft

Legend

- Subject Properties: —
- Current Zoning: — PD
- Requested Zoning Change: — N/A
- Vision: — Campus/Inst.





Zoning Map

Howard College PD Amend.

Council District: Lucy Gonzales
 Neighborhood: Paulann
 Scale: 1" approx. = 450 ft

Legend

- Subject Properties: —
- Current Zoning: **PD**
- Requested Zoning Change: **N/A**
- Vision: **Campus/Inst.**



Photos of Site and Surrounding Area

NORTH AT MAIN CAMPUS BUILDING



NORTH AT EXISTING METAL BUILDINGS



SOUTH



WEST



Photos of Site and Surrounding Area

EXISTING REAR PARKING AREA



UNDEVELOPED REAR AREA



EAST



CLOSE UP – EXISTING METAL BUILDINGS



ORIGINAL PD12-03 – LOCATION WHERE METAL BUILDINGS ALLOWED

City of San Angelo
Planning Division

72 W. College Avenue
San Angelo, TX 76903



PD 12-03: Howard College Campus
Exhibit B

1 inch = 150 feet



PD12-03 – MASTER CONCEPT PLAN

Howard College - San Angelo Campus



Howard College June 2013

Site Impact Diagram





**PLANNING COMMISSION – July 17, 2017
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Conditional Use		CU17-06: Hughes/Red Arroyo Inn	
SYNOPSIS:			
This is an application for a Conditional Use to allow for Household Living in the General Commercial (CG) Zoning District. The applicant owns an apartment complex called the Red Arroyo Inn. The inn currently is in operation as an apartment complex, though is listed as a Hotel, and its Certificate of Occupancy is for Hotel/Motel/Tourist Cabin. Staff has been in contact with the property owner since August of 2016 to rectify the situation.			
LOCATION:		LEGAL DESCRIPTION:	
4268 Sherwood Way, generally located 500 feet southwest of the intersection of Sherwood Way and Buick Street		Being 4.65 acres out of the Mer-Way Inc. Addition Consolidated, Section 3, Lot 5, City of San Angelo, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #6 – Charlotte Farmer Bluffs Neighborhood	General Commercial (CG)	Commercial	4.65 acres
THOROUGHFARE PLAN:			
Sherwood Way – Major Arterial, Required 80’ min. ROW, 64’ min. pavement. Actual 122’ ROW, 64’ pavement.			
NOTIFICATIONS:			
Twenty-two (22) notifications were sent out to property owners with 200 feet. Staff has received zero responses in favor and zero responses in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Conditional Use to allow for Household Living in the General Commercial (CG) Zoning District, subject to two Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner(s):</i> James Hughes <i>Agent:</i> Robert Trevino, Angelo Trucking			
STAFF CONTACT:			
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us			

Conditional Uses: 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.** The Zoning Ordinance allows for the possibility of Household Living in nonresidential Zoning Districts if certain criteria are met and the area in question is suitable for the type of residential dwelling(s) proposed. By the applicant's own admission, the Red Arroyo Inn is already being operated as a multi-family residence, and has been, albeit illegally, for over a year. While the Planning Division has received calls concerning this business, the issues have been limited to signage and the discrepancy between zoning and actual use. Staff does not anticipate any adverse effects or impacts to the adjacent properties as the area appears to be commercial in nature with nearby hotels that also allow for extended stays beyond 30 days.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** While our Zoning Ordinance does not currently allow for residential to be located within commercial districts without Conditional Use approval, there are instances where such residential use, particularly when the use is multi-family, as is proposed here. Many municipalities do allow this type of household living to be located in commercial corridors on the premise that it permits residents to have greater accessibility to retail and service businesses. No variances are being sought with this request and as a Condition of Approval, the applicant shall be required to receive a Change in Occupancy from the City to reflect multi-family use.
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.** While Sherwood Way has a heavy commercial presence, it is surrounded by Single-Family Residences to the north and south. There are also apartments on Arden Road, the Emerald Point Apartments, which are zoned General Commercial/Heavy Commercial (CG/CH) and are located approximately one mile to the east of the Red Arroyo Inn. Finally, nearby are several hotels that also allow for extended stays beyond 30 days.
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.** There are no anticipated additional effects or impacts on the natural environment as the Red Arroyo Inn is already built to its fullest capacity and is currently in operation as an apartment complex. There may be construction impacts that will occur as the inn is updated to the correct standards for Household Living versus a Hotel/Motel setup, but it is anticipated that those effects will be short-lived and minimal in nature.
5. **Community Need.** **Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** The fact that the apartment complex has current residences suggests that there is a tangible community need for multi-family and/or affordable housing opportunities in San Angelo.
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.** As previously stated, the area appears to be commercial in nature with nearby hotels that also allow for extended stays beyond 30 days. It is clear that there is already a residential presence in the area, thus allowing the Conditional Use would appear to result in a logical pattern of development in the area.

Notifications:

Twenty-two notifications were sent out to property owners with 200 feet. Staff has received zero responses in favor and zero responses in opposition.

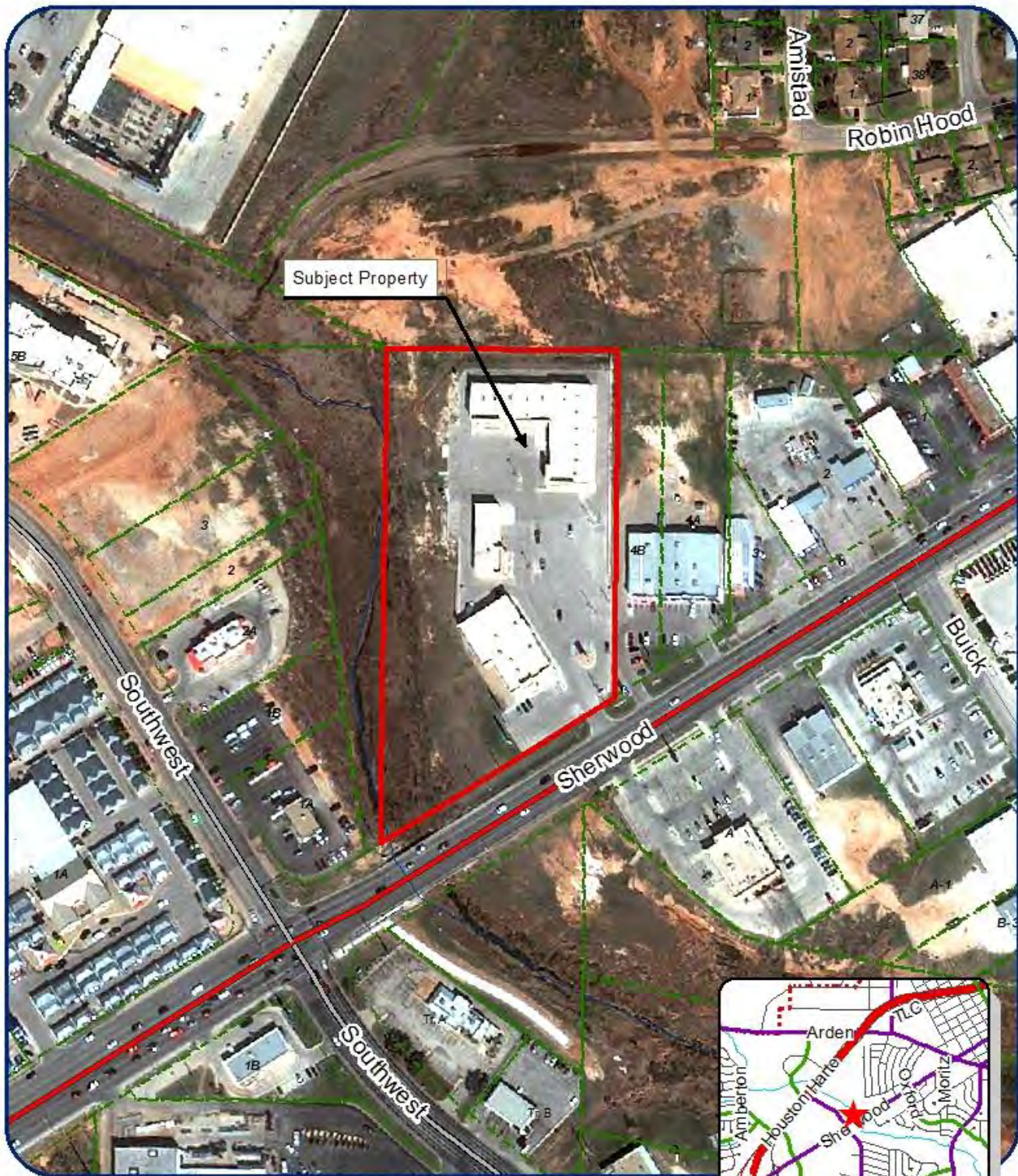
Recommendation:

Staff's recommendation is for the Planning Commission to approve the Conditional Use to allow for Household Living in the General Commercial (CG) Zoning District, **subject to the following two Conditions of Approval:**


1. The applicant shall obtain a Change of Occupancy to allow for Multi-Family Residential occupancy from the Permits and Inspections Division within one hundred and twenty (120) days from the Planning Commission's approval of a Conditional Use.
2. No units that are currently vacant shall be rented out as apartment dwellings until the new Certificate of Occupancy is finalized.

Attachments:

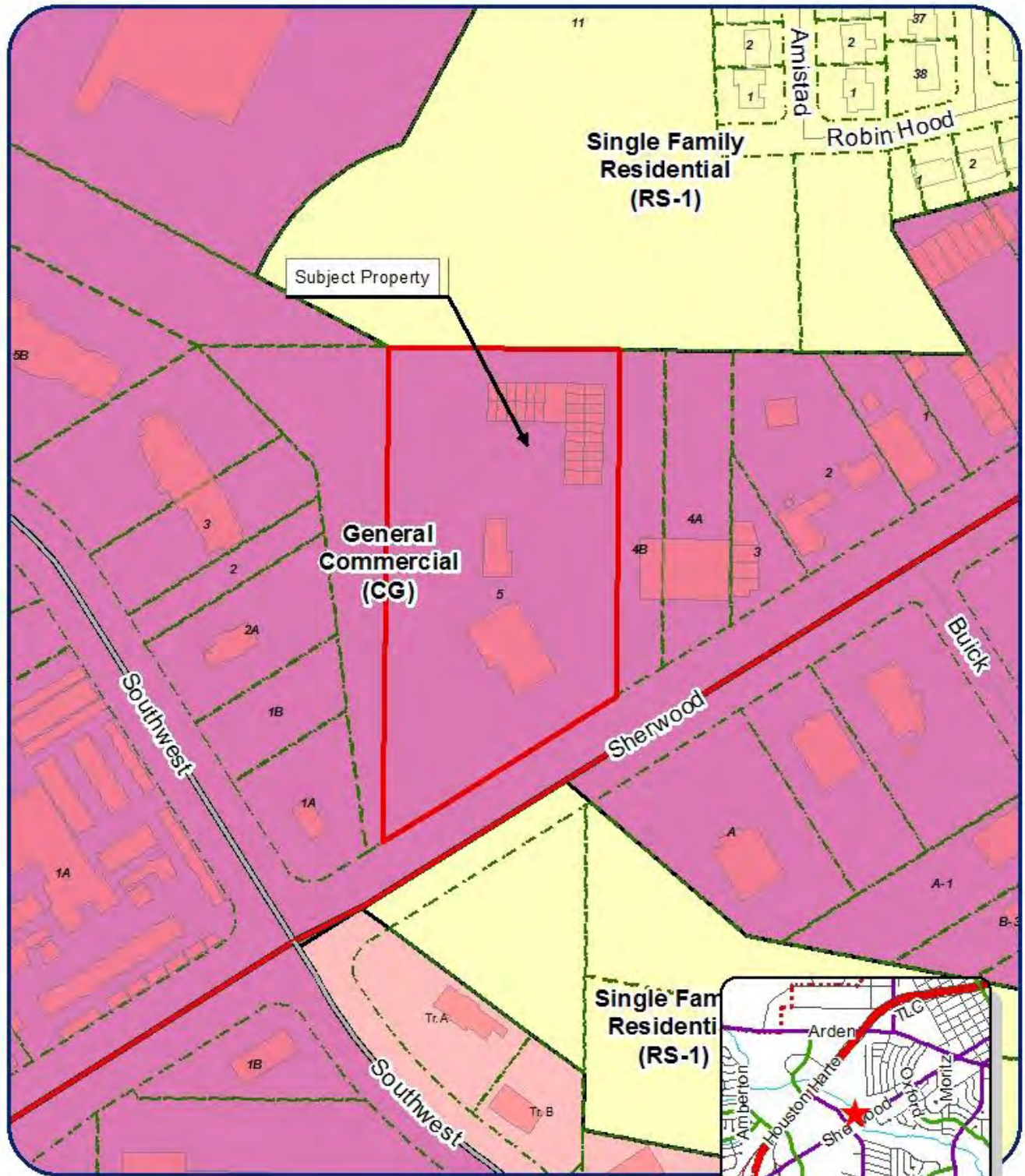
Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan Map
Notification Map
Photographs



Aerial Map
4268 Sherwood Way
Council District: Charlotte Farmer
Neighborhood: Bluffs
Scale: 1" approx. = 200 ft

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

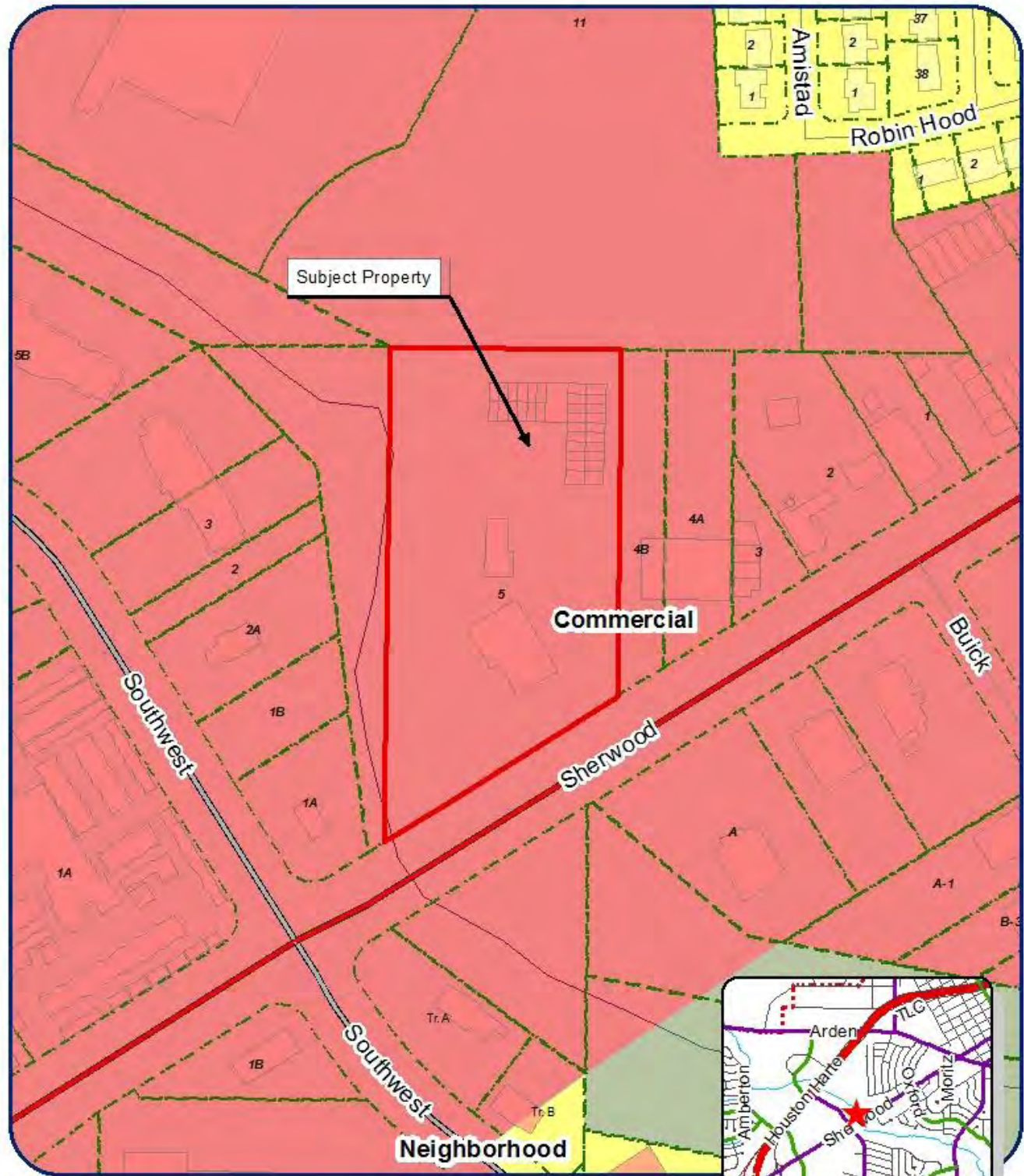





Zoning Map
4268 Sherwood Way
Council District: Charlotte Farmer
Neighborhood: Bluffs
Scale: 1" approx. = 200 ft

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

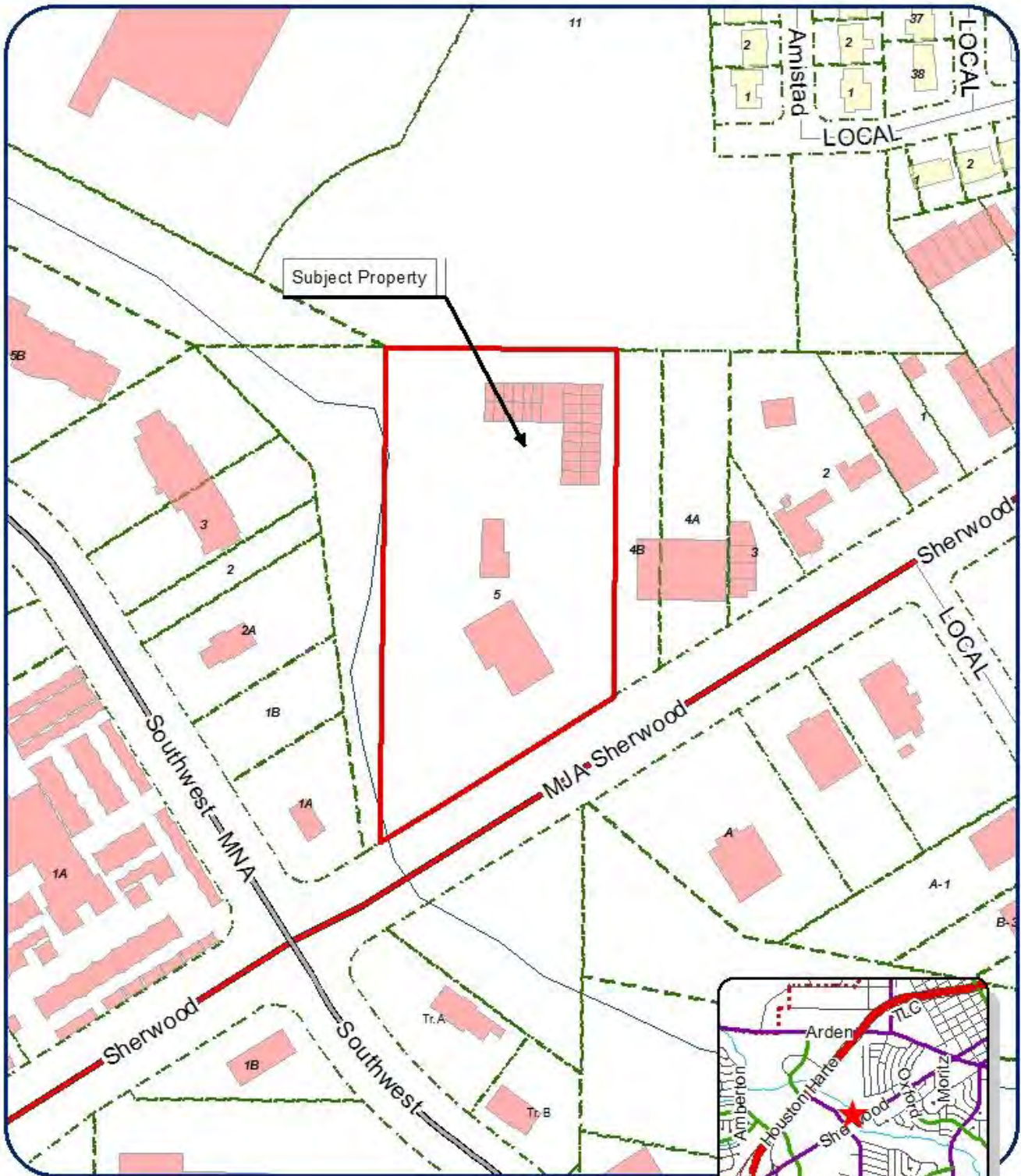




FLU Map
4268 Sherwood Way
Council District: Charlotte Farmer
Neighborhood: Bluffs
Scale: 1" approx. = 200 ft

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

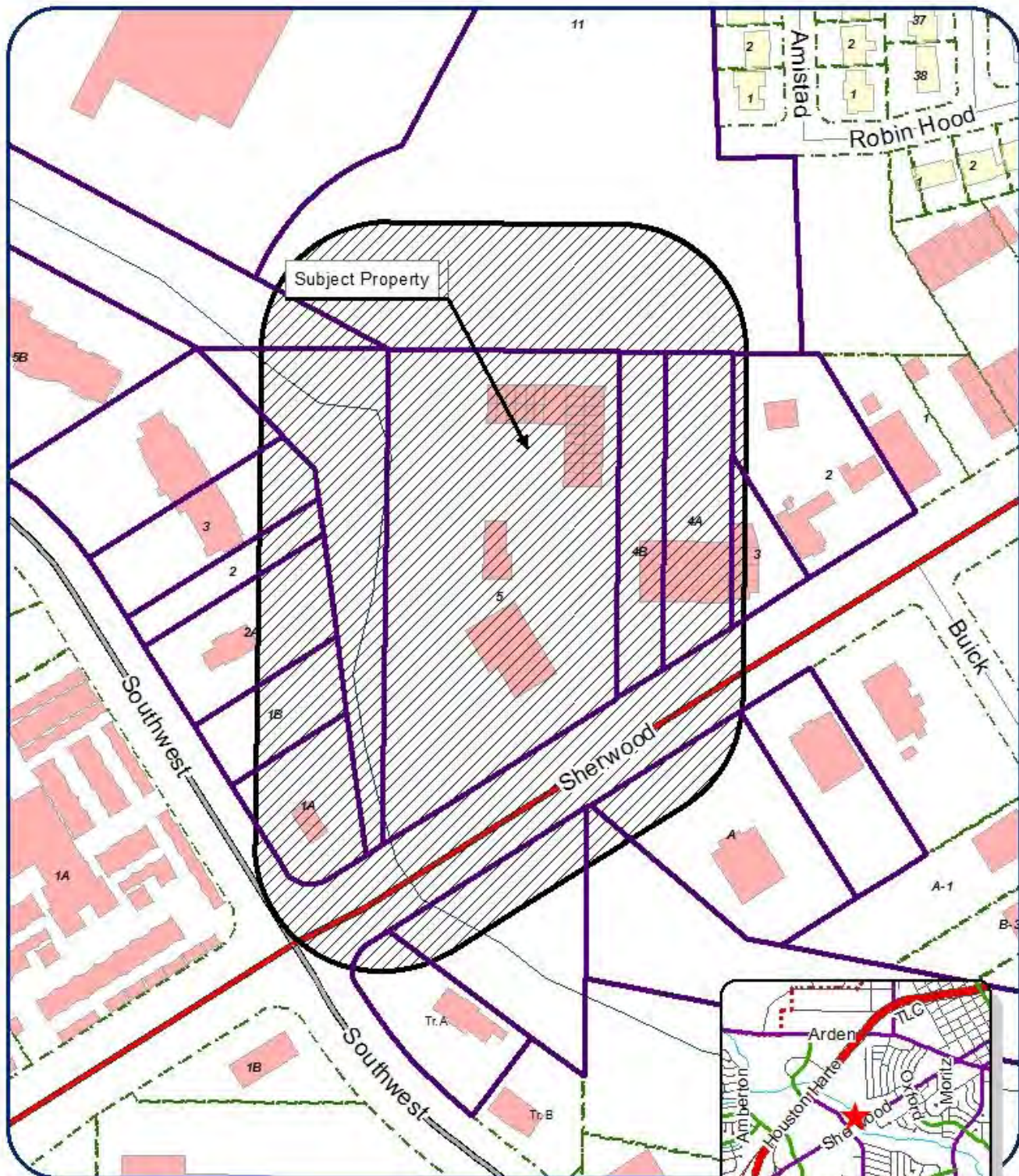




Thoroughfare Map
4268 Sherwood Way
Council District: Charlotte Farmer
Neighborhood: Bluffs
Scale: 1" approx. = 200 ft

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






Notification Map

4268 Sherwood Way

Council District: Charlotte Farmer
Neighborhood: Bluffs
Scale: 1" approx. = 200 ft

Legend

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



Site Photos

Front of Property



For Rent Sign



East



West



Entire Property



South



MEMO



Meeting

Date: July 17, 2017

To: Planning Commission

From: Jon C. James, AICP
Director

Request: Text Amendment to the Land Development and Subdivision Ordinance, Chapter 1, General Provisions, Section IV, Variances, Subsection C, Appeal to City Council

Background:

The following is an amendment to the Land Development and Subdivision Ordinance that allows the Planning Director or Director of Public Works to appeal variances, granted or denied by the Planning Commission, to City Council.

The Ordinance currently only allows a developer to make appeals of a subdivision decision or variances associated with a subdivision to City Council. In situations where either the Planning Director or Director of Public Works believe that City Council’s input on a matter is needed, they are effectively prevented from doing so, per the current ordinance language. Both of these individuals represent important departments vital to ensuring the public’s health, safety, and welfare. As such, they should have the ability to bring issues before Council which may affect the City, taxpayers, and existing and future residents.

The State of Texas’ requirement that all subdivisions be decided within 30 days or less will not be affected by this proposed amendment. The Planning Commission will still be able to take action within the required 30 days, and a condition of approval will be made for each relevant case stipulating that for any exaction made by the City, the granting of a variance by either the

Planning Commission or City Council shall satisfy the request for that exaction and allow the subdivision to be ultimately recorded.

On June 21, 2017, the Development Task Force reviewed the proposed Text Amendment. There were no objections raised at that time and the consensus was to move the proposed language forward for Planning Commission and City Council review.

Attachment:

Proposed Land Development and Subdivision Ordinance Amendment

CHAPTER 1
GENERAL PROVISIONS

SECTION IV: VARIANCES

C. Appeal to City Council. Action taken by the Planning Commission on a requested variance from the terms of this Ordinance shall be considered the final decision on said request, unless that decision is appealed to City Council which is hereby authorized to reverse, modify or affirm any such decision of the Planning Commission. Notwithstanding procedural requirements of the City Charter, a simple majority vote of City Council members present shall be necessary to reverse or modify such decision of the Planning Commission.

1. An appeal of action taken by the Planning Commission on a requested variance must be made in writing, signed by the developer, and provided to the Director of Planning within thirty (30) days following the Planning Commission's action.
2. This appeal must be presented to the City Council within thirty (30) days following the Director of Planning's receipt of such appeal.
3. The Director of Planning and/or the Director of Public Works may also appeal any action taken by the Planning Commission on a requested variance, which must be presented to the City Council within forty-five (45) days following the Planning Commission's action.

MEMO



Meeting

Date: July 17, 2017

To: Planning Commission

From: Jon C. James, AICP
Director

Request: Text Amendment to Chapter 12, Planning & Development, Article 12.03 Manufactured Homes and Mobile Homes, Division 2, Code of Ordinances

and

Text Amendment to Chapter 12, Planning & Development, Article 3, of Exhibit "A," Zoning Ordinance

Background:

The following is an amendment to the Code of Ordinances, including the Zoning Ordinance, that would allow for manufactured homes to be placed on lots of record zoned Single-Family Residential (RS-1), Two-Family Residential (RS-2), or Ranch & Estate (R&E) with Special Use approval from City Council. Furthermore, additional standards have been added addressing tie-downs/anchorage, skirting, and a requirement to have applicable manufactured homes have a value equal to or greater than the median taxable value for nearby single-family dwellings.

On June 20, 2017, City Council directed staff to revisit the applicable sections of the City's Code of Ordinances and provide text amendments which would allow for manufactured homes to be placed on residential lots zoned other than Manufactured Housing Park (MHP) or Manufactured Housing Subdivision (MHS). Council expressed a desire to establish criteria, consistent with those similarly, and recently, approved for modular

homes, that could be used to review the appropriateness of each case, while also maintaining the integrity of the neighborhood they would be placed in. Finally, they also indicated that they wished that the final decisions on the matter be brought to Council for final approval.

Article 12.03 of the Code of Ordinances currently only addresses tie-down/anchoring and skirting for manufactured homes in general terms, with distinctions only for those homes on sites for more than 120 days or those displayed for sale by a dealership and/or retailer. It also sets out a process by which these homes may be temporarily installed on a site during the construction or reconstruction of a home or building on the same site, subject to City Council approval. None of these provisions are proposed to change.

Staff is proposing that a Certificate of Occupancy not be issued for any manufactured home placed on property zoned RS-1, RS-2, or R&E that is not skirted or that is not securely fixed to a permanent foundation, in accordance with City standards. This provision is consistent with similar requirements approved by City Council on April 18, and May 2, 2017, for modular homes.

In this same manner, staff is also proposing the addition of a requirement that the manufactured home, in certain circumstances, maintain the median taxable value for nearby single-family dwellings in the area. Moreover, the identical requirement that the homes comply with City building setbacks, subdivision control, square footage, and other site requirements applicable for the applicable Zoning District and housing type is proposed as well.

Finally, a clean-up of the language of the definitions subsection of the same article is proposed as the current wording of the remainder of the section makes it redundant.

In the Zoning Ordinance, Article 3 currently only allows manufactured homes to be placed on properties zoned MHP or MHS. Staff is proposing that three other Zoning Districts be considered as well, namely the RS-1, RS-2, and R&E Zoning Districts. The remaining three Zoning Districts, Zero Lot Line, Twinhome and Townhome Residential (RS-3), Low Rise Multifamily Residential (RM-1), and High Rise Multifamily Residential (RM-2), are in staff's opinion, inappropriate for such dwellings. As with other types of homes built, the proposed sites must meet all minimum requirements for development in that particular Zoning District.

Attachment:
Proposed Text Amendment

CHAPTER 12 PLANNING AND DEVELOPMENT

ARTICLE 12.03 MANUFACTURED HOMES AND MOBILE HOMES

Division 2. Mobile Homes and Manufactured Homes

~~Section 12.03.031—Definitions~~

~~As used in this division, the term “mobile home” shall be interpreted to mean and include “manufactured homes.”~~

Section 12.03.0321 Tie-downs; anchorage

All mobile homes (including manufactured homes), whether located in mobile home parks or subdivisions, or on private lots, which have been in place for a period greater than one hundred twenty (120) days shall be tied down and anchored in accordance with State standards. No Certificate of Occupancy shall be issued for any manufactured home placed on property zoned RS-1, RS-2, or R&E after August 15, 2017, that is not securely fixed to a permanent foundation in accordance with City standards.

Section 12.03.0332 Skirting

- (a) All manufactured homes and mobile homes for use as a dwelling in any area determined appropriate by the municipality, including a subdivision, planned unit development, single lot and rental community or park, which have been in place for a period greater than one hundred twenty (120) days, shall be skirted in accordance with the official code of the City. No Certificate of Occupancy shall be issued for any manufactured home placed on property zoned RS-1, RS-2, or R&E, after August 15, 2017, that is not skirted in accordance with the official code of the City.
- (b) Exception: There is excepted from this provision any manufactured home or mobile home displayed for sale by a manufactured home or mobile home dealership and/or retailer licensed under the Texas Occupations Code, Chapter 1201 Manufactured Housing, Section 1201.101, and meeting all City ordinances, in this instance, no skirting shall be required.

Section 12.03.0343 Temporary manufactured home, mobile home or building installation

- (a) A manufactured home, mobile home or building may be temporarily installed on a site, during the construction or reconstruction of a home or building on the same site, with permission of the city council.
- (b) Said permission may be granted for a period of up to one year after notification of property owners within two hundred feet (200') of the proposed site and a hearing before the city council.
- (c) Any request for installation of a manufactured home, mobile home or building which would remain for more than one year shall first be heard by the planning commission after notification of property owners within two hundred feet (200') of the proposed site. The planning commission shall forward its recommendation to the city council for final action at a regular meeting of said council.
- (d) No request shall be heard until the appropriate fee, as established by the city council, is paid.
- (e) Where this section conflicts with the zoning regulations of the city, this section shall control.

Section 12.03.034 Additional standards for manufactured homes in the RS-1, RS-2, or R&E Zoning Districts placed after August 15, 2017

- (a) All manufactured homes shall comply with city building setbacks, subdivision control, square footage, and other site requirements applicable for the applicable Zoning District and housing type.
- (b) Any property owner or authorized agent who intends to construct, erect, install, or move a manufactured home onto a lot shall first receive Special Use approval from city council. Once Special Use approval has been granted, an application to the Building Official shall be made to obtain the required permits.
- (c) If the manufactured home is the principal single-family dwelling on a lot:
 - 1. 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 manufactured home 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 manufactured home and lot after installation of the home.

2. 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.
3. 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 manufactured home will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and manufactured home will have after installation.

CHAPTER 12 PLANNING AND DEVELOPMENT

EXHIBIT A ZONING ORDINANCE

Article 3 Use Regulations

Section 311. Residential Structure Types

Household and Group Living uses must comply with the following table in regard to location of individual structure types. Residential uses allowed in nonresidential districts may be housed in any type of residential structure except single-family detached and mobile and manufactured homes. All structure types are defined in Article 8, and additional standards are included in Section 501 for zero lot line dwellings, twinhomes and townhouses.

Structure Type	Zoning District							
	R&E	RS1	RS2	RS3	RM1	RM2	MHP	MHS
Single-Family Detached	A	A	A	-	A	-	-	A
Accessory Apartment	-	-	A	-	A	-	-	-
Two-Family Dwelling	-	-	A	-	A	-	-	-
Zero Lot Line Dwelling*	-	-	-	A	A	-	-	-
Twinhome*	-	-	-	A	A	-	-	-
Townhouse*	-	-	-	A	A	-	-	-
Multifamily Dwelling	-	-	-	-	A	A	-	-
Manufactured Home	<u>S***</u>	<u>S***</u>	<u>S***</u>	-	-	-	A	A
Mobile Home	-	-	-	-	-	-	A	-
Group Living Structure**	-	-	-	-	A	A	-	-

*Refer to Section 501 for additional standards.

**Structure type allowed only with approved group living use.

***Refer to Article 12.03 for additional standards

CHAPTER 12 PLANNING AND DEVELOPMENT
 EXHIBIT A ZONING ORDINANCE
 Article 3 General Development Standards

Section 501. Residential District Standards

Except as specifically provided elsewhere in this Zoning Ordinance, dwelling height and building density shall be not more than, and yards and lot size shall not be less than are specified in the Table below for the type of use in the district in which such use is located.

A. Residential District Regulations. Development in residential districts shall conform to the following regulations.

Development Standard	Single-Family				Multifamily		Manufactured	
	R&E	RS-1	RS-2	RS-3	RM-1	RM-2	MHP	MHS
Minimum Lot Area (sq. ft.) [1]								
Single-Family Unit	43,560	5,000	5,000	-	5,000	-	-	-
Two-Family Unit	-	-	6,500	-	6,500	-	-	-
Zero Lot Line or Twinhome Unit	-	-	-	2,500	2,500	-	-	-
Townhouse Unit	-	-	-	1,875	1,875	-	-	-
Multifamily Project or Group Home	-	-	-	-	7,000	20,000	-	-
Manufactured Home	43,560	5,000	5,000	-	-	-	[6]	4,600
Mobile Home	-	-	-	-	-	-	[6]	-
Minimum Lot Dimensions (feet in width x feet in depth)								
Single-Family Unit	150x150	50x100	50x100	-	50x100	-	-	-
Two-Family Unit	-	-	50x100	-	50x100	-	-	-
Zero Lot Line or Twinhome Unit	-	-	-	40x60	40x60	-	-	-

Townhouse Unit	-	-	-	25x75	25x75	-	-	-
Multifamily Project or Group Home	-	-	-	-	60x100	100x150	-	-
Manufactured Home	<u>150x150</u>	<u>50x100</u>	<u>50x100</u>	-	-	-	[6]	40x100
Mobile Home	-	-	-	-	-	-	[6]	-
Minimum Front Yard (feet)	40	25	25	15	[2]	25	20	25
Minimum Side Yard (feet)								
One side yard (minimum)	15	5	5	[3]	[3]	10	20	5
The other side yard (minimum)	15	5	5			10	20	5
Minimum Rear Yard (feet)	20	[4]	[4]	10	[5]	20	20	20
Maximum Floor Area Ratio	.20	.40	.50	.60	.75	1.00	-	.40
Maximum Height								
In feet	35	35	35	35	35	-	-	-
In stories	2-1/2	2-1/2	2-1/2	2-1/2	2-1/2	-	-	-
Maximum Density (units/gross acre)	-	-	-	-	25	35	10	-

MEMO



Meeting

Dates: July 17, 2017

To: Planning Commission

From: Jon C. James, AICP
Director

Request: Text Amendment to Chapter 5, Article 5.02 of the San Angelo Code of Ordinances, Alcohol and Beverage Regulations

Background:

The attached is an amendment to Chapter 5, Article 5.02 of the San Angelo Code of Ordinances, Alcohol and Beverage Regulations, to introduce a minimum separation for the sale of any alcoholic beverage, liquor, beer, wine or vinous liquor from a religious institution.

On November 21, 2016, the Planning & Development Services Department coordinated a discussion with the Planning Commission in order to solicit feedback regarding the addition of a 300-foot setback requirement for religious institutions. During that meeting, staff informed the Commission that Title 4, Chapter 109, Subchapter A, Section 109.33 of the State of Texas Constitution and Statutes allows municipalities to prohibit the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a religious institution. Staff also provided a list to the Commissioners of ten other nearby cities which had already included this restriction in their Code of Ordinances. These cities were: Abilene, Arlington, Amarillo, Andrews, Big Springs, Kerrville, Lubbock, Midland, Odessa, and Wichita Falls.

During the Commission meeting, a pastor in the Blackshear neighborhood spoke in favor of the additional distance requirement, indicating that while he was not against bars or liquor stores in general, their proximity to religious institutions was troubling. Several Commissioner expressed their desire to have the matter return in the form of a text amendment for review and decision.

Section 5.02.033 currently only requires that any place of business for the sale of any alcoholic beverage, liquor, beer or wine, and vinous liquor be a minimum of three hundred feet (300') from any tax-supported elementary or secondary public school. Staff is proposing that religious institutions be added so that alcohol sales would also not be allowed within 300 feet of such a use. Given the compact and urban nature of development in the downtown area, as well as the proliferation of bars and religious institutions already co-existing in the area, staff is also proposing that this section not apply to religious institutions that have a zoning designation of Central Business District (CBD).

Attachment: Proposed Text Amendment

CHAPTER 5 BUSINESS AND COMMERCE

ARTICLE 5.02 ALCOHOLIC BEVERAGES REGULATIONS

Division 2. License

Section 5.02.033 Prohibited licenses

No license authorizing the sale of any alcoholic beverage, liquor, beer or wine and vinous liquor shall be issued to any dealer where the place of business of any such dealer is within the corporate limits of the city and is within three hundred feet (300') of any religious institution or tax-supported elementary or secondary public school. The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections. Provided that this section shall not apply to any dealer whose place of business is within three hundred feet (300') of any religious institution or tax-supported elementary or secondary school. This prohibition does not apply to religious institutions within the Central Business District (CBD).