




**PLANNING COMMISSION – September 18, 2017  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Replat		OCM Subdivision, Section One	
<b>SYNOPSIS:</b>			
The proposed 4.837-acre replat will combine the applicant’s landholdings with recently abandoned alleys that were located in between their properties. As part of the replat request, the applicant is also requesting variances from paving a caliche portion of Veck Street; the required paving widths on North Baze Street and Veck Street, and from the requirement to install a wasterwater main instead of maintaining a private septic system (See Additional Information).			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1000 and 1008 Upton Street; generally located at the northeast corner of North Baze Street and Upton Street		Being 4.837 acres of land and being a replat of the South ½ of the North ½ of Block C, Baze Addition; Lots 1-8 in the Malone Subdivision of the South ½ of Block C, Baze Addition; J. P. Holmes Resubdivision of Blocks A & B, Baze Addition, and alleys lying within; being described in Instrument No.201416225.	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District: Harry Thomas (SMD#3) Neighborhood: Paulann		ML – Light Manufacturing	I – Industrial
			<b>SIZE:</b> 4.837 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>North Baze Street</b> – Urban Collector Street Required: 60’ right-of-way, 50’ pavement Provided: 80’ right-of-way, 33’ pavement and no sidewalk</p> <p><b>Upton Street</b> – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk Provided: 100’ right-of-way, 40’ pavement and no sidewalk</p> <p><b>Veck Street</b> – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk Provided: 52’ right-of-way, west 70 feet (27’ wide paved), east 110 feet (27’ wide caliche) and no sidewalk</p>			
<b>NOTIFICATIONS:</b>			
N/A			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the OCM Subdivision, Section One, subject to <b>four Conditions of Approval</b> , and approval of 4 Variances: <b>APPROVAL</b> of a Variance from Chapter 9.III.V of the Subdivision Ordinance to allow a 110-foot long portion of Veck Street to remain a caliche surface; a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Baze Street, an Urban Collector Street, to maintain a 33-foot street width in lieu of the required 50 feet; <b>APPROVAL</b> of a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Veck Street, an Urban Local Street, to maintain a 27-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk; and <b>APPROVAL</b> of a Variance from Chapter 12.I of the Subdivision Ordinance requiring the installation of a wasterwater main within and/or adjacent to such subdivision.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Property Owner(s): Oak Cliff Metals & Recycling, Inc. Agent: Herb Hooker, SKG Engineering, LLC			
<b>STAFF CONTACT:</b>			
Jeff Fisher, Senior Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			

**Additional Information:** The applicant had received a Conditional Use approval from the Planning Commission on October 20, 2014, for a metal salvage and recycling facility on the properties which they now operate (CU14-12). One of the approval conditions was that the existing buildings were relocated outside the alleyways, or that these alleyways are abandoned and the applicant chose the latter. On December 6, 2016, City Council approved the applicant's request for abandonment of the alleys, with the condition that the applicant assembles all subject tracts of land along with the abandoned alleys into one replat to be secured and recorded within one year of the approval date, December 6, 2017. The subject replat, if approved, can be secured and recorded in sufficient time to meet the aforementioned approval condition of the alley abandonment request.

**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 "Industrial" in the City's Comprehensive Plan which supports the existing metal salvage and recycling facility use on the property. 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) combining the former alleys and separated lots into one platted lot; will provide safe streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation, utilizing the existing street network; and will insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development, as the replat will not change the current outer boundaries, maintaining existing traffic patterns (Statement O).

**VariANCES:** As indicated above, the applicant has submitted four variances: a Variance from Chapter 9.III.V of the Subdivision Ordinance to allow a 110-foot long portion of Veck Street to remain a caliche surface; a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Baze Street, an Urban Collector Street, to maintain a 33-foot street width in lieu of the required 50 feet; a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Veck Street, an Urban Local Street, to maintain a 27-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk; and a Variance from Chapter 12.I of the Subdivision Ordinance requiring the installation of a wastewater main within and/or adjacent to such subdivision. 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.**

**Chapter 9.III.V and 10.III.A.2 VariANCES:** The applicant believes that granting of the variances to maintain the existing street widths on North Baze Street and Veck Street, and a 110-foot easterly portion of Veck Street with a caliche surface, would not be detrimental to public safety. Engineering Services concur based on low traffic counts for this area, and that they believe the current street surfaces and widths should pose no public health or safety risks. The Planning Division also agrees and supports the variances from any additional improvements to North Baze Street and Veck Street.

All of the adjacent streets are already fully developed onto an existing narrower width which jogs around the subject property. Engineering Services affirmed they find the existing street width in this case acceptable. This portion of Veck Street acts as a dead-end street, providing access to the property 600 Veck Street, which utilizes the caliche portion behind the existing chain link fence for parking for their property. The City has no anticipated plans to pave this dead-end east of North Baze Street. All of the abutting landowners have full developed platted properties and Staff believes a variance from any improvements to Veck Street would not be detrimental to public safety.

Chapter 12.I: The applicant believes that the existing septic system is functional and exists on a large tract of land. Engineering Services supports the variance, given that the existing septic system has continued to provide service to the existing recycling facility on the property. Should any expansion or new construction occur however, Engineering Services indicated that they would re-evaluate the sewer service and system at that time. The original industrial buildings were erected in 1959 according to the Tom Green County Appraisal District website, and there are no permit records of any city sewer connections in past. Based on our research, and Engineering Services' support who approves plans and construction of any wastewater main, the Planning Division supports the variance from installing a wastewater main.

**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.**

Chapter 9.III.V and 10.III.A.2 Variances: The applicant believes that the site conditions are unique to this property in that there is only approximately 5 feet of public right-of-way between North Baze Street and the west property line, leaving the majority of available right-of-way to the west for street improvements. As indicated above, Engineering Services would support a variance from any street improvements along this portion of North Baze Street given low traffic volumes. Planning Staff disagree with the applicant's position that because there is more right-of-way on the west side of North Baze Street that this should be sufficient criterion for a variance from street improvements. However, Staff does concur that a variance should be granted on the grounds that North Baze Street acts more as a Local Street than a Collector Street.

Chapter 12.I: The applicant indicates that the current development, a metal salvage and recycling facility, does not require any domestic water and that the only available sewer is at an elevation that requires pumping the effluent as opposed to gravity flow or very minor amount of discharge. As indicated, Engineering Services supports the request given the existing facility is already utilizing the private septic system on the property to service their needs. Planning Staff support the request given that Engineering Services has confirmed that utilizing the existing private system would not be detrimental to public health, safety and welfare. However, should any expansion or new construction occur, a re-evaluation of the existing sewer system would be required.

**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.**

Chapter 9.III.V and 10.III.A.2 Variances: The applicant believes a hardship would result if the applicant had to make the required street improvements given existing physical surroundings, utilities, topographical conditions, drainage, and the existing roadway alignment which would not provide any improvement in functionality. Planning and Engineering Services both agree that the existing street widths and configuration along North Baze Street and Veck Street services the surrounding area sufficiently. The proposed replat would combine the existing lots and alleys into one lot, consistent with the existing buildings on the property. The overall configuration of the property, including its outer boundaries adjacent to the existing right-of-ways will not change.

Chapter 12.I: The applicant believes a hardship would result as they would be required to install a grinder pump for only a small amount of wastewater discharge. The Planning Division and Engineering Services supports a variance from any improvements for a wastewater main or related facility as the existing facility is serviced sufficiently with the existing private septic system.

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

Chapter 9.III.V and 10.III.A.2 Variances: The applicant believes the proposed variance requests from street improvements would not vary any other applicable ordinance, and embrace the existing right-of-ways and paving widths as a unified component of the existing neighborhood. Planning and Engineering Services agree that the existing street widths are sufficient and pose no safety risks to the public. As indicated, all of the adjacent lots are fully developed, including the industrial development to the east and residential properties to the west.

Chapter 12.I: The applicant believes the provisions of the Subdivision Ordinance would not be significantly varied in that the small amount of effluent generated by the recycling facility can already be handled by the existing, functional, septic system. Engineering Services and the Planning Division concur with the applicant, and are in support of the variance to allow the owner to utilize the existing private system.

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

**APPROVE** the Replat, "OCM Subdivision, Section One;"

**APPROVE** the Variance from Chapter 9.III.V of the Subdivision Ordinance to allow a 110-foot long portion of Veck Street to remain a caliche surface;

**APPROVE** a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Baze Street, an Urban Collector Street, to maintain a 33-foot street width in lieu of the required 50 feet;

**APPROVE** a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Veck Street, an Urban Local Street, to maintain a 27-foot street width in lieu of the required 40 feet or 36 feet with a 4-foot sidewalk; and,

**APPROVE** a Variance from Chapter 12.I of the Subdivision Ordinance requiring the installation of a wastewater main within and/or adjacent to such subdivision.

The following **four 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. Prior to final recordation of this replat, the applicant shall fulfill the conditions of approval of the associated alley abandonment located within the replat, approved by City Council on December 6, 2016:
  - Pay all recording fees related to the abandonment and authorized conveyances;
  - Pay the applicable fee per square foot for the sum of square feet of abandoned alley right-of-way pursuant to the Ordinance, facilitating the execution of a quit claim deed conveying the abandoned alleys to the applicant; [*Code of Ordinances, Section A9.008*] and,
  - The replat shall be secured and recorded with the Tom Green County Clerk within one year of the abandonment ordinance, by December 6, 2017, per the Alley Abandonment Approval, Oak Cliff Metals, by City Council December 6, 2016.

3. Per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to the adjacent segments of North Baze Street and Veck Street by half the additional increment necessary to comprise the minimum paving widths. For North Baze Street, an Urban Collector Street, the minimum paving width is 50 feet (in this case, requiring 8.5 feet additional feet with curb-and-gutter). For Veck Street, an Urban Local Street, the minimum paving width is 40 feet or 36 feet with a 4-foot sidewalk (in this case, requiring 6.5 feet additional feet with curb-and-gutter or 4.5 feet with a 4-foot 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 alternative would be to obtain approval of a variance from the Planning Commission, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV.
4. Per Land Development and Subdivision Ordinance, Chapter 12, prepare and submit plans for the installation of a new wastewater main within and/or adjacent to such subdivision. Alternatively, obtain approval of a variance from the Planning Commission, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV. Such variance would be for the existing development on the site and should there be any proposed expansion, new construction, or increase in sewage capacity in future, Engineering Services shall re-evaluate the sewer service and system at that time. The developer will be responsible for any upgrades to existing service, or installation of any wastewater lines or other improvements prior to development.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Proposed Replat  
Survey with Existing Buildings  
Application



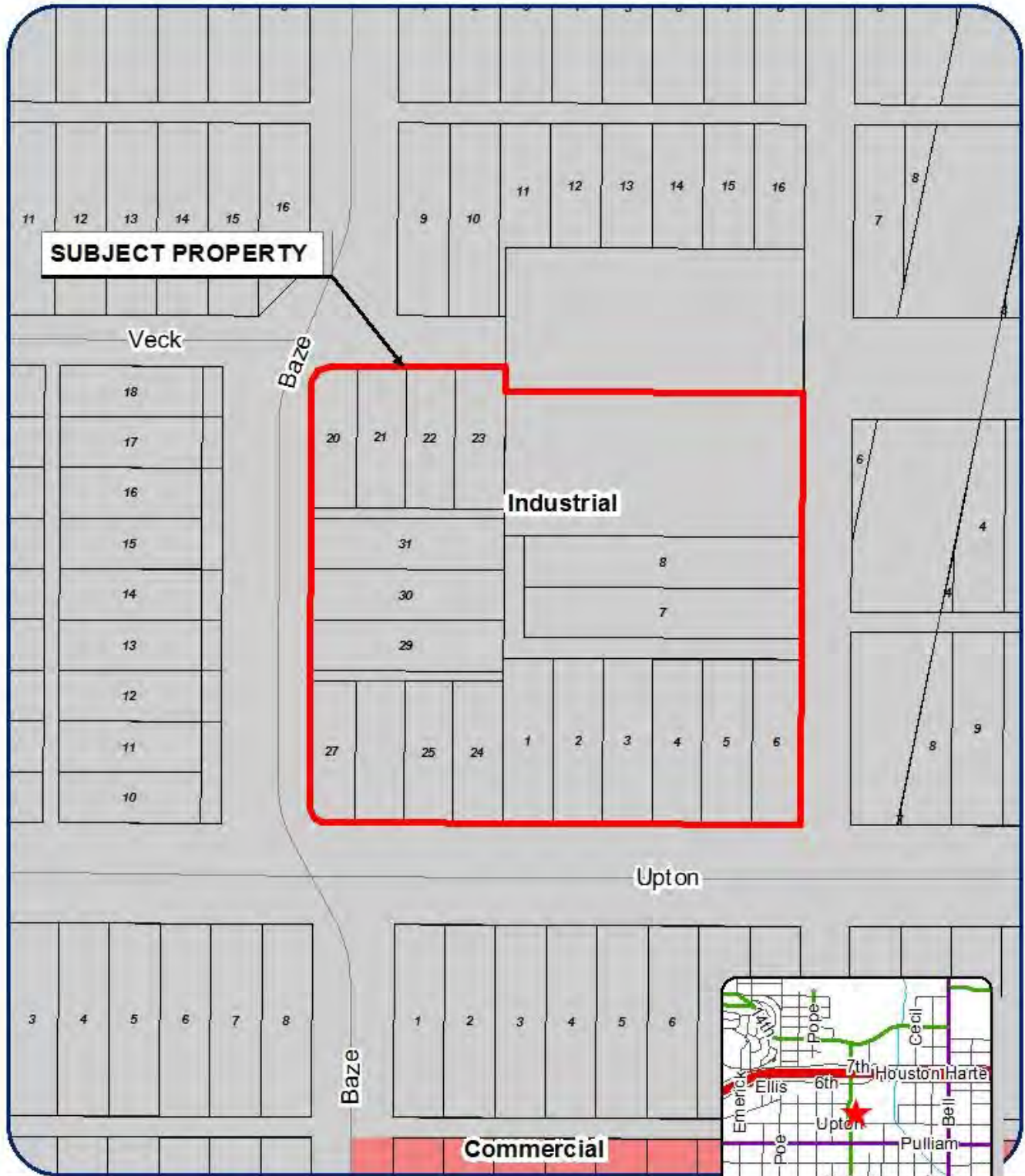
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, Aero, GeoMapping, User Contributed

**Subdivision Case File**  
**OCM Subdivision, Section One**

Council District: Harry Thomas (SMD#3)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 125 ft  
 Subject Property: 1000 and 1008 Upton Street

**Legend**  
 Subject Properties: —  
 Current Zoning: **ML**  
 Requested Zoning Change: **N/A**  
 Vision: **Industrial**

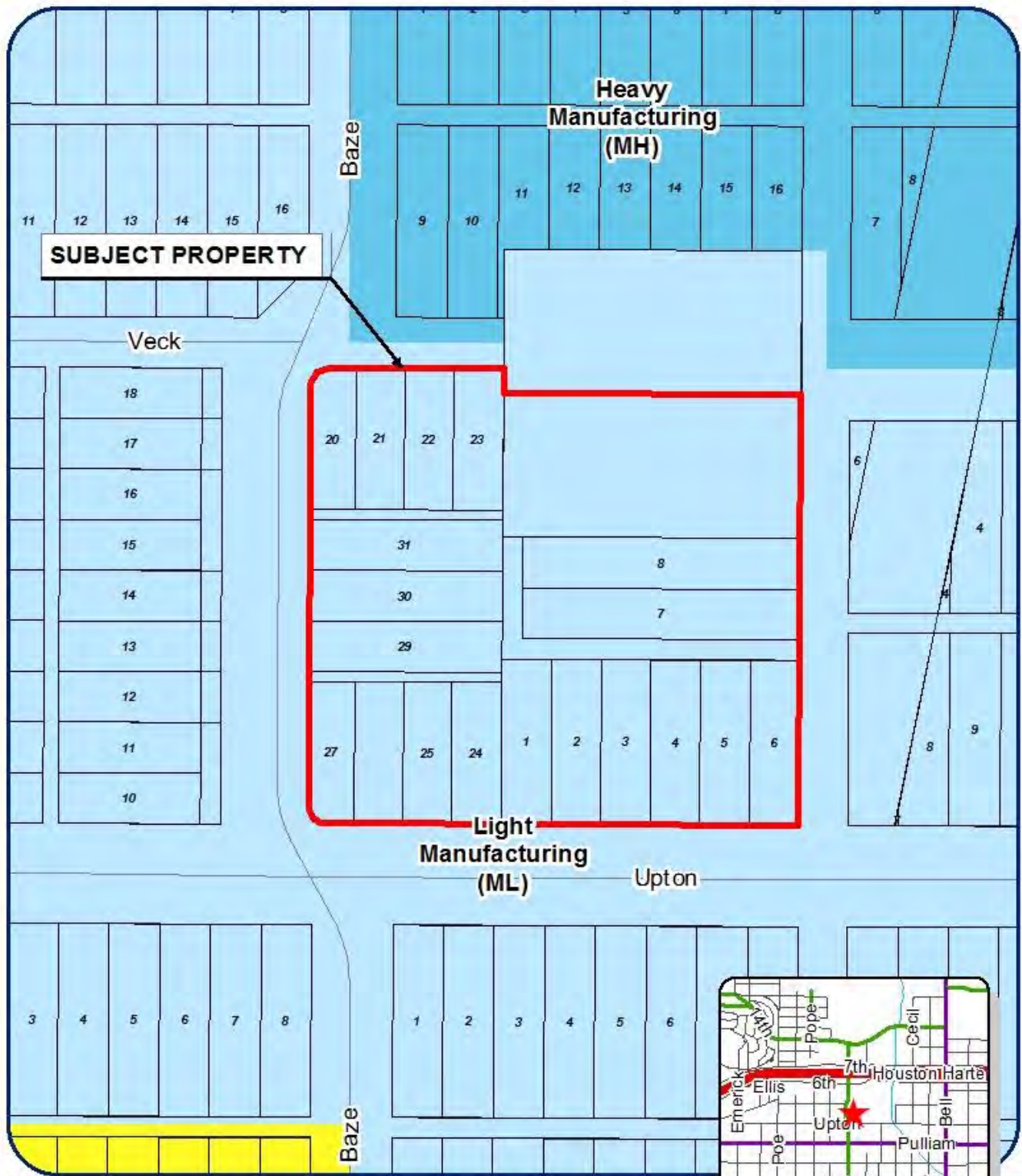




**Subdivision Case File**  
**OCM Subdivision, Section One**  
 Council District: Harry Thomas (SMD#3)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 125 ft  
 Subject Property: 1000 and 1008 Upton Street

**Legend**  
 Subject Properties: —  
 Current Zoning: ML  
 Requested Zoning Change: N/A  
 Vision: Industrial





**Subdivision Case File**

**OCM Subdivision, Section One**

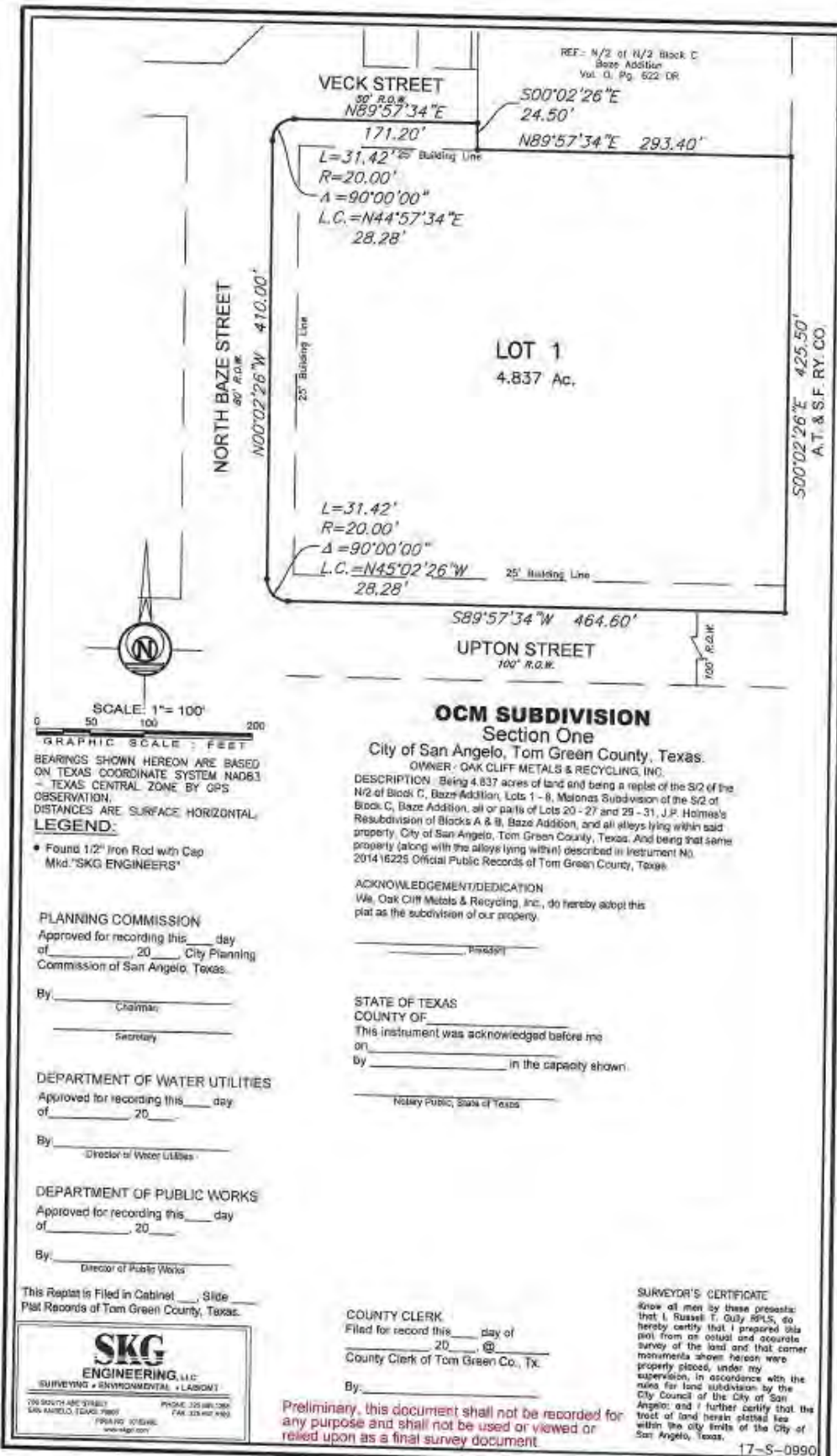
Council District: Harry Thomas (SMD#3)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 125 ft  
 Subject Property: 1000 and 1008 Upton Street

**Legend**

Subject Properties: —  
 Current Zoning: ML  
 Requested Zoning Change: N/A  
 Vision: Industrial







**OCM SUBDIVISION**  
 Section One

City of San Angelo, Tom Green County, Texas.  
 OWNER - OAK CLIFF METALS & RECYCLING, INC.  
 DESCRIPTION - Being 4.837 acres of land and being a replat of the S/2 of the N/2 of Block C, Baze Addition, Lots 1 - 9, Malona Subdivision of the S/2 of Block C, Baze Addition, all or parts of Lots 20 - 27 and 29 - 31, J.P. Holmes' Resubdivision of Blocks A & B, Baze Addition, and all alleys lying within said property, City of San Angelo, Tom Green County, Texas, and being that same property (along with the alleys lying within) described in Instrument No. 201416225 Official Public Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION  
 We, Oak Cliff Metals & Recycling, Inc., do hereby adopt this plat as the subdivision of our property.

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_  
 This instrument was acknowledged before me on \_\_\_\_\_ on \_\_\_\_\_ in the capacity shown.  
 Notary Public, State of Texas

SCALE: 1" = 100'  
 GRAPHIC SCALE: FEET

BEARINGS SHOWN HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 - TEXAS CENTRAL ZONE BY GPS OBSERVATION. DISTANCES ARE SURFACE HORIZONTAL.

- LEGEND:  
 • Found 1/2" Iron Rod with Cap Mkd. "SKG ENGINEERS"

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

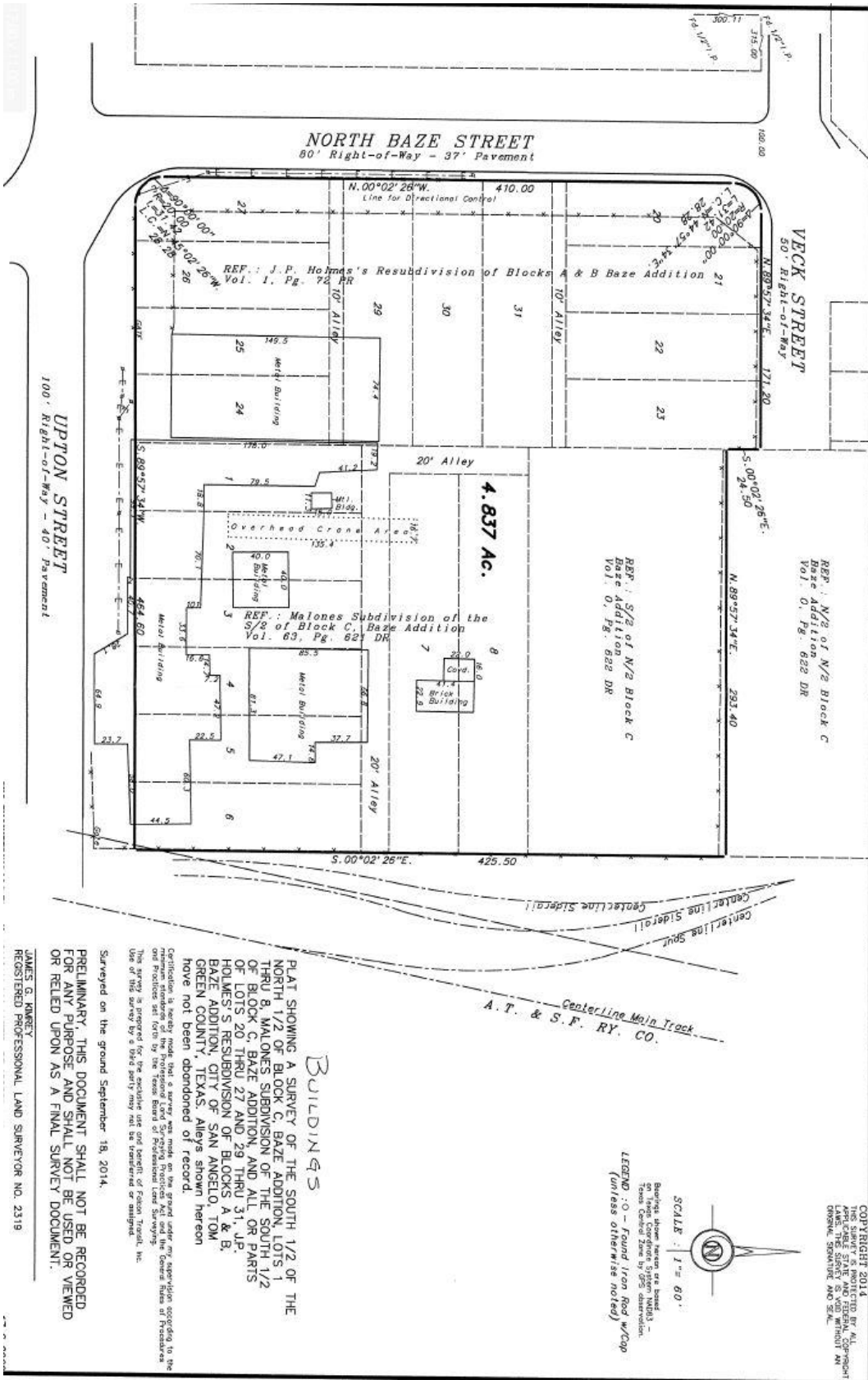
This Report is Filed in Cabinet \_\_\_\_\_, Slide \_\_\_\_\_  
 Plat Records of Tom Green County, Texas.

**SKG ENGINEERING, LLC**  
 SURVEYING • ENVIRONMENTAL • LABS/INT  
 100 SOUTH AVE STREET, SUITE 1000, SAN ANGELO, TEXAS 76901  
 PHONE: 325.481.2360 FAX: 325.481.4983  
 P.O. BOX 101846, SAN ANGELO, TEXAS 76909  
 www.skg.com

COUNTY CLERK  
 Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, @  
 County Clerk of Tom Green Co., Tx.  
 By \_\_\_\_\_

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

SURVEYOR'S CERTIFICATE  
 Know all men by these presents that I, Russell T. Gully SR., 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.



REF.: J. P. Holmes's Resubdivision of Blocks A & B Baze Addition  
 Vol. 1, Pg. 72 PR

REF.: S/2 of N/2 Block C  
 Baze Addition  
 Vol. 0, Pg. 822 DR

REF.: Malones Subdivision of the  
 S/2 of Block C, Baze Addition  
 Vol. 63, Pg. 823 DR

**BUILDINGS**

PLAT SHOWING A SURVEY OF THE SOUTH 1/2 OF THE NORTH 1/2 OF BLOCK C, BAZE ADDITION LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 OF BLOCK C, BAZE ADDITION, AND THE SOUTHWEST PARTS OF LOTS 20, 21 AND 22 OF BLOCKS A, B, C, HOLMES'S RESUBDIVISION OF BLOCKS A, B, BAZE ADDITION, CITY OF SAN ANGELO, TOWN OF GREEN COUNTY, TEXAS. ALIQUOTS HEREON HAVE NOT BEEN ABANDONED OF RECORD.

Correction is hereby made that a survey was made on the ground under the approval according to the laws of the State of Texas, and the same is hereby corrected to conform to the original survey and the plat thereof as filed by the Texas Board of Professional Land Surveyors.

This survey is prepared for the exclusive use and benefit of Faison Tractor, Inc.

Use of this survey by a third party may not be transferred or assigned.

Surveyed on the ground September 18, 2014.

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

**JAMES G. KANEV**  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2319



## 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

OCM Subdivision, Section One

Proposed Subdivision Name

Being a 2017 state official and being a member of the Board of the City of San Angelo, Texas, I, the undersigned, do hereby certify that the information provided in this application is true and correct.

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

R17996, R17997, R17998, R17999, R18007, R18006, R18005, R14286, R38221, R18000, R18001, R18002, R18003

Tax ID Number(s) (can be found on property tax statement or at [www.tomgreencad.com](http://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
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Property Owner:	Oak Cliff Metals & Recycling, Inc.	501.606.0631	al@conchoiron.com
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Name	Phone Number	Email Address
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Architect/Engineer/Design Professional:	SKG Engineering	325-855-1288	herbh@skge.com
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Name	Phone Number	Email Address
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Subdivision Type:  Final Plat  Replat - requiring Planning Commission approval  Plat Vacation  
 Preliminary Plat  Replat - administratively eligible\*  Amended Plat

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

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

### Section 2: Utility & Easement Information

Water:  City - requesting new services Proposed size? \_\_\_\_\_  
 City - utilizing existing services Existing size? 5/8"  
 Other Please specify: \_\_\_\_\_

Sewer:  City - requesting new services Proposed size? \_\_\_\_\_  
 City - utilizing existing services Existing size? \_\_\_\_\_  
 Other Please specify: \_\_\_\_\_  
 Septic System Lot size? 4.8 Ac.

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

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

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

**Section 3: Property Characteristics**  
4.837 1

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Total Acreage of Proposed Subdivision/Resubdivision Total Number of Lots Proposed

Existing Zoning:

RS-1  RS-2  RS-3  RM-1  RM-2  PD (include case number: \_\_\_\_\_)  
 R&E  CN  CO  CG  CG/CH  CBD  OW  ML  MH

Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units?  Yes  No  
*\*NOTE: If so, notification is required, and an additional notification fee is required.*

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

Vacant \_\_\_\_\_  Single-Family Residential \_\_\_\_\_  Office \_\_\_\_\_  
 Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing 4.837  Commercial/Retail \_\_\_\_\_

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

Vacant \_\_\_\_\_  Single-Family Residential \_\_\_\_\_  Office \_\_\_\_\_  
 Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing 4.837  Commercial/Retail \_\_\_\_\_

Are there existing structures on the property?  Yes  No  
If yes, how many structures exist? 2 What type of structures exist currently? Metal Buildings

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 1/4 miles of it.*

**Section 4: Variance Requests**

Are any variances for this application being requested?  Yes  No

If yes, provide all of the following information:

**Request 1:** Section & subsection from Subdivision Ordinance from which variance is requested: Ch 10 Sec II.A.2, Ch 9 Sec III.5 for Base St & Veck St

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, curb & guttered functional roadway and 80' ROW

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 for this site are unique in that the existing, curb&gutter roadway (37' width) is offset in the existing 80' right-of-way with only approximately 5' from the back of the curb to the property line. This existing segment of roadway is offset to the west from the north and south extensions so any widening should be on the other (west) side of the roadway and would not improve the functionality of the road.

(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, utilities, topographical conditions including existing drainage, and especially the existing roadway alignment a hardship to the owner would result with no appreciable improvement in functionality.

The variance will not, in any significant way, vary the provisions of applicable ordinances.  
 Approval of this variance will not, in any significant way, vary the provisions of the applicable ordinance because the existing, developed conditions embrace the ROW and pavement that presently function as a unified component of the existing neighborhood as viable examples of their function with respect to the ordinances.

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

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

Owner's Signature \_\_\_\_\_  
*Michael Hooten*  
 Representative's Signature \_\_\_\_\_

Date \_\_\_\_\_  
 08/16/2017  
 Date \_\_\_\_\_

**FOR OFFICE USE ONLY:**

Submitted to front desk: 8/21/17 Date Deemed preliminary complete: 8/21/17 9:05 AM Time gf Initials

Received by Development Services Technician for completeness review: 8/21/17 9:05 AM Time gf Initials

Completeness review passed?  Yes 8/21/17 Date  No \_\_\_\_\_ Date

If yes, when was application scheduled for staff review, if applicable? 8/30/17 Date gf Initials

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

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

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

Approvals required for this application:

	Approval Date	Case Number	Notes
Administrative Approval			
Planning Commission	<u>8/18/17</u>		
City Council (CSSES with appeal)			

Date of Approval Expiration: \_\_\_\_\_  
 Date Recorded: \_\_\_\_\_

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

**Section 4: Variance Requests**

Request \_\_\_\_\_: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: \_\_\_\_\_  
Chapter 12, Section I (all)

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 existing septic system is functional and exist on a very large tract of land.

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 are unique in that the existing manufacturing facility does not use any domestic water and the only available sewer main is at an elevation that would require pumping of the effluent as opposed to gravity flow for the very minor amount of discharge.

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.

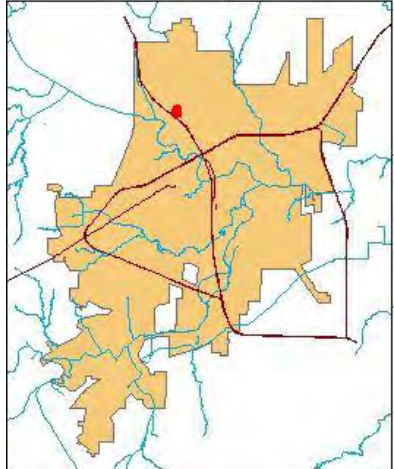
A hardship would result due to the difficulty of installing a grinder pump to service a very small amount of wastewater discharge.

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

This variance will not vary the provision of the ordinance because the small amount of effluent produced is capably handled by the existing, functional septic system on a large tract of land.

**PLANNING COMMISSION – September 18, 2017  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASES:</b>	
Planned Development (PD) Rezoning		PD17-01: 87 & 29, LLC	
<b>SYNOPSIS:</b>			
The applicant has submitted this Planned Development (PD17-01) rezoning request for a new three-story, 72-unit multifamily apartment complex (Kirby Commons) immediately west of PD16-01 (Kirby Park Villas) which was approved by City Council on June 12, 2016 for seniors independent living. The applicant has submitted a site concept plan, elevations of the three apartment buildings and future clubhouse, and a landscape plan. The proposed red brick veneer on the ground floor and tan color cement board siding on the upper floors will be consistent with these colors and materials approved as part of PD16-01. The applicant's site plan delineates sidewalk connections through the property, including sidewalks extending east to PD16-01 and north along a future road access to West 29 <sup>th</sup> Street.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
Unaddressed tract; generally located approximately 700 feet southwest of the intersection of Martin Luther King Drive and West 29 <sup>th</sup> Street.		Being 5.244 acres out of 15.704 acres in the Lakeview Towne Center Subdivision, Section One, Part of Lot 27, City of San Angelo, Texas.	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District #4 – Lucy Gonzales Blackshear Neighborhood		CG – General Commercial and CG/CH - General Commercial/Heavy Commercial	NC - Neighborhood Center
			<b>SIZE:</b> 5.244 acres
<b>THOROUGHFARE PLAN:</b>			
<b><i>There is currently no thoroughfare connection but the applicant's site plan delineates a future street connection to West 29<sup>th</sup> Street, an Urban Arterial Street</i></b>			
Required: 80' right-of-way, 64' pavement Provided: 90' right-of-way, 60' pavement (any additional widenings would be a required at the platting stage)			
<b>NOTIFICATIONS:</b>			
Nine notifications mailed within 200-foot radius on September 7, 2017. Zero were received in support or opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the proposed Rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments on the subject property, <b>subject to 8 conditions of approval.</b>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Property Owner: 87 & 29, LLC			
Applicant: Paul Holden, Zimmerman Properties, LLC			
<b>STAFF CONTACT:</b>			
Jeff Fisher, Senior Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			

**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 Planned Development (PD) Zoning with RM-2 development standards would appear to be consistent with the Comprehensive Plan's Future Land Use designation of "Neighborhood Center." Neighborhood Centers "promote a mix of various uses at key intersections to encourage the necessary infill, densification, and walkability necessary for Neighborhood Centers." This Neighborhood Center corridor includes large blocks of retail commercial development at the Martin Luther King Drive and West 29<sup>th</sup> Street intersection including Wal-Mart and the Lake View Towne Center retail plaza. The policies also state that "residents of neighborhoods should be able to meet their daily shopping needs within approximately ½ mile of their home." A Planned Development in this location to allow for a multifamily apartment complex would be consistent with the Neighborhood Center policies encouraging a mix of uses within this radius. In addition, the policies also recommend creating "new pedestrian linkages between neighborhoods and their associated Neighborhood Centers." The installation of new sidewalk connections extending east to the adjacent apartment complex and north to a future sidewalk on West 29<sup>th</sup> Street across from the Wal-Mart store provides additional convenience for residents. The residents of the new complex can satisfy their shopping needs within walking distance in a safe manner utilizing this sidewalk connection.
- 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 apartment complex will comply with the recommended High Rise Multifamily Residential (RM-2) development standards including minimum lot area, minimum lot width and depth, and all required setbacks. The RM-2 development standards allow a maximum density of 35 units/acre and the proposed 72 units over 5.244 acres would be only 40% of build-out capacity or 14 units/acre. The applicant's site plan delineates adequate parking at 134 parking spaces. The 42, 2-bedroom units require 1.75 spaces/unit and the 30, 3-bedroom units would require 2.0 spaces/unit for a total of 134. The proposed amendment would not appear to conflict with any portion of the Zoning Ordinance. A 26-foot wide fire access line as required by the Fire Marshall's Office has been provided through the site and in between parking aisles, exceeding the minimum 24-foot maneuvering area in the Zoning Ordinance for two-way traffic circulation. As a condition of approval, the applicant will be required to plat the property with a direct and abutting connection to a public street, as required by Chapter 9.III of the Land Development and Subdivision Ordinance. The site plan submitted delineates a future 26-foot wide abutting connection to West 29<sup>th</sup> Street, and this configuration would be consistent with the Ordinance requirement.
- 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 use will be compatible with surrounding land uses. The new apartment complex is immediately west of the recently approved seniors apartment complex to the east (PD16-01) and sidewalk connections to this development will provide a continuous flow of residential connectivity throughout the area extending east to Martin Luther King Drive. The development is also within walking distance of the Wal-Mart store, Walgreens pharmacy, and retail plaza to the north. A proposed stormwater detention pond at the southwest of the site, as well as future landscaping along the west side of the property, will provide adequate separation and screening from commercial uses along North Bryant Boulevard.



4. **Changed Conditions.** Whether and the extent to which there are changed conditions that require an amendment. The current CG and CG/CH zoning make sense for properties immediately abutting North Bryant Boulevard as commercial uses continue to develop here. However, the area to the east continues to be developed residentially, consistent with Kirby Park Villas (PD16-01) approved last year by City Council located immediately east, and the established residential neighborhood along Martin Luther King Drive further east. The previous PD16-01 also changed the CG zoning at the time to allow the Planned Development for seniors living. The subject multifamily apartment complex would be a logical extension of this development, providing a health balance of residential and commercial development, consistent with the Neighborhood Center designation in the City's Comprehensive Plan.
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. Staff does not believe there would be any adverse impacts on the natural environment from the proposed apartment complex. Future development will require building permits which would include a review of grading, drainage, and stormwater runoff to further ensure there are no negative environmental impacts. The applicant's site plan and landscape plan shows a stormwater detention pond at the southwest corner of the property which should mitigate any drainage issues and which will be reviewed by Engineering Services prior to development.
6. **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need. Planning Staff believe there is a community need for an apartment complex in this location, particularly one that is affordable. The City of San Angelo's Neighborhood Revitalization Plan updated in January 2014 designates the subject property within a "Community Development Target Area" for revitalization within the Blackshear Neighborhood. The report indicates that 71% of households in this neighborhood are considered low income. The applicant has indicated that 85% of the units will be income restricted, and only 15% will be rented at market rate, which will assist in meeting the Revitalization Plan objectives. In addition, the City of San Angelo Development Corporation provided a \$10,000 loan for construction of the project. The loan is pending awarding of the project by the Texas Department of Housing and Community Affairs as part of its Low Income Housing Tax Credit (LIHTC) program.
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 subject development will have access through a private driveway to Kirby Park Villas (PD16-01) located immediately to the east which will allow access to Martin Luther King Drive. As mentioned, while the subject zone change will only constitute an internal 5.244-acre tract adjacent to Kirby Park Villas, the site plan delineates a future connection to West 29<sup>th</sup> Street, a major arterial road designed to accommodate large traffic volumes. Planning Staff believe that the additional housing units will not adversely affect any current traffic patterns, given required access onto an existing arterial road in future, which can accommodate this additional traffic.

**Recommendation:**

Staff recommends **APPROVAL** of the proposed Rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments on the subject property, **subject to following 8 Conditions of Approval:**

1. Except as otherwise specified or limited below, the use and development of the subject property shall generally conform to the High Rise Multi-Family Residence (RM-2) Zoning District, unless specified as otherwise. All activities shall be limited to those associated with a multi-family development.
2. Overall site use shall be in accordance with the Concept Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.
3. Building facades shall be consistent and unified in architectural style, colors and materials, as detailed in the Building Elevations. The applicant shall submit a final color palette showing all proposed building colors to the Director of Planning & Development Services for approval. Additional building façade material types may be approved at the discretion of the Planning Director.
4. The applicant shall submit a Final Landscape Plan for review and approval by the Planning and Development Services Director prior to development showing additional screening along sides of the property adjacent to commercial zoning and uses. The final version may include such other revisions as deemed necessary by the Director.
  - A. Xeriscaping and water use reduction strategies shall be incorporated into overall landscape design through the use of drought tolerant plant species native and well suited to West Texas.
  - B. Landscaped areas may include planters, brick, stone, natural forms, or other landscape features that provide a park-like setting.
  - C. Landscaped areas, or plants, adjacent to pavement must be protected with a concrete curb or equivalent barrier such as:
    1. Asphalt curbs;
    2. Railroad ties (anchored);
    3. Rock or stone curbs (anchored); or
    4. Wheelstops (anchored).
  - D. Landscaping plant material shall be of healthy stock, be native and naturalized, and have low water requirements.
  - E. Dying or diseased landscaping plant material shall be replaced with an equivalent plant material.
  - F. Adequate soil depth and width to encourage healthy growth shall be provided.
  - G. The property owner shall be responsible for the irrigation of all required landscape areas and plant materials, utilizing one or a combination of the following methods:
    1. An automatic or manual underground irrigation system;
    2. A drip irrigation system;
    3. A rainwater capture system or equivalent; or
    4. Any other comparable method.
  - H. Landscaped areas planted with native grasses and wildflowers may use a temporary and above ground irrigation system and shall be required to provide irrigation only for the first 2 growing seasons.

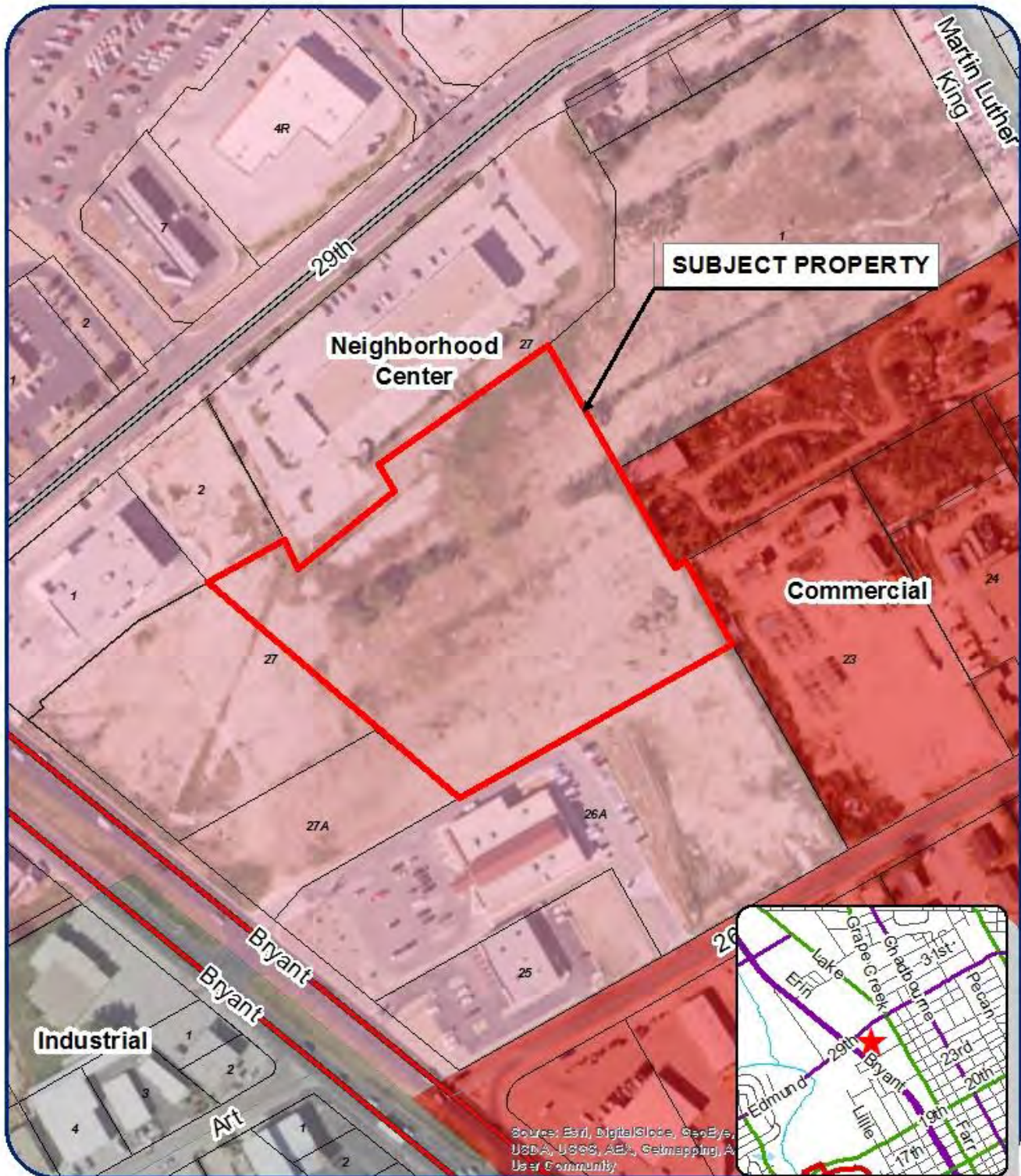
- I. Irrigation methods used shall:
    1. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant material on a permanent basis; and
    2. Be maintained and kept operational at all times to provide for efficient water distribution.
  - J. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
  - K. All landscaping plants on the approved Landscape Plan, shall be a minimum 4 inch caliper and a height of 3 feet at time of planting. Shrubs and other plant material shall be a maximum of 36 inches in height. Trees shall have a minimum 72 inch clearance from grade to the lowest branches.
5. An Urban Design Review for the buildings, coloring, materials, landscaping, fencing, and other site features shall be submitted and approved by the Planning Director, and be maintained on file in the offices of the Planning Division.
  6. The sidewalks as shown on the Concept Plan shall be no less than five feet in width, shall be installed prior to the issuance of a certificate of occupancy, and shall meet all TAS accessibility standards.
  7. No outdoor storage shall be allowed within the boundaries of this Planned Development District.
  8. No development shall occur until a Replat for the subject 5.244-acre property, as well as additional land that includes a minimum 26-foot wide direct and abutting access to a public street right-of-way is recorded with the Tom Green County Clerk.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Site Concept Plan  
Landscape Plan  
Color Renderings of Proposed Buildings  
Application



<b>Planned Development Case File</b>		<b>Legend</b>	
<b>PD17-01: 87 &amp; 29 LLC</b>		Subject Properties: ———	
Council District: Lucy Gonzales (SMD#4)		Current Zoning: CG and CG/CH	
Neighborhood: Blackshear		Requested Zoning Change: N/A	
Scale: 1" approx. = 175 ft		Vision: Neighborhood Center	
Subject Property: Unaddressed tract, 5.244 acres		N ▲	



**Planned Development Case File**

**PD17-01: 87 & 29 LLC**

Council District: Lucy Gonzales (SMD#4)  
 Neighborhood: Blackshear  
 Scale: 1" approx. = 175 ft  
 Subject Property: Unaddressed tract, 5.244 acres

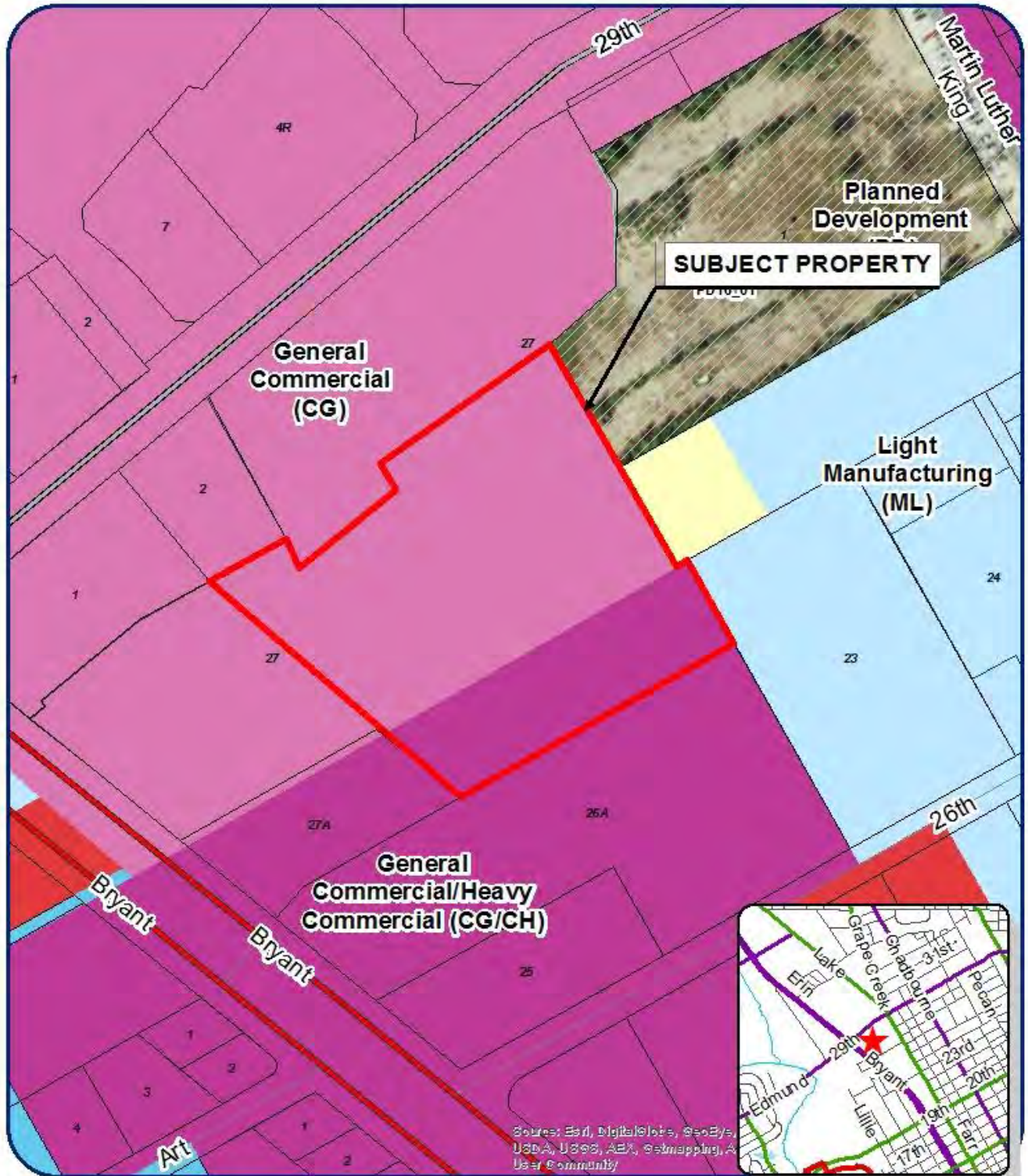
**Legend**

- Subject Properties: —
- Current Zoning: **CG and CG/CH**
- Requested Zoning Change: **N/A**
- Vision: **Neighborhood Center**



Sources: Esri, DigitalGlobe, GeoEye, USAID, USGS, Aero, GeoMapping, A User Community.

Si




**Planned Development Case File**

**PD17-01: 87 & 29 LLC**

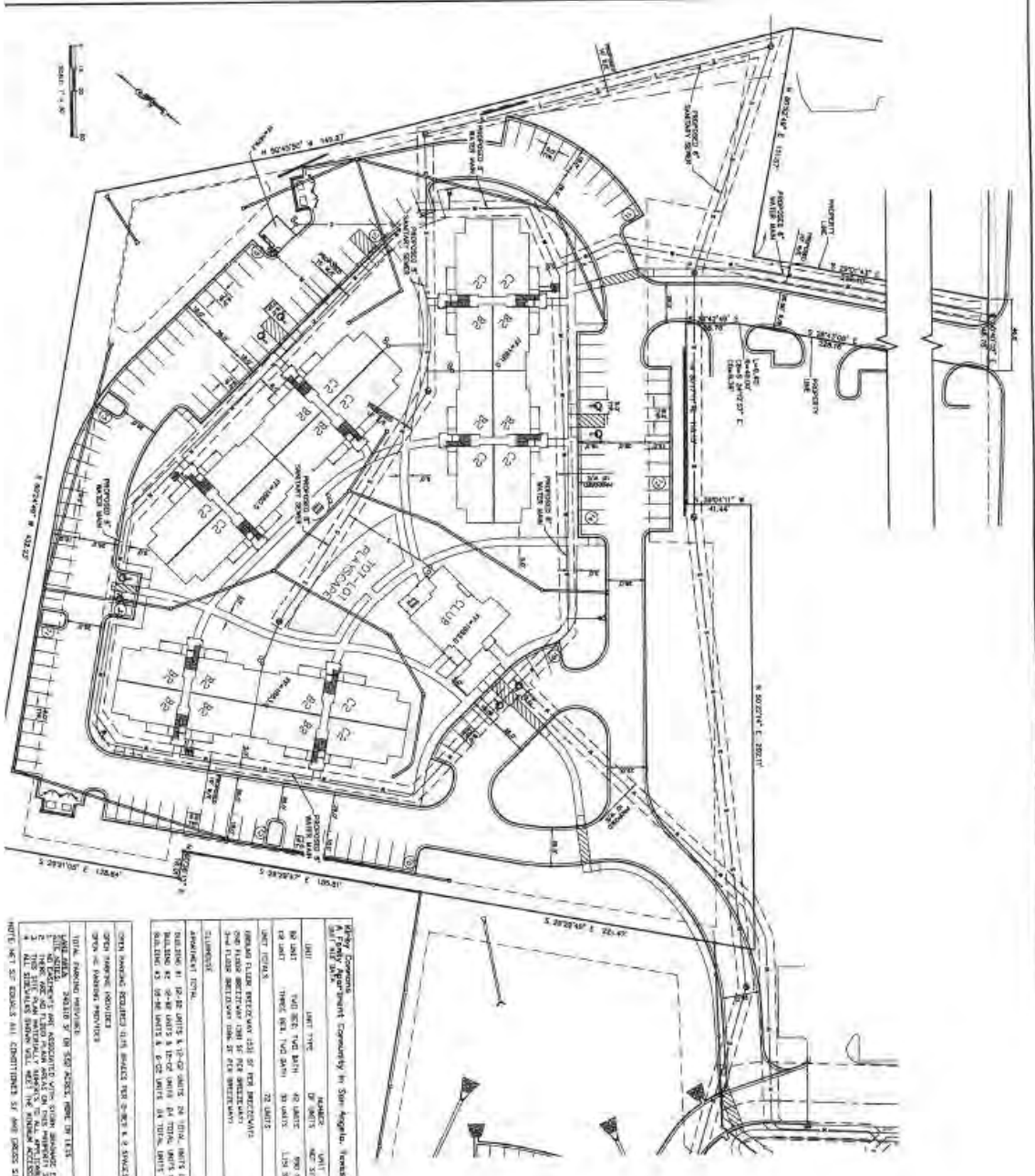
Council District: Lucy Gonzales (SMD#4)  
 Neighborhood: Blackshear  
 Scale: 1" approx. = 175 ft  
 Subject Property: Unaddressed tract, 5.244 acres

**Legend**

Subject Properties:   
 Current Zoning: **CG and CG/CH**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood Center**



### SITE CONCEPT PLAN



**Table 1: Floor Plate Capacity by Apartment Type**

UNIT TYPE	UNIT AREA (SQ FT)	UNIT COUNT	TOTAL UNIT AREA (SQ FT)
1200	1200	1200	1200
1500	1500	1500	1500
1800	1800	1800	1800
2100	2100	2100	2100
2400	2400	2400	2400
2700	2700	2700	2700

LEGEND:  
 (S) PROPOSED SIGNAGE  
 (P) PROPOSED PAVING  
 (C) PROPOSED CURBS  
 (D) PROPOSED DRIVEWAYS  
 (E) PROPOSED ELECTRICAL  
 (G) PROPOSED GAS  
 (H) PROPOSED HOV  
 (I) PROPOSED IRIGATION  
 (L) PROPOSED LIGHTING  
 (M) PROPOSED MAIL  
 (N) PROPOSED NETWORK  
 (O) PROPOSED OTHER



## LANDSCAPE PLAN



Scale: 1"=20'-0"

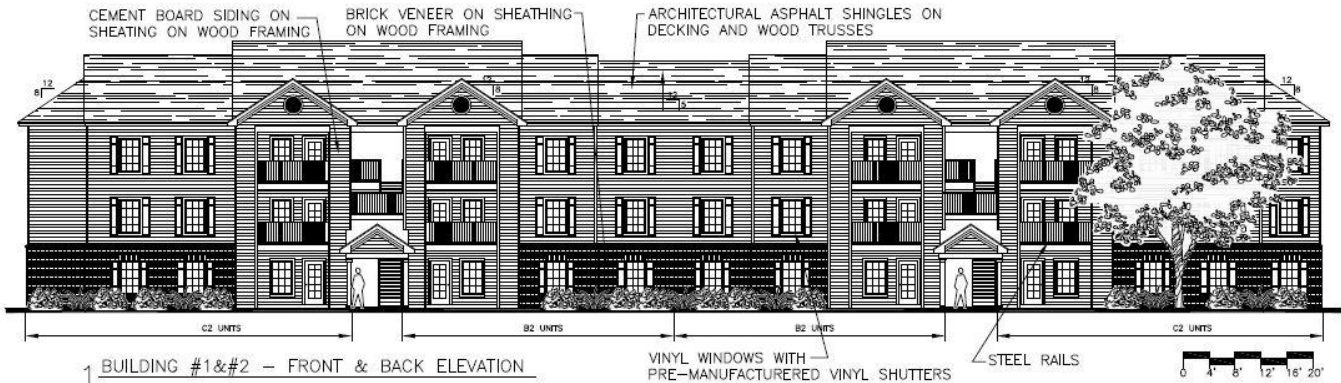
**Kirby Co.**  
 Site: 807015710001  
 17-01-01

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	09/18/17	...
2	...	...	...





**BUILDING 1 AND 2 ELEVATIONS  
 (COLORS AND MATERIALS TO MATCH PD16-01 BELOW)**



1 BUILDING #1&#2 – FRONT & BACK ELEVATION



2 BUILDING #1&#2 – TYPICAL END ELEVATION

**FINISH COLORS**  
 NOTE: ALL COLORS TO MATCH PHASE I SCHEME

ROOF	WEATHERWOOD
SIDING COLOR	SW2841 WEATHERED SHINGLE
TRIM COLOR	SW WHITE
BRICK	ACME CRIMSON
WINDOW	WHITE VINYL
DOOR	SW2731 OLIVE BROWN
COLUMNS	WHITE
STEEL RAILS	BLACK

**Apartment Exterior Finishes**

Total Cement Board	
Cement Board Siding Area	= (+/-80%)
Total Brick Area	= (+/-20%)
Total Masonry Finish	= (100%)

**Kirby Commons**  
 72 Unit Family Community in San Angelo, Texas



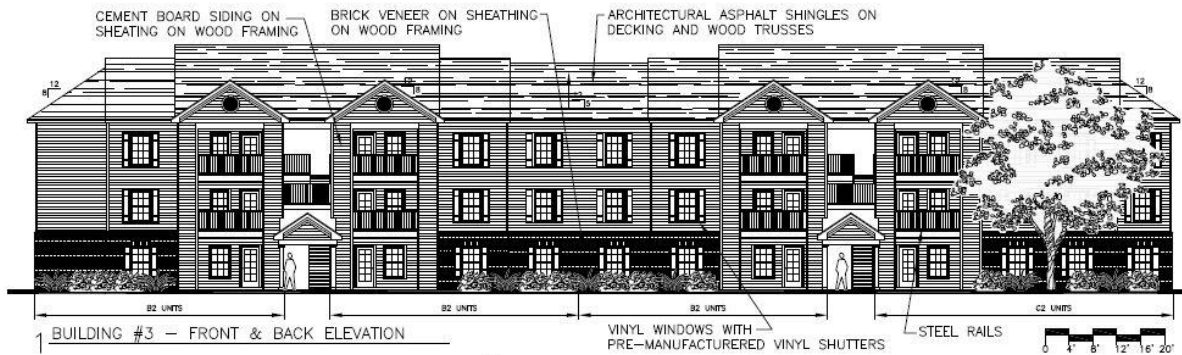
**FINISH COLORS**

ROOF:	WEATHERWOOD	WINDOW:	VINYL WHITE
SIDING COLOR:	SW2841 WEATHERED SHINGLE	DOORS:	SW2731 OLIVE BROWN
TRIM COLOR:	SW WHITE	SHUTTERS:	10 MUSKET BROWN
BRICK:	ACME CRIMSON	COLUMNS:	WHITE
		RAILINGS:	BLACK



1 EAST – BACK ELEVATION

**BUILDING 3 ELEVATIONS  
 (COLORS AND MATERIALS TO MATCH PD16-01 BELOW)**



1 BUILDING #3 – FRONT & BACK ELEVATION



2 BUILDING #3 – END ELEVATION



3 BUILDING #3 – END ELEVATION

FINISH COLORS	
NOTE: ALL COLORS TO MATCH PHASE I SCHEME	
ROOF	WEATHERWOOD
SIDING COLOR	SW2841 WEATHERED SHINGLE
TRIM COLOR	SW WHITE
BRICK	ACME CRIMSON
WINDOW	WHITE VINYL
DOOR	SW2731 OLIVE BROWN
COLUMNS	WHITE
STEEL RAILS	BLACK

Apartment Exterior Finishes	
Total Cement Board	
Cement Board Siding Area	= (+/-80%)
Total Brick Area	= (+/-20%)
Total Masonry Finish	= (100%)

# Kirby Commons

72 Unit Family Community in San Angelo, Texas



Parker Associates  
Tulsa, LLC  
2202 East 49th Street, #200  
Tulsa, Oklahoma 74110  
(918) 742-2468



VCZ-O'Brien  
Development  
LLC  
1750 E. Republic Rd.  
P.O. Box 3723  
Tulsa, OK 74101

FINISH COLORS	
ROOF:	WEATHERWOOD
SIDING COLOR:	SW2841 WEATHERED SHINGLE
TRIM COLOR:	SW WHITE
BRICK:	ACME CRIMSON

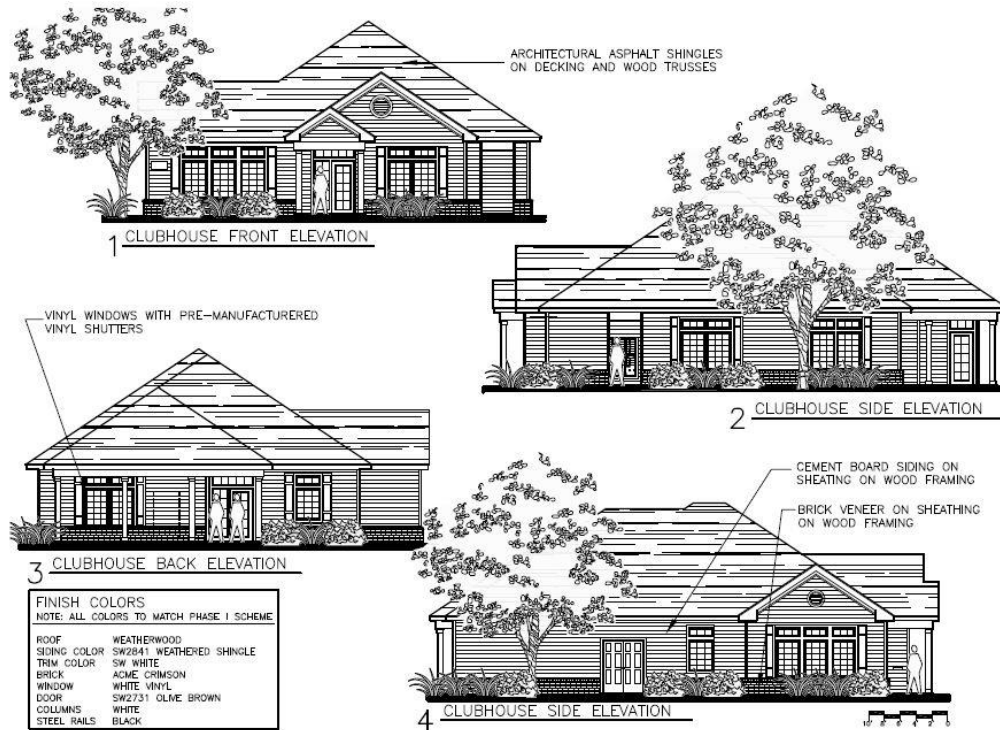
  

WINDOW:	VINYL WHITE
DOORS:	SW2731 OLIVE BROWN
SHUTTERS:	10 MUSKET BROWN
COLUMNS:	WHITE
RAILINGS:	BLACK



1 EAST – BACK ELEVATION

## CLUBHOUSE ELEVATIONS (COLORS AND MATERIALS TO MATCH PD16-01 BELOW)



FINISH COLORS	
NOTE: ALL COLORS TO MATCH PHASE 1 SCHEME	
ROOF:	WEATHERWOOD
SIDING COLOR:	SW2841 WEATHERED SHINGLE
TRIM COLOR:	SW WHITE
BRICK:	ACME CRIMSON
WINDOW:	WHITE VINYL
DOOR:	SW2731 OLIVE BROWN
COLUMNS:	WHITE
STEEL RAILS:	BLACK

**Kirby Commons**  
 72 Unit Family Community in San Angelo, Texas



9 x 11.00 in.

FINISH COLORS		WINDOW:	VINYL WHITE
ROOF:	WEATHERWOOD	DOORS:	SW2731 OLIVE BROWN
SIDING COLOR:	SW2841 WEATHERED SHINGLE	SHUTTERS:	10 MUSKET BROWN
TRIM COLOR:	SW WHITE	COLUMNS:	WHITE
BRICK:	ACME CRIMSON	RAILINGS:	BLACK



1 EAST — BACK ELEVATION

## Zimmerman Properties, LLC

February 23, 2017

Rebeca Guerra  
City of San Angelo  
52 W. College Avenue  
San Angelo, Texas 76903

Re: Kirby Commons Apartments  
Hold Harmless Agreement  
5.244-acres of land  
W. 29th Street and Bryant Blvd.  
San Angelo, Texas

Dear Rebeca:

Please be advised that Zimmerman Properties, LLC and the ZP Kirby Park Commons, LP has submitted a request for zoning change, and hereby agrees to hold the City of San Angelo, Texas and the members of the Zoning Commission, City Council, Mayor, and any other person or department of the city harmless in the event that the zoning request that has been submitted is denied or is not approved by the Zoning Commission or City Council for any reason.

Sincerely,



Paul Holden

**Fisher, Jeff**

---

**From:** info@cosatx.us  
**Sent:** Friday, February 24, 2017 2:22 PM  
**To:** Fawver, AJ, Guerra, Rebeca; Fisher, Jeff; Fee, David; Stallworth, David  
**Subject:** City of San Angelo, TX: Zone Change application

A new entry to a form/survey has been submitted.

**Form Name:** Zone Change application  
**Date & Time:** 02/24/2017 12:21 PM  
**Response #:** 5  
**Submitter ID:** 15290  
**IP address:** 24.155.69.168  
**Time to complete:** 24 min. , 17 sec.

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Survey Details

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Page 1

This application must be signed and dated before it will be processed. To sign the application, visit the Planning division in the Community Development Building, 52 W. College Ave., adjacent to City Hall. Offices are open from 8 a.m.-noon and from 1 p.m.-5 p.m. Mondays-Fridays. For more information, call [325-657-4210](tel:325-657-4210).

1. Applicant info:

**Name of applicant(s):** Paul Holden, Zimmerman Properties, LLC  
**Owner or representative** 89 & 29, LLC  
**(affidavit required for the latter):**  
**Mailing address (street, city, state, ZIP):** 300 S. CM Allen Parkway, San Marcos, TX 78666  
**Telephone:** 512-970-8250  
**Email:** pholden52@gmail.com

2. Location info:

**Subject property address and/or location:** 617 W. 29th Street, San Angelo, TX 76903  
**Legal description:** A portion of Lot 27, section One, Lake View Town Center, City of San Angel, Tom Green County, TX.  
**Lot size:** 5.244-Acres  
**Zoning:** CG - General Commercial  
**Existing use of property:** Vacant Land  
**Proposed use of property:** Multifamily  
**Requested zone change:** PD

3. I acknowledge the information provided above is true and correct.  
(o) Yes

**PLANNING COMMISSION – September 18, 2017**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Planned Development (PD) Rezoning	PD17-04, Hughes (Red Arroyo Inn)

**SYNOPSIS:**  
 The applicant originally applied for, and had approved, a Conditional Use (CU17-06) to allow for Household Living in the General Commercial 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. While the CU fixed the legal situation, the applicant has indicated he cannot meet the International Building Code (IBC) requirement for apartments. The Red Arroyo can be modified to become boarding rooms, however, boarding rooms are not a permitted land use under Household Living: they are classified as Group Living. Since Group Living is not allowed through a Conditional Use, the applicant is best served by a rezoning to Planned Development. This will allow boarding rooms (and apartments if the applicant ever chooses to do a major remodel) and the continuation of the current retail establishments located on the same lot.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
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.

<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
SMD District #6 – Charlotte Farmer Bluffs Neighborhood	General Commercial (CG)	Commercial	4.65 acres

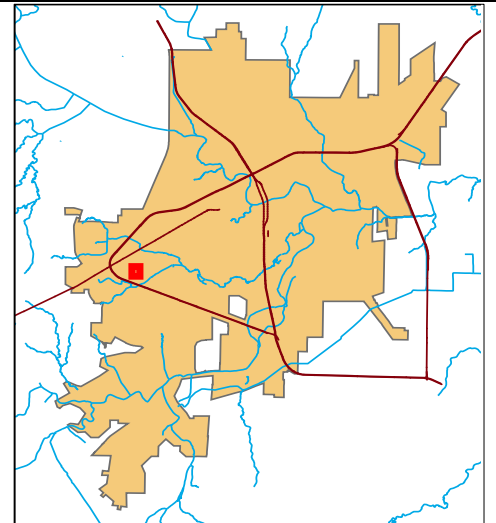
**THOROUGHFARE PLAN:**  
**Sherwood Way** – Major Arterial, Required 80’ min. ROW, 64’ min. pavement.  
 Actual 122’ ROW, 64’ pavement.

**NOTIFICATIONS:**  
 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 Rezoning from the General Commercial (CG) Zoning District to the Planned Development (PD17-04) Zoning District to allow for a Household Living, Group Living, and Retail Sales & Services.

**PROPERTY OWNER/PETITIONER:**  
*Property Owner(s):*  
 James Hughes  
  
*Agent:*  
 Robert Trevino, Angelo Trucking

**STAFF CONTACT:**  
 Kristina Heredia  
 Staff Planner  
 (325) 657-4210, Extension 1546  
[kristina.heredia@cosatx.us](mailto:kristina.heredia@cosatx.us)



**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 Zoning Ordinance allows for the possibility of Household Living and Group 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. The creation of a Planned Development is the best solution to allow the applicant the ability to keep all the businesses that are currently in existence as well as to bring the Red Arroyo into compliance with City plans and policies. 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 the Zoning Ordinance allows for Household Living to be located in a commercial zoning district through the use of a Conditional Use, Group Living is not allowed through the same process. As the Red Arroyo was already granted a Conditional Use for Household Living, the best remedy for the situation is to supersede the Conditional Use, but allow Household Living to carry forth through the Planned Development, which also will also the necessary Group Living. A rezoning to a PD allows the applicant to keep the land use of Household Living that was granted, as well as the ability to utilize the Red Arroyo in its current setup which is consistent with Group Living as boarding rooms. Lastly, as there are two retail businesses located on the same lot, a PD will allow the continued use of those businesses without hindering their development.
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. **Changed Conditions. *Whether and the extent to which there are changed conditions that require an amendment.*** In May 2017, the applicant was approved for a Conditional Use to allow for Household Living. However, due to the current layout of the rental units, the applicant has indicated that it is more feasible for the Red Arroyo to convert to Group Living in a boarding room style than to convert to apartment homes. The change from a Conditional Use to a Planned Development is the only change necessary to allow the Red Arroyo to continue to function in its current capacity.

5. **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/boarding room facility. There may be construction impacts that will occur as the inn is updated to the correct standards for Group Living versus a Hotel/Motel setup, but it is anticipated that those effects will be short-lived and minimal in nature.
6. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. The fact that the Red Arroyo has current residences suggests that there is a tangible community need for multi-family and/or affordable housing opportunities in San Angelo.
7. **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 rezoning to a Planned Development would appear to result in a logical pattern of development in the area.

**Recommendation:**

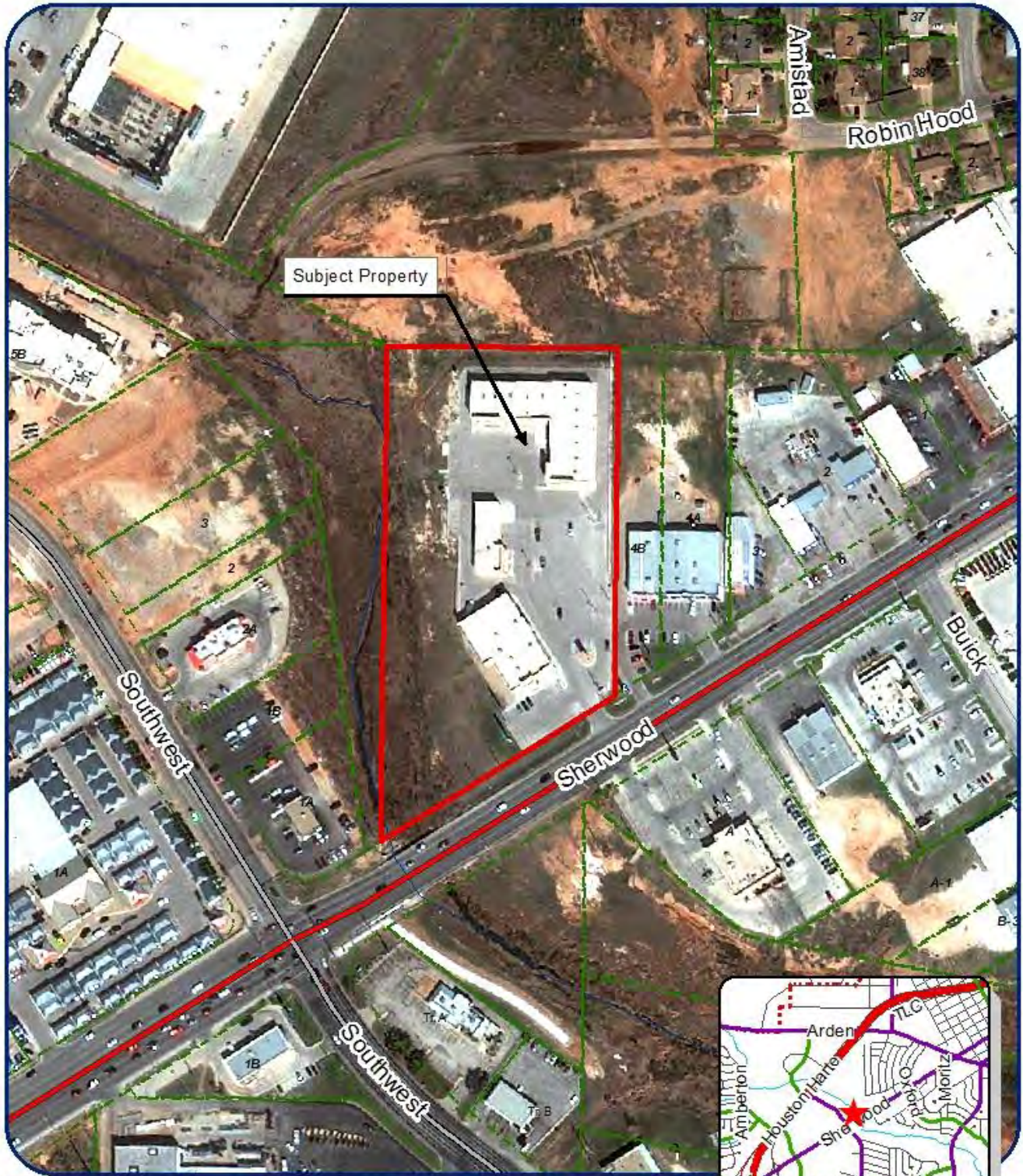
Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed Rezoning from the General Commercial (CG) Zoning District to a Planned Development (PD17-04) Zoning District to allow, **subject to the following two Conditions of Approval:**

1. The applicant shall obtain a Change of Occupancy to allow for Multi-Family Residential (R2) occupancy from the Permits and Inspections Division within one hundred and twenty (120) days from the City Council's approval of a rezoning to Planned Development Zoning District.
2. No units that are currently vacant shall be rented out as boarding rooms until the new Certificate of Occupancy is issued.


**Attachments:**

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

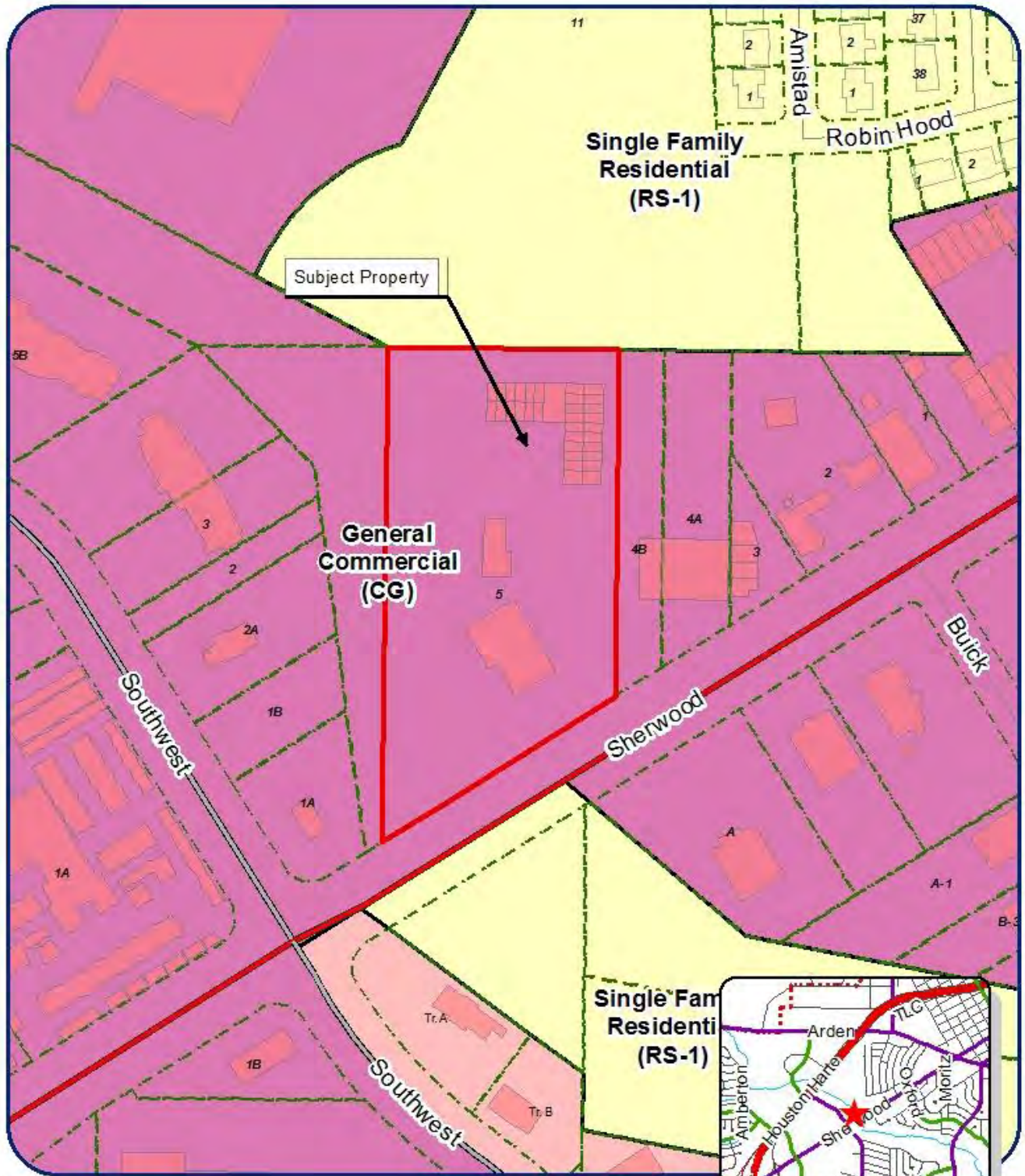




**Aerial Map**  
**4268 Sherwood Way**  
Council District: Charlotte Farmer  
Neighborhood: Bluffs  
Scale: 1" approx. = 200 ft

**Legend**  
Subject Properties:   
Current Zoning: **CG**  
Requested Zoning Change: **PD**  
Vision: **Commercial**





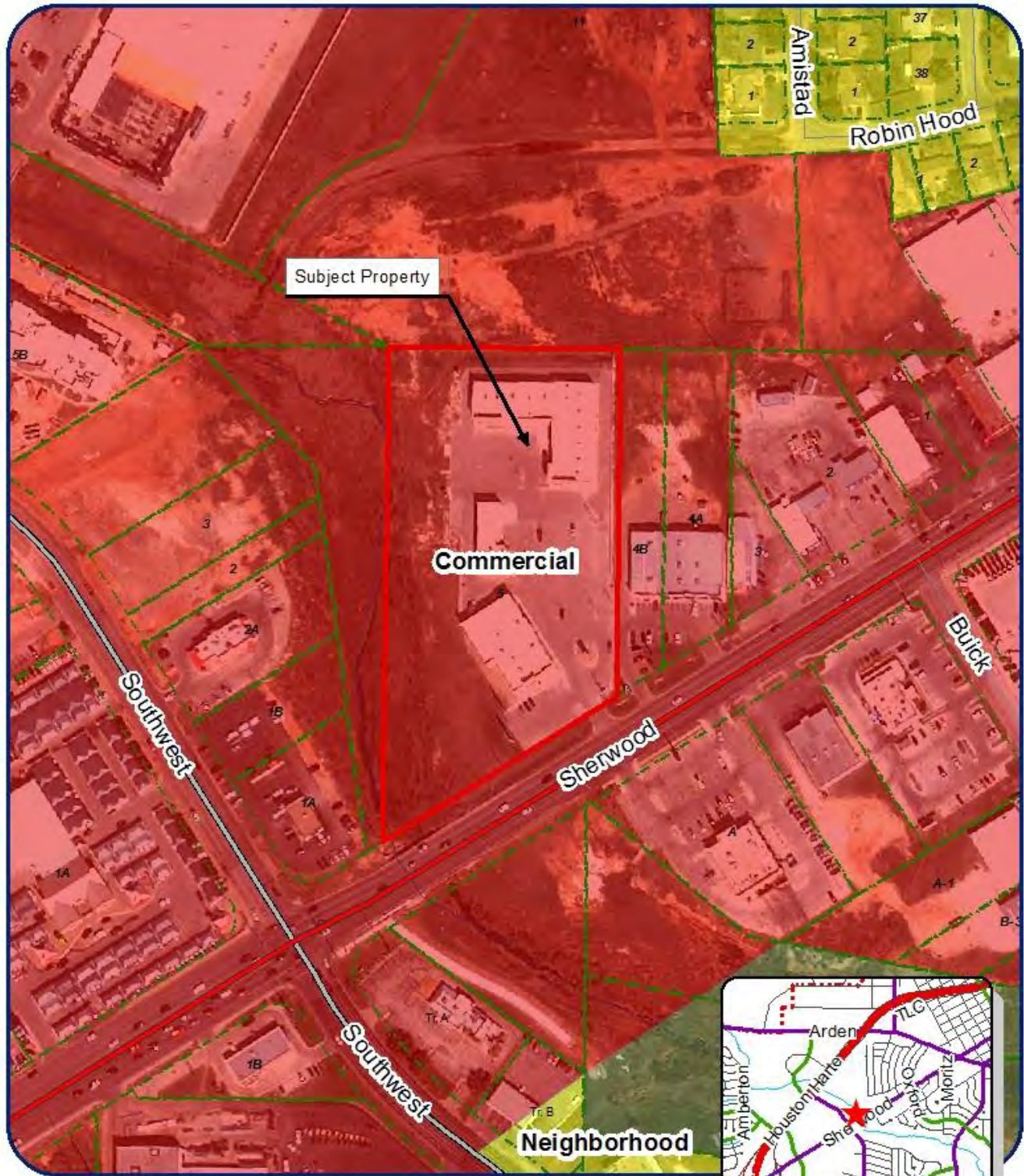
**Zoning Map**  
**4268 Sherwood Way**

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

**Legend**

- Subject Properties: —
- Current Zoning: CG
- Requested Zoning Change: PD
- Vision: Commercial

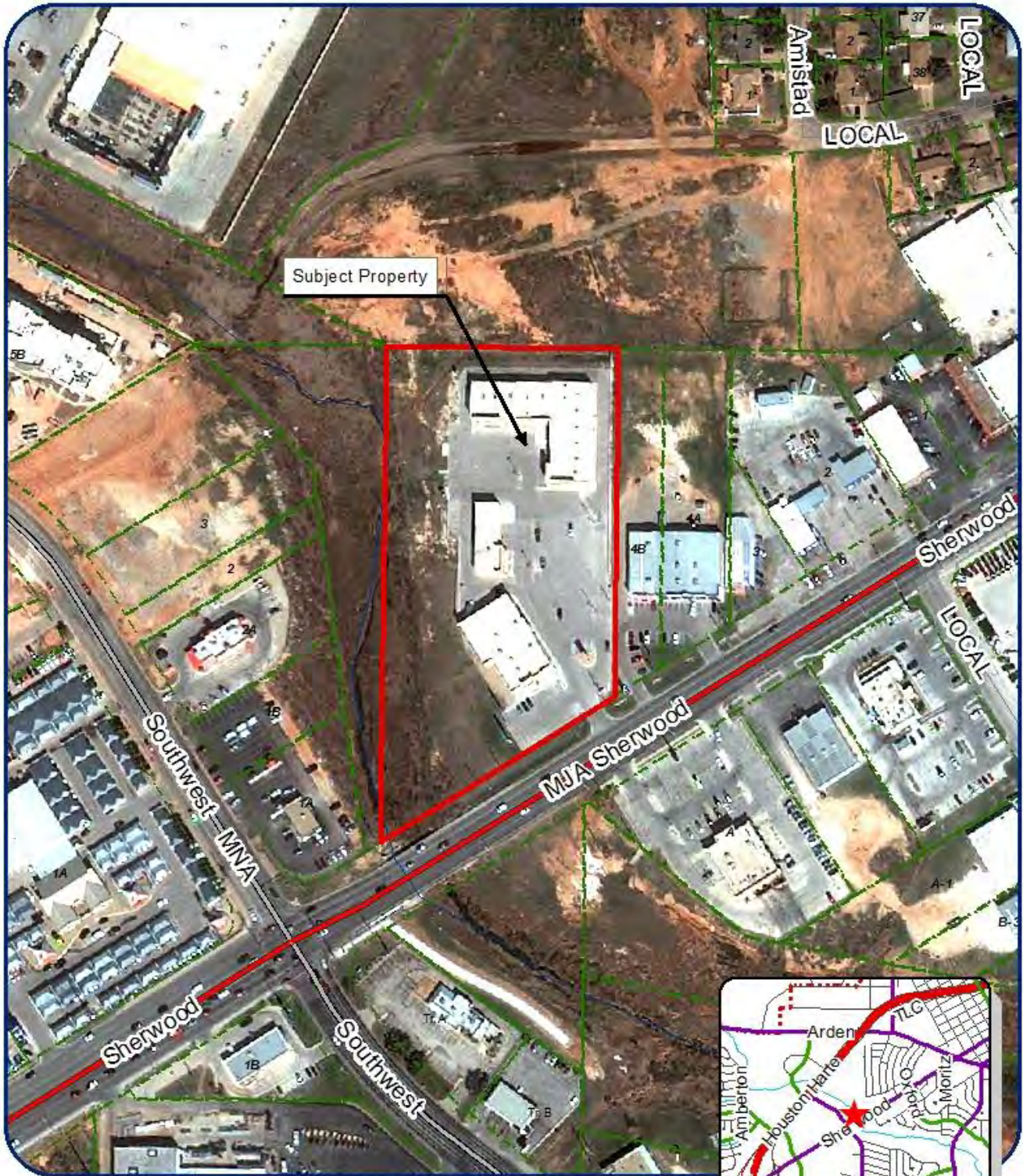




**FLU Map**  
**4268 Sherwood Way**  
 Council District: Charlotte Farmer  
 Neighborhood: Bluffs  
 Scale: 1" approx. = 200 ft

**Legend**  
 Subject Properties:   
 Current Zoning: **CG**  
 Requested Zoning Change: **PD**  
 Vision: **Commercial**



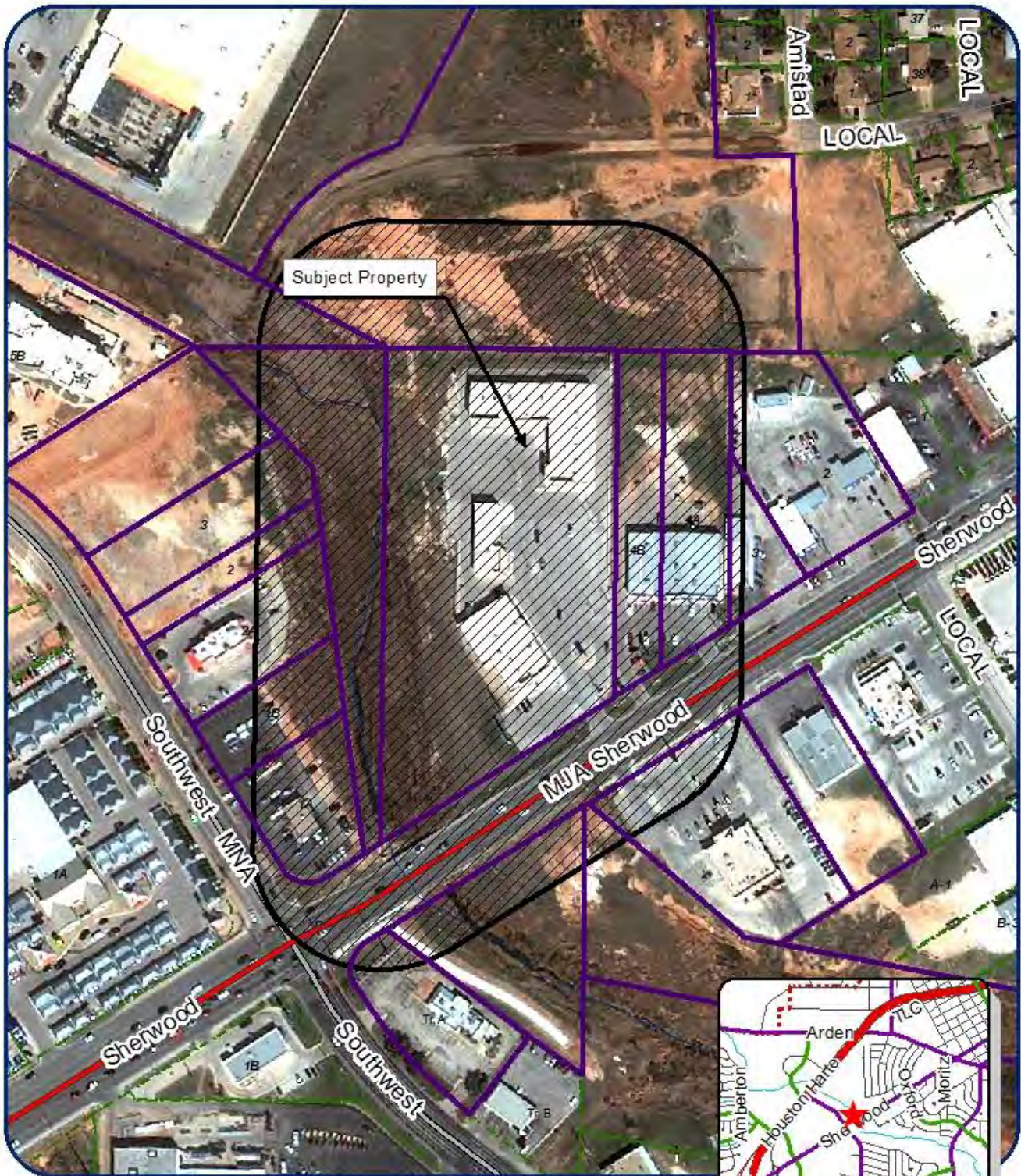


**Thoroughfare Map**  
**4268 Sherwood Way**

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


- Legend**
- Subject Properties: —
  - Current Zoning: CG
  - Requested Zoning Change: PD
  - 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: **PD**  
Vision: **Commercial**



Site Photos

Front of Property



For Rent Sign



East



West



Entire Property



South





**PLANNING COMMISSION – September 18, 2017  
STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Rezoning	Z17-12: COSA / Sunset Mall

**SYNOPSIS:**  
This is an application to rezone 92.36-acres of land consisting of Sunset Mall and surrounding properties from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District. There are also three properties that are zoned both CG/CH and CG (General Commercial), that will be rezoned completely to CG. This rezoning application arises from a Planning Commission directive to rezone properties from the defunct CG/CH to the General Commercial Zoning District.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
At and around Sunset mall, generally located on Sunset Drive and Southwest Boulevard, between Sherwood Way and Southwest Boulevard.	Sections of College Hills South Addition, Sunset Mall Addition and Abstract 3944

<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
SMD #6 – Billie DeWitt Sunset Neighborhood	General Commercial/Heavy Commercial (CG/CH)	Commercial	92.36 acres

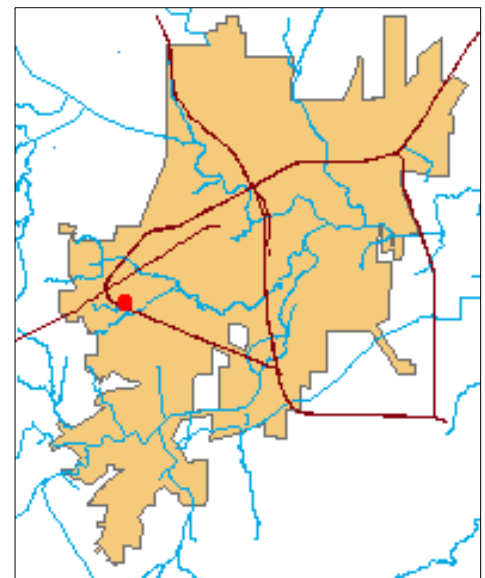
**THOROUGHFARE PLAN:**  
**Sunset Drive** – Major Collector, Required 60’ min. ROW, 50’ min. pavement  
 Actual 80’ ROW, 64’ paving width  
**Southwest Boulevard** – Minor Arterial, Required 80’ min. ROW, 64’ min. pavement  
 Actual 100’ ROW, 64’ paving width  
**W Loop 306 Frontage Road** – Freeway (No established standards for ROW or pavement width)  
 Actual 80’ ROW, 34’ paving width  
**Wellington Street** – Local Street, Required 50’ min. ROW, 36’ min. pavement with sidewalk, or 40’ without sidewalk  
 Actual 50’ ROW, 40’ pavement with no sidewalk

**NOTIFICATIONS:**  
72 notifications were mailed within a 200-foot radius on August 28, 2017.  
Eight responses have been received in support and one in opposition.

**STAFF RECOMMENDATION:**  
Staff recommends **APPROVAL** of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District, and **APPROVAL** from the General Commercial and General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District

**PROPERTY OWNER/PETITIONER:**  
  
*Property Owner(s):*  
Multiple Owners  
  
*Petitioner:*  
City of San Angelo

**STAFF CONTACT:**  
  
 Kristina Heredia  
 Staff Planner  
 (325) 657-4210, Extension 1546  
[kristina.heredia@cosatx.us](mailto:kristina.heredia@cosatx.us)



**Rezoning:** 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 City no longer utilizes the zoning district of General Commercial/Heavy Commercial and pursues the removal and replacement of this district with an appropriate zone as the situation arises.
2. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance. The mall and surrounding properties all function under the land use of Retail Sales and Services. This type of use is more compatible with the General Commercial Zoning District than the General Commercial/Heavy Commercial Zoning District.
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. As this area is entirely devoted to a retail commercial environment, a zone that allows heavy commercial is not compatible with the surrounding area. By changing the zoning district to a lighter, though more compatible, zone the City enables that new development in the area stays consistent with City priorities and neighborhood trends.
4. **Changed Conditions.** Whether and the extent to which there are changed conditions that require an amendment. City Council made the decision to eliminate the CG/CH zoning district and phase out existing such zoning over time. As the Planning Department receives cases where the continued use of the CG/CH district is discovered, a change to the City's Zoning Map is requested.
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. Both Sunset Drive and Southwest Boulevard are flanked with vacant storefronts. As these building inevitably become occupied, temporary effects to the environment may occur as construction happens. However, these effects can potentially be lessened if CG zoning is in place in lieu of the current CG/CH.
6. **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need. The community need is for the area to continue to develop in a retail and restaurant manner. Both uses are allowed and represented under the CG zoning district. No community need is met if a heavy commercial use were to utilize the immediate area. A zone change to CG is the easiest way to ensure that this community's needs are fulfilled.

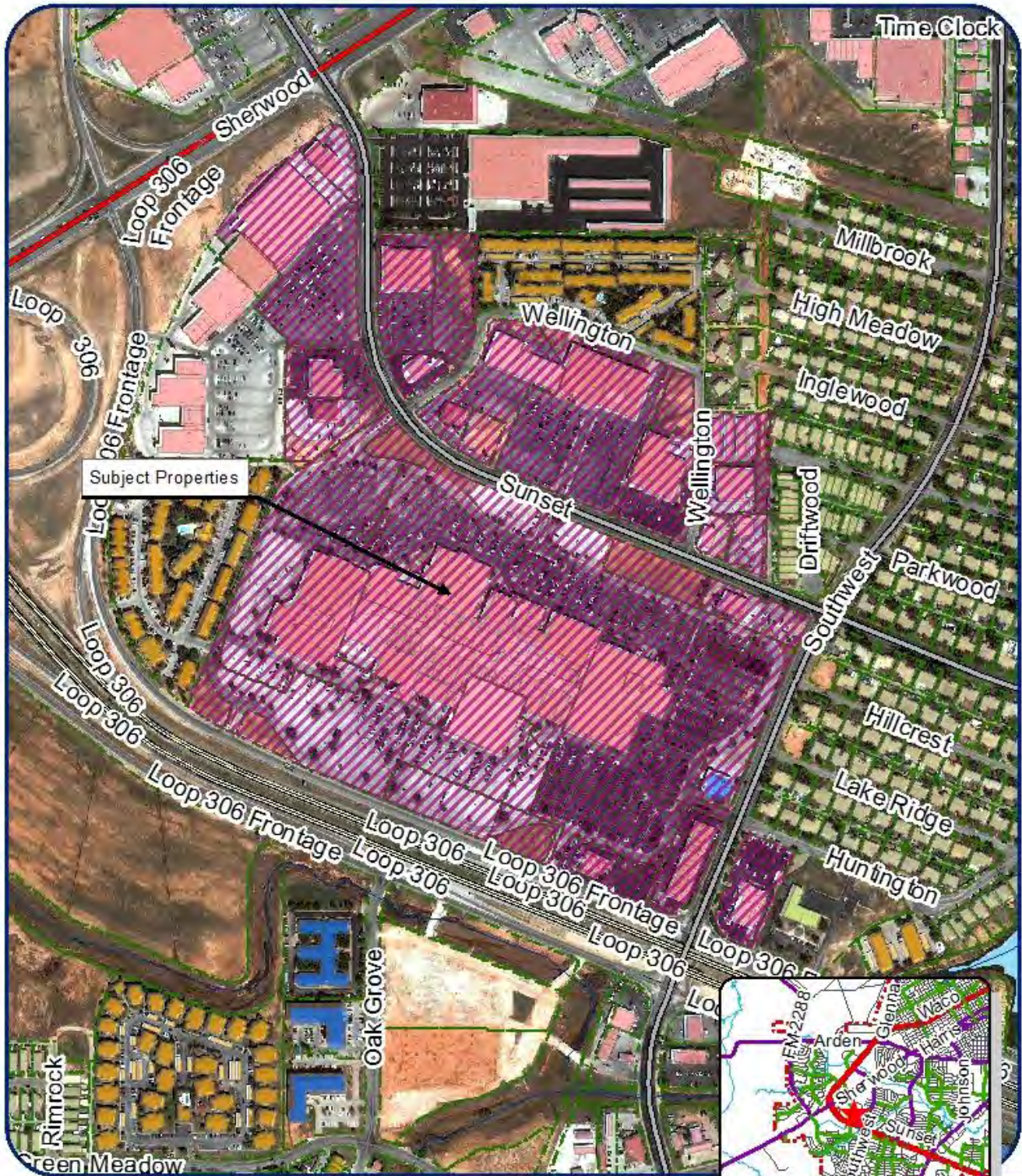
7. **Development Patterns.** Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community. The less intense zoning of CG allows for development that is consistent with current trends and current development patterns. This area has historically been devoid of heavy commercial land uses and any that would arise of the current zoning would be inconsistent with the surrounding uses. Thus a zone change to General Commercial allows orderly and consistent growth to be maintained.

**Recommendation:**

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to **the General Commercial (CG) Zoning District, AND APPROVAL** of a Rezoning from the General Commercial (CG) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to **the General Commercial (CG) Zoning District.**

**Attachments:**

1. Aerial Map
2. Zoning Map
3. Future Land Use (FLU) Map
4. Thoroughfare Map
5. Notification Map
6. Letters of Favor and Opposition
7. Photos of Businesses Effected



**Aerial Map**

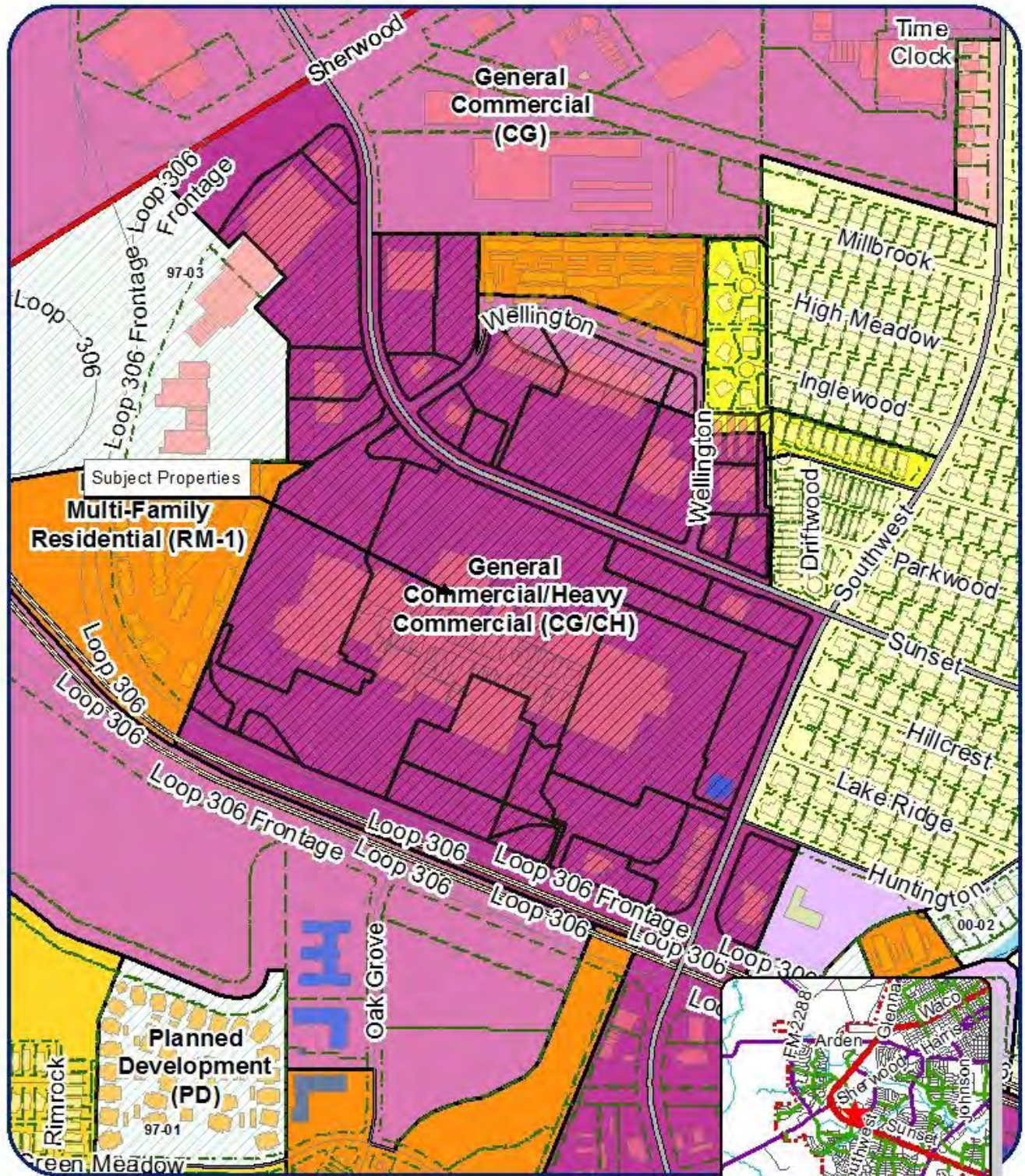
**Case Z17-12 Sunset Mall**

Council District: Billie DeWitt  
 Neighborhood: Sunset  
 Scale: 1" approx. = 500 ft

**Legend**

- Subject Properties: —
- Current Zoning: CG/CH
- Requested Zoning Change: CG
- Vision: Commercial





**Zoning Map**

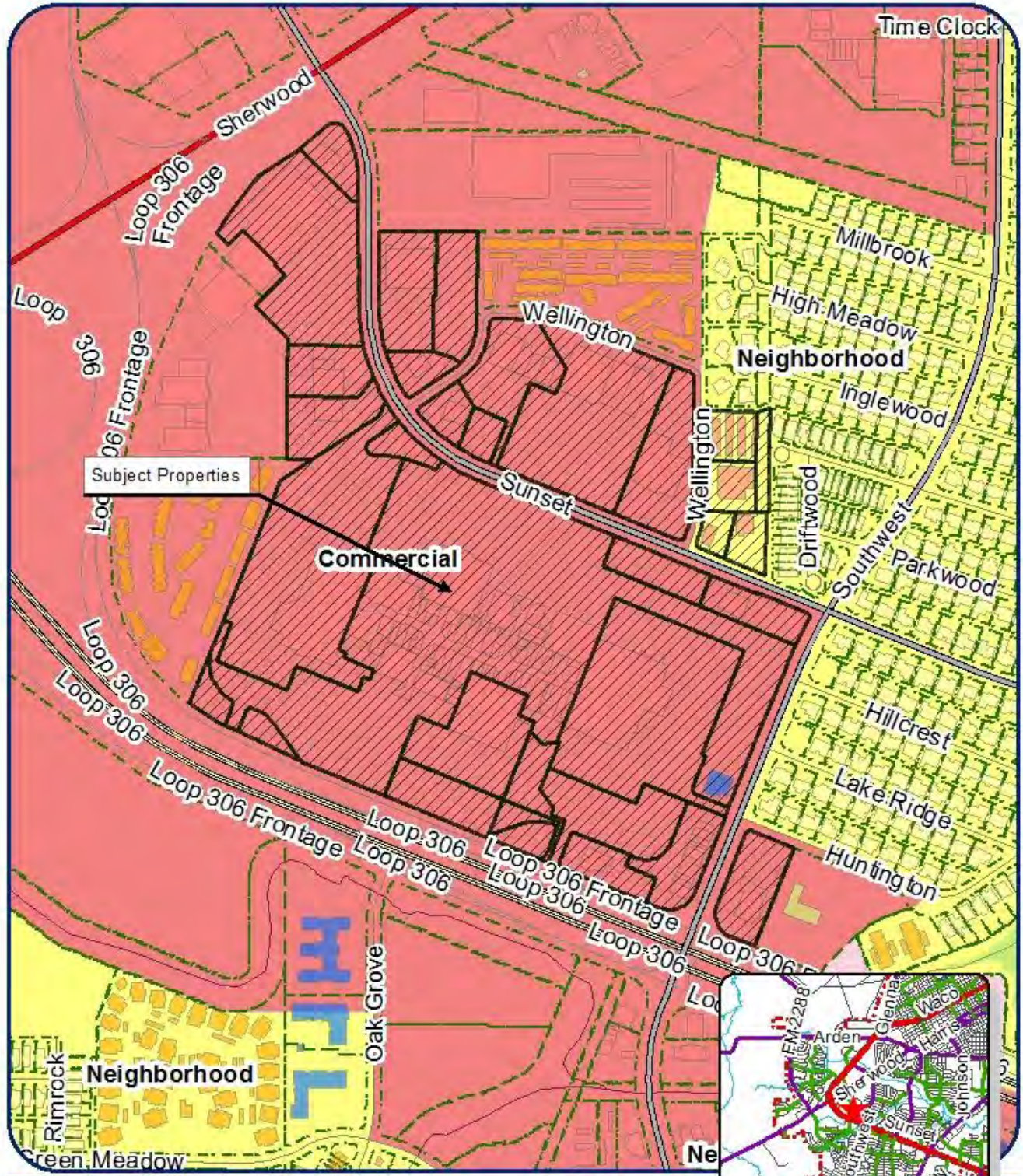
**Case Z17-12 Sunset Mall**

Council District: Billie DeWitt  
 Neighborhood: Sunset  
 Scale: 1" approx. = 500 ft

**Legend**


- Subject Properties: —
- Current Zoning: CG/CH
- Requested Zoning Change: CG
- Vision: Commercial



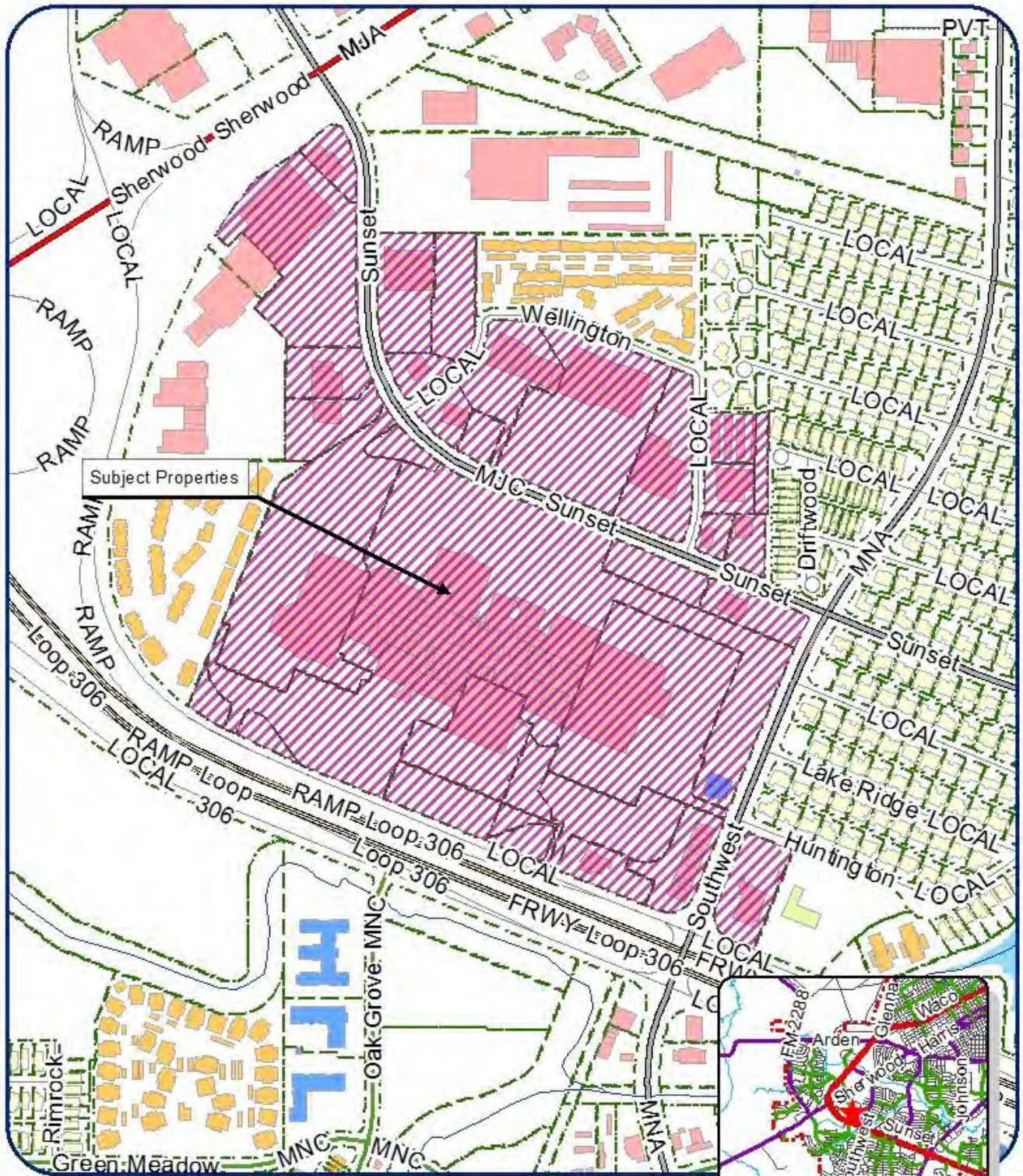


**Future Land Use Map**  
**Case Z17-12 Sunset Mall**

Council District: Billie DeWitt  
 Neighborhood: Sunset  
 Scale: 1" approx. = 500 ft





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





**Thoroughfare Map**  
**Case Z17-12 Sunset Mall**

Council District: Billie DeWitt  
 Neighborhood: Sunset  
 Scale: 1" approx. = 500 ft

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





**Notification Map**

**Case Z17-12 Sunset Mall**

Council District: Billie DeWitt  
 Neighborhood: Sunset  
 Scale: 1" approx. = 500 ft

**Legend**

- Subject Properties: —
- Current Zoning: CG/CH
- Requested Zoning Change: CG
- Vision: Commercial





Sunset Mall's Opposition Letter



September 13, 2017

The City of San Angelo  
Planning Commission  
52 West College Avenue  
San Angelo, Texas 76903

Re: Public Hearing for a Zone Change Z17-12 – Sunset Mall

Dear Planning Commission Members,

A Public Hearing is scheduled to be held on September 18<sup>th</sup>, 2017 for approval of a Zone Change from the current CG/CH Zoning District that is currently in place to a General Commercial (CG) Zoning District. We have reviewed the change and offer the following in opposition to this Zoning Change:

1. Eliminating Heavy Commercial uses would limit our ability to attract retailers that perform car maintenance services. If Sears decided to perform full service vehicle maintenance this would not be allowed in the rezoned area.
2. We would not be allowed to have a distribution center under the proposed zoning. So, if the future holds that retailers like JC Penney or Victoria Secret decide to convert their current operations strategy to provide for their "bricks and mortar" locations to also be local distribution centers focused on home delivery of merchandise purchased over the internet, this would not be allowed under the proposed zoning change.
3. Game Halls are not allowed under the proposed zoning which would eliminate leasing to a retailer like Dave & Busters, a Trampoline Park, or any larger amusement type use. In our negotiations, we are in tremendous competition for delivery of space with many markets. Even minor complications can hinder us from being selected as a location for a retailer's business especially if a market with a similar makeup has no issues to overcome.
4. A Plant Nursery would not be allowed, and so a retailer like Walmart would not be able to sell landscape materials, gardening materials, fertilizers, live plants, trees, shrubs, etc. that makeup a Plant Nursery.

We are at a time in retailing history where we are in need of additional uses to fill our real estate and with adaptations that are blending traditional retail with other non-traditional uses. The consumer is demanding an unprecedented amount of merchandise choices. Manufacturing is now blending with retailing and shipping is now the front line for retailers like Amazon and these uses would not be allowed under the proposed zoning change. If we now have our uses condensed in any fashion it will run contrary to the prevailing changes in the real world. The mall provides many benefits to the San Angelo community, including jobs for residents, a significant amount of tax revenue and a place for residents and visitors to enjoy shops, restaurants and entertainment. For the mall to continue to be a viable business we need to have all of the above options open to us so that we can continue to have a positive impact on the San Angelo economy and community in the years to come.

We thank you for hearing us as we look forward to voicing our opposition of this change to the zoning at Sunset Mall.

A handwritten signature in black ink, appearing to read "Steven Niles".

Steven Niles  
General Manager  
Sunset Mall

4001 Sunset Drive – Suite # 1182 – San Angelo, TX 76904

325-949-1947 ph – 325-224-0847 fax – [www.sunsetmall.com](http://www.sunsetmall.com)

Businesses Subject to the Rezoning

Shannon and Aspen Dental



Target



Blue Cross Blue Shield



Old Town Buffet Strip Mall and Hero's Gym



Big Lots



Sunset Mall



Red Lobster



The Magic Spot



The Corners Plaza



4240 Meats and Sweets



Shannon Clinic



Chile's



**PLANNING COMMISSION – September 18, 2017  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Rezoning		Z17-13: Pierce	
<b>SYNOPSIS:</b>			
A request for approval of a rezoning from Neighborhood Commercial (CN) zoning district to Single-Family Residence (RS-1) Zoning District. The applicant is seeking to build single-family homes on existing lots in an area primarily consisting of single-family neighborhoods.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
2802 – 2822 Houston Street		Being Lot 11-16, Block 65, Hatcher Addition, City of San Angelo, Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #2 – Tom Thompson Bluffs Neighborhood	CN – Neighborhood Commercial	Neighborhood	0.966 acre
<b>THOROUGHFARE PLAN:</b>			
<u>North Garfield Street</u> – Minor Collector – ROW 60’ Required (60’ Existing) – Pavement Width 50’ Required (36’ Existing) <u>Houston Street</u> – Local Road – ROW 50’ Require (60’ Existing) – Pavement Width 40’ Required (36’ Provided)			
<b>NOTIFICATIONS:</b>			
24 notifications were mailed within a 200-foot radius on August 31, 2017. One responses have been received in support and zero in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the proposed rezoning to the <b>Single-Family Residential (RS-1) Zoning District</b> .			
<b>PETITIONERS:</b>			
Pierce Masonry Garry Pierce			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			

**Rezoning:** 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 Comprehensive Plan designates this currently CN zoned property as Neighborhood. This is consistent with the existing lot layout and surrounding single-family home lots. Rezoning this property would allow for consistency in the area.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The Single-Family Residential Zoning District is intended to provide opportunities for development of detached single-family residences at medium densities. The proposed single family homes will follow all RS-1 standards similar to the surrounding area and this rezoning will allow for continuous residential uses through the neighborhood.
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 property is located within an area that has mixed uses, but is comprised of mostly neighborhoods to the north. The parcels will be adjacent to single-family residential lots that have homes already built, and the 2009 Comprehensive Plan update designated this property as Neighborhood presumably to accommodate the existing lot layout and provide additional homes.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property with the current CN zoning was never developed while the residential neighborhoods around the area continue to expand. This appears to demonstrate the need for additional homes in the area.
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.** There are no anticipated negative effects on the natural environment from these actions. Land use would continue in the same residential manner, and intensity, as already exist on the adjacent properties.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** There has not been any demonstrated community need for a use on the site other than residential. The site has remained undeveloped for many years. Allowing the site to rezone to RS-1 would be reflective of the continuing need for residential in the area, rather than allowing a continuance of a zoning designation that has been little used in the past.

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 existing development pattern in the immediate area to the north and east is primarily detached, single-family residential. This parcel will keep in continuity with the adjoining residential lots immediately adjacent to the north.

**Recommendation:**

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from the Neighborhood Commercial (CN) Zoning District to the **Single Family Residential (RS-1) Zoning District**.

**Attachments:**


Aerial Map  
Future Land Use Map  
Zoning Map  
Photos of Site  
Resident Letter

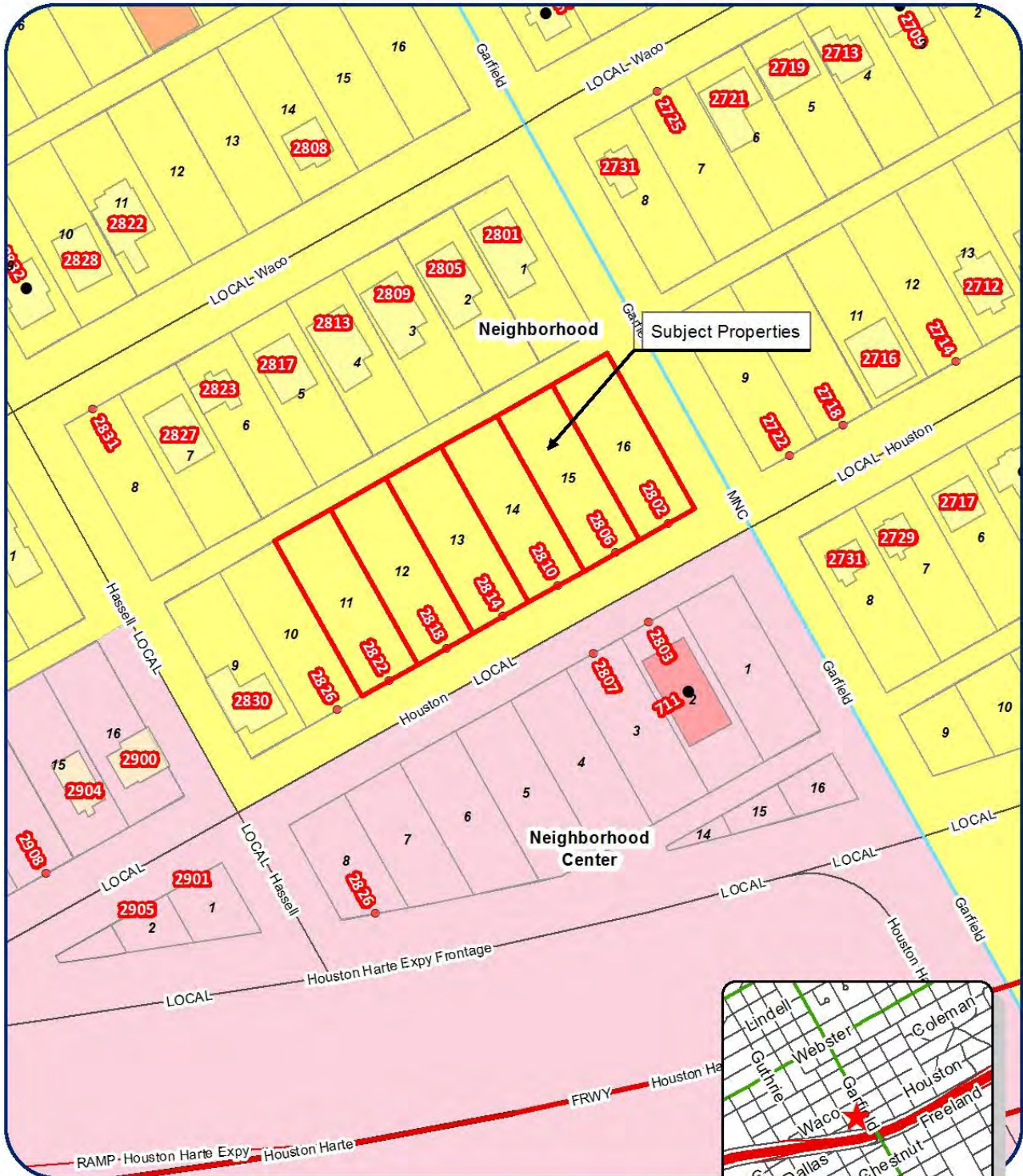




**Z17-13: Pierce**  
**2802 - 2822 Houston Street**  
 Council District: SMD #2 - Tom Thompson  
 Neighborhood: Bluffs  
 Scale: 1" approx. = 100 ft

**Legend**  
 Subject Properties:   
 Current Zoning: **CN**  
 Requested Zoning Change: **RS-1**  
 Vision: **Neighborhood**



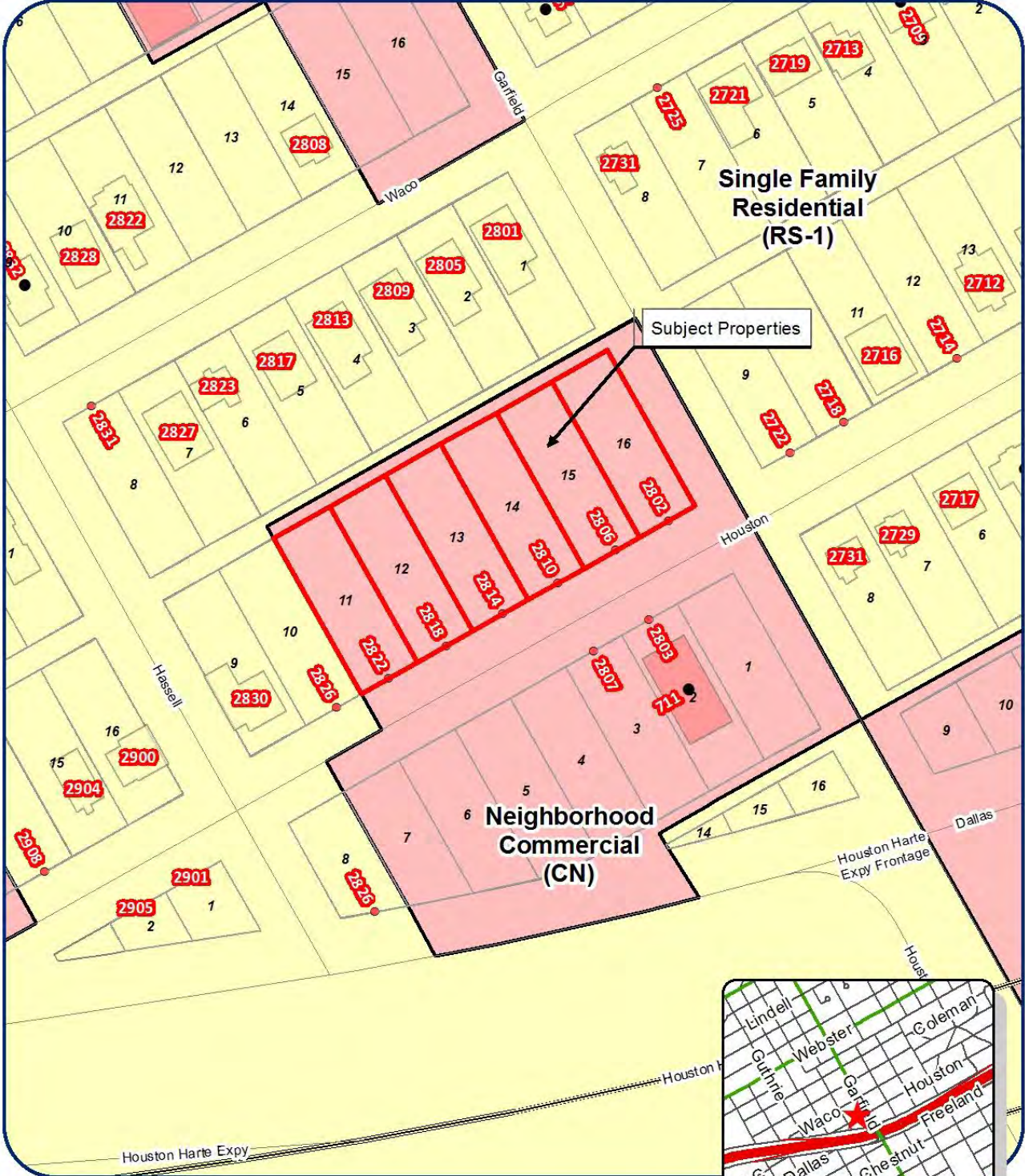


**Z17-13: Pierce**  
**2802 - 2822 Houston Street**

Council District: SMD #2 - Tom Thompson  
 Neighborhood: Bluffs  
 Scale: 1" approx. = 100 ft

**Legend**  
 Subject Properties: — (red line)  
 Current Zoning: **CN**  
 Requested Zoning Change: **RS-1**  
 Vision: **Neighborhood**





**Z17-13: Pierce**  
**2802 - 2822 Houston Street**

Council District: SMD #2 - Tom Thompson  
Neighborhood: Bluffs  
Scale: 1" approx. = 100 ft

**Legend**

- Subject Properties: — (Red line)
- Current Zoning: **CN**
- Requested Zoning Change: **RS-1**
- Vision: **Neighborhood**

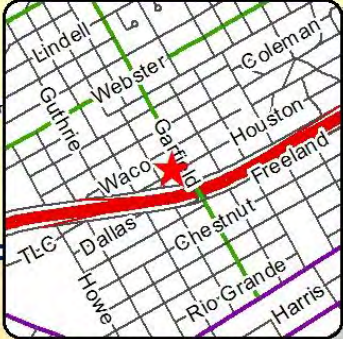


Photo of Site



Looking west toward the Property from North Garfield Street



The one existing home approved by CU16-03



Looking East toward the Property from Houston Street



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

(  ) IN FAVOR ( ) IN OPPOSITION

REASON(S) \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: Moosevelt Trusted

ADDRESS: 2823 Waco


SIGNATURE: Moosevelt Trusted LLC.

Z17-13: Pierce  
Property owner number: 19

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).

**PLANNING COMMISSION – September 18, 2017  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASES:</b>	
Street Name Change		Chesney Lane	
<b>SYNOPSIS:</b>			
A request for approval of a Street Name Change for Lighthouse Lane to Chesney Lane. The request is to rename over a 120-foot length of this street's right-of-way beginning at Aspen Avenue continuing southeast. If approved, this would allow the entire street to be consistently named.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
Lighthouse Lane at Aspen Avenue		Being Between Lot 14 and Lot 13A (1 <sup>st</sup> Replat), Block 1, Lakeshore Estates, City of San Angelo, Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #1 – Tommy Hiebert Nasworthy Neighborhood	Single-Family Residential (RS-1)	Neighborhood	120 Linear Feet
<b>THOROUGHFARE PLAN:</b>			
Lighthouse Lane – Local Road – ROW 50’ Require (50’ Existing) – Pavement Width 40’ Required (36’ Existing)			
<b>NOTIFICATIONS:</b>			
Two notifications were mailed to properties directly adjacent to the street segment on September 7, 2017. Zero responses have been received in support and zero in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the proposed street name change to the <b>Chesney Lane</b> .			
<b>PETITIONERS:</b>			
City of San Angelo			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			

**Street Name Change:** Lighthouse Lane, located in the Lakeshore Estates subdivision, was included on a plat in the 1990s. In 2016 a street name change was approved that named an existing street located in central San Angelo to Lighthouse Way. When the subsequent sections of Lakeshore Estates were submitted for platting, staff decided for 911 addressing clarity purposes the streets names would be too similar. The developer decided to change the name in the final plat of the Lakeshore Estates Section 2 & 3 to Chesney Lane. This only changed the name on the portion of the road that was contained on the plat and left the portion previously platted unchanged. The 120-foot section referenced in this request remained Lighthouse Lane and staff is asking to clean this up by changing this portion of the street to remain consistent over the entire length of the street:

1. **Whether or not the street name change would confuse motorists and emergency vehicles**
  - The proposed street name change appears unlikely to confuse motorists and emergency vehicles. Since the majority of the street is currently named Chesney Lane, this change would help relieve confusion and differentiate the small remaining segment of Lighthouse Lane from Lighthouse Way in central San Angelo. Lighthouse Lane is currently a short Local Street and there are no addresses using this street as a destination or reference point. From an emergency response standpoint, city staff stand ready to make any necessary data changes to ensure a minimal disruption in response times, should the Ordinance authorizing the name designation be adopted. The emergency 911 address coordinator has not indicated any objections to the proposed street name change.
  
2. **Whether there is the same or similar name to the proposed street name**
  - Existing Lighthouse Lane has a similar name to Lighthouse Way in central San Angelo. That may present a problem with the names being so similar. This proposed name change would help alleviate this problem as there are no streets similar to Chesney Lane.
  
3. **Whether or not there is a justified reason to rename the street such as the naming for the betterment of the community or to honor a public figure**
  - Since a majority of the street will be names Chesney Lane, leaving approximately 120 feet of Lighthouse Lane would lead to unnecessary confusion. This street name change will unify the entire length of the street solely contained in Lakeshore Estates.



**Recommendation:**

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a street name change from the Lighthouse Lane to **Chesney Lane**.

**Attachments:**

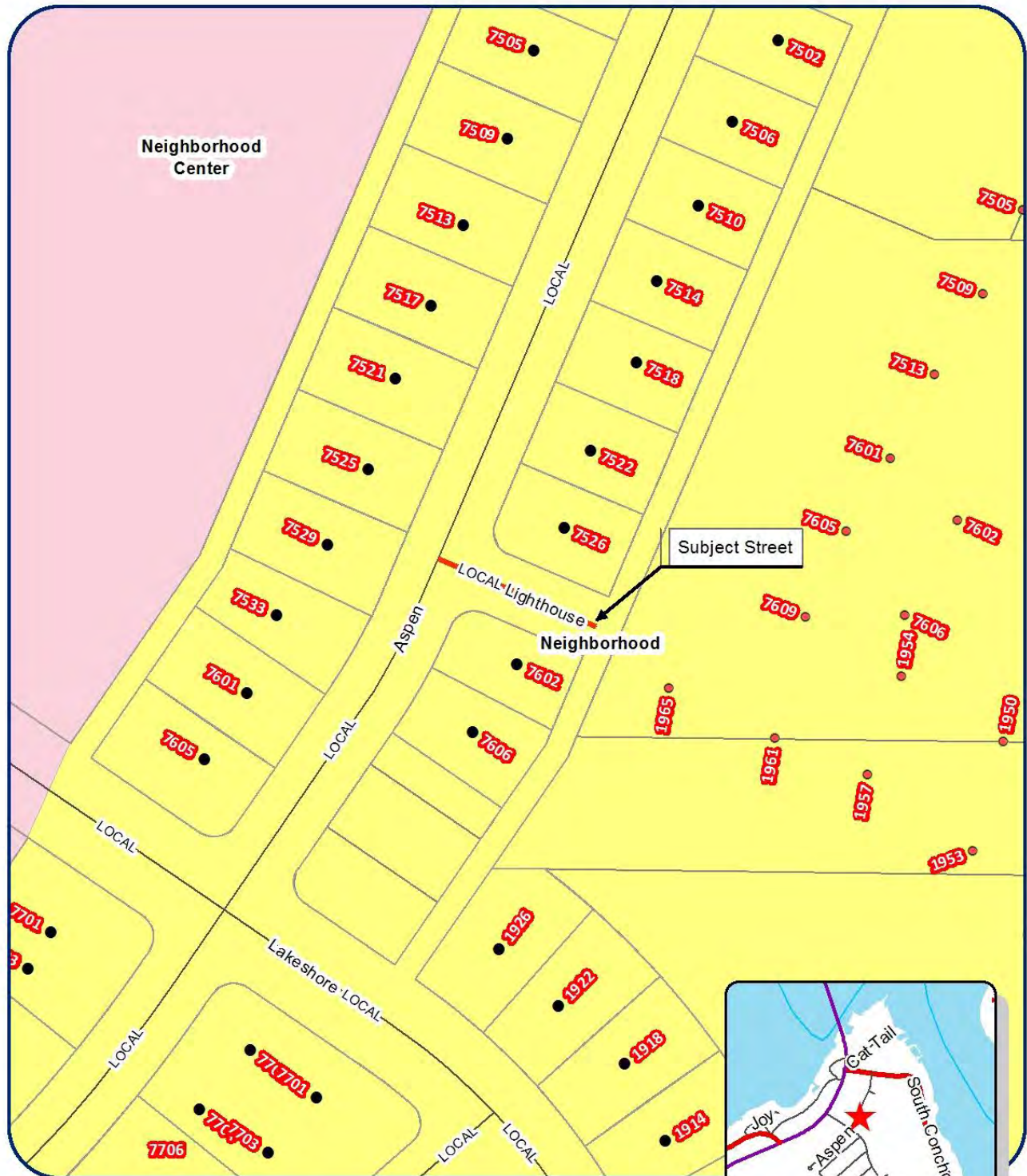
Aerial Map  
Future Land Use Map  
Zoning Map  
Photos of Street Segment



**Street Name Change**  
**Lighthouse Lane to Chesney Lane**

Council District: SMD #1 - Tommy Hiebert  
Neighborhood: Nasworthy  
Scale: 1" approx. = 100 ft

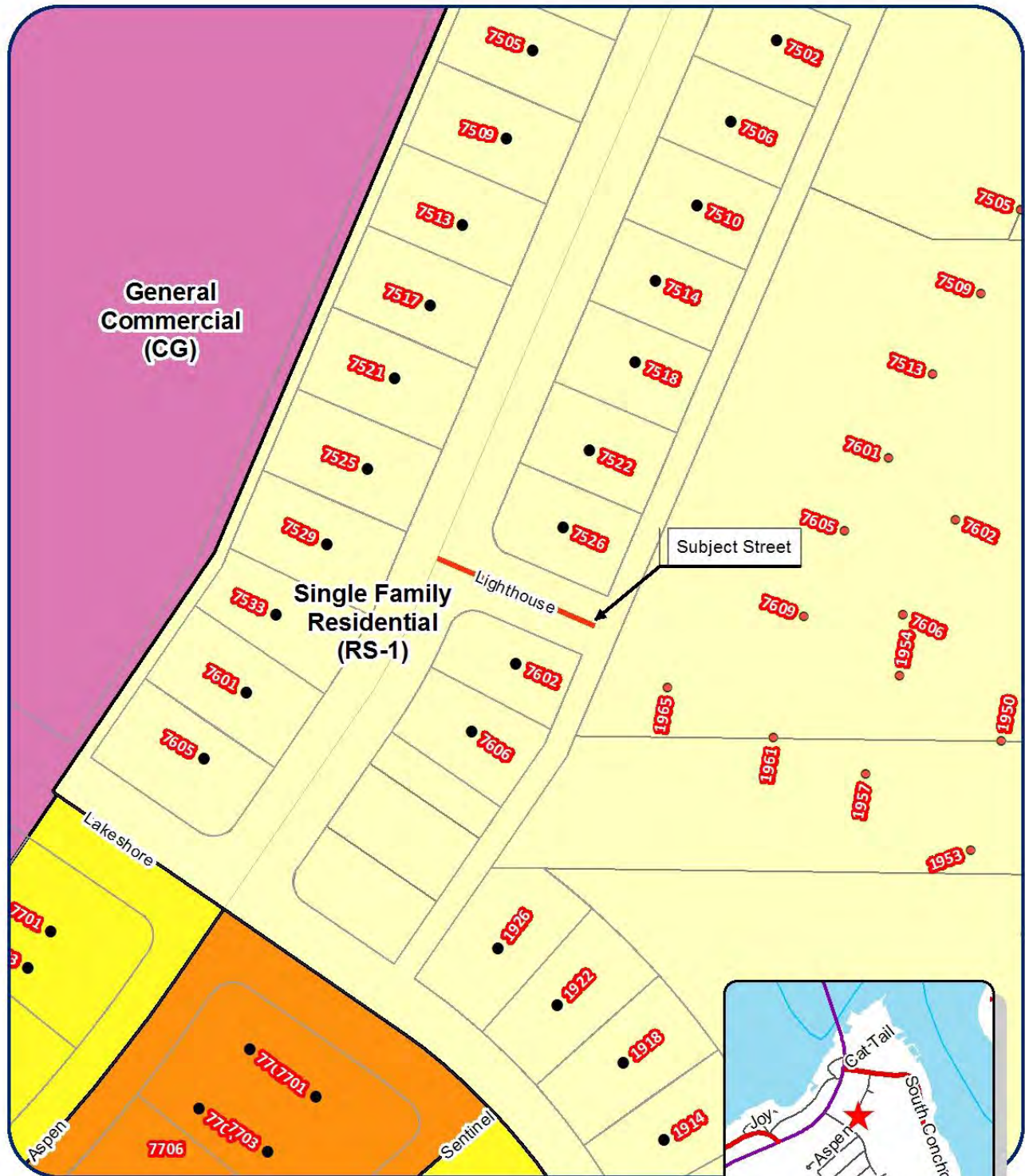




**Street Name Change**  
**Lighthouse Lane to Chesney Lane**

Council District: SMD #1 - Tommy Hiebert  
Neighborhood: Nasworthy  
Scale: 1" approx. = 100 ft





**Street Name Change**  
**Lighthouse Lane to Chesney Lane**

Council District: SMD #1 - Tommy Hiebert  
Neighborhood: Nasworthy  
Scale: 1" approx. = 100 ft



Photo of Street Segment



**Looking South at the Intersection of Aspen Avenue and Lighthouse Lane**



**Looking Southeast Down Lighthouse Lane to Chesney Lane**



**Looking Northwest from Chesney Lane towards Lighthouse Lane**



**PLANNING COMMISSION – September 18, 2017  
STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASES:</b>
Master Thoroughfare Plan Amendment	2017 – Bentwood Area

**SYNOPSIS:**

A request for amending the Major Thoroughfare Plan component of the San Angelo Comprehensive Plan in the areas Bentwood Country Club and surrounding area.

**LOCATION:**

Subject area north of Clubhouse Lane, east of North Bentwood Drive, south of West Loop 306, and west of Foster Road.

<b>SM DISTRICT /</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
Country Club Neighborhood SMD #1 – Tommy Hiebert	RS-1 - Single-Family Residential RM-1 – Low Rise Multi-Family Residential ML – Light Manufacturing CG – General Commercial CO – Office Commercial R&E – Ranch and Estate	Transitional Neighborhood Center Neighborhood	Approx. 515 acres

**THOROUGHFARE PLAN:**

Collectors require 60-foot right-of-way; Arterials require 80-foot right-of-way (See Attached Map)

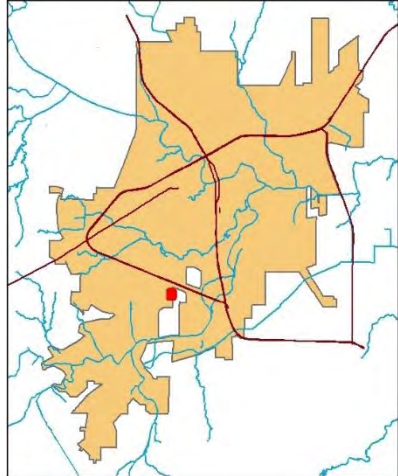
**NOTIFICATIONS:**

This request was published in the San Angelo Standard Times on August 31, 2017.  
Zero responses have been received in support and zero in opposition.

**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed **Master Thoroughfare Plan Amendment**.

<b>PETITIONERS:</b>
City of San Angelo
<b>STAFF CONTACT:</b>
Jeff Fisher, AICP, Senior Planner Hillary Bueker, RLA, Senior Planner (325) 657-4210 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a> <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>





**Background:**

The San Angelo Comprehensive Plan, adopted in 2003 and updated in 2009, includes a Major Thoroughfare Plan (MTP) component that designates existing major streets as freeways, arterial or collector streets. The MTP also shows the planned future path of new freeways, arterial and collector streets in areas of future development around the urban fringe of San Angelo. Staff periodically reviews areas and proposes amendments based new information or changing development patterns.

A review of the MTP for the Bentwood Area arose when the developer of Bentwood Country Club Estates submitted its most recent Final Plat, “Bentwood Country Club Estates, Section 39” on July 25, 2017. The original plat submission for 29 single-family home lots (later revised to 31 lots) showed future streets “Crystal Point Drive” which ran west-east, and “Karsten Creek Drive” which ran north-south as being “Urban Local Streets” with a right-of-way of only 50 feet. However, the current MTP has these streets designated as “Urban Collector Streets” of 60 feet. At that time, staff met with the consultant and representatives from Bentwood to discuss the future plans and options to revise the MTP to meet the plan’s original intent and Bentwood’s objectives. A Bentwood representative provided plans for the future development of homes in this area to allow staff to work closely with the proposed development. While looking at all alternatives in the Bentwood Area, staff realized these changes would affect a larger area and it was decided to expand the area to the current boundary of the requested amendment. Staff determined that it was imperative to provide greater connectivity between existing and future developments ranging over an estimated 515 acre area. The applicant subsequently agreed to postpone the plat until after the MTP amendments were considered.

As part of its MTP review of the Bentwood Area, Staff examined:

- current build-out of previous Bentwood Country Club subdivisions;
- future projected development and the demand on the existing street network;
- potential additions and modifications to existing and future projected collector and arterial streets to improve traffic flow and enhance public safety

The review concluded that several changes needed to be made to the current MTP map, and Staff revised the proposed MTP street map with the goals of providing access and connectivity to all parcels of land. The map was then distributed to City staff from the departments of Engineering Services and Operations, and local utilities representatives. Meetings were then held with the group which led to extending the proposed routes to logical termini points and eliminating routes that interfered with known development plans.

**Analysis:**

The current MTP map for this portion of Bentwood delineates four future collector streets, the future east-west extensions of Clubhouse Lane, Crystal Point Drive, Pine Valley Drive, and an unnamed north-south street which is identified as “Karsten Creek Drive” on the recent plat, Bentwood Country Club Estates, Section 39. Also delineated is a future arterial street “Buckskin Drive” which runs north-south and makes a sharp easterly turn north of Clubhouse Lane and joins with Foster Road, currently an arterial street.

The following is a summary of the proposed changes to the MTP map (see attached map for corresponding number sequence):

**North-South Collector – Remove Current “1A” and Relocate to “1”**

The current north-south Collector Street extends approximately 1.11 miles from West Loop 306 to the north to Club House Lane to the south. The subject street is labelled as “Karsten Creek Drive” on the Section 39 plat currently on hold pending this MTP Amendment. Staff believes that maintaining a north-south Collector Street in this area is important given increased single-family residential development in the area extending eastward towards Foster Road. However, relocating this street eastward would be more appropriate, connecting directly to the future Arterial Street Buckskin Drive. Shifting this street eastward would also allow Karsten Creek Drive to remain as a Local Road, allowing Bentwood Section 39 to be approved, as submitted.

**East-West Collectors – Remove Current “2A”, “3A”, “4A”, and Add “2”**

The current west-east Collectors extend from North Bentwood Drive towards Foster Road. Collector 2A is approximately 0.59 miles and connects directly to Foster Road, and 3A and 4A which are currently part of the same Collector Street extend approximately 0.62 miles in total and end at Buckskin Drive. Staff believes that these Collector Streets either no longer function as Collector Streets or are no longer needed and should be replaced by one Collector Street “2” providing a smooth transition from the new north-south Collector Street direct to Foster Road, an arterial street which connects to West Loop 306. Removal of 2A makes logical sense given the close proximity to Loop 306 which already provides east-west connectivity to the area. Staff also believes that removing the 3A portion of the southerly west-east collector makes sense due to previous plat approvals classifying Crystal Point Drive in this area as a Local Street, including Sections 29, 30, 36 and the proposed Section 39 for Bentwood Country Club Estates. Maintaining Crystal Point Drive as a Collector Street would create an irregular jog in the roadway for future subdivisions. Therefore, Staff believes it is more appropriate to create a new Collector Street from east of the current Crystal Point Drive and the existing Bentwood development to connect to Foster Road. Removing the collector designation from the west portion of Crystal Point Drive is consistent with previous plat approvals. Extending the Collector “2” from east of the Bentwood development would be consistent with the governing Revised Preliminary Plat for all of Bentwood Country Club Estates, ratified by City Council on June 7, 2005, which shows Crystal Point extending in this direction towards Foster Road. Finally, Staff believes that removal of 4A would be logical given that the preliminary plat shows the collector further north in its proposed location and not dipping southeasterly in an irregular configuration.

**North-South Arterial – Re-Aligned Future Major Arterial “5A”**

The current north-south future arterial portion of Foster Road within the Bentwood area extends approximately 0.57 miles. This portion of the overall Arterial Street connects from the current Arterial portion of Foster Road to the north past Clubhouse Drive to the south. It is part of a larger Arterial that collects to the southerly most limits of the City. Staff believes this future arterial road should be maintained given its importance as one of the major Arterial corridors connecting the southerly part of the City, which includes the Bentwood Area, to West Loop 306. However, Staff recommends a straighter re-alignment of this street to ensure a smoother transition of traffic flow as shown on the attached map as “5A”. The precise location will be determined by Engineering and Operations Staff in consultation with affected utility providers and other stakeholders, but Staff believes the proposed general location provides a future roadmap for development.

**Comments:**

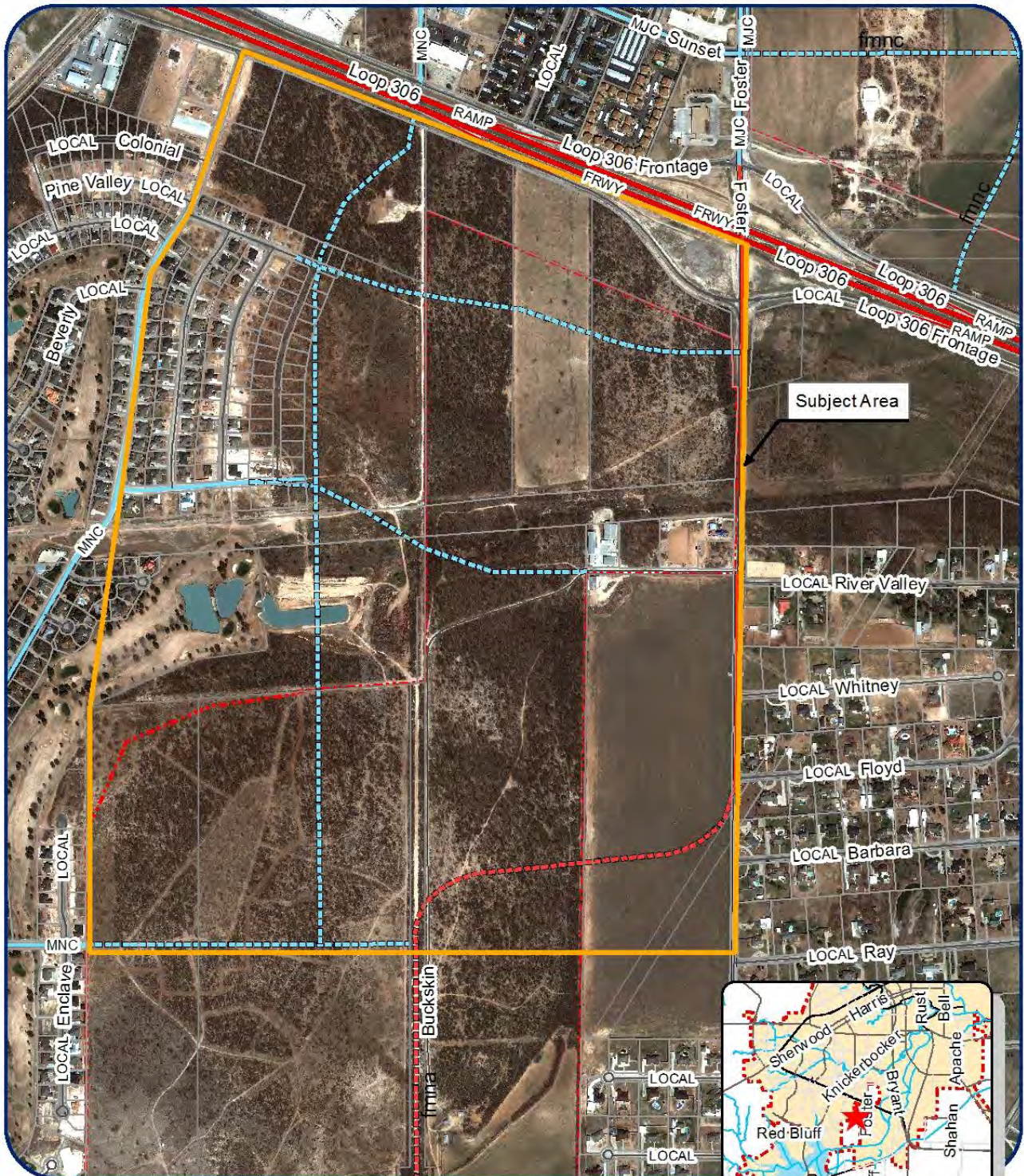
Planning Staff circulated this proposal to City departments and relevant external agencies for comments. Staff received no comments or objections from most departments or agencies, but did receive comments from Atmos Energy. Atmos indicated the location of a high pressured gas line within an easement that extends west-east from Knickerbocker Road to Foster Road, south of Crystal Point Drive. They had no objections given that the proposed changes would continue to maintain two crossings of streets over the existing gas lines. However, they will require that prior to any future development within this gas easement, the developer would be responsible for ensuring that the existing gas line is not affected. This requirement would be reviewed through future plat submissions prior to development but would not affect approval of the Master Thoroughfare Plan.

**Recommendation:**

Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed **Master Thoroughfare Plan Amendment**.

**Attachments:**

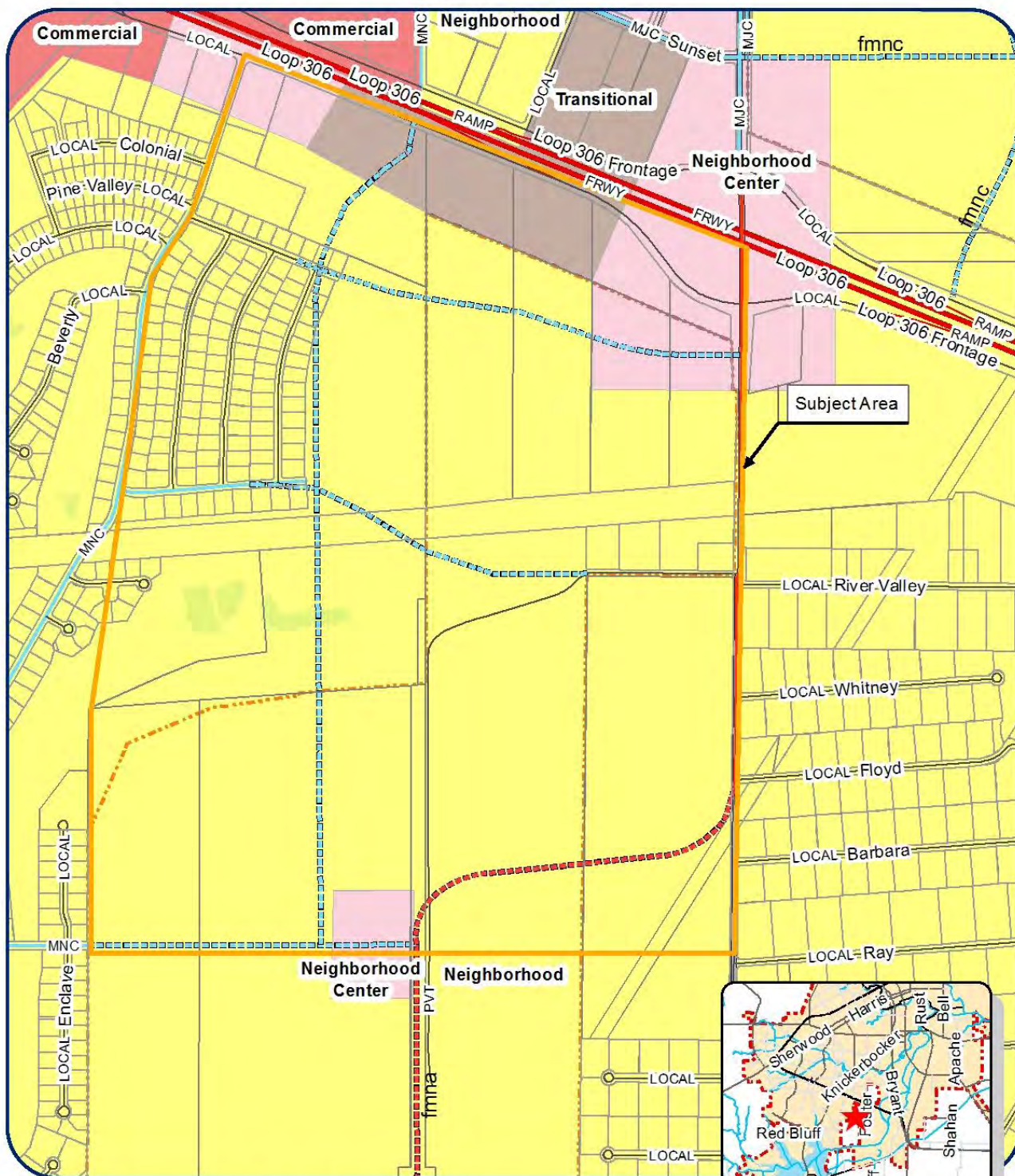
- Aerial Map
- Future Land Use Map
- Zoning Map
- Photo of Site
- Proposed Major Thoroughfare Amendment Map



**Master Thoroughfare Plan Amendment**  
**2017 - Bentwood Area**  
 Council District: SMD #1 - Tommy Hiebert  
 Neighborhood: Country Club  
 Scale: 1" approx. = 850 ft

**Legend**  
 Subject Area:

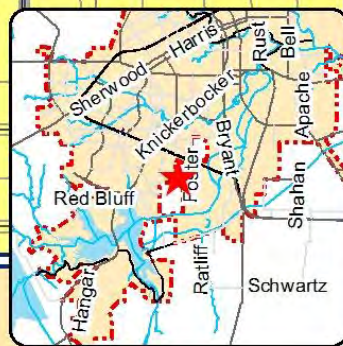



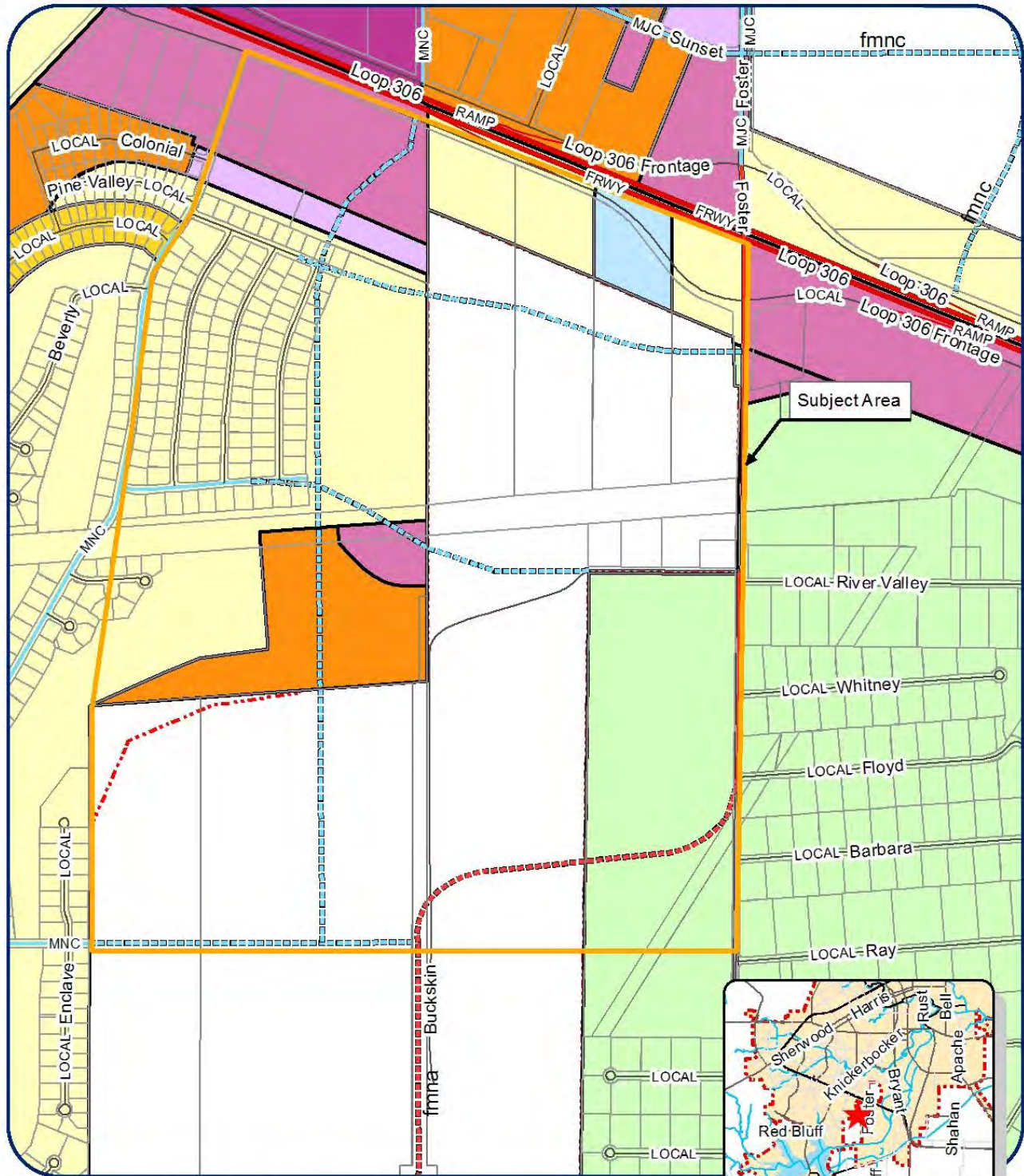
**Master Thoroughfare Plan Amendment  
 2017 - Bentwood Area**

Council District: SMD #1 - Tommy Hiebert  
 Neighborhood: Country Club  
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**Legend**

Subject Area:





**Master Thoroughfare Plan Amendment  
 2017 - Bentwood Area**

Council District: SMD #1 - Tommy Hiebert  
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**Legend**

Subject Area: —

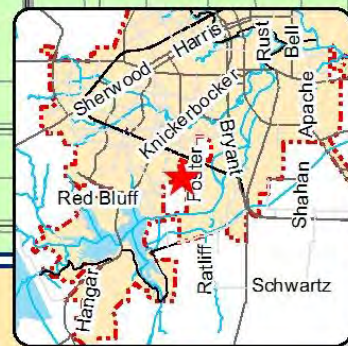
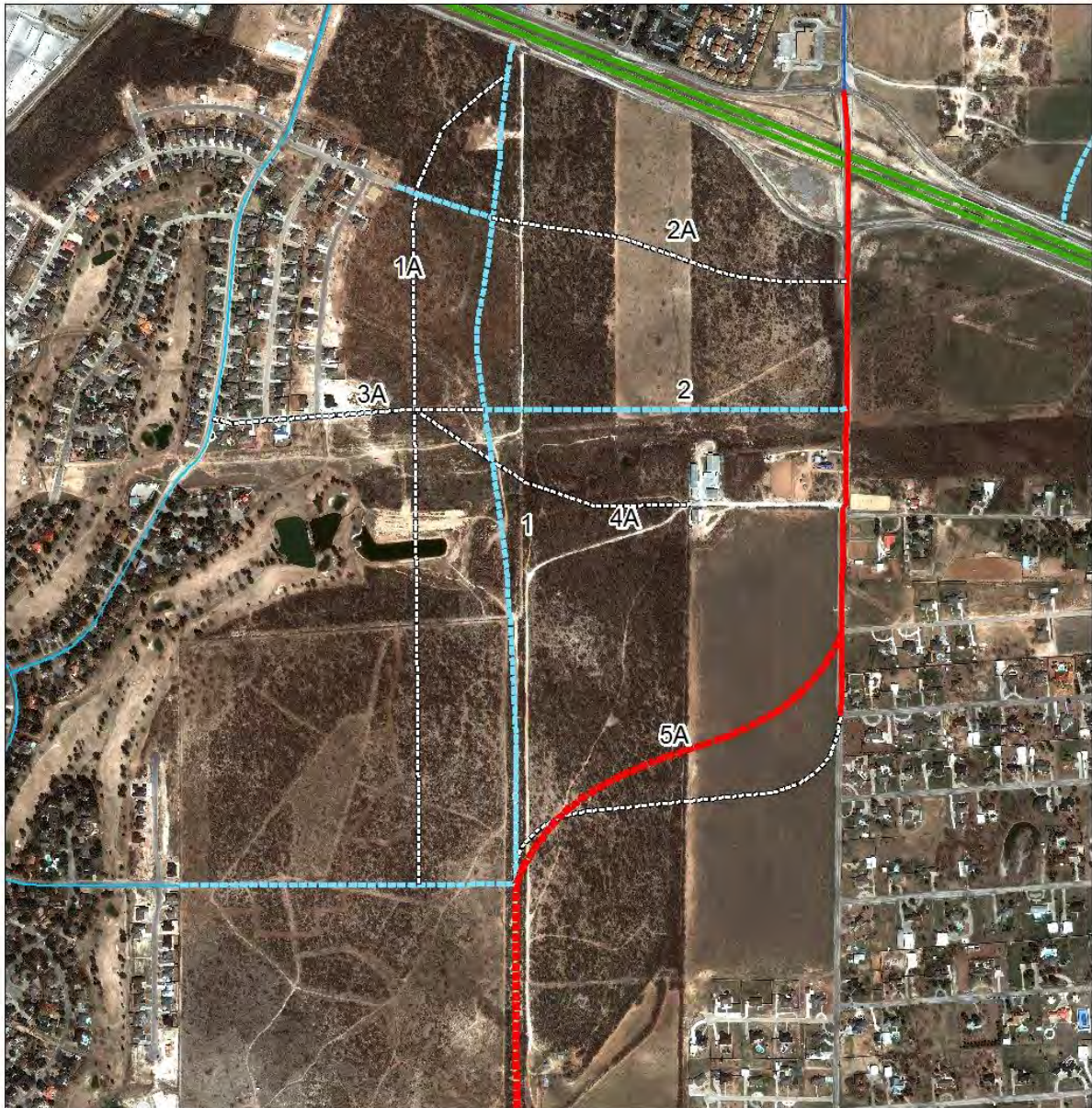


Photo of Site



# Bentwood Area Future Thoroughfare Adjustments



- Future Freeway
- - - - - Removed Segments
- Future Major Arterial
- - - - - Future Minor Arterial
- - - - - Future Major Collector
- - - - - Future Minor Collector
- - - - - Future Parkway
- Freeway
- Major Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Parkway

Removed/Changed

- 1A Removed Future Minor Collector
- 2A Removed Future Minor Collector
- 3A Removed Minor Collector
- 4A Removed Future Minor Collector
- 5A Aligned Future Minor Arterial

Added

- 1 Future Minor Collector
- 2 Future Minor Collector

1 inch = 0.13 miles N