

**PLANNING COMMISSION –December 11, 2017
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Final Plat		Final Plat of Ramirez Addition, Section One	
SYNOPSIS:			
<p>This is an application to plat 1.499 acres into two Single Family Residential lots located in the north portion of San Angelo. As part of the plat, the applicant is also requesting variances from the paving width on West 37th Street and Sprague Street and the right-of-way width on West 37 Street. No unusual physical features are associated with the property, and has frontage along West 37th Street and Sprague Street. The lots comply with the minimum lot area, lot frontage, and lot depth of the RS-1 Zoning District.</p>			
LOCATION:		LEGAL DESCRIPTION:	
401 West 37 th Street, generally located at the intersection of West 37 th Street and Sprague Street		Being 1.499 acres of land out of Joe Short Survey 3151/2, Abstract No. 8350 and being those same 2 tracts described in Instrument No. 20150 2611 Official Public Records, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Riverside Neighborhood	Single Family Residential (RS-1)	Neighborhood	1.499 acres
THOROUGHFARE PLAN:			
<p>West 37th Street – Urban Local Street, 50’ min. ROW Required (47.5 Existing), 36’ with a 4’ sidewalk or 40’ min. Pavement Required (36’ Existing)</p> <p>Sprague Street – Urban Local Street, 50’ min. ROW Required (60’ Existing), 36’ with a 4’ sidewalk or 40’ min. Pavement Required (36’ Existing)</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of the Final Plat of Ramirez Addition, Section One subject to Four Conditions of Approval, and;</p> <p>APPROVAL the variances from Chapters 9.III.V, 10.III.A.1, and 10.III.A.2 of the Subdivision Ordinance to allow West 37th Street and Sprague Street, Urban Local Streets, to maintain a 36 foot width in lieu of the required 36’ with a 4’ sidewalk or 40’ and to allow West 37th Street to maintain a 47.5 right-of-way in lieu of the required 50’.</p>			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner(s):</i> Ramiro Ramirez Jr.</p> <p><i>Agent:</i> Herb Hooker, SKG Engineering</p>			
STAFF CONTACT:			
<p>Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us</p>			

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

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

The proposed plat will also conform to the Intent of Purpose Statements of Chapter 2 of the Subdivision Ordinance. The plat will provide for the orderly development of the land (Statement C); will assist in guiding future growth and development and will insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development (Statement O). The new lot configurations will be consistent with the lots in the surrounding neighborhoods, providing a unified streetscape.

Variances: As indicated above, the applicant has submitted variances from Chapters 9.III.V, 10.III.A.1, and 10.III.A.2 of the Subdivision Ordinance to allow West 37th Street and Sprague Street, Urban Local Streets, to maintain a 36 foot width in lieu of the required 36’ with a 4’ sidewalk or 40’ and to allow West 37th Street to maintain a 47.5 right-of-way in lieu of the required 50’. In accordance with Chapter 1, Section IV.A, the Planning Commission **shall not approve** a Variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant believes that granting these variance requests would not be detrimental to the public safety, health or welfare, or be injurious to other property as this area functions and will continue to function in its current condition.. Engineering Services and the Planning Division agree and support the variances from any additional improvements to West 37th Street and Sprague Street. All of the adjacent streets are already fully developed around the subject property and function adequately in the current condition.

2. **The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.**

The applicant has stated that the conditions upon which this request for variances are based are not generally applicable to other property as this area is primarily developed with mid to large sized tracts and this division seeks to divide off a smaller tract for a single-family residence, still leaving the remainder as generally large tract. As indicated above, Engineering Services and the Planning Division would support a variance from any street

improvements along these portions of West 37th Street and Sprague Street as these segments lie within an existing developed area.

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

The applicant believes due to the physical surroundings and shape of the subject property including the presence of the existing street and utilities, a particular hardship to the owner would result. As stated above, Staff believes the existing street widths and configuration along West 37th Street and Sprague Street service the surrounding area satisfactorily.

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

The applicant believes approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as this division would only create 1 additional lot in an already developed area with adequate and functional infrastructure. Planning and Engineering Services agree that the existing street are currently sufficient and pose no safety risks to the public. As indicated above, all of the adjacent lots are fully developed.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the Final Plat of Ramirez Addition, Section One, subject to **Four Conditions of Approval:**

1. Per Subdivision Ordinance, Chapter 7.II.A, provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Submit a revised plat, on which is illustrated the dedication of right-of-way, 50' Minimum, for West 37th Street, meeting the requirements for a urban local street [**Land Development and Subdivision Ordinance, Chapter 9.III.B, & Chapter 10.III**].
 - a. An alternative would be to obtain approval of a variance from the Planning Commission [**Land Development and Subdivision Ordinance, Chapter 1.IV**]
3. Prepare and submit plans for required improvements to streets (adjacent segments of Sprague and West 37th Streets) by half the additional increment necessary to comprise the minimum paving widths [**Land Development and Subdivision Ordinance, Chapter 10**].
 - a. For Sprague Street, the minimum width is 36 feet with a 4 foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either 0 additional feet and a 4 foot sidewalk, or 4 additional feet).
 - b. For W. 37th Street, the minimum width is 36 feet with a 4 foot sidewalk along one side,

or 40 feet with no sidewalk (in this case, requiring either 0 additional feet and a 4 foot sidewalk, or 4 additional feet).

- c. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [**Land Development and Subdivision Ordinance, Chapter 6**].
 - d. A second alternative would be to obtain approval of a variance from the Planning Commission [**Land Development and Subdivision Ordinance, Chapter 1.IV**]
4. For Lot 2, contact the City of San Angelo Department of Water Utilities Customer Service Office at 122 W. 1st Street or by calling (325) 657-4323 to request water and sewer service connections and to establish a utility service account.

APPROVE the variances from Chapters 9.III.V, 10.III.A.1, and 10.III.A.2 of the Subdivision Ordinance to allow West 37th Street and Sprague Street, Urban Local Streets, to maintain a 36 foot width in lieu of the required 36' with a 4' sidewalk or 40' and to allow West 37th Street to maintain a 47.5 right-of-way in lieu of the required 50'.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Proposed Final Plat
Application



Ramirez Addition, Section One

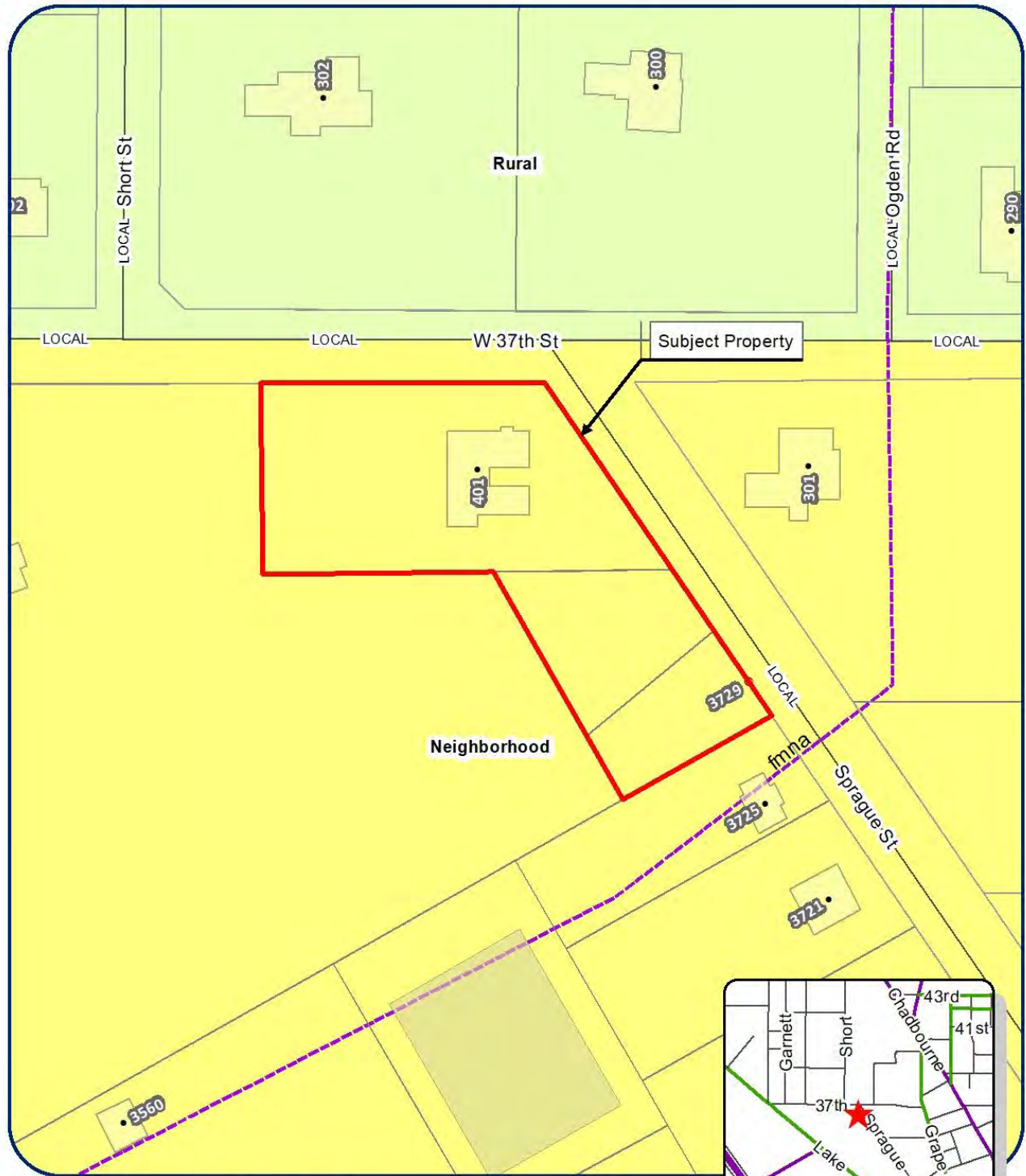
401 West 37th Street

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

Legend

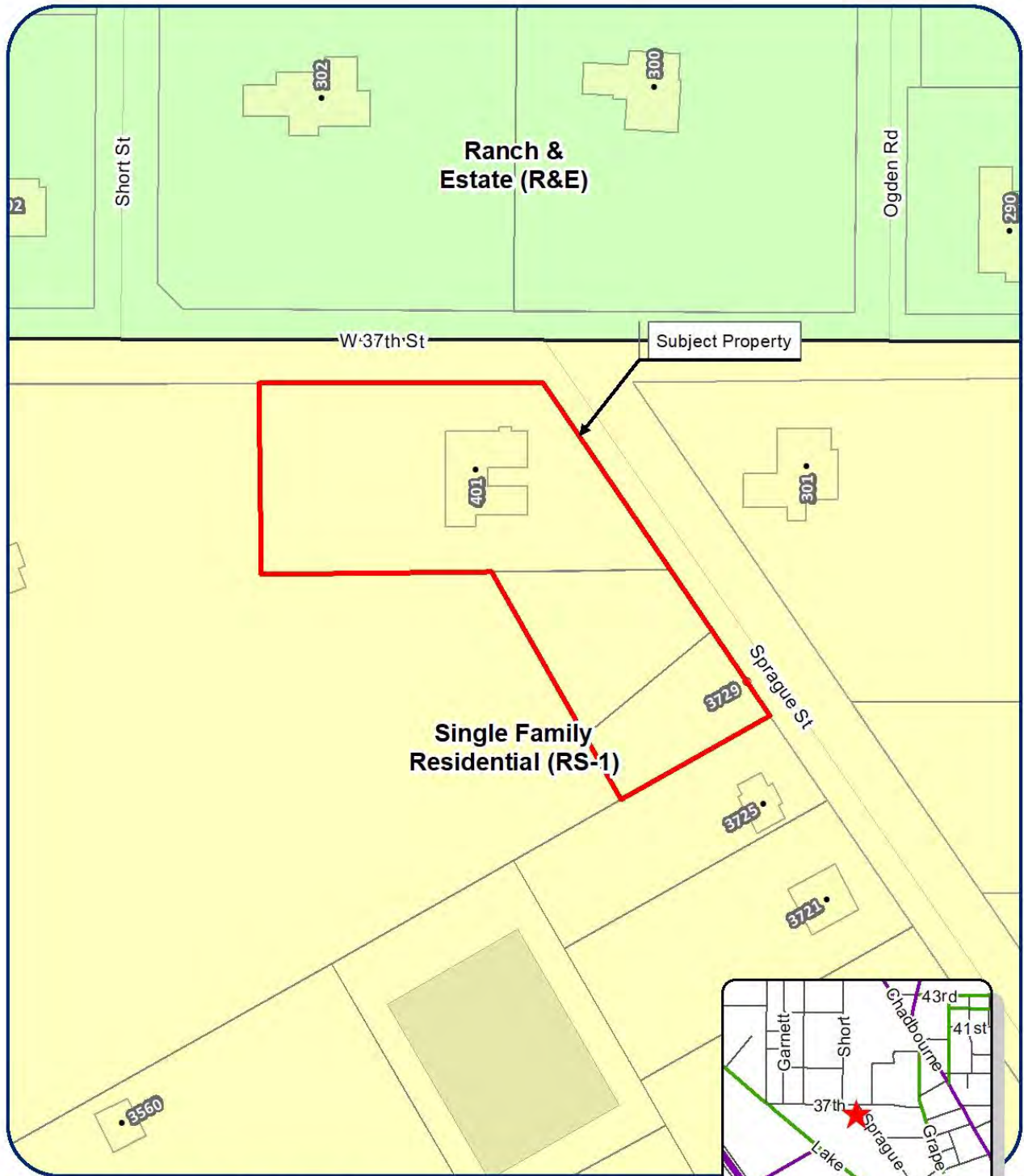
Subject Properties: —
 Current Zoning: **RS-1**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**







Ramirez Addition, Section One
401 West 37th Street
 Council District: SMD #2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 100 ft

Legend
 Subject Properties: —
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Ramirez Addition, Section One
401 West 37th Street
 Council District: SMD #2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 100 ft

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







City of San Angelo, Texas - Planning
Land Subdivision Application



NOTE: Incomplete applications will not be accepted. All required fields must be filled in adequately. The Authorized Representative (as designated in Section 1) will be notified of any changes in status & contacted with any questions. Use "N/A" where an item is not applicable.

Section 1: Basic Information
 Ramirez Addition, Section One

Proposed Subdivision Name
 1.499 acres out of Joe Short Sur. 315 1/2, Abstract No. 8350

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 R000071034 & R000071035

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:
 Name _____ Phone Number _____ Email Address _____

Property Owner:
 Name Ramiro Ramirez Jr Phone Number _____ Email Address _____

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

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

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

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

Section 2: Utility & Easement Information

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

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

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

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

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

Section 3: Property Characteristics

1.499 2
 Total Acreage of Proposed Subdivision/Resubdivision Total Number of Lots Proposed

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

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

Existing Land Use (Include the number of acres devoted to this use):
 Vacant _____ Single-Family Residential 1.499 Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Proposed Land Use (Include the number of acres devoted to this use):
 Vacant _____ Single-Family Residential 1.499 Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

Are there existing structures on the property? Yes No
 If yes, how many structures exist? 2 What type of structures exist currently? House & shop/barn

If yes, are any of the structures planned to remain? Yes (NOTE: requires one copy of proposed plat showing structures to remain) No

Are there existing deed restrictions? Yes No
 If yes, provide deed reference information: _____

Is this proposed plat within the ETJ?* Yes No
 *NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 1/2 miles of it.

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Ch.9.III.V, Ch.10.III.A.1&2

Full variance requested Partial variance requested (proposed variation from standard): ROW Dedication, Paving Width, Sidewalks

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 request would not be detrimental to the public safety, health or welfare, or be injurious to other property as this area functions and will continue to function in its current condition.

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 upon which this request for variance is based are not generally applicable to other property as this area is primarily developed with mid to large sized tracts and this division seeks to divide off a smaller tract for a single-family residence, still leaving the remainder as generally large tract.

(Section 4 continues on next page)

Section 4, continued

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

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 Approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as this division would only create 1 additional lot in an already developed area with adequate and functional infrastructure.

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.

✓ Ramon A. Tol
 Owner's Signature
Hub Hooker
 Representative's Signature

11-20-17
 Date
11/21/2017
 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 11-21-17 Date Deemed preliminary complete: 11-21-17 Date 10:01 Time HB Initials

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

Completeness review passed? Yes _____ Date No _____ Date

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

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

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

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

Approvals required for this application:	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____

**PLANNING COMMISSION –December 11, 2017
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Replat		Replat of The Crossings, Lot 1, Block 1, Section 3	
SYNOPSIS:			
This is an application to plat approximately 4.283 acres into two Neighborhood Commercial lots located in the south central portion of San Angelo. As part of the plat, the applicant is also requesting a variance from the paving width on Ben Ficklin Road. No unusual physical features are associated with the property, and the site is relatively flat and has frontage along Ben Ficklin Road and The Crossings Avenue. The lots comply with the minimum lot area, lot frontage, and lot depth of the CN Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
1350 The Crossings Avenue, generally located at the intersection of Ben Ficklin Road and The Crossings Avenue		Being 4.284 acres out of Lot 1, Block 1, Section Three, The Crossings as per plat recorded in Plat Cabinet F, Slide 101, Plat Cabinet Records, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Country Club Neighborhood	PD 02-01	Commercial	4.284 acres
THOROUGHFARE PLAN:			
<p>Ben Ficklin Road – Urban Minor Collector Street, 60’ min. ROW Required (60’ Existing), 50’ min. Pavement Required (24’ Existing)</p> <p>The Crossings Avenue – Urban Local Street, 50’ min. ROW Required (50’ Existing), 40’ min. Pavement Required (40’ Existing)</p> <p>South US Highway 87 Frontage Road – State Maintained Highway</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Replat of The Crossings, Lot 1, Block 1, Section 3 subject to Six Conditions of Approval , and;			
DENIAL of the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Ben Ficklin Road, an Urban Minor Collector Street, to maintain a 24 foot width in lieu of the required 50 foot.			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner(s):</i> Lukarh Investments, LLC</p> <p><i>Agent:</i> Russell Gully, SKG Engineering</p>			
STAFF CONTACT:			
<p>Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us</p>			

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 “Commercial” in the City’s Comprehensive Plan which often are single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network. As indicated above, the purpose of the Replat is to facilitate future construction of commercial buildings. The proposed plat would provide additional commercial opportunities in this area which contains a mix of residential dwellings and commercial buildings.

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, safe and efficient development of the City and surrounding area (Statement C); assist in guiding the future growth and development of the City in accordance with City plans and requirements (Statement E), and development and will insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development (Statement O). The new lot configurations will be consistent with future development plans and the surrounding areas, providing a unified streetscape.

Variations: As indicated above, the applicant has submitted a variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Ben Ficklin Road, an Urban Minor Collector Street, to maintain a 24 foot width in lieu of the required 50 foot. In accordance with Chapter 1, Section IV.A, the Planning Commission **shall not approve** a Variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant believes that the granting of this variance request would not be detrimental to the public safety, health or welfare, or be injurious to other property as this Ben Ficklin will continue to function in its current condition, and by adding a short segment of widened street could cause detrimental driving patterns.

Engineering Services and the Planning Division do not support the variance from any additional improvements to Ben Ficklin Road. This road is currently in need of repair and expansion. As well this site is located at an intersection where additional width would not be detrimental.

2. **The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.**

The applicant has stated that the conditions upon which this request for variance is based

are not generally applicable to other property as this area along Ben Ficklin currently platted and both sides developed area. PD02-01 restricts access to Ben Ficklin and creates a buffer zone.

As indicated above, Engineering Services and the Planning Division would not support a variance from any street improvements along this portion of Ben Ficklin as this segment lies near an intersection and the road is currently in need of improvements.

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

The applicant believes due to the physical surroundings and shape of the subject property including the presence of the existing street and utilities a particular hardship to the owner would result.

Staff believes the existing street widths and configuration along Ben Ficklin do not service the surrounding area satisfactorily.

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

The applicant believes approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as these are conditions created as a result of prior actions by the City.

Planning and Engineering Services agree that the existing street widths pose little safety risks but do not properly service the public in their current configuration. As indicated above, this expansion would happen at an intersection and not cause any detriment to traffic flow.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the Replat of The Crossings, Lot 1, Block 1, Section 3, subject to **Six Conditions of Approval:**

1. Per Subdivision Ordinance, Chapter 7.II.A, provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Provide a site plan showing existing structures and existing septic systems to the Tom Green County Environmental Health Department, and a suitability study must also be submitted. For more information, contact Pam Weishuhn at 659-5441.
3. Prepare and submit plans for approval, illustrating the proposed installation of water service connections and hydrants [**Land Development and Subdivision Ordinance, Chapter 11.I.A, 2009 International Fire Code, Sec. 507.5.1, Exception 1**] and complete the installation in accordance with the approved version of these plans [**Land Development and Subdivision**

Ordinance, Chapter 11.I.B]

4. Contact the City of San Angelo Department of Water Utilities Customer Service Office at 122 W. 1st Street or by calling (325) 657-4323 to request water service connections and to establish a utility service account.
5. Prepare and submit plans for required improvements to streets (adjacent segments of Ben Ficklin Road) by half the additional increment necessary to comprise the minimum paving widths [**Land Development and Subdivision Ordinance, Chapter 10**].
 - a. For Ben Ficklin Road, the minimum width is 50 feet (in this case, requiring 26 additional feet).
 - b. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [**Land Development and Subdivision Ordinance, Chapter 6**].
 - c. A second alternative would be to obtain approval of a variance from the Planning Commission [**Land Development and Subdivision Ordinance, Chapter 1.IV**]
6. A drainage study shall be submitted if the impervious area changes by 5% and development* of a site exceeds 1 acre. [**Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13**] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [**Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13**]

Note: *development is defined in ordinance as "Any man-made change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, clearing, or removing vegetative cover."

DENY a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Ben Ficklin Road, an Urban Minor Collector Street, to maintain a 24 foot width in lieu of the required 50 foot.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Proposed Final Plat
Application

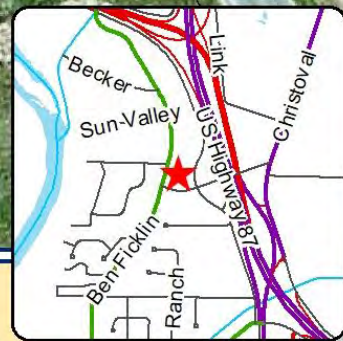


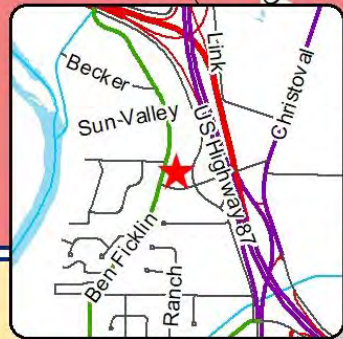
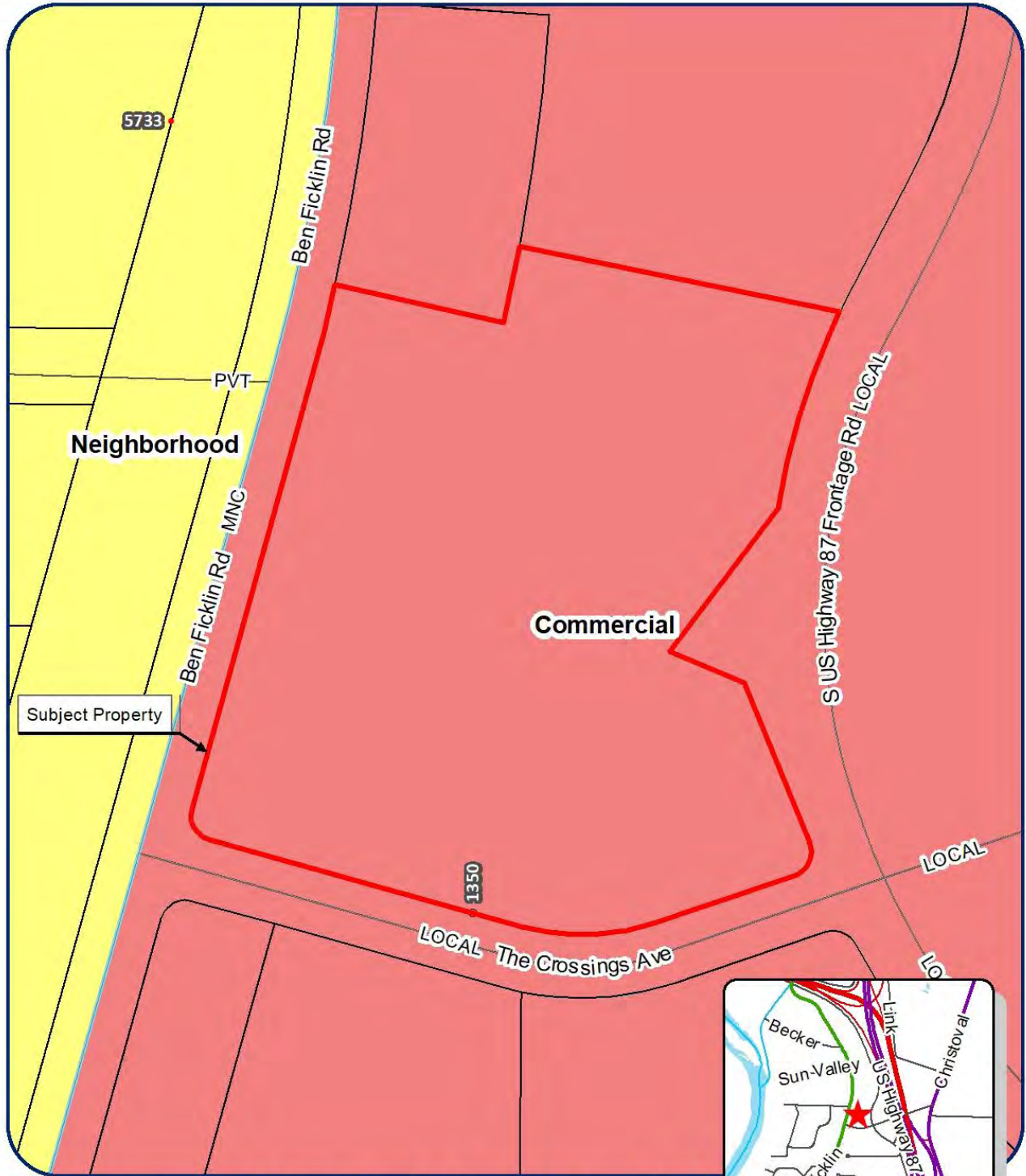
The Crossings, First Replat of Lot 1, Block 1, Section 3
1350 The Crossings Avenue

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

Legend

Subject Properties: —
 Current Zoning: PD 02-01
 Requested Zoning Change: N/A
 Vision: Commercial





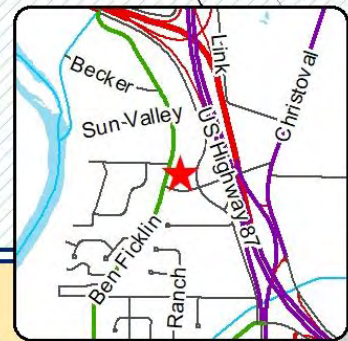
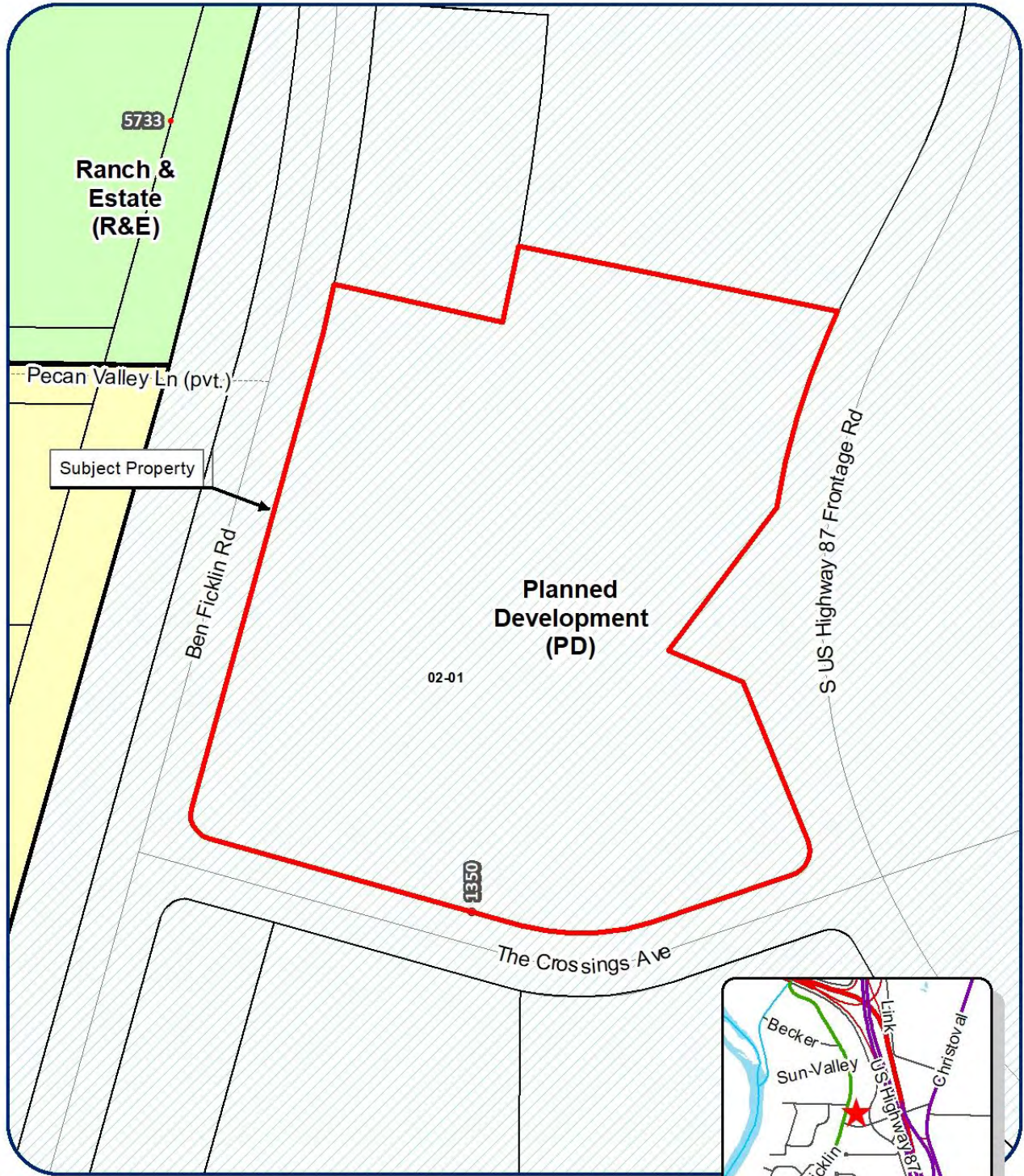
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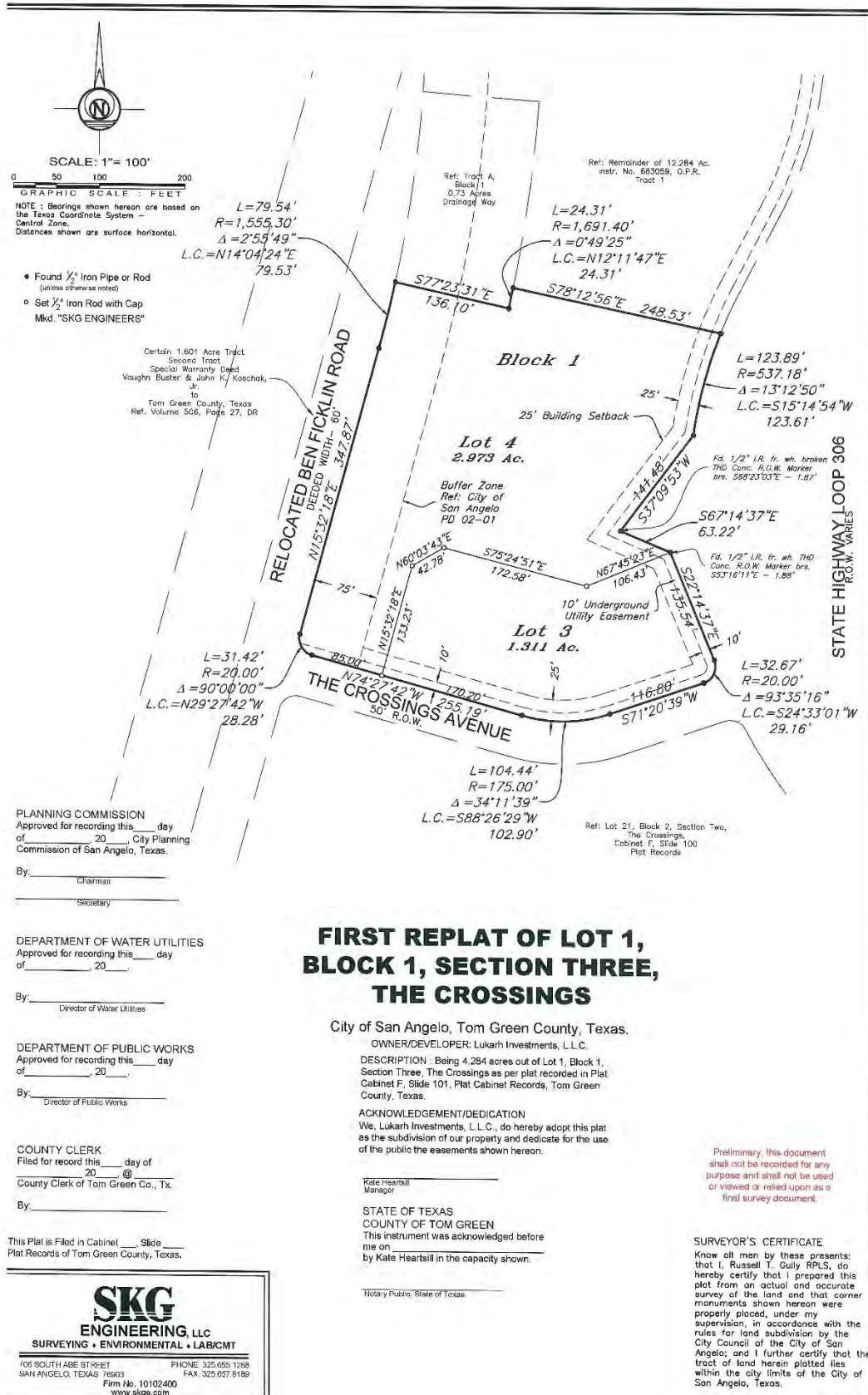
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 Requested Zoning Change: N/A
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City of San Angelo, Texas - Planning
Land Subdivision Application



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

First Replat of Lot 1, Block 1, Section Three, The Crossings

Proposed Subdivision Name
 Blk: 1, Subd: CROSSINGS, 4.283 ACRES OUT OF LOT 1 SEC 3

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 07-19550-0001-001-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
Property Owner: Lukarh Investments, L.L.C.	817-988-9353	kate.heartsill@gmail.com
Name	Phone Number	Email Address
Architect/Engineer/Design Professional: SKG Engineering	325-655-1288	rg@skge.com
Name	Phone Number	Email Address

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

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

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

Section 2: Utility & Easement Information

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

Sewer: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? Min. 1.00 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

4.284 2

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

Existing Zoning:

RS-1 RS-2 RS-3 RM-1 RM-2 PD (include case number: PD 02-01)

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 4.284 Single-Family Residential _____ Office _____

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

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

Vacant _____ Single-Family Residential _____ Office _____

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

Are there existing structures on the property? Yes No

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

If yes, are any of the structures planned to remain? Yes (NOTE: requires one copy of proposed plat showing structures to remain) No

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

Is this proposed plat within the ETJ?* Yes No
 *NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 ½ 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,III, A

Full variance requested Partial variance requested (proposed variation from standard): No additional paving width & no sidewalk

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 request would not be detrimental to the public safety, health or welfare, or be injurious to other property as this Ben Ficklin will continue to function in its current condition. By adding a short segment of widened street could cause detrimental driving patterns.

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 upon which this request for variance is based are not generally applicable to other property as this area along Ben Ficklin currently platted and both sides developed area. PD02-01 restricts access to Ben Ficklin and creates a buffer zone.

(Section 4 continues on next page)

Section 4, continued

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

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 Approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as these are conditions created as a result of prior actions by the City.

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 [Signature]
 Representative's Signature [Signature]

Date 11.21.17
 Date _____

FOR OFFICE USE ONLY:

Submitted to front desk: 11-22-17 Date Deemed preliminary complete: 11-22-17 Date 4:18 Time KMH Initials

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

Completeness review passed? Yes _____ Date _____ No _____ Date _____

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**



APPLICATION TYPE:	CASE:
Replat	Replat of Lots 25-27, and parts of Lots 21-24 and 28, Fort Concho River Lots

SYNOPSIS:
 This is an application to combine several lots into one lot, under the same property ownership. The property owner wishes to develop the area into Senior Living Apartments called “Oak Trails Senior Housing.” The property has undergone River Corridor Approval (RCC17-34) as well as an Urban Design Review (UDR17-04). The final step is to replat the property.

 There are no variances requested with this replat.

LOCATION:	LEGAL DESCRIPTION:
590 feet southeast of the intersection of Rio Concho Drive and Surber Drive	Fort Concho River Lots, the N500’ of S660’ of Lot 21 and N500’ of S660’ of W 25’ of Lot 22, and the N494’ of S660’ of E75’ of Lot 22 and N494’ of S660’ of Lot 23 and N494’ of S660’ of W25’ of Lot 24, and the E75’ of N1135’ of Lot 24 and 25 through 27 and W25’ of Lot 28, City of San Angelo, Texas.

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #3 – Harry Thomas Fort Concho Neighborhood	RM-1 –Low-Rise Multi-Family Residential	N - Neighborhood	12.314 acres

THOROUGHFARE PLAN:
Rio Concho Drive – Parkway, No minimum standards.
 Actual 33’ ROW, 34’ Paving Width without sidewalks
Baker Street – Urban Local Street, Required 50’ min. ROW, 36’ min. Paving Width with sidewalk, or 40’ min, without. Actual 100’ ROW, 40’ Paving Width with intermittent sidewalks

STAFF RECOMMENDATION:
 Staff recommends that the Planning Commission **APPROVE** the Replat of Lots 25-27, and parts of Lots 21-24 and 28, Fort Concho River Lots; subject to seven (7) Condition of Approval

NOTIFICATIONS:
 Staff mailed out seventeen (17) notices within the 200-foot buffer. We have received one response in favor, and one response in opposition.

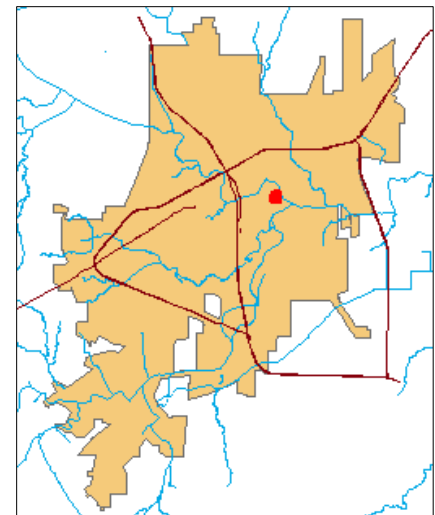
PROPERTY OWNER/PETITIONER:

Property Owner(s):
 JEM Properties, INC

Agent:
 Erica Carter, SKG Engineering, LLC

STAFF CONTACT:

 Kristina Heredia
 Staff Planner
 (325) 657-4210, Extension 1546
kristina.heredia@cosatx.us



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

APPROVE the Replat of Lots 25-27, and parts of Lots 21-24 and 28, Fort Concho River Lots, subject to **seven** Conditions of Approval:

1. Providing 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. [Subdivision Ordinance, Chapter 7.II.A].
2. Prepare and submit plans for approval, illustrating the proposed installation of sidewalks as described below, and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B, City of San Angelo Standards and Specifications]. Sidewalk(s) may be required to allow more convenient pedestrian access to the site where heavy pedestrian and vehicular traffic is anticipated [Subdivision Ordinance, Chapter 9.V, City of San Angelo Standards and Specifications]. If placement of sidewalks is not feasible within the public right-of-way, easement(s) shall be provided & illustrated on the plat.
 - a. Along the right-of-way for Rio Concho. This sidewalk shall be located and built to City specifications.
 - b. Along the right-of-way for Baker Street. This sidewalk shall be located and built to City specifications. This sidewalk can be deferred until access to the development is needed on Baker Street.
3. A drainage study shall be submitted if the impervious area changes by 5% and development* of a site exceeds 1 acre. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] may be deferred to permitting
4. Prepare and submit plans for approval, illustrating the proposed installation of a water and sewer mains and required service connections and hydrants [Land Development and Subdivision Ordinance, Chapter 11.I.A, 2009 International Fire Code, Sec. 507.5.1, Exception 1] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].
5. Fire hydrants and fire department access will need to be provided, depending upon the proposed layout of buildings, and should be addressed as part of the site plan review process. [2009 International Fire Code, Section 507.5, and Appendix D]
6. Provide the Real Estate Department with the legal description of the “Access and Sidewalk Easement” that will provide access to the property off of Rio Concho.
7. Provide a copy of the signed Access and Sidewalk Easement to the Planning Department after its approval by City Council and before plat recordation.

NOTES:

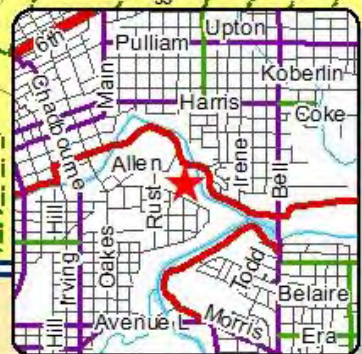
Please note that the zoning for this proposed lot falls within two different zoning districts. The majority is zoned “Low-Rise Multifamily (RM-1)” Zone District and a small section is zoned “Single-Family Residential (RS-1)” Zone District. For ease of development, the Planning Division recommends a rezoning to the single zoning category of RM-1 for the entire site. If not, no buildings or parking can be located within the RS-1 Zone District.

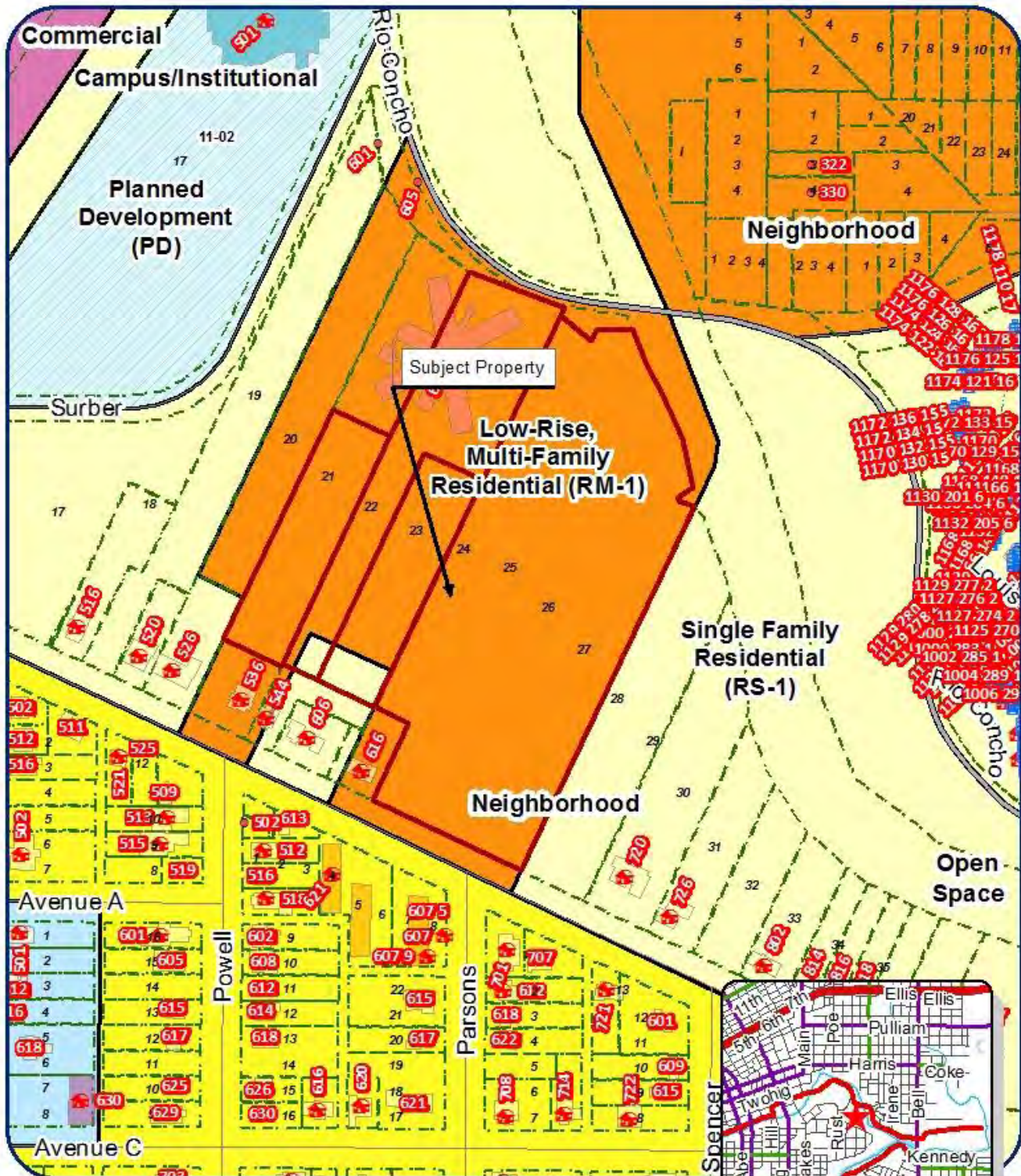


Future Land Use Map
Case RCC17-34: Oak Trails

Council District: Harry Thomas
 Neighborhood: Fort Concho
 Scale: 1" approx. = 208 ft

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





Zoning Map

Case RCC17-34: Oak Trails

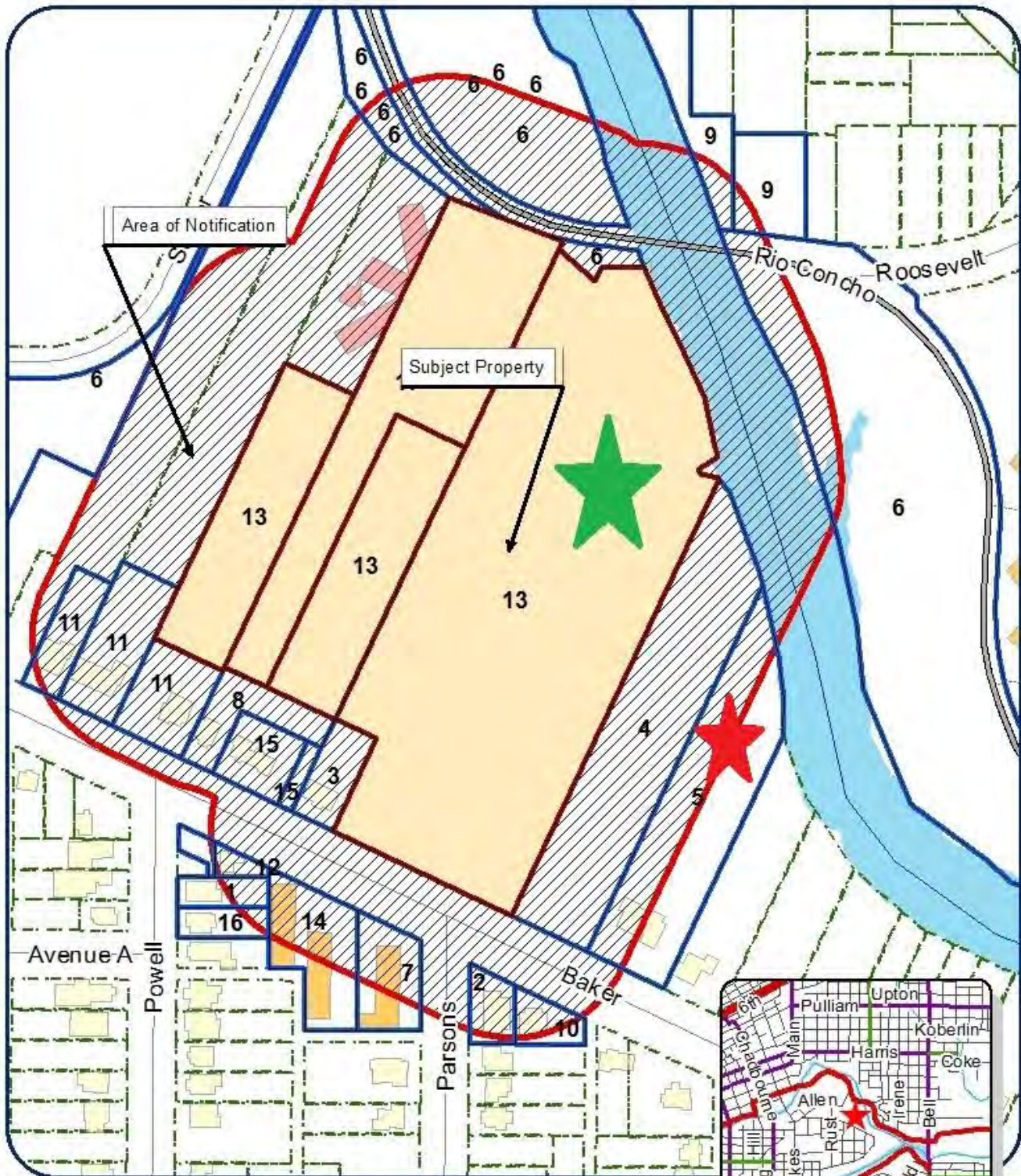
Council District: Harry Thomas
 Neighborhood: Fort Concho
 Scale: 1" approx. = 250 ft

Legend

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

N





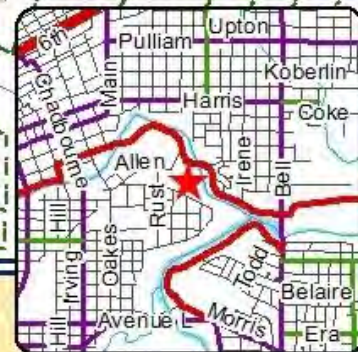
Notification Map

Replat, Fort Concho River Lots

Council District: Harry Thomas
 Neighborhood: Fort Concho
 Scale: 1" approx. = 208 ft

Legend

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



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) Highest and best use of the subject
Property

NAME: JEM Properties, Inc

ADDRESS: 502 6959 Lebanon Road Suite 212
Frisco, Texas

SIGNATURE: Michael Horn, President

Fort Concho River Lots, Replat of Lots 21-28

Property Owner number: 13

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.

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 (X) IN OPPOSITION

REASON(S) Increase Traffic on Baker and Rust creating the potential for accidents. I myself; have had four close calls at that intersection. A city vehicle was involved in an accident with a motorcycle back on June 30th of this year sending one of the cyclist to the hospital.
We already have several apartment complexes in the vicinity. In my opinion; the city should focus on the beautification of the River in that area plus following up on the R/UDAT plan of establishing a system of monuments for the Fort Concho Annex at the intersections of Rust + Baker and Rust + Highland. This will help improve the area around the Convention Center.

NAME: Neal CHAVEZ

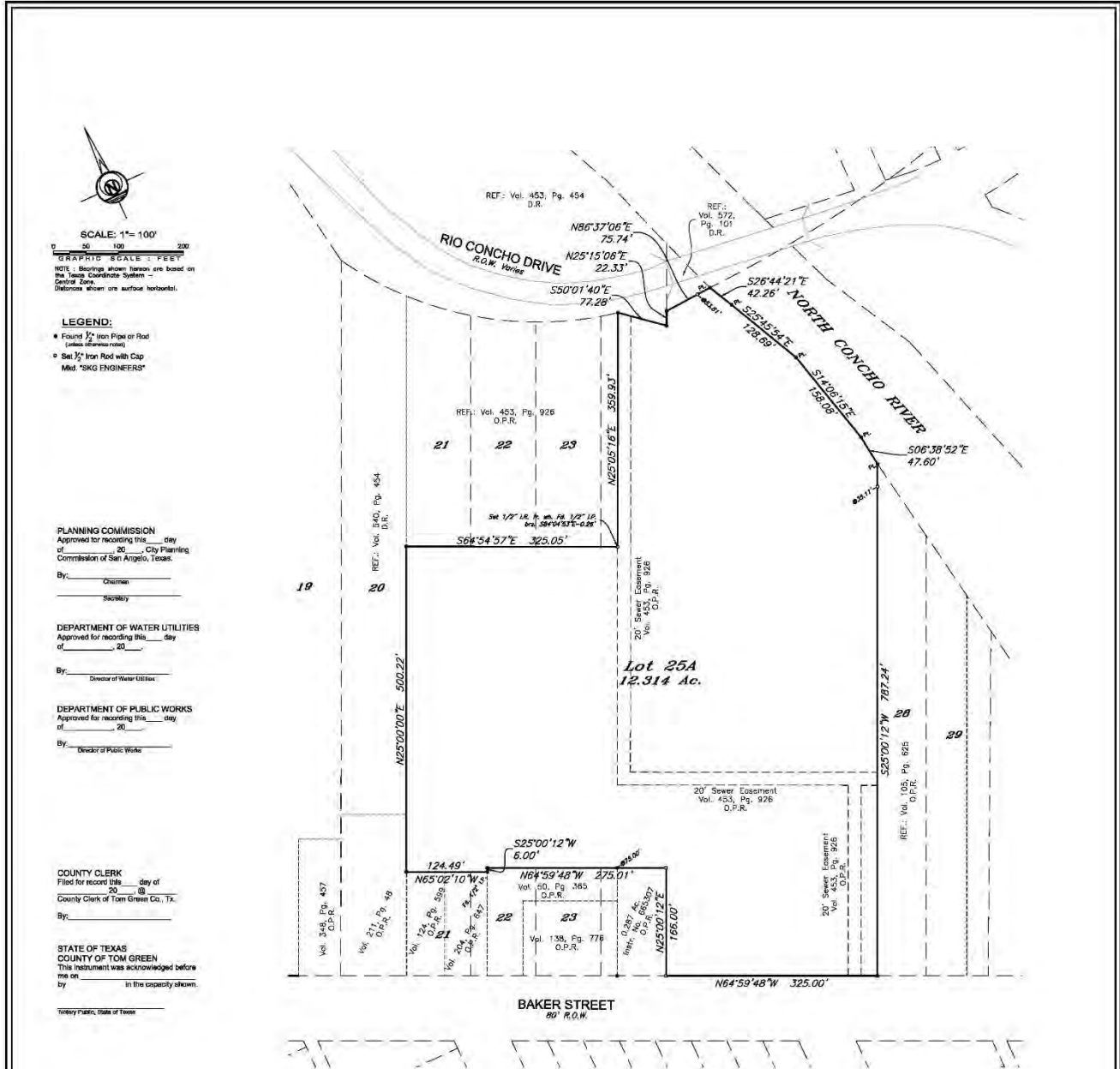
ADDRESS: 720 Baker Street
San Angelo, TX 76903

SIGNATURE: 

Fort Concho River Lots, Replat of Lots 21-28

Property Owner number: 5

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.



SCALE: 1"= 100'
GRAPHIC SCALE - FEET
 0 50 100 200
 NOTE: Bearings shown herein are based on the Texas Coordinate System - Central Zone. Distances shown are surface horizontal.

LEGEND:
 • Found 1/2" Iron Pipe or Rod (unless otherwise noted)
 • Set 3/4" Iron Rod with Cap
 Mtd. "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

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

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

REPLAT OF LOTS 25 TO 27 AND PARTS OF LOTS 21 TO 24 AND 28 FORT CONCHO RIVER LOTS

City of San Angelo, Tom Green County, Texas.
 OWNER/DEVELOPER: JEM Properties
 DESCRIPTION: Being 12.314 acres comprised of 1.435 and 2.268 acres described and recorded in Volume 8, Page 216, Deed Records of Tom Green County, Texas and 8.609 acres described and recorded in Volume 753, Page 220, Deed Records of Tom Green County, Texas.

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

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 R.P.S., 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 platified lies within the city limits of the City of San Angelo, Texas.

This Plat is Filed in Cabinet ___ Side ___
 Plat Records of Tom Green County, Texas.
 Field Notes are filed in instrument No. _____
 Official Public Records, Tom Green County, Texas.

SKG ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT
 706 SOUTH ABE STREET PHOENIX: 623.456.1288
 SAN ANGELO, TEXAS 76903 FAX: 325.697.6199
 FIRM No. 121028002 www.skg.com

**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**



APPLICATION TYPE:	CASE:
Rezoning	Z17-16: Bowles

SYNOPSIS:
This is an application to rezone a small strip plaza on South Bryant from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District. The lot has a Conditional Use (CU 02-02) in place that allows the specific land uses of hair, tanning, and personal care services, but all other retail aspects are not allowed. The applicant wishes to allow all Retail Sales and Services Land Uses and Planning Staff believes that a zone change to CN is a more equitable solution than an additional Conditional Use, especially as the Future Land Use (FLU) for South Bryant is that of Neighborhood Center, of which the zoning classification of CN is compatible.

LOCATION:	LEGAL DESCRIPTION:
2616 South Bryant Boulevard; generally located at the north east corner of the intersection of South Bryant Boulevard and West Avenue W	La Villita Heights Addition, Block 10, Lot 17, City of San Angelo, Texas.

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #3 – Harry Thomas Rio Vista Neighborhood	Office Commercial (CO)	Neighborhood Center	0.138 acres

THOROUGHFARE PLAN:
South Bryant Boulevard – Major Urban Arterial, Required 80’ min. ROW, 64’ min. pavement
Actual 150’ ROW, 120’ pavement with no sidewalk

NOTIFICATIONS:
21 notifications were mailed within a 200-foot radius on November 21, 2017.
One response has been received in support and one in opposition.

STAFF RECOMMENDATION:
Staff recommends **APPROVAL** of the proposed Rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District

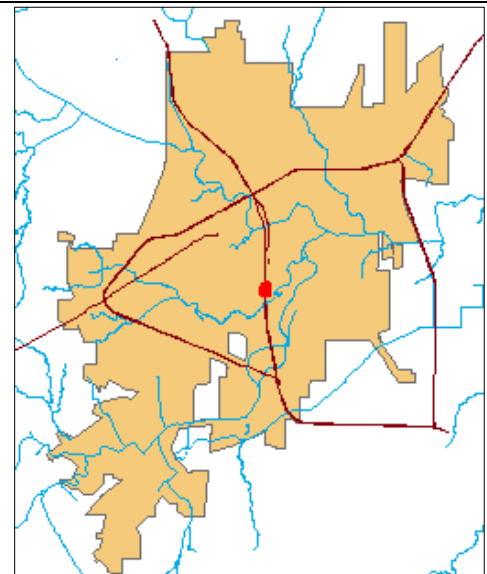
PROPERTY OWNER/PETITIONER:

Property Owner(s):
Guy Bowles

Agent:
Owner

STAFF CONTACT:

Kristina Heredia
Staff Planner
(325) 657-4210, Extension 1546
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.* Changing the zoning from CO to CN is consistent with the Future Land Use designation of Neighborhood Center. While South Bryant Boulevard is mixed with both residences and businesses, the Comprehensive Plan shows this area as being designated for future commercial development and current development patterns reflect this.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The main tenant and property owner of the lot conducts a business that is allowed in both CO and CN Zoning Districts. Historically the property owner has rented out to businesses that appear to be more retail in nature, thus the Conditional Use in place from 2002. Since the previous CU was for a very specific land use, a current tenant of the property owner is currently not in compliance with the Zoning Ordinance. While expanding the current CU to allow for all retail sales and services is an option, a more viable option is to rezone the property that allows the uses the property owner needs, as well as aligning the property with the future plans of the City.
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 indicated above, the property is located within an area that is clearly developing in a commercial fashion. While there are residential lots that front on or are adjacent to South Bryant, the area is changing to incorporate more commercial land uses. Allowing the zone change to CN not only is compatible with the surrounding area, but it also satisfies the demand foreseen through the Comprehensive Plan.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The property owner/applicant is currently renting space to a retail business that falls outside of the retail uses allowed under the current Conditional Use. This rezoning will allow all Retail Sales and Services at this property that are allowed at all properties zoned CN.
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.* Since the lot is fully developed, and the property occupied, there are no anticipated adverse effects to the natural environment.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The City has designated that the appropriate development for this site be Commercial in nature. The reasoning for such a designation was presumably based on a community need for the associated uses in this particular area. A Neighborhood Commercial zoning district is compatible with a Neighborhood Center Future Land Use and would appear to meet the anticipated community need.

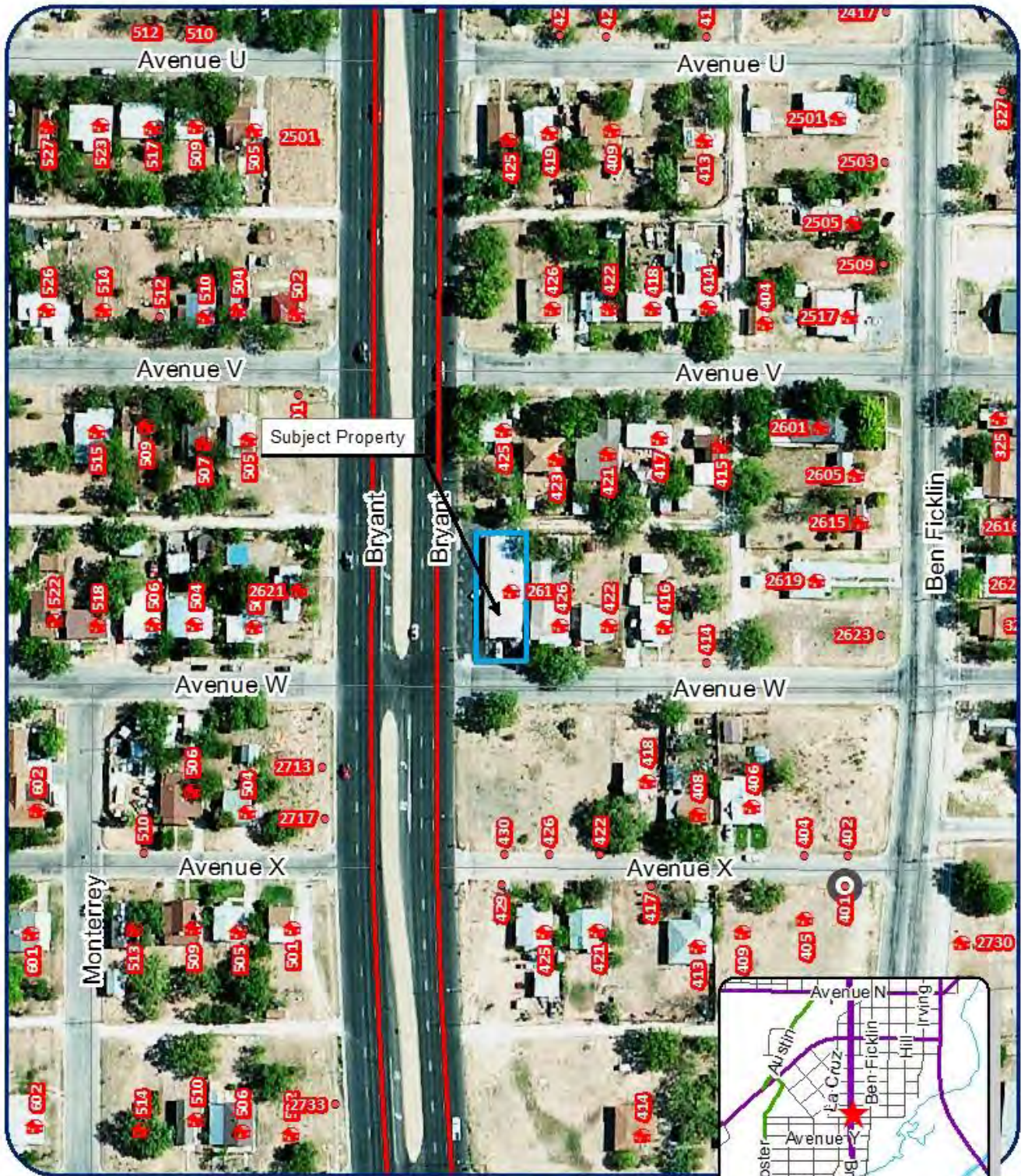
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* As the area develops, businesses are either taking over vacant land or changing occupancy classification on South Bryant. While there are still many homes in the area, the overwhelming trend is for the growth of commercial activity in the corridor.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a Rezoning from the Office Commercial (CO) Zoning District to the **Neighborhood Commercial (CN) Zoning District**

Attachments:

1. Aerial Map
2. Zoning Map
3. Future Land Use (FLU) Map
4. Thoroughfare Map
5. Notification Map
6. Responses
7. Site Photos



Aerial Map

Case Z17-16: Bowles

Council District: Harry Thomas

Neighborhood: Rio Vista

Scale: 1" approx. = 125 ft

Subject Property Legal Description(s): La Villita Heights Addition, Block 10, Lot 17

Legend

- Subject Properties: —
- Current Zoning: CO
- Requested Zoning Change: CN
- Vision: **Neighborhood Center**





Zoning Map

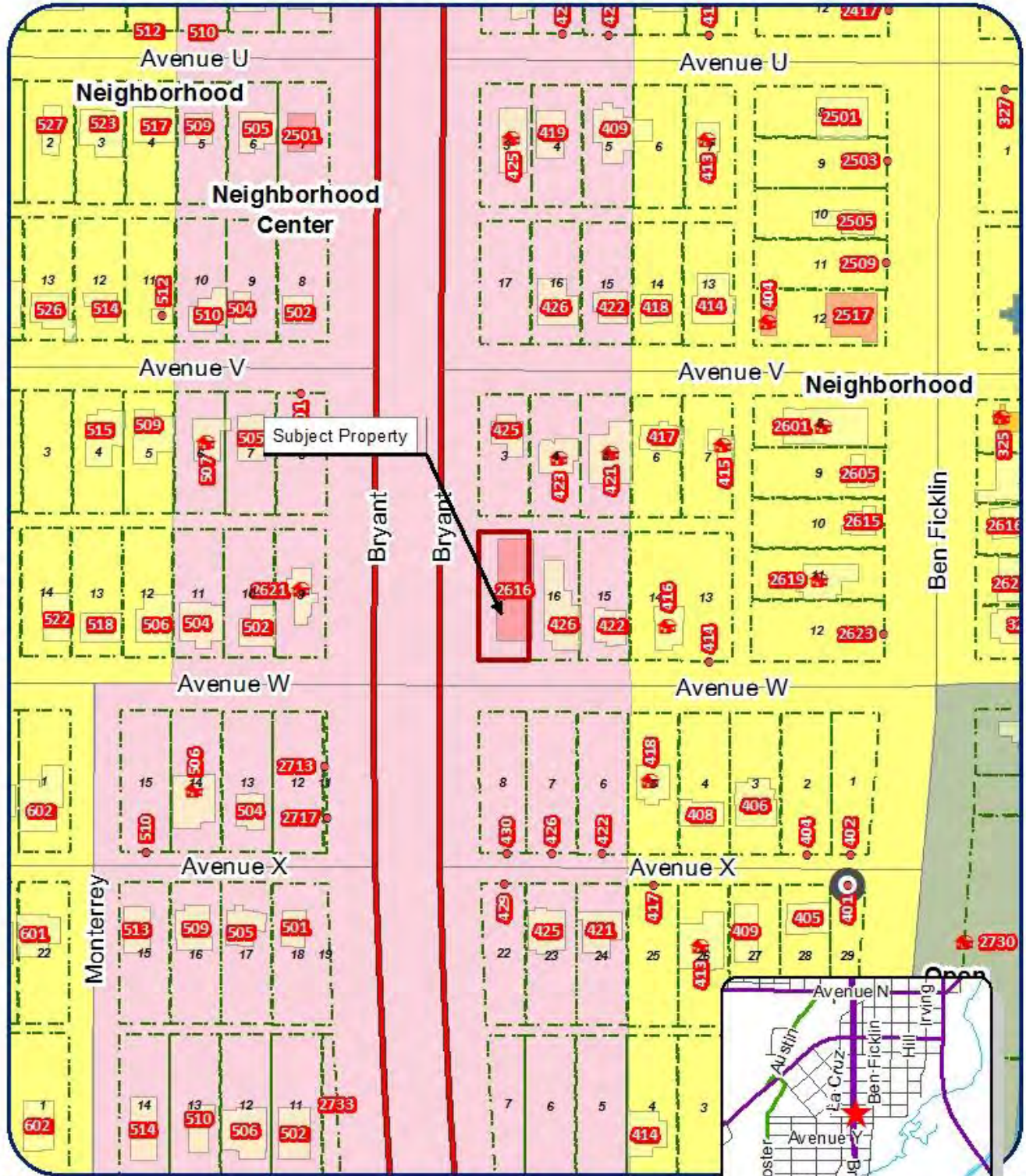
Case Z17-16: Bowles

Council District: Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft
 Subject Property Legal Description(s): La Villita Heights Addition, Block 10, Lot 17

Legend

Subject Properties: 
 Current Zoning: **CO**
 Requested Zoning Change: **CN**
 Vision: **Neighborhood Center**





Future Land Use (FLU) Map

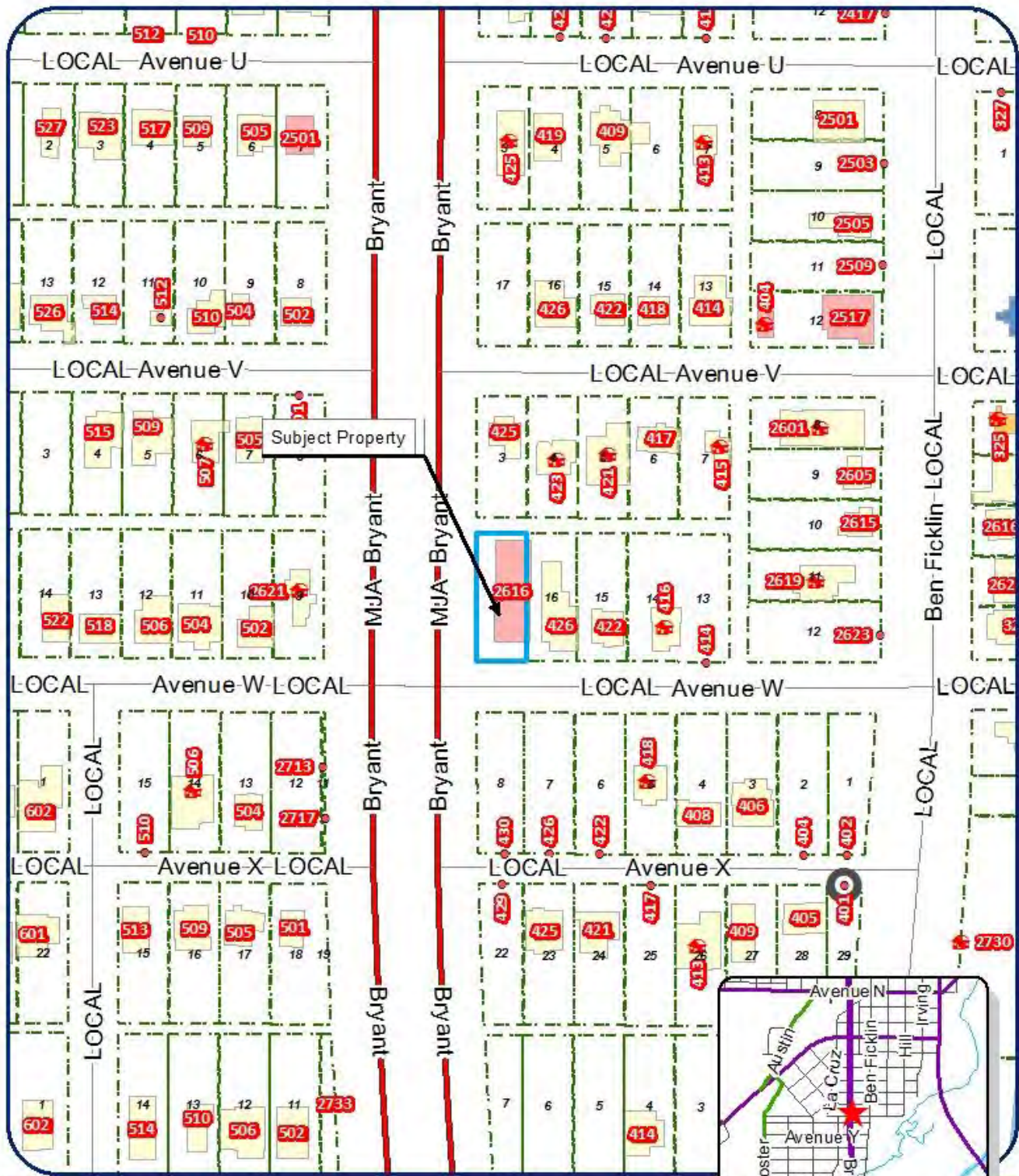
Case Z17-16: Bowles

Council District: Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft
 Subject Property Legal Description(s): La Villita Heights Addition, Block 10, Lot 17

Legend

- Subject Properties: —
- Current Zoning: ■ CO
- Requested Zoning Change: ■ CN
- Vision: ■ Neighborhood Center



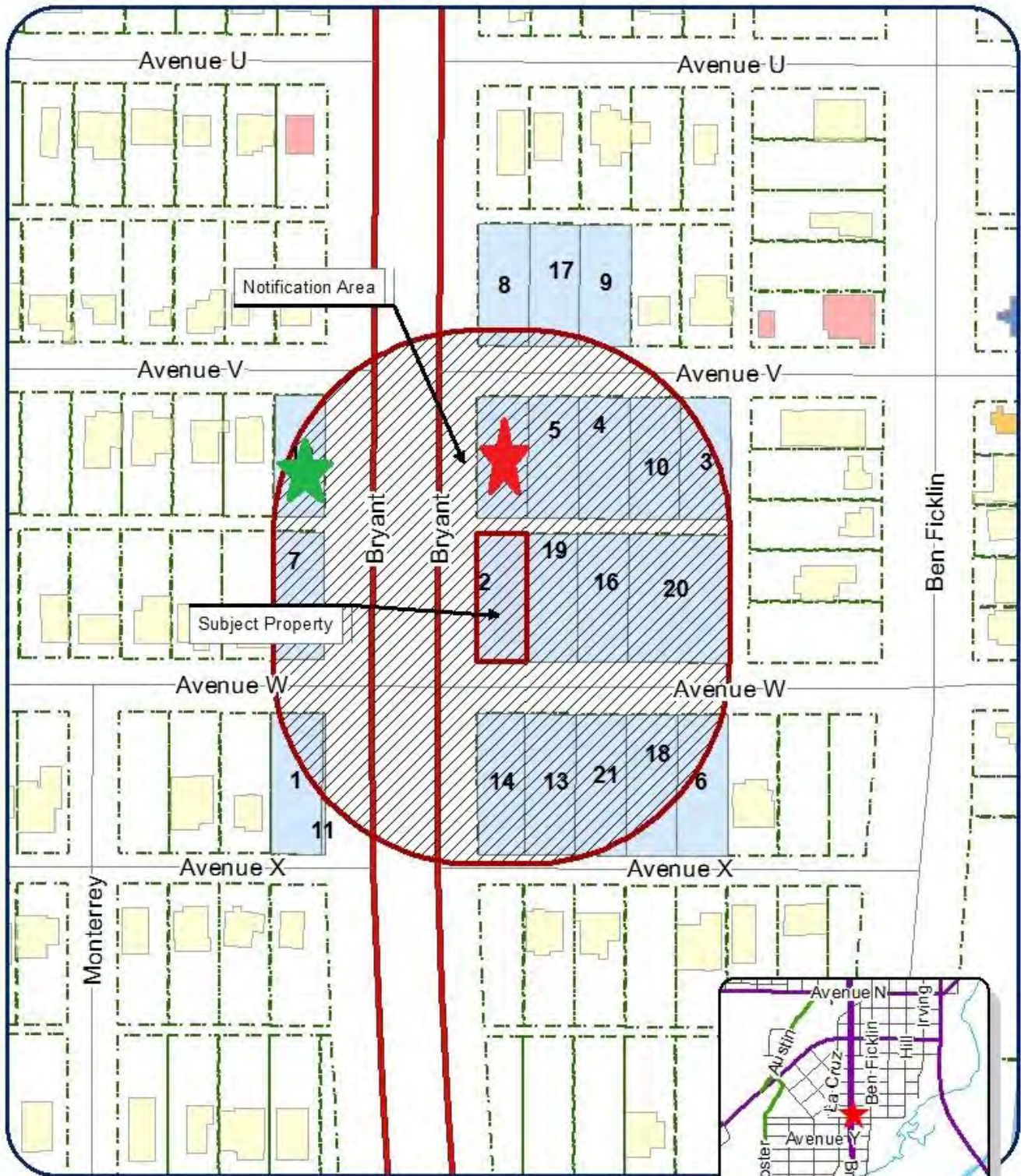


Thoroughfare Map
Case Z17-16: Bowles

Council District: Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft
 Subject Property Legal Description(s): La Villita Heights Addition, Block 10, Lot 17

Legend
 Subject Properties:
 Current Zoning:
 Requested Zoning Change:
 Vision:





Notification Map
Case Z17-16: Bowles

Council District: Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft
 Subject Property Legal Description(s): La Villita Heights Addition, Block 10, Lot 17

Legend
 Subject Properties: —
 Current Zoning: **CO**
 Requested Zoning Change: **CN**
 Vision: **Neighborhood Center**



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 AVENUE IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) Spoke with Planning office and learned
it would give Mr. Bowles the flexibility he needs
for renting his building. Best regards and
wishing all a Merry Christmas and happy
new year!

NAME: Eliza B. Martinez

ADDRESS: 502 W. Ave V
San Angelo TX 76903-8945

SIGNATURE: Eliza B. Martinez

Z17-16: Bowles

Property owner number: 12

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.

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 AVENUE IN SAN ANGELO, TEXAS 76903.

() IN FAVOR

() IN OPPOSITION

REASON(S) I am against the couple
renting the space because
they are noisy and sometimes
crowdy.

(2) They have a parking
problem; many times they park
in the alley.

(3) They have terrible hours,
they are open 24-7 with no
days closed. They have been there
since Feb 2017 and I am very tired of

NAME: Rose Minister (the terrible experience)

ADDRESS: 425 West Ave. V.
San Angelo, Texas 76903

SIGNATURE: Rose L. Minister

Z17-16: Bowles

Property owner number: 15

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.

Site Photos

Front of Business (East)



Across the Street (West)



Looking North on South Bryant



Looking South on South Bryant





**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Conditional Use		CU17-02: Martinez	
SYNOPSIS:			
<p>The applicants submitted their original Conditional Use request for a Short Term Rental on February 21, 2017 but postponed their request to an undetermined future date. The applicants are now ready to proceed and the new request has not changed from the original. The applicants intend to rent out their entire property for a Short Term Rental which includes a 1,373-square foot single-detached dwelling built in 1978, and a 930-square foot boat dock which backs onto Lake Nasworthy at the rear of the property. The applicant has provided receipts that they have paid State and City Hotel Occupancy Tax since September 1, 2016, as required by Section 406 of the Zoning Ordinance for Short Term Rentals. There are no other known Short Rental Rentals within 500 feet of the subject property as required. Although Shady Point Circle Drive is only 20 feet wide, 10 feet less than the 30 feet required for a new short term rental, the property is exempt from this requirement under Section 406 because the applicants have been registered for hotel occupancy tax since September 1, 2016 (see Additional Information below).</p>			
LOCATION:		LEGAL DESCRIPTION:	
1810 Shady Point Circle Drive; generally located approximately 1,500 feet southwest of the intersection of Shady Point Circle Drive and Knickerbocker Road.		Being Lot 17 in Block 2, Lake Nasworthy Addition, Group Shady Point One Addition, Section One, comprising a total of 0.417 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	RS-1 – Single-Family Residential	N – Neighborhood	0.417 acres
THOROUGHFARE PLAN:			
<p>Shady Point Circle Drive – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 47' right-of-way, 20' pavement (lots already platted, complied with standards at that time)</p>			
NOTIFICATIONS:			
<p>13 initial notifications were mailed out within a 200-foot radius on March 7, 2017 and there was one response received in favor by the owner/applicant of this request, and six received in opposition. On March 14, 2017, the application was postponed by the owner/applicant. 13 re-notifications were mailed out within a 200-foot radius on November 29, 2017, and two responses were received in favor by the owner/applicant and by another resident outside of the 200-foot radius (see attached).</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of a Conditional Use for a Short Term Rental in the Single-Family Residential (RS-1) Zoning District, subject to six Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owners and Applicants:</i> Richard and Anna Martinez</p>			
STAFF CONTACT:			
<p>Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us</p>			

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

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The proposed Short Term Rental does not appear to create any adverse impacts on adjacent properties. The property and surrounding properties on Shady Point Circle Drive have direct and abutting access to Lake Nasworthy to the rear, providing convenient, recreational access to the lakefront and suitability for a short term rental. The existing rear patio and boat dock provide additional amenities for guests, similar to other properties along this portion of Shady Point Circle. There is adequate parking on the property, as the driveway extends almost 250 feet from the front property line to the rear carport which parks an additional two parking spaces.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The subject property is zoned Single-Family Residential (RS-1) which complies with the minimum lot area, lot width and lot depth requirements under the Zoning Ordinance. The survey provided confirms that the existing home to be used as a Short Term Rental, and all accessory structures, comply with the minimum setbacks of the RS-1 Zoning District. As mentioned, although Shady Point Circle Drive is less than 30 feet in width, Section 406 of the Zoning Ordinance allows a Short Term Rental on a deficient street where an applicant has registered for State and City hotel occupancy tax since September 1, 2016. The applicants have provided receipts confirming payment of these taxes prior to September 1, 2016, and therefore, comply with this provision. There is sufficient vehicle parking for at least two vehicles under the existing carport, one of which is already paved, and one space which remains caliche; as well as an additional three spaces in the caliche “loop parking area” in front of the house, and a 250-foot caliche driveway connecting the house with Shady Point Circle which can also be used for surplus parking. As a condition of approval, the applicant will be responsible to pave an additional parking space with a paved connection to the street, as required by Section 511.F of the Zoning Ordinance, or apply for and obtain a variance from this provision.
- 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 land.** The proposed short term rental use appears to be compatible with the surrounding area which also contains lakefront homes, boat docks, and related amenities. Across the street to the west of the property is a 3.89-acre city park which may provide amenity space for short term rental guests. The property is part of an “Existing Residential” area in the Lake Nasworthy Master Plan within close proximity to a “Special Opportunity Area” intended for walking, jogging, bicycling, and a future hotel and nature center; and to “Harbor Village” intended for restaurants, party boats, and a hotel. The property is also within a short distance of Mary E. Lee Park and the existing marina and nature center. The City’s Comprehensive Plan designates the Future Land Use for the property “Neighborhood” which calls to “promote an appropriate balance of use within each neighborhood” and “provide access to natural areas and recreational opportunities within walking distance.” Given close proximity to surrounding parks, the marina, recreational and lakefront amenities, Planning Staff believe these policy objectives have been met.

4. **Effect on Natural Environment.** Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment. Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use would be located within the existing residential building and maintain the existing building footprint on the property. The required additional paved parking space and paved connection to the street would be reviewed as part of the change of occupancy permit(s). Staff does not anticipate any grading, drainage, or stormwater issues given the small increase in paved surface and the large overall lot size.
5. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. Planning Staff believe there is a community need for a short term rental on this property, given close proximity to the Marina, recreational amenities, and direct and abutting access to Lake Nasworthy. While access to the Lake does not automatically qualify a property for a short term rental, Staff believes in this case given direct lakefront access, surrounding recreational amenities, and large lot sizes, that this location is a suitable location for such use.
6. **Development Patterns.** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. The existing property was platted and filed for record with the County Clerk in February 2001, and the existing lot configuration would not change with this approval. Shady Point Circle Drive has direct access to Knickerbocker Road, a major arterial road which can accommodate large volumes of traffic and connect guests to nearby amenities including Mary E. Lee Park and the San Angelo Marina. The property has over 250 feet of driveway between the home and Shady Point Drive, as well as exclusive parking for at least three vehicles in the side loop parking area in front of the house, and two spaces under the existing carport. Planning Staff is confident that approval of this Short Term Rental will not affect existing development patterns, nor creating any adverse traffic or parking impacts.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a Short Term Rental on the subject property zoned in the Single-Family Residential (RS-1) Zoning District, **subject to the following six Conditions of Approval:**

1. The owner shall acquire permit(s) from the Permits and Inspections Division for a Change of Occupancy for a short term rental by January 16, 2018, as required by Section 406 of the Zoning Ordinance.
2. A maximum of one short term rental for the entire property is allowed at any given time.
3. The owner shall pave one additional parking space with a paved apron to the street as required and shall maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance, or seek a variance.
4. No exterior evidence of the Short Term Rental shall be allowed, except for one unilluminated sign, no larger than six square feet.
5. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, initial permit acquisition, and subsequent permit renewals.
6. No commercial outdoor storage shall be allowed on the premises.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Site Plan
Resident Letters
Copies of Hotel Tax Reports
Application




Conditional Use Case File

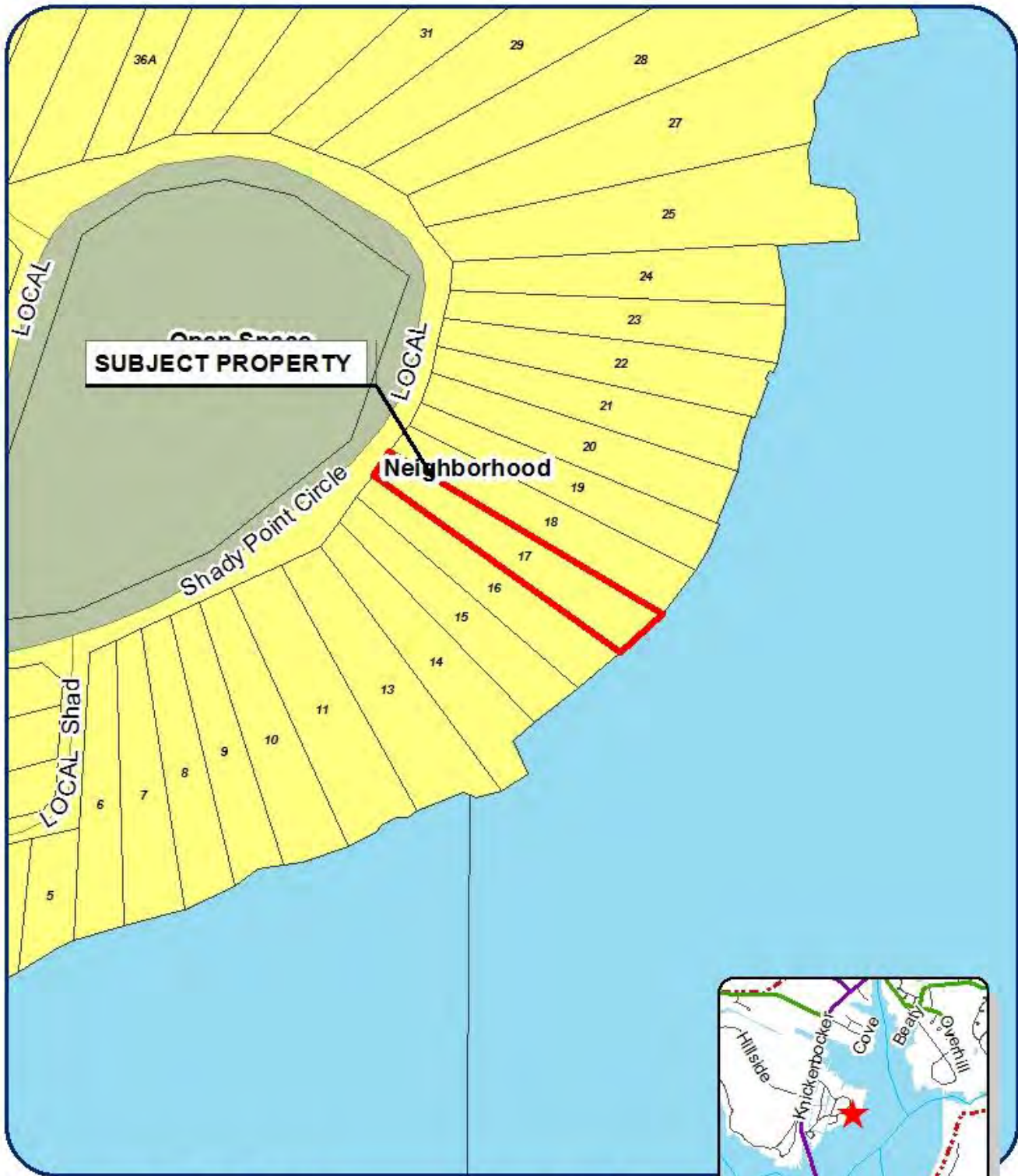
CU17-02: Martinez

Council District: Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 150 ft
Subject Property: 1810 Shady Point Circle Drive

Legend

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






Conditional Use Case File

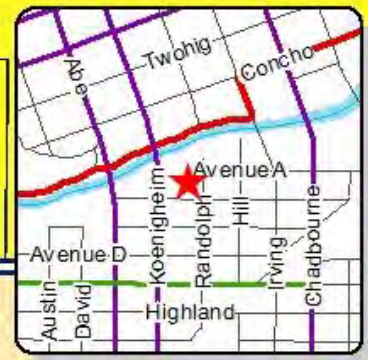
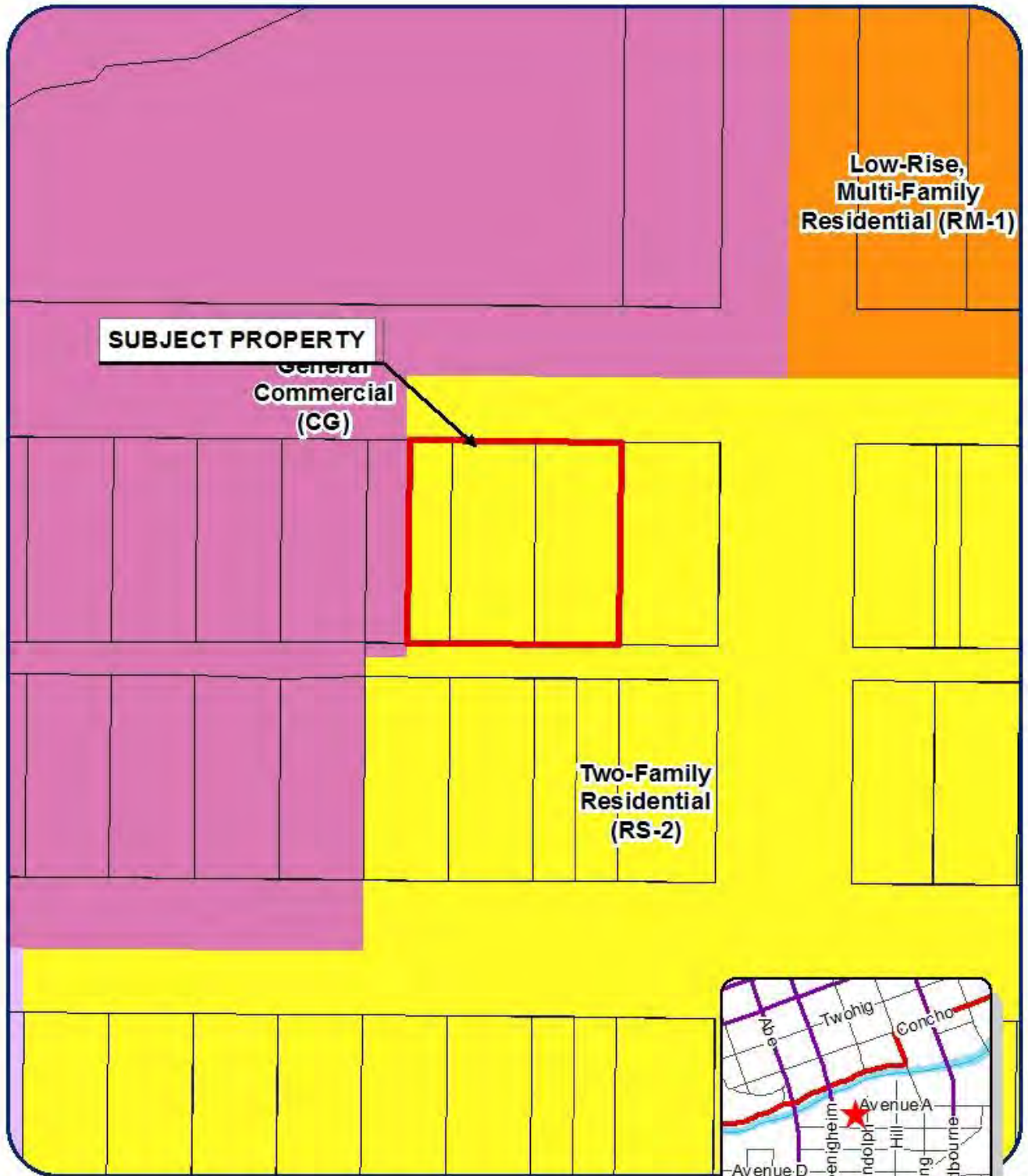
CU17-02: Martinez

Council District: Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 150 ft
Subject Property: 1810 Shady Point Circle Drive

Legend

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





Conditional Use Case File
CU17-14: Concho Quarters

Council District: Harry Thomas (SMD#3)
Neighborhood: Fort Concho
Scale: 1" approx. = 75 ft
Subject Property: 305 and 309 West Avenue A

Legend
Subject Properties: 
Current Zoning: **RS-2**
Requested Zoning Change: **N/A**
Vision: **Downtown**



Photos of Site and Surrounding Area

SOUTH



NORTH



WEST (PARK)



EAST AT PROPERTY



EAST AT PROPERTY



ACCESSORY BUILDING



Photos of Site and Surrounding Area

**EXISTING HOUSE AND CARPORT
(ONE PAVED PARKING SPACE)**



REAR YARD AT LAKE NASWORTHY



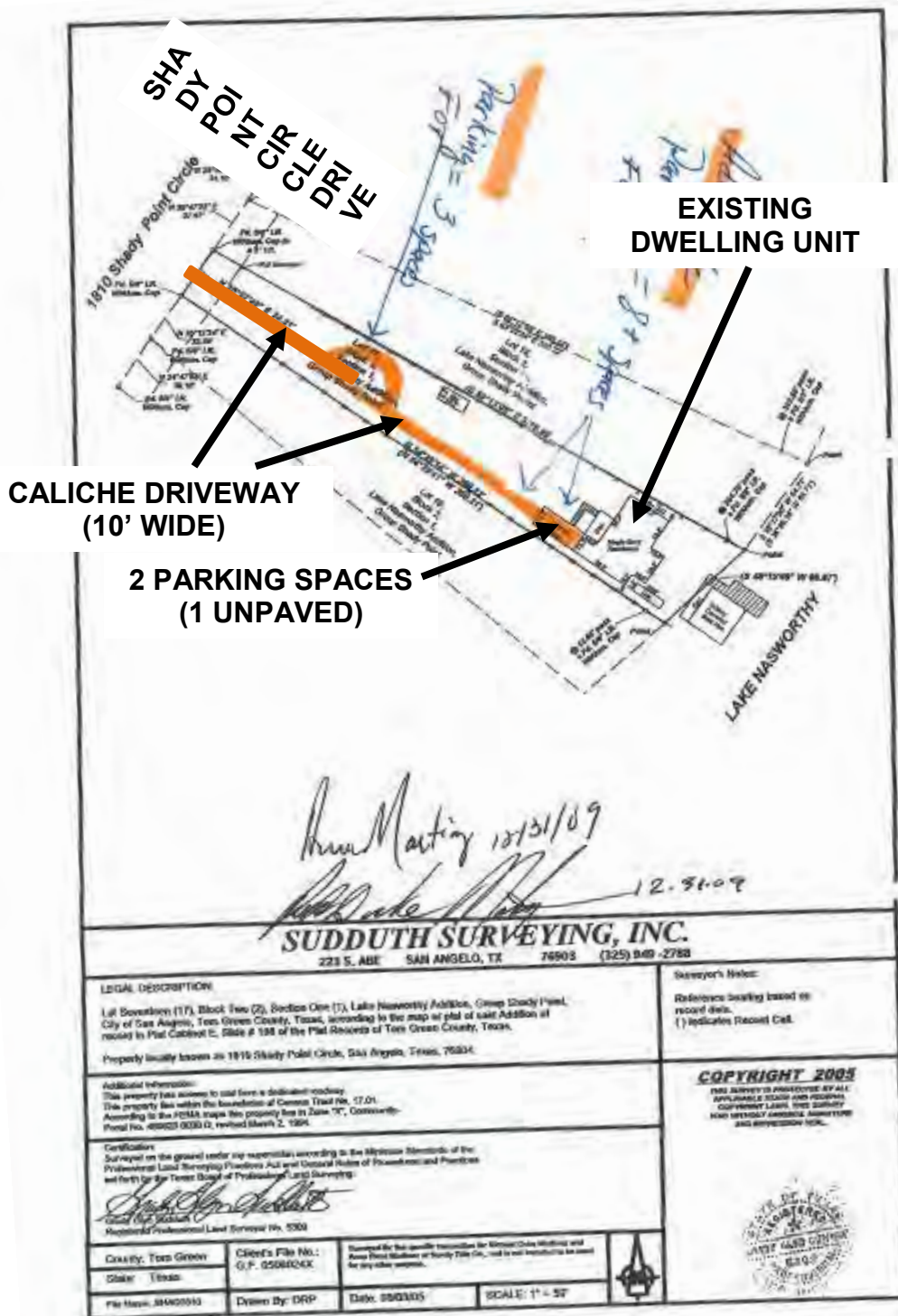
REAR YARD LOOKING NORTH



REAR YARD LOOKING SOUTH



Site Plan




SHADY POINT CIRCLE DRIVE

EXISTING DWELLING UNIT

CALICHE DRIVEWAY (10' WIDE)

2 PARKING SPACES (1 UNPAVED)

Brad Martiny 12/31/09
12-31-09
SUDDUTH SURVEYING, INC.
 223 S. ABE SAN ANGELO, TX 76903 (325) 949-2788

LEGAL DESCRIPTION Lot Downtown (17), Block Two (2), Section One (1), Lake Nasworthy Addition, Group Shady Point, City of San Angelo, Texas Green County, Texas, according to the map or plat of said Addition of record in Plat Cabinet C, Slide # 198 of the Plat Records of Tarrant County, Texas. Property locally known as 1810 Shady Point Circle, San Angelo, Texas, 76904.		Surveyor's Note: Reference bearing based on record data. () indicates Recent Call.
Additional Information: This property has access to said town as indicated on drawing. This property lies within the boundaries of Census Tract No. 17.01. According to the PDMA maps this property lies in Zone "C", Community-Potential No. 400003 0000 01, revised March 2, 1994.		COPYRIGHT 2009 THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY HAS INTEGRAL ORIGINAL SIGNATURE AND REVISIONS HEREON.
Certification Surveyed on the ground under my supervision according to the highest standards of the Professional Land Surveying Practices Act and General Rules of Professional and Practice and Rules for the Texas Board of Professional Land Surveying. <i>Brad Martiny</i> Registered Professional Land Surveyor No. 5300		
County: Tarrant State: Texas File No.: 18400013	Client's File No.: G.P. 05060004 Drawn By: DRP Date: 09/03/05	Reviewed by the quality technician for Minor Only Mistakes and Any Other Mistakes at Shady Point Circle, and is not intended to be used for any other purpose. SCALE: 1" = 50' 

Letters in Support of Request

1

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) See attached letter.

Thank You

RECEIVED
DEC 05 2017

J. Fisher, Planning

NAME: Richard & Anna Martinez

ADDRESS: 1810 Shady Point Circle
San Angelo, TX 76904

SIGNATURE: Anna Martinez

CU17-02: Martinez

property owner number: 10

If you have any questions about these proceedings, please call Mr. Jeff Fisher, 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 jeff.fisher@cosatx.us.

Good morning.

RECEIVED
DEC 05 2017

J. Fisher Planning

My name is Anna Martinez, we respectfully ask you to approve our vacation rental aka short-term rental located at 1810 Shady Point Circle, San Angelo, TX.

The City of San Angelo passed an ordinance with regulations in January 2017 to allow short-term rentals in our City. Regulations were put in place and we all came to an agreement and compromised. We have done everything to abide by these new regulations and have done no wrong and let's not forget our tenants too have highly respected the ordinance and regulations adopted by the City. Despite the rude, terrible, hatred signage placed by a few neighbor(s), they the tenants continue respecting our neighbors. They have done and are doing done NO wrong. They love our lake and enjoy visiting our City of San Angelo.

Jan
Feb 21, 2017

In ~~March~~ 2017 we applied for a conditional use, and one week later we postponed the conditional use because we wanted to show our City of San Angelo and neighbor(s) that yes we can and will follow the ordinance with regulations our city has put in place.

1. You all saw no RV's parked at our home.
2. You all saw no tents set up in our front or back yard.
3. No trash left behind or thrown around our yard.
4. No loud parties.
5. No police stats showing any kind of criminal activity.
6. No vehicles illegally parked.

As many people know, Richard and I have worked hard to make this happen. We and our tenants will continue to respect and follow the ordinance and regulations the City has put in place.

1. As records will show, we have been renting our vacation home since 2015 and have paid our City Hotel Tax and State Hotel Tax in a timely manner.
2. Signage has been placed throughout our home for our guests showing the regulations they must follow.
3. We installed outside cameras, with proper signage informing our guests that we will review our cameras if needed and should we find them not abiding by the regulations they will be asked to leave immediately.
4. We are onsite managers, and throughout their stay we do go by our home to make sure the rules and regulations are being met.

We both, Richard & I want to do what is right and that is to continue to follow the rules and regulations the City has put in place. Should any of you all have any questions, please contact us at 325-340-7371

Thank you,


Anna Martinez

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

() IN FAVOR () IN OPPOSITION

REASON(S)

Please see attached.
The Lake House at 1810 Shady Point has been operating as a short-term rental since Aug 2015 to present. We are registered with the State of Texas and have been paying both the State and City Hotel Tax since the beginning. We applied for a conditional use to complete the process of operating a short-term rental so that we can fulfill all of the requirements set by the city. This short-term rental is operated in a professional manner. We respect the regulations the city has put in place.

NAME:

Anne Martinez

ADDRESS:

3318 Briarwood Lane

San Angelo, TX 76904

SIGNATURE:



RECEIVED
MAR 14 2017

CU17-02: MARTINEZ

Property owner number: _____

If you have any questions about these proceedings, please contact David Stallworth, Staff Planner with the City of San Angelo's Planning Division at either (325) 657-4210, extension 1547, or via e-mail at david.stallworth@cosatx.us

The lake house at 1810 Shady Point has been operating as a short-term rental since August 2015 to present. We are registered with the State of Texas and have been paying both the State and City Hotel Tax since the beginning.

We applied for a conditional use to complete the process of operating a short-term rental so that we can fulfill all of the requirements set by the city.

This short-term rental is operated in a professional manner. We respect the regulations the city has put in place. We have posted these rules and regulations at our home. We review these rules and regulations with our registered guests prior to reserving the lake house to help weed out anyone that cannot abide by the rules and regulations set by the city.

This lake house is in a great location welcoming tourism to our public lake. It looks great and is well up kept with adequate parking. We take great pride in our vacation home because we have been able to attract high quality people from military family stays to corporate employers and vacationers from throughout the United States. It has been exciting welcoming these type of guests, as our main focus is promoting family enjoyment at our public lake. We really want the people that stay at our short-term rentals to be the best place they can be during their vacation experience. There is no comparison between a short-term rental guest and the long-term renters.

We understand there are some allegations that have been posted on Facebook; however they are not factual. Police records will show you the true facts between the short-term rental tenants and the long-term renters at our lake house.

Overall, we are pleased with the direction the city has taken with short-term rentals and we are optimistic about the future.

Please let me know if I can help answer any further questions you might have.

Thank you for the support the San Angelo City Departments and City Council has given us it has been great.

Thank you,

A handwritten signature in black ink, appearing to read "Anna Mae", written over a horizontal line.

March 14, 2017

The City of San Angelo, Tx
Planning & Development Services

RE: 1810 SHADY POINT CIRCLE

Dear Mr. Stallworth and Ms Guerra,

We are requesting a postponement for a conditional use application until the November 20, 2017 Planning Commission meeting due to personal reasons.

Should you have any questions, please call me at 325-340-7371.

Thank you,


Anna Martinez

March 24, 2017

The City of San Angelo, Tx
Planning & Development Services

RE: 1810 SHADY POINT CIRCLE

Dear Mr. Stallworth and Ms Guerra,

It is our understanding, after we applied for the Conditional Use the Planning Department prepared a report with recommended changes and updates that need to be done to comply with a short-term rental. We would like to request a copy of the report prepared by Mr. David Stallworth so that we can review in begin with the recommended improvements. As we are doing our best to abide and comply with the City regulations.

Also, we were explained the information given to you all regarding our neighbors is public record; Therefore, we would like to request copies of the emails and letters sent to your department for all who opposed or for the short-term rental in our neighborhood.

Should you have any questions, please call me at 325-340-7371.

Thank you,


Anna Martinez

2

Fisher, Jeff

From: debbie@casitavacations.com
Sent: Tuesday, December 5, 2017 1:29 PM
To: Fisher, Jeff
Subject: Support of CU application

2181A Gun Club Rd.

Hello Jeff,
Please include this letter in support of Richard and Anna Martinez' application for a conditional use of 1810 Shady Point Cr.

COSA Planning Commission:

I am writing in support of the conditional use application from Richard and Anna Martinez on their property at 1810 Shady Point Cr. Anna has been very conscientious of managing her vacation rental. She has a beautiful home at a great spot on the lake and has taken a lot of pride in welcoming visitors here to San Angelo.

Her parking is more than adequate and completely meets the standards set forth in the ordinance governing this use.

She has faced a lot of opposition from neighbors but in my opinion this was a personal vendetta led by one person. Anna has gone to great lengths to ensure her vacation rental does not cause any disturbance to the neighbors and within the last year has completely complied with every detail of the City ordinance.

Please accept this as my recommendation, as someone well acquainted with the rules and regulations of the ordinance governing short term rentals, in support of approval of their application.

Thanks

Debbie Powell

RECEIVED
DEC 05 2017
J. Fisher, Planning

Letters in Opposition of Request

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

() IN FAVOR (X) IN OPPOSITION

REASON(S) We have had a major problem
With STR. We are 3 doors down.
The loud music all hours of the
night, loud yelling + profanity all hours
of the night + day. Sound like a
Rated XX movie. Who wants their
grandchildren hearing that.

Also people that rent do not respect
the buoys and drive their boats
FAST in the "No Wake Zone"
Terrible living next to a "Motel"

NAME: Lesley Brake

ADDRESS: 1804 Shady Point Circle
San Angelo, Tx 76904

SIGNATURE: Lesley Brake

RECEIVED
MAR 09 2017

CU17-02: MARTINEZ

Property owner number: _____

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() IN FAVOR

(X)

IN OPPOSITION

REASON(S) I am against having a different group of people living directly next door to me every single weekend. I believe in having neighbors you know and can count on, be friends with, enjoy having friends in the neighborhood. A different group of people in and out is unfair to the people who live here. If it only rents out 1/2 of the year, for three days each time, I am looking at about 468 new neighbors! I'd rather have a bad neighbor!

NAME: Lee L. Covert I feel I live next to a hotel.

ADDRESS: 1808 Shady Point Circle Queen
San Angelo, Tx 76904

SIGNATURE: Lee L. Covert

CU17-02: MARTINEZ
Property owner number: 4

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() IN FAVOR

(✓) IN OPPOSITION

REASON(S) I AM RETIRED MILITARY THAT CHOSE
SAN ANGELO AS MY RETIREMENT HOME. WE
FOUND A NICE HOME IN A QUIET PEACEFUL
NEIGHBORHOOD, THAT CHANGED AND A HOTEL
MOVED IN. ALTHOUGH IT IS 4 HOMES DOWN
FROM US, I HAVE BEEN AFFECTED BY THE
NOISE AND HAVE EVEN HEARD GUNSHOTS.
THE HOTEL IS A DISRUPTION TO THE NEIGHBORHOOD.
THE PEACE, QUIET AND TRANQUILITY I'D EXPECTED
WHEN PURCHASING MY RETIREMENT HOME. THERE IS ALSO
AR HUGE INCREASE IN THE AMOUNT OF TRAFFIC FROM SO
MANY VISITORS (+THE VISITORS, VISITORS) I AM AGAINST THIS STR
NAME: RICK + GAYLENE ELLIS IN MY NEIGHBORHOOD.

ADDRESS: 1818 SHADY POINT CIRCLE DR.
SAN ANGELO, TX 76904.

SIGNATURE: _____



CU17-02: MARTINEZ

Property owner number: 6

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() IN FAVOR (X) IN OPPOSITION

REASON(S) CAUSES DISTURPTION IN NEIGHBORHOOD
THE OWNERS HAVE "VETTED" THEIR GUESTS AND STILL
THERE HAVE BEEN 1) GUNS FIRED ON PROPERTY
2.) FIREWORKS SHOT (NOT JUST 4TH OF JULY) 3) FIRES
DURING BURN BAN 4) SCREAMING + YELLING TO
INCLUDING EXTREME CURSING - WHICH DURING
DAYTIME IS NOT AGAINST CODE BUT EXTREMELY
UNNEIGHBORLY. THIS NEIGHBORHOOD AND NEIGHBORS ARE NOT
SET UP FOR THE HUNDREDS (OVER 400) NEW NEIGHBORS
PER YEAR THIS STR BRINGS IN. - FOR EXAMPLE WE ARE NOT
ALLOWED PRIVACY FENCES TO BLOCK. THE STREET IS 20' WIDE

NAME: KIM LEASO

ADDRESS: 1806 Shady Point CR A
SAN ANGELO, TX 76904

SIGNATURE: 

CU17-02: MARTINEZ
Property owner number: 9

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() IN FAVOR (X) IN OPPOSITION

REASON(S) I WANT TO LIVE IN A NEIGHBORHOOD
WITH NEIGHBORS - NOT TRANSIENT RENTERS.
I WANT TO LIVE IN A COMMUNITY, NOT A
HOTEL DISTRICT I WANT THE PEOPLE STAYING
IN THE HOUSES NEAR ME TO BE INVESTED IN THE
WELL-BEING OF OTHERS THAT LIVE IN THE NEIGHBORHOODS.
STRANGERS DON'T PROVIDE THAT. SHORT TERM RENTALS
CHIP AWAY AT THE ESSENCE OF COMMUNITY.

NAME: 2023 Rozann McCabe

ADDRESS: 1800 SHady Point Circle Drive
San Angelo, TX 76904

SIGNATURE: Rozann McCabe

CU17-02: MARTINEZ

Property owner number: 11

If you have any questions about these proceedings, please contact David Stallworth, Staff Planner with the City of San Angelo's Planning Division at either (325) 657-4210, extension 1547, or via e-mail at david.stallworth@cosatx.us

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() IN FAVOR (X) IN OPPOSITION

REASON(S)

I dont care for strangers in a neighborhood in which we live, or loud noisy partying going on all hours of the night. Disrespect for the neighbors who actually like on the street.

NAME: Luke Jones

ADDRESS: 1822 Shady Point Cr Drive
SA TX 76904

SIGNATURE: 

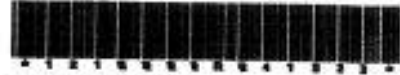
CU17-02: MARTINEZ
Property owner number: 11

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RT878997



**Texas Hotel Occupancy
 Tax Report**



You have certain rights under Chapters 552 and 558, Government Code, to review, request and correct information we have on file about you. Contact us at the address or phone number listed on this report.

a. T Code ■ 75100

c. Taxpayer number
 ■ 3-20593-7013-3

d. Filing period
 QTR ENDING 03/31/2016

f. Due date
 04/20/2016

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

ANNA GARCIA MARTINEZ
 3318 BRIARGROVE LN
 SAN ANGELO TX 76904-7322

ZH07

h. IMPORTANT

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

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

LOCATION NUMBER _____ COB DATE _____

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

- Do not write in shaded areas.

1. NUMBER OF ROOMS	2. LOCATION TRADE NAME AND ADDRESS	3. LOCATION NUMBER	4. TOTAL ROOM RECEIPTS	5. TOTAL TAXABLE RECEIPTS
1	ANNA MARTINEZ 1810 SHADY POINT CIRCLE DR SAN ANGELO TX 76904-7765	00001	4,350	4,350

k. T Code ■ 75180

6. Total room receipts for ALL locations (Item 4 from this and all supplemental pages)	6. ■	4,350.00
7. Total taxable receipts for ALL locations (Item 5 from this and all supplemental pages)	7. ■	4,350.00
8. Total tax due (6.0 % of Item 7)	8. ■	261.00
9. Discount (if paid on time, enter 1% of Item 8)	9. ■	2.61
10. Tax due after discount (Item 8 minus Item 9)	10. ■	258.39
11. Penalty (See instructions)	11. ■	.00
12. Interest (See instructions)	12. ■	.00
13. TOTAL AMOUNT DUE AND PAYABLE (Item 10 plus Item 11 and Item 12)	13. ■	258.39

l. Taxpayer name
 ANNA GARCIA MARTINEZ

■ T Code ■ Taxpayer number ■ Period
 75020 32059370133 161 4

Make the amount in item 13 payable to STATE COMPTROLLER

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

sign here *Anna Garcia Martinez*

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

Anna Martinez
3318 Briar Grove Lane
Sa Angelo, Tx 76904

MONTH ENDING DATE March 31, 2016

OUTLET TRADE NAME AND LOCATION ADDRESS:

Anna Martinez
1810 Shady Pt Circle

Taxpayer Identification Number: 3-20593-7013-3

1.	TOTAL GROSS ROOM RENTAL RECEIPTS	<u>4,350</u>
2.	LESS EXEMPT ROOM RENTALS (govt. employees on official business)	<u> </u>
3.	TAXABLE ROOM RENTAL RECEIPTS (1-2)	<u>4,350</u>
4.	TOTAL AMOUNT OF TAX DUE (7% OF 3)	<u>304.50</u>
5.	DISCOUNT (deduct 1% of line 4 if paid before due date)	<u>3.04</u>
6.	LESS PAYMENTS PREVIOUSLY PAID	<u> </u>
7.	NET TAX DUE (line 4 less line 5 and 6)	<u>301.46</u>
8.	LATE PENALTY	<u> </u>
9.	LATE INTEREST	<u> </u>
10.	TOTAL AMOUNT DUE (line 7 plus 8 and 9)	<u>301.46</u>

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

SIGNATURE OF OWNER OR MANAGER

Anna Martinez

DATE 4/18/16

February 21, 2017

The City of San Angelo, Tx
Planning & Development Services

RE: 1810 SHADY POINT CIRCLE

Mr. Jon James & Ms. Guerra,

Enclosed please find the application for Conditional Use Short-Term Rental Property located at 1810 Shady Point Circle, San Angelo, TX. We have attached additional information requested by Jeff to help with any information you all may need to assist with the process of the Conditional Use application. Please note we are registered with the State Comptrollers Office, and have been paying our City Hotel Tax to the City of San Angelo, and our State Tax to the State Comptrollers Office.

Thank you all for diligently working so hard on this matter to make this happen for all of us. Note this brings great business leaders and tourism to our City of San Angelo. We will continue to offer what we like to do best and that is to welcome and offer great customer service to the people (tourist) that visit our City.

Should you have any questions, please call me at 325-340-7371.

Thank you,



Anna Martinez



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



Office Use Only / Date Accepted:
2/21/2017

Section 1: Basic Information

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

Name of Property Owner (s): Richard & Hannah Martinez Name of Operator (s): Hannah Martinez

Property Owner Mailing Address: 3318 Briangrove Lane City: San Angelo State: Tx Zip Code: 76904

Property Owner Contact Phone Number: 325-340-7371 Property Owner Contact E-mail Address: amartine1810@gmail.com

Designated Operator Mailing Address: 3318 Briangrove Lane City: San Angelo State: Tx Zip Code: 76904

Designated Operator Contact Phone Number: 325-340-7371 or (H) 947-7096 Designated Operator Contact E-mail Address: amartine1810@gmail.com

Short Term Property Address: 1810 Shady Pt Circle City: San Angelo State: Tx Zip Code: 76904

Number of bedrooms: 3 Number of Off-street Parking Spaces: 5 or 6 Zoning: RS1

Section 2: Site Specific Details

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

Please initial and provide explanations for the following:

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

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

Explanation: None

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

Explanation: Yes, it is compatible with existing and anticipated uses

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

Explanation: None

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

Explanation: Yes, it offers a unique view and experience of our beautiful city and public lake

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

Explanation: Brings in potential business leaders and tourism in which brings revenue to our city of San Angelo.

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

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

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

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

Richard + Anna Martinez
Printed name and Signature of Property Owner or Authorized Representative


2/21/17
Date

Anna Martinez
Printed name and Signature of Designated Operator

2/21/17
Date

**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU17-18: Hoover	
SYNOPSIS:			
A request for approval of a Conditional Use to allow for Alcoholic Beverage Sales for On-premises Consumption in the General Commercial/Heavy Commercial (CG/CH) Zoning District on the subject property.			
LOCATION:		LEGAL DESCRIPTION:	
1415-1425 West Beauregard Avenue.		Being S 40' of Lot 12 & All of Lot 11 & N 28' of Lot 10, Block 121, Angelo Heights Addition, City Of San Angelo, Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD #5 – Lane Carter Santa Rita Neighborhood		CG/CH – General Commercial/Heavy Commercial	Neighborhood Center
			SIZE: 0.379 acre
THOROUGHFARE PLAN:			
<p><u>West Beauregard Avenue</u> – Urban Major Arterial Street – ROW 80' Required (80' Existing) – Pavement Width 64' Required (60' Existing)</p> <p><u>South Madison Street</u> – Urban Local Street – ROW 50' Required (60' Existing) – Pavement Width 40' Required (37' Existing)</p>			
NOTIFICATIONS:			
12 notifications were mailed within a 200-foot radius on November 27, 2017. One responses have been received in support and Zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Conditional Use to allow for Alcoholic Beverage Sales for On-premises Consumption in the General Commercial/Heavy Commercial (CG/CH) Zoning District on the subject property, subject to the following two Conditions of Approval.			
PETITIONERS:			
<u>Angelo Amusement</u> Jay Hoover Sidney Walker			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

Conditional Use: Section 208(F) of the Zoning Ordinance requires that the Planning Commission consider six (6) factors in determining the appropriateness of any Conditional Use request.

1. **Impacts Minimized.** *Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.* The existing building will continue being used as it exists today with the addition on alcoholic beverage sales if approved. The surrounding uses already include alcoholic beverage sales so there will be little impact to the surrounding area.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.* The nature of the request appears to be consistent with relevant aspects of the Zoning Ordinance. The proposed alcoholic beverage sales is allowed in the CG/CH Zoning District with a Conditional Use on the subject lot, subject to compliance with minimum criteria for approval.
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 land.* The subject property is zoned General Commercial/Heavy Commercial (CG/CH) and is surrounded by CG/CH zoning. While there is Residential (RS-1) zoning to the north and south of the CG/CH zones, West Beauregard Avenue is predominately a commercially zoned and developed area.
4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* There appear to be no anticipated negative effects on the natural environment from these actions. Land use would continue in the same manner, and intensity, as already exist on the adjacent properties.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* This would provide additional alcoholic beverage sales in an area where other business with similar uses have been established for many years.
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* It appears that the proposed Conditional Use would result in a logical and orderly pattern of urban development. The subject property is zoned General Commercial & Heavy Commercial (CG/CH) and is surrounded by CG/CH zoning.

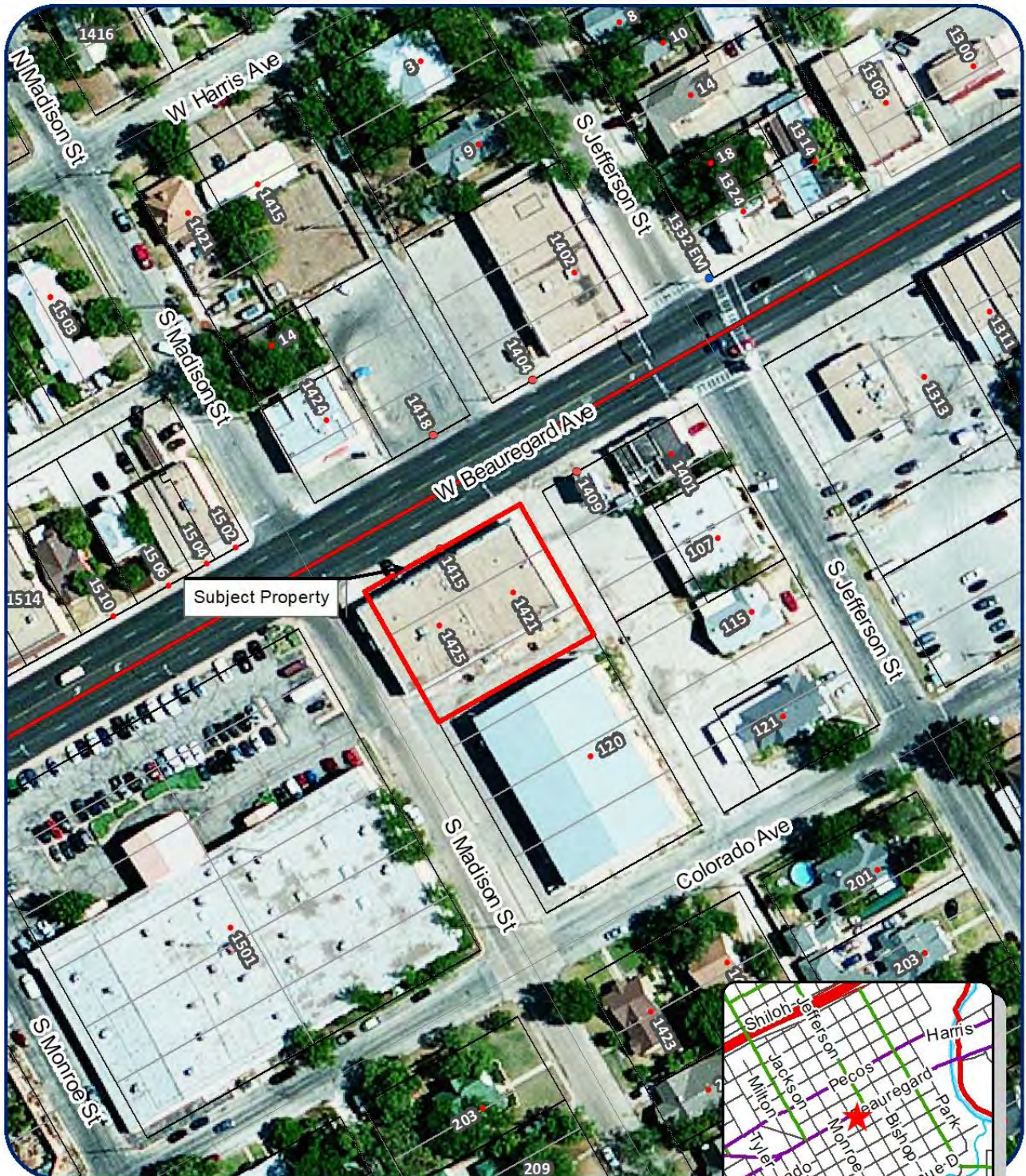
Recommendation:

Staff recommends that the Planning Commission **APPROVE** a Conditional Use to allow for Alcoholic Beverage Sales for On-premises Consumption on property located within the General Commercial / Heavy Commercial (CG/CH) Zoning District, **subject to the following two Conditions of Approval:**

1. The applicant shall work with the Permits and Inspections Division to ensure the building meets the requirements for a bar occupancy.
2. The applicant shall ensure all current parking associated with this conditional use meets applicable standards as per Section 511 of the Zoning Ordinance, except as modified by an approved alternative parking plan, and is constructed to the satisfaction of the City Building Official and City Engineer. This includes but not limited to parking surface, striping, maneuvering area, and handicap spaces. The final parking plan, including required number of spaces, shall be approved by the Director of Planning and Development Services.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Photos of the Site
Notification Map
Resident Letter



CU17-18: Hoover
1415-1425 West Beauregard Avenue

Council District: SMD #5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft

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

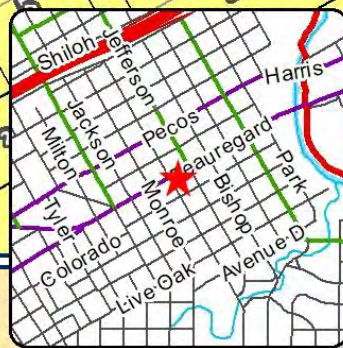


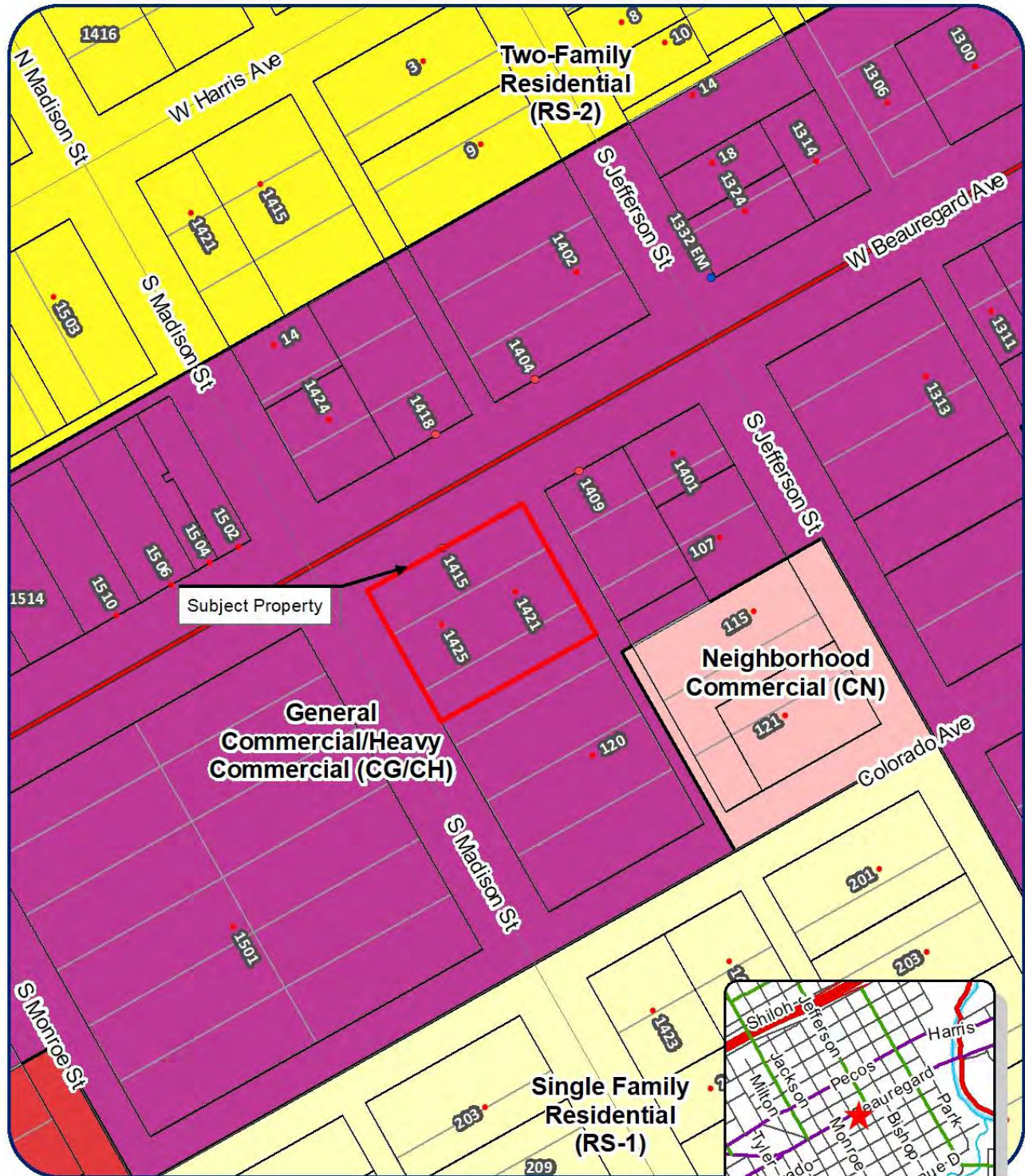
CU17-18: Hoover
1415-1425 West Beauregard Avenue

Council District: SMD #5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft

Legend

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





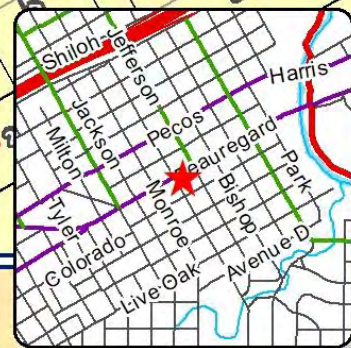
CU17-18: Hoover

1415-1425 West Beauregard Avenue

Council District: SMD #5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft

Legend

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



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): JAY HOOPER dba Angelo Amusement
 Owner Representative (Affidavit Required)

Mailing Address: 3925 Mercedes San Angelo TX 76901
City State Zip Code

Contact Phone Number: 325-450-2480 Contact E-mail Address: jdh3925@gmail.com

Subject Property Address: 1421 W Beauregard San Angelo TX 76901
City State Zip Code

Legal Description (can be found on property tax statement or at www.tomgreencad.com):
Lot 12? All of lot 11? N 78' of lot 10 0.379 Acres

Lot Size: 0.379 Acres Zoning: CG/CH

Section 2: Site Specific Details

*Use attachment if necessary.

Existing Use of Property: events - comedy club - private parties - club

Proposed Use/Size: _____

Proposed Conditional Use (from Section 309): _____

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

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

Explanation: has had Alcohol sales there for -15 yrs

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

Explanation: Bar in other half of building - liquor store across street

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

Explanation: NONE

Effective January 3, 2017

Section 2 continued: Site Specific Details

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

Explanation: Nice venue for the public plus tax revenue

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

Explanation: Already BAR next door & lig store across street

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

Jay Hoover
 Signature of licensee or authorized representative

11/14/17
 Date

JAY HOOPER
 Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: 17 -- 18 Planning Commission date: 12 / 11 / 17

Nonrefundable application Fee: \$ 385 Receipt #: 269516 Date paid: 11 / 17 / 17

Reviewed/Accepted by: H. Bueker Date: 11 / 17 / 17

Photos of the Site



Looking southwest at the property along West Beauregard Avenue



Looking northeast at the property along West Beauregard Avenue



Looking north at the property from North Madison Street

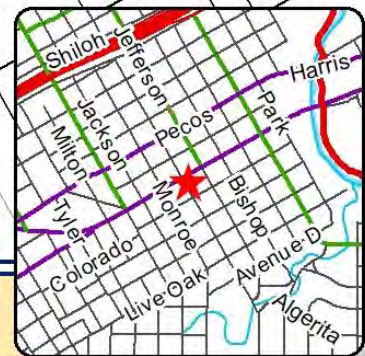
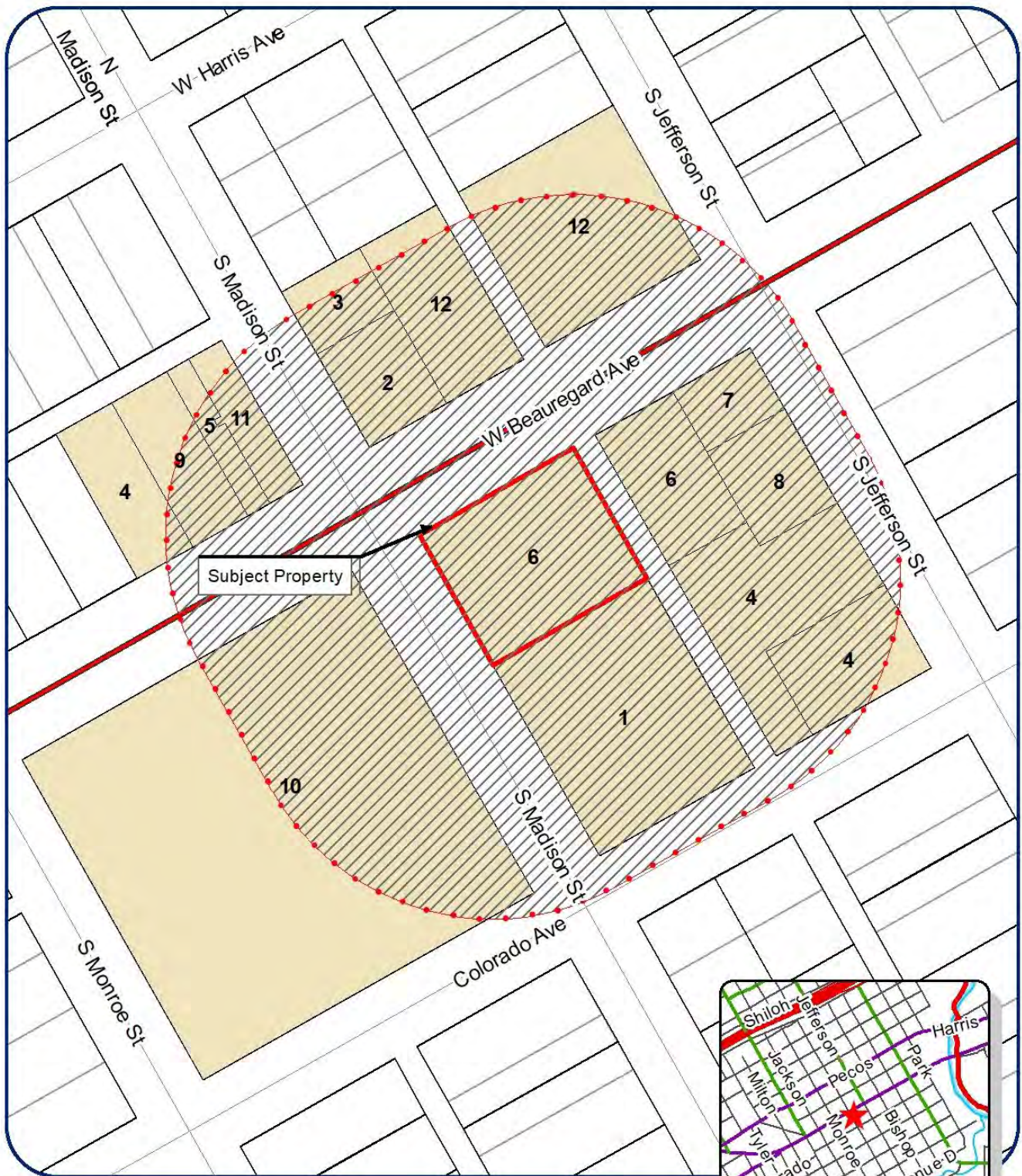


Looking north at the property and adjacent parking lot to the east



Lookgin south at the property and adjacent parking lot to the east





CU17-18: Hoover
1415-1425 West Beauregard Avenue

Council District: SMD #5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft

Legend

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



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) Since MTHMROY has occupied
the beauregard building which was in
1991, no disturbances or conflicts have
occurred.

NAME: Annette Hernandez

ADDRESS: 1501 W. Beauregard
San Angelo, TX 76901

SIGNATURE: 

CU17-18: Hoover

Property owner number: 10

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.

**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**



APPLICATION TYPE:	CASE:
Conditional Use	CU17-19: Tucker

SYNOPSIS:
This is an application for a Conditional Use to allow for Household Living in the Office Commercial (CO) Zoning District. The property currently has a house and appears to have always been utilized for Household Living. The neighborhood is zoned CO, and many of the houses in the area have been converted to offices. Due to the nature of the neighborhood Planning Staff feels it is better to have a conditional use that specifically allows Household Living rather than a zone change to either RS-1, which is not compatible with the area, or CBD, which is further out than the downtown area has expanded too.

LOCATION:	LEGAL DESCRIPTION:
220 South David Street, generally located 120 feet north of the intersection of South David Street and West Concho Avenue	Being 0.22 acres out of the San Angelo Addition, Block 30, the North 95 feet of Lots 9 & 10, City of San Angelo, Texas.

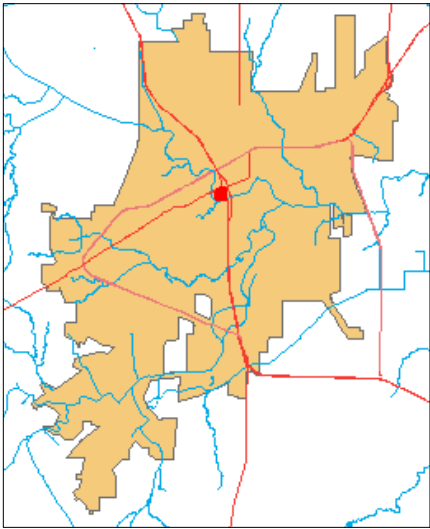
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Downtown Neighborhood	Office Commercial (CO)	Downtown	0.22 acres

THOROUGHFARE PLAN:
South David Street – Urban Local Street, Required 50’ min. ROW, 36’ min. pavement with sidewalk, or 40’ without Actual 100’ ROW, 44’ pavement without sidewalk.

NOTIFICATIONS:
Fifteen (15) notifications were sent out to property owners with 200 feet. Staff has received one response in favor and zero responses in opposition.

STAFF RECOMMENDATION:
Staff recommends **APPROVAL** of the proposed Conditional Use to allow for Household Living in the Office Commercial (CO) Zoning District, subject to two Conditions of Approval.

PROPERTY OWNER/PETITIONER:
<i>Property Owner(s):</i> Joseph Henderson
<i>Agent:</i> Liz Tucker, Applicant
STAFF CONTACT:
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us



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

1. **Impacts Minimized.** **Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The property, while zoned Office Commercial (CO) has historically been used for Household Living. The house is currently for sale, and the applicant wishes to maintain the residence. There will be no adverse impacts as no changes to the property will be occurring.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The Zoning Ordinance allows Household Living to be present in the CO Zoning District, provided a Conditional Use (CU) is in place. There is currently no CU on the property. By granting the CU, the Planning Commission is allowing the current use of the land to continue without interruption.
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.** The neighborhood is zoned CO with a Future Land Use (FLU) of Downtown. The majority of the buildings on the surrounding properties were at one time residential homes, and many have been converted to offices. However homes still exist in the area, and the continuation of the use of Household Living at this location is both compatible with the surrounding area and the FLU as well.
4. **Effect on Natural Environment.** **Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** The applicant has no plans to alter the residence at this time. If any alterations or construction were undertaken as a future endeavor, there may be minor disruptions to the natural environment. However those potential future impacts would be negligible in nature.
5. **Community Need.** **Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** The fact that the address has historically been occupied and used as a residence demonstrates that housing is still a viable need in this neighborhood. The prospective buyer and applicant wishes to continue the current use of Household Living.
6. **Development Patterns.** **Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.** The area shows a healthy mixture of both residential and office commercial uses. With a Future Land Use of Downtown, the area is expected to continue developing in a mixed-use fashion that is consistent with the downtown area.

Notifications:

Fifteen (15) notifications were sent out to property owners with 200 feet. Staff has received one response in favor and zero responses in opposition

Recommendation:

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

1. The applicant shall obtain building permits from the Permits and Inspections Division as needed
2. Household Living shall be limited to one Single-Family Residence.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Letter in Support
Site Photographs



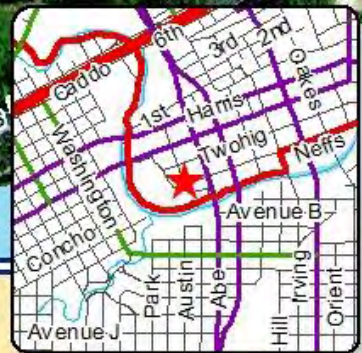
Aerial Map

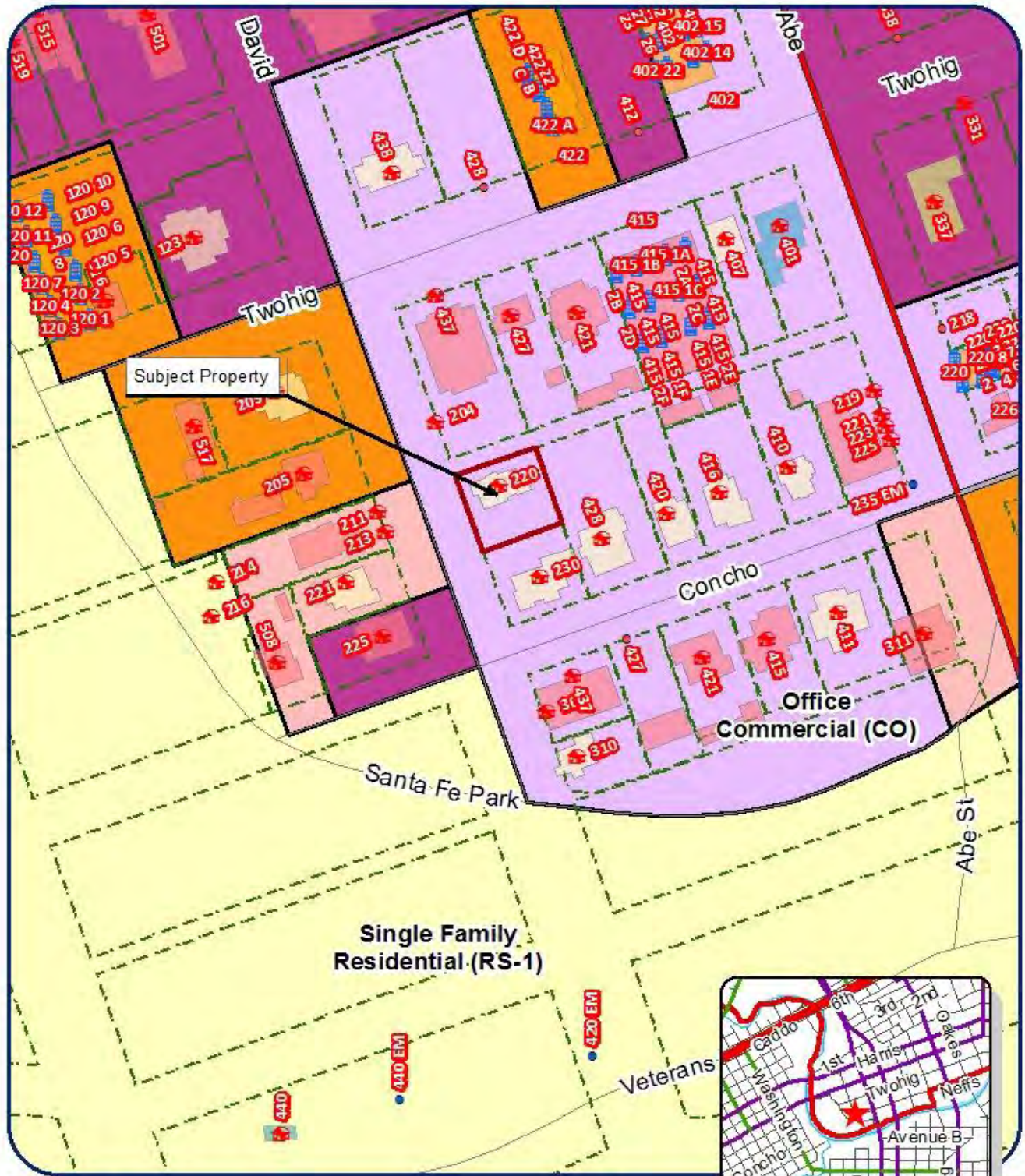
Case CU17-19: Tucker

Council District: Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 150 ft

Legend

- Subject Properties: —
- Current Zoning: **CO**
- Requested Zoning Change: **N/A**
- Vision: **Downtown**





Zoning Map
Case CU17-19: Tucker

Council District: Harry Thomas
 Neighborhood: Downtown
 Scale: 1" approx. = 150 ft

Legend
 Subject Properties: █
 Current Zoning: █ CO
 Requested Zoning Change: █ N/A
 Vision: █ Downtown

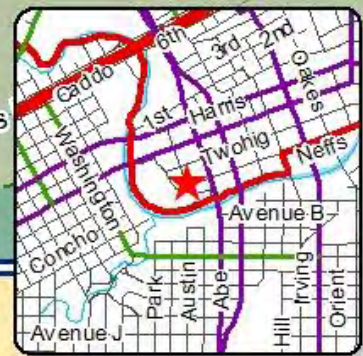


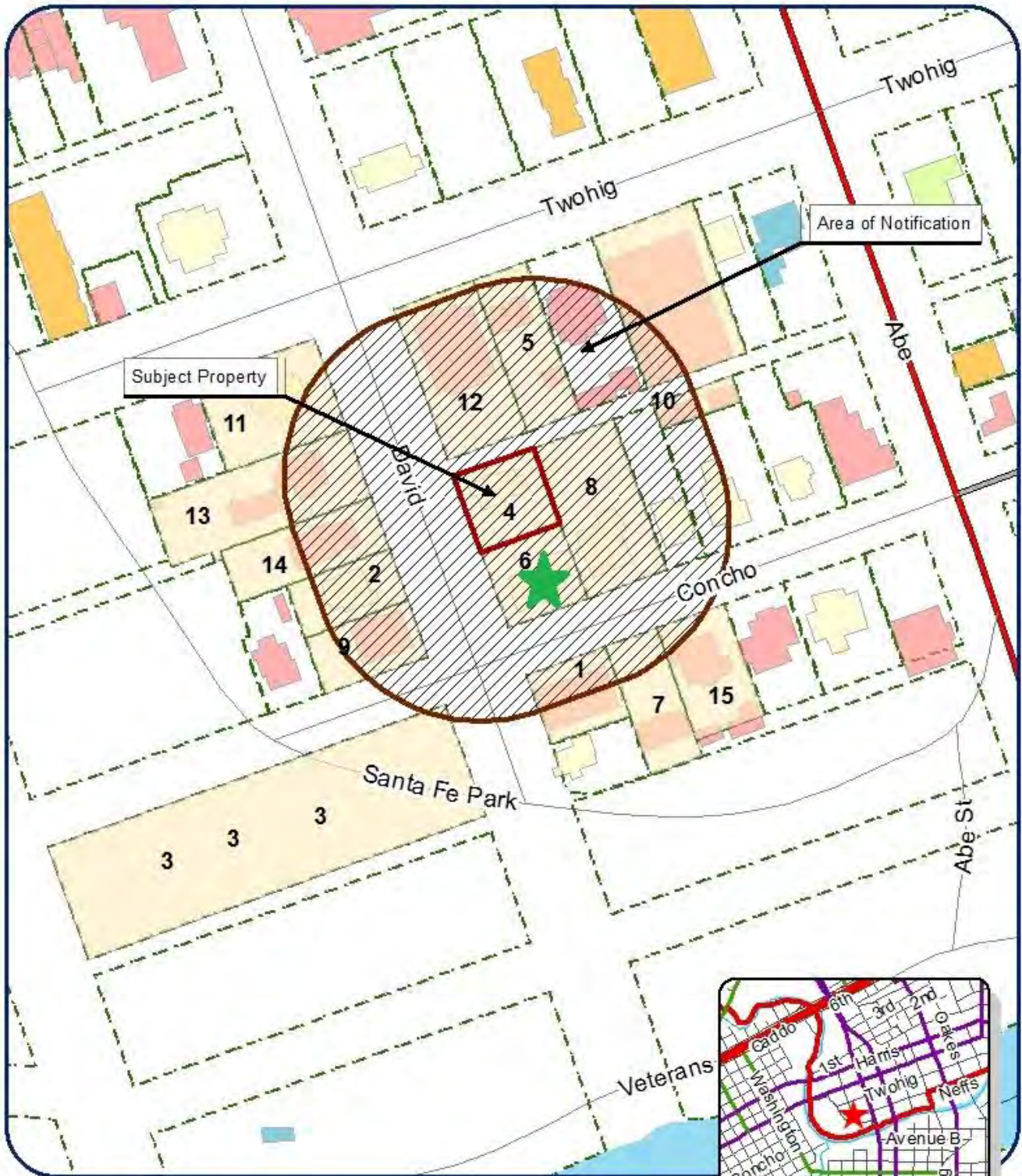


Future Land Use Map
Case CU17-19: Tucker

Council District: Harry Thomas
 Neighborhood: Downtown
 Scale: 1" approx. = 150 ft


Legend	
Subject Properties:	
Current Zoning:	CO
Requested Zoning Change:	N/A
Vision:	Downtown





Notification Map
Case CU17-19: Tucker

Council District: Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 150 ft

Legend
Subject Properties: 
Current Zoning: **CO**
Requested Zoning Change: **N/A**
Vision: **Downtown**



Letter in Support

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 AVENUE IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S)

The property located at 220 S. David St. has always been a residence & we prefer single family "Household Living" zoning.

This area has limited parking for commercial zoning.

NAME: Gene P. Lusk Mary Lou Lusk

ADDRESS: 230 S. David St.
San Angelo, TX 76903-6336

SIGNATURE: 

CU17-19: Tucker

Property owner number: 6

If you have any questions about these proceedings, please call Kristina Heredia, 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 kristina.heredia@cosatx.us.

SITE PHOTOS

Front of Property (East)



Across the Street (West)



North



South





**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Conditional Use		CU17-20: Garcia	
SYNOPSIS:			
<p>The applicant has applied for a Conditional Use to allow Alcoholic Beverage Sales for On-Premise Consumption (bar) on the subject property zoned General Commercial/Heavy Commercial (CG/CH) Zoning District. The CG/CH Zoning does not allow a new bar to operate without a Conditional Use, unless a bar has been operating within the last 12 months as per Section 604 of the Zoning Ordinance. The last known bar on the property, “Drifter’s,” had its Texas Alcohol and Beverage Commission (TABC) license expire on July 27, 2012 and therefore, the property has lost its legal non-conforming status for a bar. The Tom Green County Appraisal District indicates that the property has been used as a bar since 1959, and until 2000, the Zoning Ordinance allowed this property to be used as a bar. The applicant has submitted a site plan that includes the existing 1,500-square foot building on the property; existing and proposed parking areas; and the rear yard which is intended to be used for an outdoor patio.</p>			
LOCATION:		LEGAL DESCRIPTION:	
420 North Bell Street; generally located approximately 145 feet southeast of the intersection of North Bell Street and Upton Street.		Being the south 50.3 feet of Lots 1 and 2 in Block 8 of the Bell Addition, comprising a total of 0.115 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	CG/CH – General Commercial/Heavy Commercial	NC – Neighborhood Center	0.115 acres
THOROUGHFARE PLAN:			
<p>North Bell Street – Urban Arterial Street Required: 80’ right-of-way, 64’ pavement Provided: 84’ right-of-way, 52’ pavement (lots already platted, complied with standards at that time)</p>			
NOTIFICATIONS:			
9 notifications mailed within 200-foot radius on November 29, 2017. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use to allow for Alcoholic Beverage Sales for On-Premise Consumption, as defined in Section 315.A of the Zoning Ordinance, in the General Commercial/Heavy Commercial (CG/CH) Zoning District, subject to nine Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner:</i> Gabriel Guerra <i>Applicant:</i> Johnny Garcia</p>			
STAFF CONTACT:			
<p>Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us</p>			

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

1. **Impacts Minimized.** **Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The property is surrounded by commercial uses to the north, west, and south which include retail buildings, self-service ice, and a commercial storage yard. The property is part of a commercially-zoned corridor that extends over one-half mile along North Bell Street between Magnolia to the north and Spaulding Street to the south. As a condition of approval, and as per Section 509.A of the Zoning Ordinance, the applicant will be required to erect a 6-foot high opaque privacy fence along the east property line abutting a residential use. This fence will minimize any visual impacts on the rear yard of the adjacent residence, and connect to the existing privacy fence along the north property line.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The existing property complies with the minimum lot frontage and depth requirements of the CG/CH Zoning. While the property does not have the minimum lot area of 6,000-square feet, the original lot configuration would have complied with the Zoning Ordinance when platted, and therefore, the property is legal non-conforming in this regard. The existing building complies with the side and rear yard setback requirements. The building erected in 1959 is legal non-conforming with respect to the 25-foot front yard setback, which at the time, was measured to the centerline of Bell Street. When measured to this line, the front yard setback would be 60 feet, and the existing 20-foot front yard setback would have been in compliance.

Parking: Section 511.F of the current Zoning Ordinance requires that all required parking is paved with a paved connection to the street. A bar requires one parking space per four patron seats under the Zoning Ordinance. The applicant's site plan delineates four existing parking spaces at the front (west) facing North Bell Street; five existing spaces along the alley side (south) facing the alley; and three new proposed spaces extending along the south portion of the property, for a total of 12 spaces. The four spaces at the front appear to be paved but the pavement is of a lower standard than current paving requirements. The spaces along the south of the property, and the adjacent public alley, are currently unpaved, caliche surfaces. Because the southerly parking spaces only connect to an unpaved alley and not directly to North Bell Street, they do not comply with Section 511.F of the Zoning Ordinance. As a condition of approval, the applicant will be responsible for a) either paving the southerly portion of the property for a driveway connection to North Bell Street, or b) paving the portion of the public alley in front of the southerly parking area. Either option would satisfy the requirement under Section 511.F to provide a paved connection to the public street. Option a) would require the applicant to reduce their total parking from 12 to seven spaces, as the southerly parking area would have to be entirely removed and three new spaces installed east of the building. Option b) would require the applicant to obtain City Council approval for utilization of a public alley for private purposes, and enter in a license agreement with the City. In both cases, all existing and proposed parking areas would have to be brought up to the current pavement standard (hot mix asphalt, two-course, concrete, brick pavers, or other finished surface) to the satisfaction of the City Building Official and Engineer. As indicated previously, the applicant will be required to install a 6-foot high privacy fence along the east property line abutting the residential use. Finally, the Permits and Inspections Division has indicated that a Change of Occupancy permit is not required as the previous and last use was also a bar.

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 land. The property is located within a “Neighborhood Center” designation in the City’s Comprehensive Plan which promotes “a mix of various uses at key intersections to encourage the necessary infill, densification, and walkability necessary for Neighborhood Centers.” The proposed bar would conform to this policy, located close to the intersections of North Bell Street and Upton Street, and North Bell Street and Pulliam Street respectively along a prominent commercial corridor in San Angelo. As indicated, the property and existing building has been used as a bar since 1959 and the proposed Conditional Use would be re-establishing a use that was legal on the property before 2000, and which had a presence until at least July 2012. With the establishment of a privacy fence along the east property line, new paving, and restrictions on weekday hours, lighting, and outdoor storage, Planning Staff are confident the use will be a compatible use with surrounding properties.
4. **Effect on Natural Environment.** Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment. Planning Staff does not anticipate any adverse impacts on the natural environment. Most of the proposed parking and driveway/connection areas are already paved, just to a lower standard than required. Staff does not anticipate any grading, drainage or stormwater issues at this time, but as a condition of approval, a city inspection will be required to ensure the new pavement complies with all applicable ordinances and does not have any adverse impacts.
5. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. The applicant indicates that he was operating the Friends Pubs at 1002 Martin Luther King Drive and 607 South Chadbourne Street respectfully. He believes there is a community need for a bar in this area, providing a convenience space for customers for conjugate without having to commute downtown. Staff agrees there is a community need given there have been bars on this property since the late 1950s; that this property is located on North Bell Street, a major arterial road; and given the property is located along a commercial corridor. In addition, there are no known schools or churches within close proximity to this property, mitigating any potential impacts on these uses.
6. **Development Patterns.** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. As indicated, the subject property fronts onto North Bell Street, a major arterial street which can accommodate large traffic volumes. Staff anticipates the majority of traffic will access the property directly from North Bell Street which connects customers to Highway 67 to the north and downtown San Angelo to the south. The development pattern on the property should not change given the lots were already platted and the existing building and parking areas were already established.

Recommendation:

Staff’s recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow Alcoholic Beverage Sales for On-Premise Consumption, as defined in Section 315.A of the Zoning Ordinance, on the subject property zoned General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to the following nine Conditions of Approval:**

1. The applicant shall work with the Permits and Inspections Division to ensure the building continues to meet the requirements for a bar occupancy.
2. The applicant shall ensure all required parking is paved with a paved connection to North Bell Street, as required by Section 511.F of the Zoning Ordinance. To satisfy this requirement, the applicant shall pave the southerly 20 feet of the property for a new driveway connection to North Bell Street; or, shall obtain City Council approval to enter into a License Agreement with the City to pave the 20-foot wide public alley portion adjacent to the property. All required parking areas shall meet current pavement standards to the satisfaction of the City Building Official and City Engineer.
3. The applicant shall install a 6-foot high privacy fence along the east property line abutting the residential use.
4. No amplified noise and no outdoor musical performances shall be allowed.
5. Hours of operation shall be limited to 8:00am to 12:00am (midnight) Monday-Thursday; 8:00am to 2:00am Friday and Saturday; and 12:00pm to 12:00am (midnight) on Sunday.
6. All outdoor lighting shall be shielded, as well as directed interior to the property and away from residential uses.
7. Outdoor Storage will be limited to Type 1: Outdoor Display, as specified in Section 504 of the Zoning Ordinance.
8. The applicant shall comply with all provisions of Section 423 of the Zoning Ordinance for bars with outdoor seating.
9. No Variances shall be granted for any zoning requirements for a bar on this property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Site Plan
Application



Conditional Use Case File

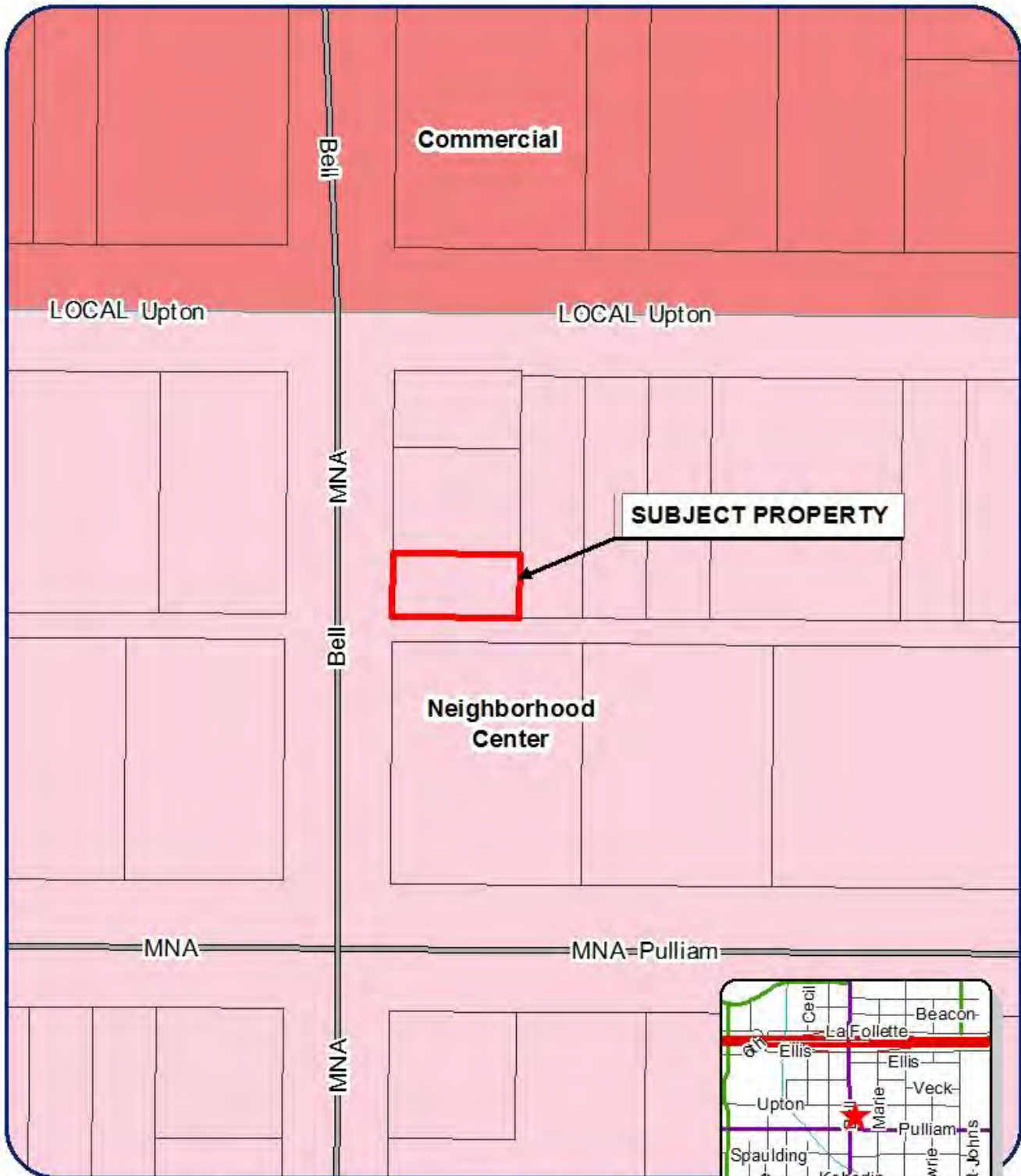
CU17-20: Garcia

Council District: Harry Thomas (SMD#3)
Neighborhood: Fort Concho East
Scale: 1" approx. = 100 ft
Subject Property: 420 N. Bell St.

Legend

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





Conditional Use Case File

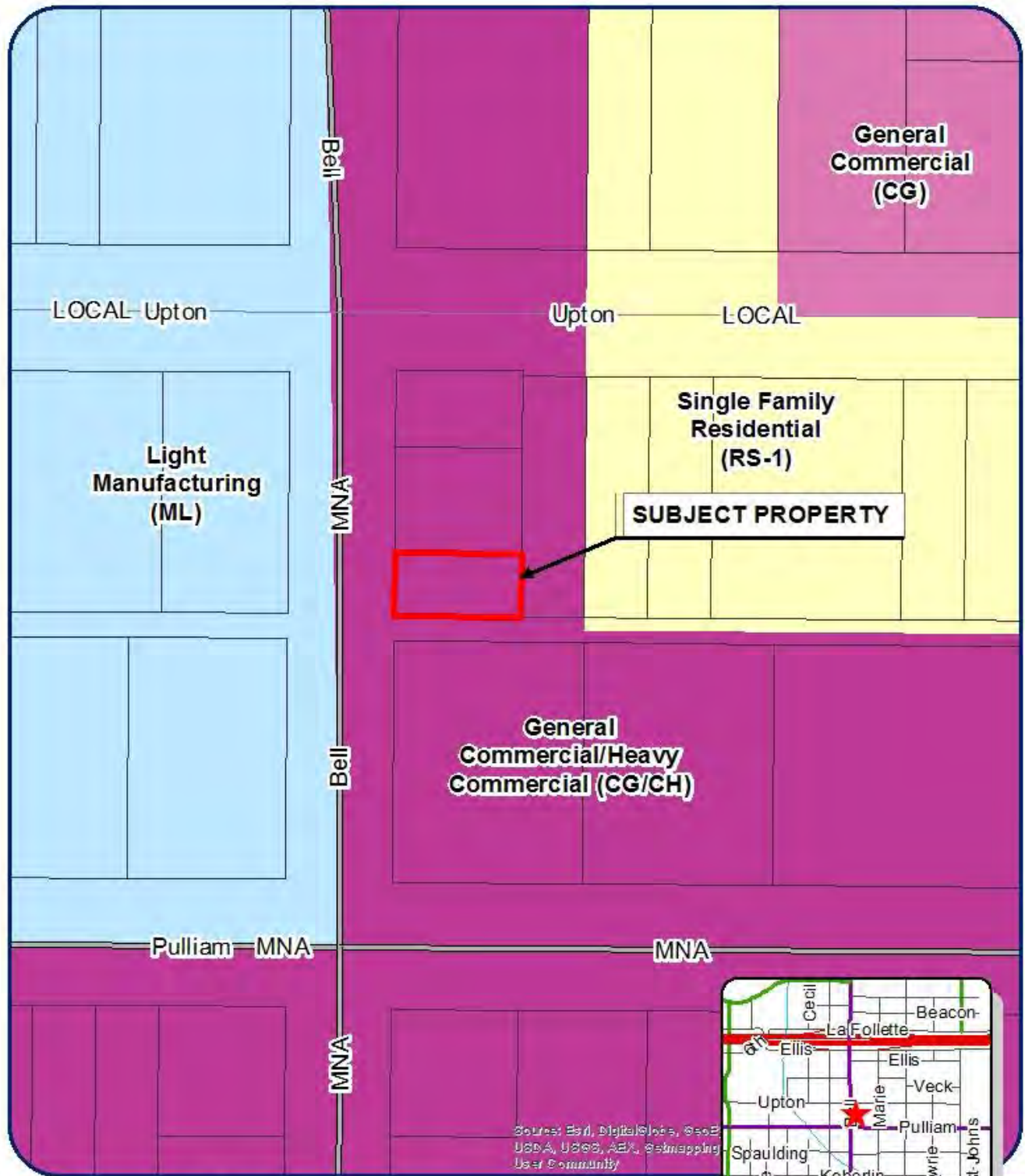
CU17-20: Garcia

Council District: Harry Thomas (SMD#3)
Neighborhood: Fort Concho East
Scale: 1" approx. = 100 ft
Subject Property: 420 N. Bell St.

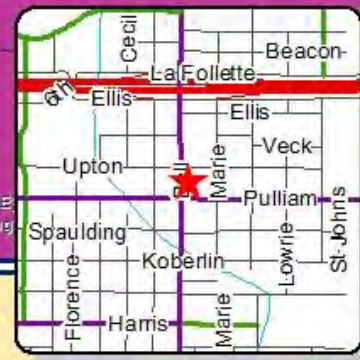
Legend

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





Source: Esri, DigitalGlobe, GeoB
 USDA, USGS, Aero, ©stamping
 User © community



Conditional Use Case File
CU17-20: Garcia

Council District: Harry Thomas (SMD#3)
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 100 ft
 Subject Property: 420 N. Bell St.

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



Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



EAST AT PROPERTY



Photos of Site and Surrounding Area

NORTH AT BUILDING



NORTH AT REAR YARD



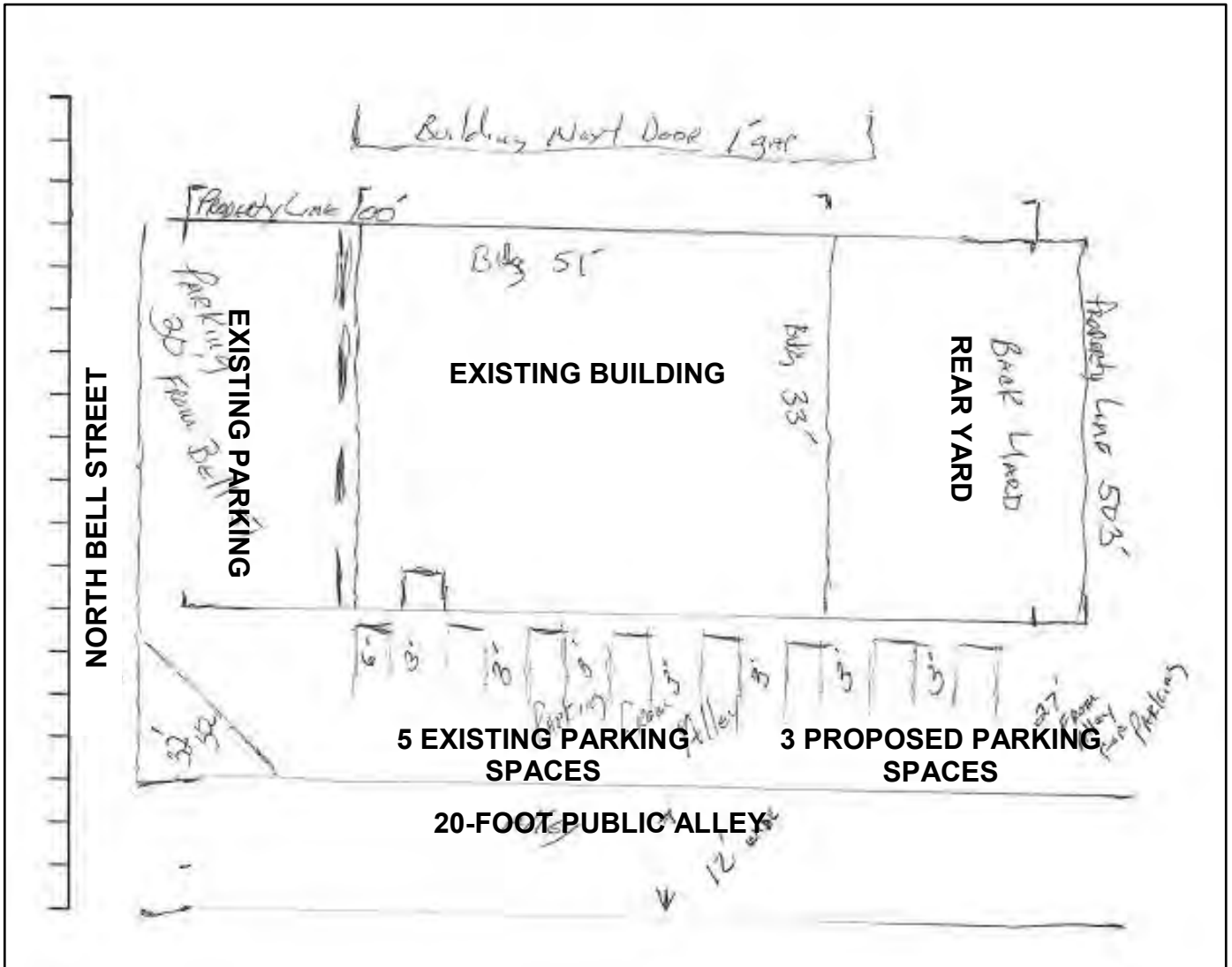
**WEST AT REAR YARD
(PRIVACY FENCE REQUIRED)**



**EXISTING PARKING AREA
AND ADJACENT ALLEY**



Site Plan



WEST BEAUREGARD AVENUE

Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): Johnny Garcia
 Owner Representative (Affidavit Required)

Mailing Address: 5821 Berkley San Angelo Tx 76901
City State Zip Code

Contact Phone Number: 325 728 0104 Contact E-mail Address: JohnnyGarcia757@gmail.com

Subject Property Address: 420 NBell San Angelo Tx 76905
City State Zip Code

Legal Description (can be found on property tax statement or at www.tamortgagepad.com):
Bell Addition, Block 8 550.3 Ft of 1@2

Lot Size: 0.12 ACRE Zoning: CG - CH

Section 2: Site Specific Details

*Use attachment if necessary.

Existing Use of Property: Vacant * Previous BAR vacated more than 12 months

Proposed Use/Size: BAR

Proposed Conditional Use (from Section 309): to Allow Alcoholic Beverage Sales for on Premis Consumption "SEC 315 A"

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

Impacts Minimized. Whether and the extent to which the proposed expansion of a nonconforming use creates adverse effects, including adverse visual impacts, on adjacent properties.
 Explanation: Surrounded by Commercial uses - previously BAR

Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.
 Explanation: Re opening Previous Bar Parking in front on sides appears to meet zoning ordinance

Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
 Explanation: fronts on to Bell Street with other commercial uses

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

Revised January 5, 2017

Explanation: Parking Paved No Negative Affects on movement

Section 2 continued: Site Specific Details

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

Explanation: It will be helpful for customers on this side of town not wanting to go downtown

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

Explanation: Ball Street carries a lot of traffic plenty of parking for customers.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

Johnny Garcia
Signature of licensee or authorized representative

11-16-17
Date

Johnny Garcia
Printed name of licensee or authorized representative

My Bae
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: 17-20 Planning Commission date: 12, 11, 17
Nonrefundable application Fee: \$ 385.00 Receipt #: 269579 Date paid: 12, 20, 17
Reviewed/Accepted by: KMH Date: 12, 20, 17



**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**

APPLICATION TYPE:	CASE:
Conditional Use	CU17-21: 777 Plaza LLC

SYNOPSIS:

The applicant has applied for a Conditional Use to allow Alcoholic Beverage Sales for On-Premise Consumption (bar) on the entire property zoned General Commercial/Heavy Commercial (CG/CH) Zoning District. The CG/CH Zoning does not allow a new bar to operate without a Conditional Use, unless a bar has been operating within the last 12 months as per Section 604 of the Zoning Ordinance. The last known bar “Southern Skyy” on the property was located in the easterly-most unit, 2408 Vanderventer Drive but had its Texas Alcohol and Beverage Commission (TABC) license expire on July 29, 2016, losing its legal non-conforming status. The existing retail plaza includes a restaurant, supermarket, hair salon, café, and a proposed new bar, “LISM Lounge” at the 2408 unit. According to the Tom Green County Appraisal District, the existing retail plaza was constructed in 1975, and there are 102 parking spaces on the property which provide parking for the tenants.

LOCATION:	LEGAL DESCRIPTION:
2402-2428 Vanderventer Avenue; generally located at the northeast corner of the intersection of South Johnson Street and Vanderventer Avenue.	Being Lots 4-13 and the adjacent alley except the north 20 feet of Lot 4 in Block 24, Delmar Place Annex, comprising a total of 1.46 acres.

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #5 – Lane Carter ASU - College Hills Neighborhood	CG/CH – General Commercial/Heavy Commercial	NC – Neighborhood Center	1.46 acres

THOROUGHFARE PLAN:

South Johnson Street – Urban Arterial Street
 Required: 80’ right-of-way, 64’ pavement
 Provided: 64’ right-of-way, 46’ pavement (lots already platted, complied with standards at that time)

Vanderventer Avenue – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk
 Provided: 60’ right-of-way, 36’ pavement with a 4-foot sidewalk

South Lincoln Street – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk
 Provided: 60’ right-of-way, 36’ pavement with a 4-foot sidewalk

NOTIFICATIONS:

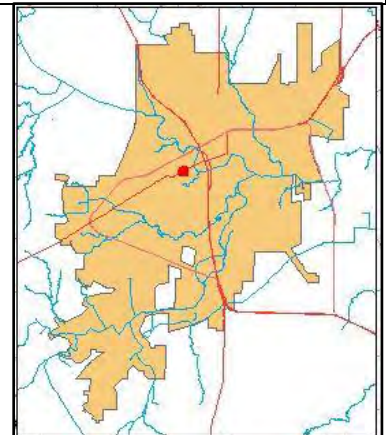
8 notifications mailed within 200-foot radius on November 30, 2017. Zero received in support or opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of a Conditional Use to allow for Alcoholic Beverage Sales for On-Premise Consumption, as defined in Section 315.A of the Zoning Ordinance, in the General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to six Conditions of Approval**.

PROPERTY OWNER/PETITIONER:
<i>Property Owner and Applicant:</i> 777 Plaza, LLC

STAFF CONTACT:
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us



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

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The property is part of a retail commercial corridor to the north along West Avenue N that includes another bar, “The Parrot’s Head Tavern,” within walking distance at 2319 West Avenue N, as well as vape shops, a tattoo parlor, offices, and restaurants. There are also apartment buildings to the north and east, and Angelo State University to the west and south. Planning Staff believe that impacts on the adjacent apartment uses will be minimized given that the building walls facing these uses do not contain any window or main door entries, providing natural opaque screening from the apartments. Further, research has determined a presence of a bar at this location since 1994, and as mentioned, the commercial building itself has existed since 1975 in this location. As a condition of approval, the Planning Division recommends shielded exterior wall lighting along the north and east building elevations to provide patrons safe and secure access between these parking areas and the main building entrance while shielding spillover light from adjacent properties.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The existing property complies with the minimum lot area, and minimum lot frontage and depth requirements of the CG/CH Zoning. The building has three street frontages – South Johnson Street, Vanderverter Street, and South Lincoln Street. The building well exceeds the required 25-foot front yard setback from Vanderverter Street. The building is approximately 10 feet from the front yard facing South Johnson Street and 0 feet from the front yard facing South Lincoln Street. The building erected in 1975 would be legal non-conforming with respect to the front yard setbacks facing South Johnson Street and South Lincoln Street, which at the time, were measured to the centerline of these streets. At the time of construction, the required front yard setback from South Johnson Street was 45 feet from the centerline of this street, and the required front yard setback from South Lincoln Street was 28 feet from the centerline of this street, and the building appears to be located exactly at these required setbacks in compliance. There are 102 parking spaces on the property which are shared between the building occupants. The proposed bar at 2408 Vanderverter Street would maintain the same occupancy as the previous bar, and therefore, additional parking would not be required at this time as per Section 511.A of the Zoning Ordinance. Any future changes to the occupancy of the building, however, would require a Change of Occupancy Permit and a review of the existing parking situation to ensure continued compliance.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.** The property is located within a “Neighborhood Center” designation in the City’s Comprehensive Plan which promotes “a mix of various uses at key intersections to encourage the necessary infill, densification, and walkability necessary for Neighborhood Centers.” Allowing bar operations on the property would conform to this policy, providing additional commercial outlets to service the nearby neighborhood and university campus. It may also create synergies between existing commercial uses in the area, as patrons could now take advantage of having groceries, a hair salon, restaurant, and bar in the same retail plaza.

4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Planning Staff do not anticipate any adverse impacts on the natural environment. The existing parking lot is already paved and adequate services the retail building and its tenants. The applicant is not proposing to expand the building footprint at the present time. Hours of operation would be limited to regular business hours and as a condition of approval, no outdoor noise or music performances will be allowed to mitigate any noise impacts on nearby residents.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* Planning Staff believes there is a community need for bars at this location. The closest bar currently in operation that serves the Angelo State University and the surrounding neighborhood is Parrot's Head Tavern located northeast on West Avenue N. Allowing additional bars in this location would provide alternative social and entertainment options within walking distance for nearby students and residents. As indicated, there have already been bars operating in this plaza since 1994, and bars used to be allowed as of right on this property before 2000. Approval of this application would provide an opportunities for new businesses to operate with a large potential customer base nearby.
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* The subject property has direct access onto South Johnson Street, an arterial road that can accommodate large traffic volumes connecting West Avenue N to Knickerbocker Road. There are also access points to the property from Vanderventer Street, and South Lincoln Street, as well as through the rear alley. Staff does not anticipate any adverse impacts on the existing street network or existing development patterns if this application is approved. The lots are already platted and the existing parking lot satisfies existing parking needs.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow Alcoholic Beverage Sales for On-Premise Consumption, as defined in Section 315.A of the Zoning Ordinance, on the subject property zoned General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to the following six Conditions of Approval:**

1. The applicant shall work with the Permits and Inspections Division to ensure the building continues to meet the requirements for a bar occupancy.
2. No outdoor amplified noise or outdoor musical performances shall be allowed.
3. Hours of operation shall be limited to 8:00am to 12:00am (midnight) Monday-Thursday; 8:00am to 2:00am Friday and Saturday; and 12:00pm to 12:00am (midnight) on Sunday.

4. The applicant shall install exterior wall lighting along the north and east building elevations to provide patrons safe and secure access between the parking areas and the main building entrance. The final lighting details shall be submitted to the Planning and Development Services Director for approval. All outdoor lighting shall be shielded, as well as directed interior to the property and away from adjacent properties and street rights-of-way.
5. The applicant shall comply with all provisions of Section 423 of the Zoning Ordinance for any bars with outdoor seating.
6. No Variances shall be granted for any zoning requirements for a bar on this property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Map of Property
Application

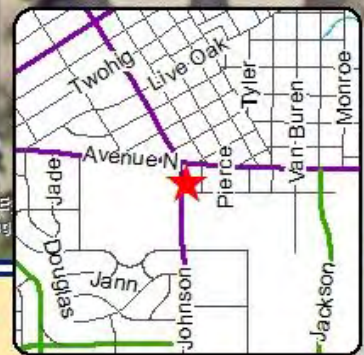


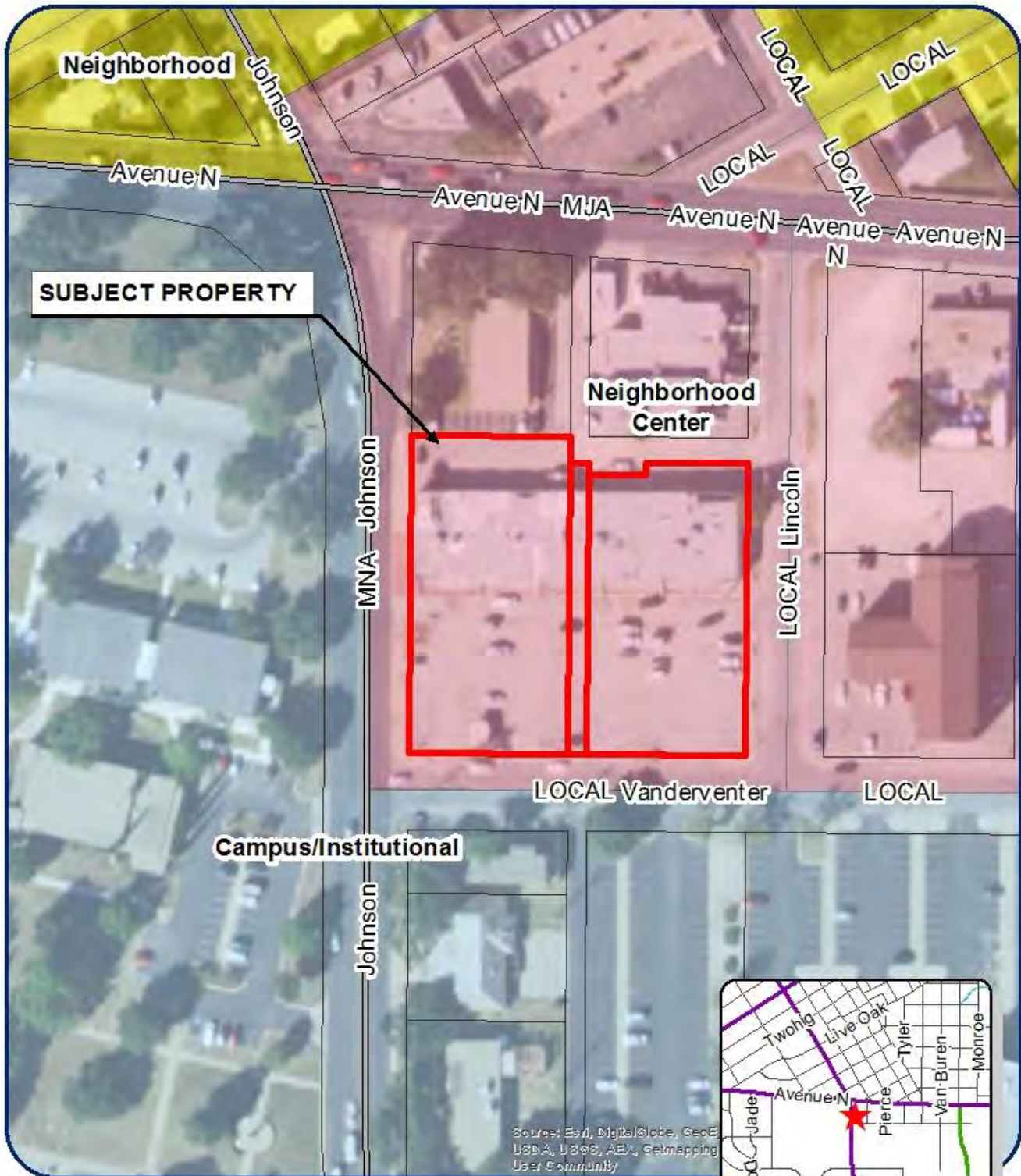
Conditional Use Case File
CU17-21: 777 Plaza, LLC

Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 100 ft
 Subject Property: 2402-2428 Vanderverter Avenue

Legend

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

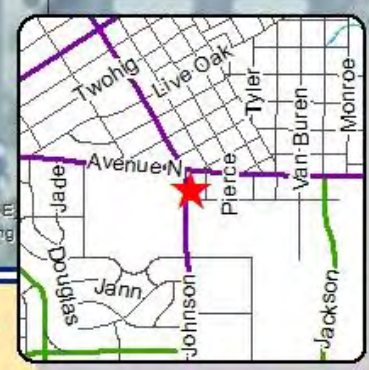


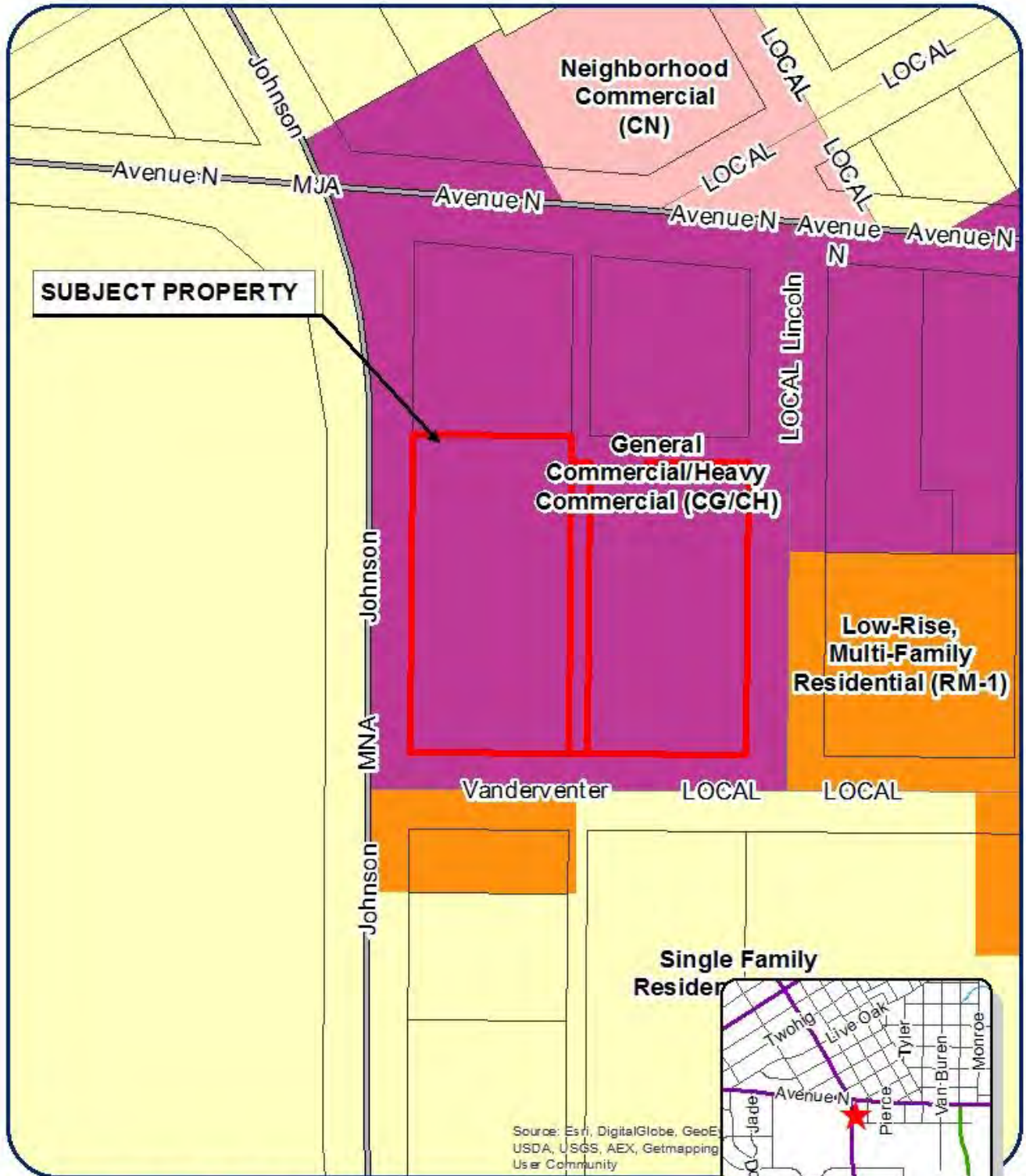


Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, Aero, Getmapping, User Community

Conditional Use Case File
CU17-21: 777 Plaza, LLC
 Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 100 ft
 Subject Property: 2402-2428 Vanderventer Avenue

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





Conditional Use Case File
CU17-21: 777 Plaza, LLC

Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 100 ft
 Subject Property: 2402-2428 Vanderventer Avenue

Legend

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



Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



SUBJECT PROPERTY



PROPOSED BAR (2408 VANDERVENTER)



RESTAURANT (2424 VANDERVENTER)



Photos of Site and Surrounding Area

GROCERY STORE (2418 VANDERVENTER)



SALON (2414 VANDERVENTER)



CAFÉ (2410 VANDERVENTER)



**REAR OF PROPERTY
(SECURITY LIGHTING REQUIRED)**



Photos of Site and Surrounding Area

SOUTH (ANGELO STATE UNIVERSITY)



EAST (TUSCANY APARTMENTS)



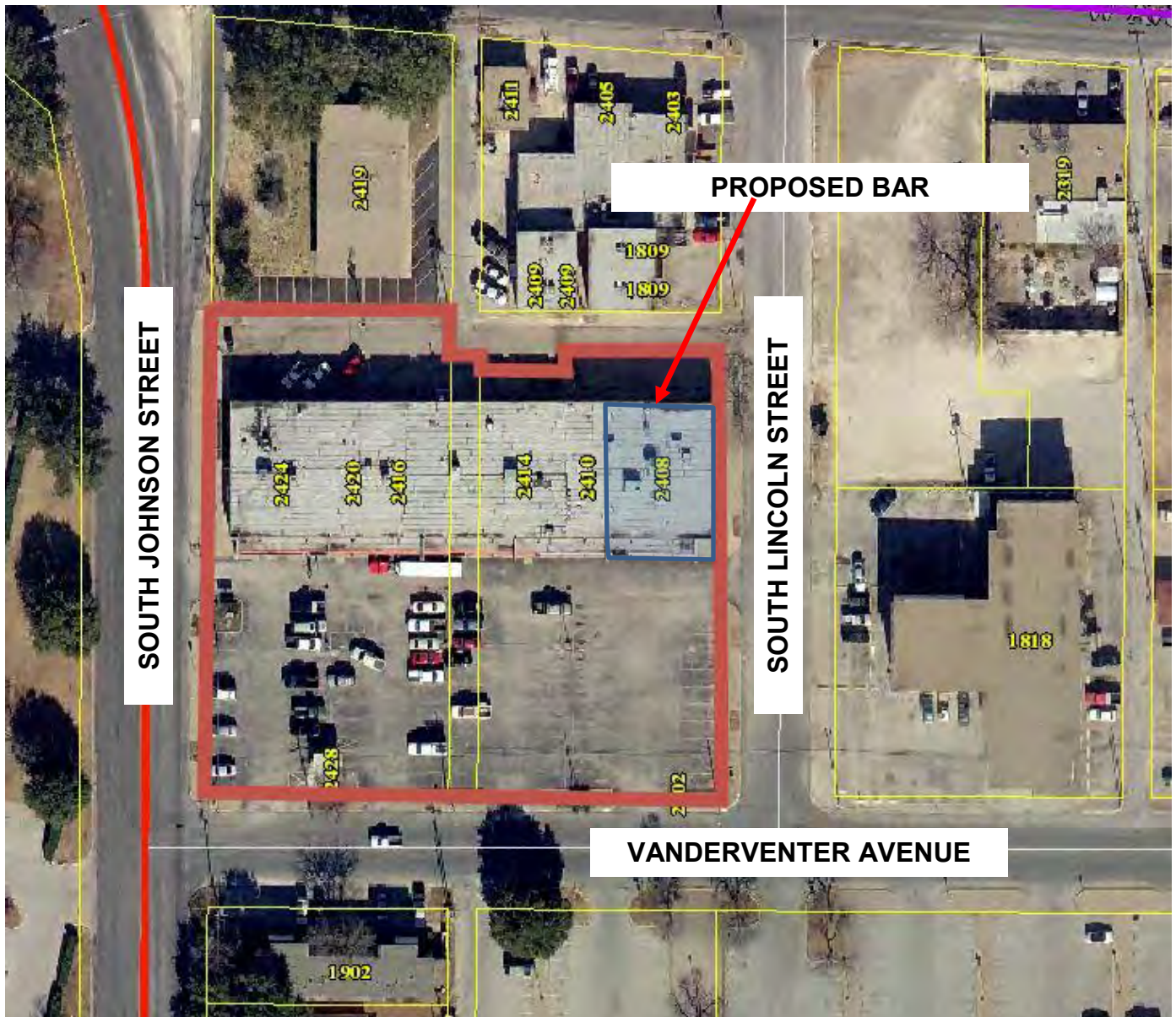
NORTHEAST (APARTMENTS AND RETAIL)



NORTHEAST (THE PARROT'S HEAD TAVERN)



Map of Property



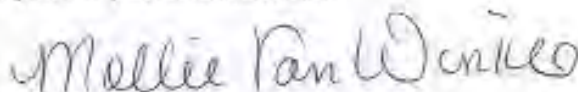
V W | W
VAN WINKLE & WOMACK
REAL ESTATE

October 11, 2017

City of San Angelo Planning Department:

The previous tenant at 2408 Vanderventer, Club Masquerade, occupied the property and was permitted to serve mixed beverages - as per all the previous tenants. Their liquor license expired July 29, 2016. Club Masquerade vacated the property July 30th, 2016. The new tenants, LizM, occupied the property July 17, 2017. Documents from the city inspection and permits department were required. Mr. Adams has been in the process of trying to get all inspections in order to begin the application process for mixed beverage service since July 17, 2017. We are hoping that since the previous operation was a bar serving mixed beverages, it can continue operating as such. Mr. Adams acquired the necessary insurance to cover the liability for the building and the alcohol service. He has gone through the tedious process of successfully completing the fire inspection, health inspection, city building inspection, as well as the comptroller's authorization to be a retailer at this location. As a former student and ASU graduate, Mr. Adams is eager to support our local business economy and participate in community outreach. Will you please assist Mr. Adams in acquiring his mixed beverage permit, for all he is lacking is the zoning commission's approval.


Thank you for your consideration.




Mollie Van Winkle

University Plaza, Manager

325-234-3434



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



Application for Approval of a Conditional Use

Section 1: Basic Information

Name of Applicant(s): 777 Plaza LLC
 Owner Representative (Affidavit Required)

2102 Pecos, Ste 7 San Angelo, TX 76901
Mailing Address City State Zip Code

325-234-3434 realformollie@yahoo.com
Contact Phone Number Contact E-mail Address

2402 Vanderventer San Angelo, TX 76901
Subject Property Address City State Zip Code

1.457 Lot 4-13 & alley except N20' of lot 4, Bk 24 Subd Delmar Annex
Legal Description (can be found on property tax statement or at www.texasland.com)

Lot Size: 1.457 Acres zoning: CG/CH

Section 2: Site Specific Details

*Use attachment if necessary.

Existing Use of Property: night club / bar / restaurant / retail sales

Proposed Use/Size: night club / bar / restaurant

Proposed Conditional Use (from Section 309): alcoholic beverage sales for on-premise consumption

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

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

Explanation: This shopping center has Always existed as a retail space, for this specific use.

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

Explanation: no changes will occur. we will continue to operate as it has since it was built.

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

Explanation: no change

Effective January 3, 2017

Section 2 continued: Site Specific Details

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

Explanation: This retail space has serviced ASU and our local community since 1975.

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

Explanation: We will continue to operate as we have since 1975 - no change. Well received by the community.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

Clifford Womack 10/11/17
 Signature of licensee or authorized representative Date

Clifford Womack
 Printed name of licensee or authorized representative

777 Plaza LLC
 Name of business/Entity of representative

FOR OFFICE USE ONLY

Case No.: CU 17-21 Planning Commission date: 12 11 2017

Non-refundable application fee: 422.50 Receipt #: 269584 Date paid: 10 28 2017

Reviewed/Accepted by: J. Fisher Date: 10 28 2017

**PLANNING COMMISSION – December 11, 2017
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Street Name Change		West Houston Harte Expressway Frontage Road	
SYNOPSIS:			
A request for approval of a Street Name Change for West Houston Harte Expressway Frontage Road to Sherwood Way Service Road. The request is to rename a 1350-foot length of this street's right-of-way beginning at Houston Harte Expressway Frontage Road continuing southwest then south to Sherwood Way.			
LOCATION:		LEGAL DESCRIPTION:	
West Houston Harte Expressway Frontage Road southeast of The Bluffs Subdivision		Being a 1350-foot length of this street's right-of-way beginning at Houston Harte Expressway Frontage Road continuing southwest then south to Sherwood Way, immediately southeast of The Bluffs Subdivision, San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #6 – Billie DeWitt Bluffs Neighborhood	General Commercial (CG)	Commercial	1350 Linear Feet
THOROUGHFARE PLAN:			
<u>West Houston Harte Expressway Frontage Road</u> – Local Road – ROW 50’ Require (Varies) – Pavement Width 40’ Required (40’ Existing)			
NOTIFICATIONS:			
Two notifications were mailed to properties directly adjacent to the street segment on November 27, 2017. One responses have been received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed street name change to the Sherwood Way Service Road .			
PETITIONERS:			
City of San Angelo			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

Street Name Change: West Houston Harte Expressway Frontage Road is located in the East San Angelo. With the construction of the HEB and similar commercial on Sherwood Way the existing West Houston Harte Expressway Frontage Road was reconfigured to meet the needs of the current and future development. Since the road no longer acts as a feature to the Expressway and more as a service road to Sherwood Way, Staff believe the new name more clearly represents the street as it is today.

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 new road acts more as an accessory to Sherwood Way, this change would help relieve confusion and differentiate the small remaining segment from the existing expressway. The new configuration of West Houston Harte Expressway Frontage Road 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

- There is an existing portion of road that acts accessory to Sherwood Way near the intersection of Oxford Drive which is names Sherwood Way Service Road. Since this road will be similar in nature, Staff believes this will not pose a problem and instead clarify the use.

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 the road no longer acts as an accessory use to the expressway and instead services business along Sherwood Way, Staff believes this would clarify the use of the road as well as avoid confusion.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a street name change from West Houston Harte Expressway Frontage Road to **Sherwood Way Service Road**.

Attachments:

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



Street Name Change
West Houston Harte Expressway Frontage Road
to Sherwood Way Service Road

Council District: SMD #6 - Billie DeWitt
Neighborhood: Bluffs

Scale: 1" approx. = 150 ft



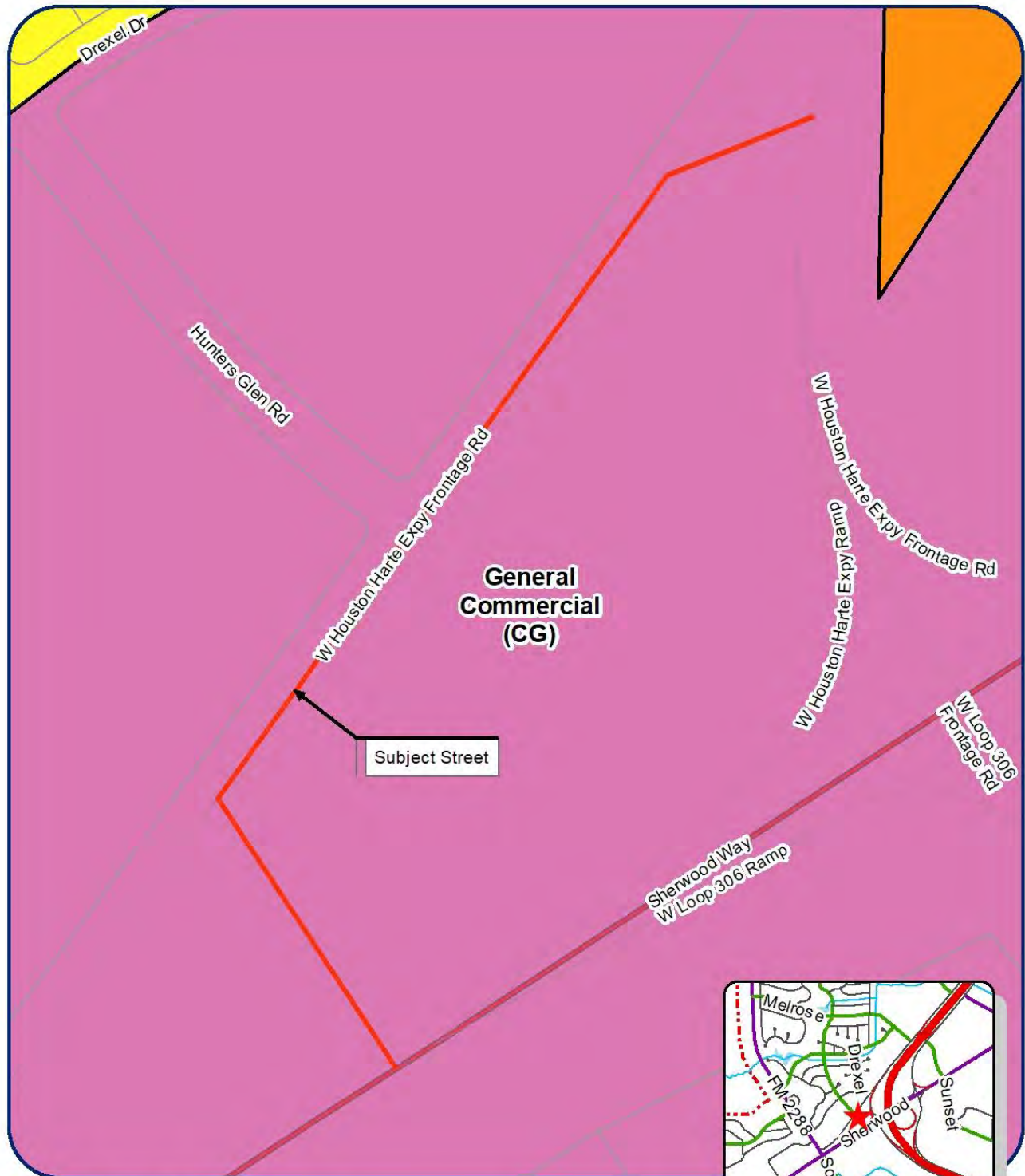


Street Name Change
West Houston Harte Expressway Frontage Road
to Sherwood Way Service Road

Council District: SMD #6 - Billie DeWitt
Neighborhood: Bluffs

Scale: 1" approx. = 150 ft





Street Name Change
West Houston Harte Expressway Frontage Road
to Sherwood Way Service Road

Council District: SMD #6 - Billie DeWitt
Neighborhood: Bluffs

Scale: 1" approx. = 150 ft



Photo of Street Segment



West Houston Harte Expressway Frontage Road Looking Southwest



New West Houston Harte Expressway Frontage Road Near HEB



Looking South towards Walmart



Looking North towards HEB from Sherwood Way



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.

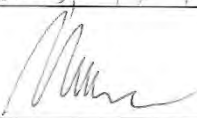
(X) IN FAVOR () IN OPPOSITION

REASON(S) MAKES SENSE - EASILY RECOGNIZABLE. BY
MOST RESIDENTS

NAME: MICHAEL McMAHON

ADDRESS: Box 795 483

Dimitry, TX 75379

SIGNATURE: 

Street Name Change: Sherwood Way Service Road
Property owner number: 1

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.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

First reading and public hearing for an ordinance amending Chapter 12 "Planning and Development," Article 12.03 "Manufactured Homes and Mobile Homes," Division 2 "Mobile Homes," Section 12.03.033 "Temporary Manufactured Home, Mobile Home, or Building Installation," which would add recreational vehicles, subject to a concept plan, notifications, and permitting, if applicable, and allowing for a one-year extension - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

Currently, Chapter 12, Article 12.03 of the Code of Ordinances allows for manufactured homes, mobile homes, or buildings to be temporarily installed, for up to one year, on a site during the construction or reconstruction of a home or building with permission from City Council. Onsite recreational vehicles could serve the same purpose for construction accommodation as the temporary installation of a manufactured home, mobile home, or building.

To this end, the Planning Division has drafted language which would serve to regulate how these structures could be temporarily erected on a site during construction. The applicant will be required to submit an application along with a concept plan which delineates the location of any proposed construction accommodation, water, waste, and electrical provisions, setbacks, ingress/egress, and any other pertinent information, as determined by the Planning Director. Written notice of the public hearing shall be sent to property owners within 200 feet of the site not less than ten days before the City Council public hearing is held.

No construction accommodation may be placed on a site until a building permit, if required, has been issued for the related construction or reconstruction of a home or building. Lastly, one extension of an authorization for an additional period not to exceed one year may be granted by City Council.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission will hear this request at its December 11, 2017, meeting.

Attachments:

1. Draft Ordinance Ordinance_Chapter 12 RV's (FINAL).docx
2. Proposed Text (with changes) Proposed Text Changes_RV's (FINAL).docx

Presentation:

jon

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

CHAPTER 12 PLANNING AND DEVELOPMENT

ARTICLE 12.03 MANUFACTURED HOMES, AND MOBILE HOMES, AND RECREATIONAL VEHICLES

Division 2. Mobile Homes and Recreational Vehicles

Section 12.03.033 Temporary manufactured home, mobile home, recreational vehicle, or building installation

(a) City Council may authorize one or more A manufactured homes, mobile homes, ~~or building recreational vehicles, or other construction accommodation reasonably necessary to a construction site to be temporarily installed on the site, during the construction or reconstruction of a home or building on the same site, with the permission of city council.~~ The property owner or owner's agent shall submit a written application with the Planning Director for city council authorization. As part of the application, a concept plan, drawn to scale, shall be required which delineates the location of any proposed temporary manufactured home, mobile home, recreational vehicle, and/or building, water, waste, and electrical provisions, setbacks, ingress/egress, and any other pertinent information, as determined by the Planning Director or designee.

(b) ~~Said permission may be granted for a period of up to one year after notification of property owners within two hundred feet (200') of the proposed site and a hearing before the city council. Authorization for the temporary placement of a construction accommodation may be granted by city council for a period not to exceed one year. Not more than one extension of an authorization for an additional period not to exceed one year may be granted by the city council. The request for an extension shall be in writing and provided to the Planning Director a minimum of forty-five (45) days prior to the expiration of the original authorization.~~

(c) ~~Any request for installation of a manufactured home, mobile home or building which would remain for more than one year shall first be heard by the planning commission after notification of property owners within two hundred feet (200') of the proposed site. The planning commission shall forward its recommendation to the city council for final action at a regular meeting of said council. City council shall conduct a public hearing on an application for such authorization or for extension of an authorization. The Planning Director shall cause written notice of the public hearing to be sent to property owners within two hundred feet (200') of the site within not less than ten (10) days before any such hearing is held. Depositing such written notification in the mail shall be deemed sufficient compliance.~~

(d) No request or extension shall be heard until the appropriate fee, as established by the city council, is paid.

(e) No manufactured home, mobile home, recreational vehicle, or building may be placed on a site until a building permit, if required, has been issued for the related construction or reconstruction of a home or building.

(e)(f) Where this section conflicts with the zoning regulations of the city, this section shall control.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT,” ARTICLE 12.03 “MANUFACTURED HOMES AND MOBILE HOMES,” DIVISION 2 “MOBILE HOMES,” SECTION 12.03.033 “TEMPORARY MANUFACTURED HOME, MOBILE HOME, OR BUILDING INSTALLATION,” TO PERMIT TEMPORARY RECREATIONAL VEHICLE ON CONSTRUCTION SITE; PROVIDING FOR A CONCEPT PLAN, NOTIFICATION TO PROPERTY OWNERS, AND PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the Code of Ordinances provides for manufactured homes, mobile homes, or buildings to be temporarily installed on a site during the construction or reconstruction of a home or building with permission from City Council; and,

WHEREAS, an onsite recreational vehicles could serve the same purpose for construction accommodation as the temporary installation of a manufactured home, mobile home or building , the City Council has determined that the interest of the public is served by permitting recreational vehicles to be temporarily placed on construction sites upon public hearing and authorization by City Council;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS:

Section 1. That Chapter 12 “Planning and Development,” Article 12.03 “Manufactured Homes and Mobile Homes,” Division 2 “Mobile Homes,” Section 12.03.033 “Temporary Manufactured Home, Mobile Home, or Building Installation,” is hereby amended by renaming Article 12.03 as “Manufactured Homes, Mobile Homes, and Recreational Vehicles,” renaming Division 2 as “Manufactured Homes, Mobile Homes and Recreational Vehicles,” and restating in its entirety Section 12.03.033 as “Temporary Manufactured Home, Mobile Home, Recreational Vehicle, or Building Installation” to read as follows:

”Article 12.03 Manufactured Homes, Mobile Homes, and Recreational Vehicles

Division 2 Manufactured Homes, Mobile Homes and Recreational Vehicles

Section 12.03.033 Temporary Manufactured Home, Mobile Home, Recreational Vehicle, or Building Installation

(a) City Council may authorize one or more manufactured homes, mobile homes, recreational vehicles, or other construction accommodation reasonably necessary to a construction site to be temporarily installed on the site, during the construction or reconstruction of a home or building. The property owner or owner’s agent shall submit a written application with the Planning Director for city council authorization. As part of the application, a concept plan, drawn to scale, shall be required which delineates the location of any proposed temporary manufactured home, mobile home, recreational vehicle, and/or building, water, waste, and electrical provisions, setbacks, ingress/egress, and any other pertinent information, as determined by the Planning Director or designee.

(b) Authorization for temporary placement of a construction accommodation may be granted by city council for a period not to exceed one year. Not more than one extension of an authorization

for an additional period not to exceed one year may be granted by the city council. The request for an extension shall be in writing and provided to the Planning Director a minimum of forty-five (45) days prior to the expiration of the original authorization.

(c) City council shall conduct a public hearing on an application for such authorization or for extension of an authorization. The Planning Director shall cause written notice of the public hearing to be sent to property owners within two hundred feet (200') of the site not less than ten (10) days before any such hearing is held. Depositing such written notification in the mail shall be deemed sufficient compliance.

(d) No request or extension shall be heard until the appropriate fee, as established by the city council, is paid.

(e) No manufactured home, mobile home, recreational vehicle, or building may be placed on a site until a building permit, if required, has been issued for the related construction or reconstruction of a home or building.

(f) Where this section conflicts with the zoning regulations of the city, this section shall control.

Section 2. The remaining provisions of Chapter 12, Article 12.03 of the Code of Ordinances of the City of San Angelo, Texas, not amended hereby shall remain in full force and effect.

Section 3. The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 4. This Ordinance shall be effective on, from and after the date of adoption.”

INTRODUCED on the 12th day of December, 2017, and finally PASSED, APPROVED AND ADOPTED on this the _____ day of January, 2018.

THE CITY OF SAN ANGELO

ATTEST:

BY: _____
Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney