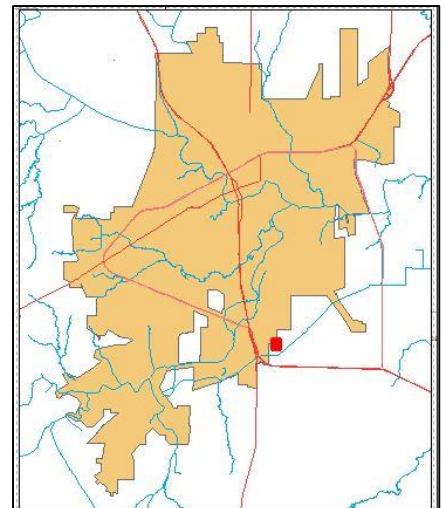


PLANNING COMMISSION – January 22, 2018
STAFF REPORT



APPLICATION TYPE:		CASE:	
Final Plat		Bridlewood Estates, Section Two	
SYNOPSIS:			
The proposed final plat is comprised of 20 future single-family residential lots on 12.437 acres, and located immediately west of Bridlewood Estates, Section One which was approved by the Planning Commission on January 23, 2017. All of the lots are 0.5 acres in size, except for Tract 23 (0.518 acres) and Tract 24 (0.671 acres) with abutting access on a new street, "Bridlewood Court" that extends north to Fairview Road. The property is located within the City's Extraterritorial Jurisdiction (ETJ) and there is no zoning on the property.			
LOCATION:		LEGAL DESCRIPTION:	
An unaddressed tract; generally located approximately 1,100 feet west of Fairview Road and Fairview School Road in the City's Extraterritorial Jurisdiction (ETJ)		Being 12.437 acres of land out of L.P. Moore Survey No. 169 1/2, Abstract No. 1637 and being Tracts 1 and 2 described in Instrument No. 201704206, Official Public Records of Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FLU:
SMD District: N/A (in ETJ) Neighborhood: N/A (in ETJ)		N/A (in ETJ)	R- Rural
			SIZE:
			12.437 acres
THOROUGHFARE PLAN:			
<p>Fairview Road – Rural Local Street – no variances required Required: 60' right-of-way, 30' pavement Provided: 40' right-of-way (required one-half of remainder (10') to be dedicated through platting)</p> <p>Bridlewood Court – Rural Local Street – variances requested (26-foot width; two-course pavement; no curbs; no sidewalk) Required: 60' right-of-way, 30' pavement Proposed: 60' right-of-way, 26' pavement</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of the final plat for not conforming with the City's Comprehensive Plan and Intent of Purpose Statements in the Subdivision Ordinance (see below).			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner(s): Randy and Linda Bell</i>			
<i>Agent: Herb Hooker, SKG Engineering, LLC</i>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information:

The property is designated “Intermediate” in the City’s Annexation Plan (5-20 years), but was established as part of the earlier 2009 update to the San Angelo Comprehensive Plan, and therefore could be annexed sooner. The applicant is proposing a 20-foot wide unobstructed emergency vehicle access easement that will extend east from Tract 23, through the Section 1 plat to Fairview School Road. The applicant has applied for five variances from the Subdivision Ordinance to allow: a) a 26-foot paving width in lieu of the required 30 feet for Bridlewood Court, a proposed rural local street; b) two-course surface in lieu of the required hot mix asphalt surface for Bridlewood Court; c) no header curbs; d) no sidewalk; and e) a dead-end street exceeding 750 feet.

Fire Department Concerns:

Both the City of San Angelo Fire Marshall’s Office and the Wall Volunteer Fire Department are opposed to the proposed dead-end street with a lower standard of road construction, as well as deficient water mains and no fire hydrants proposed. Bridlewood Court, as proposed, is in excess of 1,400 feet, well over the maximum 750 feet allowed for a dead-end street in the Subdivision Ordinance, and in contravention of the International Fire Code with lack of sufficient water mains and hydrants. Both departments also raised safety concerns with the proposed crushed limestone surface for the emergency access drive, indicating that this surface is substandard and would not be able to accommodate the weight of a fire truck. Finally, a lack of reliable water source combined with a reduced road width would increase emergency response times of up to 12-15 minutes according to the Wall Fire Department. The Planning Division has weighed carefully these considerations when evaluating the merits of the proposed variances (see below).

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.”

Comprehensive Plan: The subject property is designated “Rural” in the City’s Comprehensive Plan which calls to “develop quality neighborhood development standards based on the possibility that many rural area now outside of city limits will someday be incorporated within City Limits. Planning Staff believe that lack of available water for firefighting and a substandard emergency access does not provide “quality development.” Further, if annexed into the City, the proposed lots would not comply with the zoning standards of the Ranch and Estate (R&E) Zoning District, the zoning closest to the Rural designation. The R&E Zoning District requires a minimum lot area of 1 acre and the proposed lots are in the 0.5-acre range. However, given the lots are located immediately abutting the City Limits, the lots would easily comply with the Single-Family Residential (RS-1) Zoning District, well exceeding the minimum lot area of 5,000 square feet and minimum lot frontage of 50 feet. If annexed, Planning Staff would recommend at that time initiating an amendment to the City’s Comprehensive Plan to “Neighborhood” which more accurately reflects the proposed lot sizes and configurations.

Intent of Purpose Statements: Planning Staff believe that the proposed plat contravenes several of the purpose statements in the City’s Comprehensive Plan. The substandard roadways and lack of available water for firefighting does not adequate “protect and provide for the public health, safety, and general welfare of the City of San Angelo (Statement B).” As communicated by the City and Wall Fire Departments, the crushed limestone surface for the emergency access, and the reduced street widths increase response times and access issues, creating streets that do not “insure safe, convenient and functional systems for vehicular and pedestrian circulation (Statement D).” Finally, the City’s Engineering Department indicated that a lower standard of road construction, two-course instead of hot mix asphalt for Bridlewood Court would cost City taxpayers approximately \$540,000 once annexed. This situation would not “provide for low maintenance costs and a quality of development that would retain stable tax values (Statement J).”

Variations: As indicated above, the applicant has submitted a request for a variance from Section 10.III.B (construction standards and specifications) that would allow for a two-course treatment with no header curb, in lieu of the required hot mix asphalt with header curb for all internal streets. 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 the variances would not be detrimental because the proposed street is consistent with County Standards for construction. However, both Planning and Engineering Services believe this is misleading given that this subdivision will eventually be annexed into the City Limits and that upgrading to City standard of hot mix asphalt, as required by the Subdivision Ordinance, would cost approximately \$540,000 to City taxpayers in future. Further, both departments believe this will set a negative precedent for future deficient streets to be constructed, increasing the financial costs on the citizens of San Angelo. As indicated previously, both the City and Wall Fire Departments object to Bridlewood Court in its current configuration being a dead-end street, and the substandard surface of the proposed limestone emergency access drive being able to accommodate fire trucks and fire apparatuses. Planning Staff agree as this proposal violates not only the International Fire Code but the Subdivision Ordinance as well which sets a maximum of 750 feet for a dead-end street and the proposed street is almost double this length. The Planning Division does not require a sidewalk given there are no existing or anticipated sidewalks in the immediate area.
2. **The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.** The applicant believes the variances are unique in that the proposed roadway connects to a County roadway. Staff wishes to reiterate our position that the property immediate abuts the City Limits and will eventually be annexed into the City, leading to San Angelo taxpayers having to pay for future upgrades. Staff does not see anything unique about this property. The City has consistently required the City standard of hot mix asphalt for road surfaces in the City's Extraterritorial Jurisdiction (ETJ) – our right to do so under the Interlocal Agreement – and also because these roads will eventually be maintained by the City. Staff does believe that the property is unique, however, with respect to a sidewalk exemption given there are no current or anticipated sidewalks in the immediate 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 that a hardship would result as the proposed street would be constructed as a City street but function as a county roadway. The Planning and Engineering Departments disagree. The property is on the edge of the City Limits and will eventually be annexed into the City, requiring an upgrade to City Standards if a variance to the lower two-course surface is granted. Further, Staff objects to the crushed limestone surface of the emergency access driveway, and concurs with both the City and Wall Fire Departments that this surface may not be able to hold the weight of fire trucks and adequately accommodate emergency responders. Further, both Planning and Engineering Services see no topographical requirements that would warrant a hardship as the site is relatively flat with no obstructions. Finally, the applicant had chosen to develop Section One of Bridlewood Estates in a configuration that essentially "landlocked" the property from being able to incorporate a through street. The deficient emergency access – which also requires an easement through an existing lot in Section One to access Fairview School Road – was self-created, as was the dead-end road, Bridlewood Court. Staff sees no valid reason to support the requested variances, with the exception of the sidewalk variance given there are no anticipated sidewalks in the area.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** The applicant believes that the existing roadways will be widened and maintained by County road and bridge crews as they are now. Planning Staff do not believe this is a valid argument to support reduced road width and surface standards given that the subject roads will eventually be annexed and be City responsibility, leading to increased costs and upgrades in future. Engineering Services agrees and confirms their objections. As indicated earlier, the proposed dead-end, deficient street, combined with a substandard secondary access that was self-created by the applicant as a result of the Section One configuration, contravenes both the International Fire Code and City Subdivision Ordinance. As stated earlier, Staff has no objection to the sidewalk variance but recommends denial of the other variances as stipulated.

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

Staff recommends **DENIAL** of the final plat for not conforming with the City's Comprehensive Plan and Intent of Purpose Statements in the Subdivision Ordinance.

However, should the Planning Commission **APPROVE** the final plat, Staff recommends that the Planning Commission add the following **nine (9) Conditions of Approval**:

1. Per the Land Division and Subdivision Ordinance, Chapter 7.II.A, provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District indicating there to be no delinquent taxes on the subject property of this subdivision;
2. Per the 2015 International Fire Code Appendix D, Section D103.4, dead-end fire apparatus access roads over 750 feet require special approval. In this case, the proposed street, Bridlewood Court, is over 1400 feet.
3. Per the Land Development and Subdivision Ordinance, Chapter 10, the 2015 International Fire Code, and National Standards on Life Safety, the proposed secondary ingress/egress is only labeled as "20' and 24' Unobstructed Emergency Vehicle Access Easement," and is insufficient. An improved secondary ingress/egress access, built to City Specifications, will need to be provided.
4. With the subdivision being in the County, and not having a dedicated water main for fire hydrants, the Fire Marshal's Office will require either:
 - a. A 2,500 gallon water collection tanks for fire suppression services; or,
 - b. Per the 2015 International Fire Code Section 507.5.1, prepare and submit plans for approval, illustrating the proposed installation of fire hydrant(s) as necessary to serve this area, and complete the installation in accordance with the approved version of these plans or,
 - c. Per the 2015 International Fire Code Section 903.2.8, prepare and submit plans for approval, illustrating the proposed installation of a fire sprinkler system for each residence, and complete the installation in accordance with the approved version of these plans.

5. Provide City staff with official correspondence from leadership of the Board of Directors for *Millersview-Doole Water Supply Corporation*, indicating the Corporation's ability and willingness to provide water service to each of the lots shown on the proposed final plat.
6. Provide a site plan showing existing structures and existing septic systems, and specifying the water source, to the Tom Green County Environmental Health Department. A suitability study must also be submitted. For more information, contact Pam Weishuhn at 659-5441.
7. As per Chapter 10 of the Land Development and Subdivision Ordinance, prepare and submit plans for approval, illustrating the required construction of Bridlewood Court, meeting the requirements for a rural local street with a minimum 30 feet of pavement. Once plans are approved, construct street to City specifications. Alternatively, as per Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative, as per Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission as per Land Development and Subdivision Ordinance.
8. Per the Stormwater Ordinance, Section 12.05.001 and the Stormwater Design Manual, Section 2.13, a drainage study shall be submitted if the impervious area changes by 5% and development of a site exceeds 1 acre. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval.
9. Prior to recordation of this final plat, the applicants shall record and provide the instrument number of the proposed 24-foot unobstructed emergency vehicle access easement through Tract 1 of Bridlewood Estates, Section One to verify the plat will have continuous access to Fairview School Road. Alternatively, the applicants shall submit and obtain approval of a replat of Bridlewood Estates, Section One, recording this easement as part of this replat.

-and-

DENY the Variance from Section 10.II.C.4 to allow a two-course surface in lieu of the required hot mix asphalt surface;

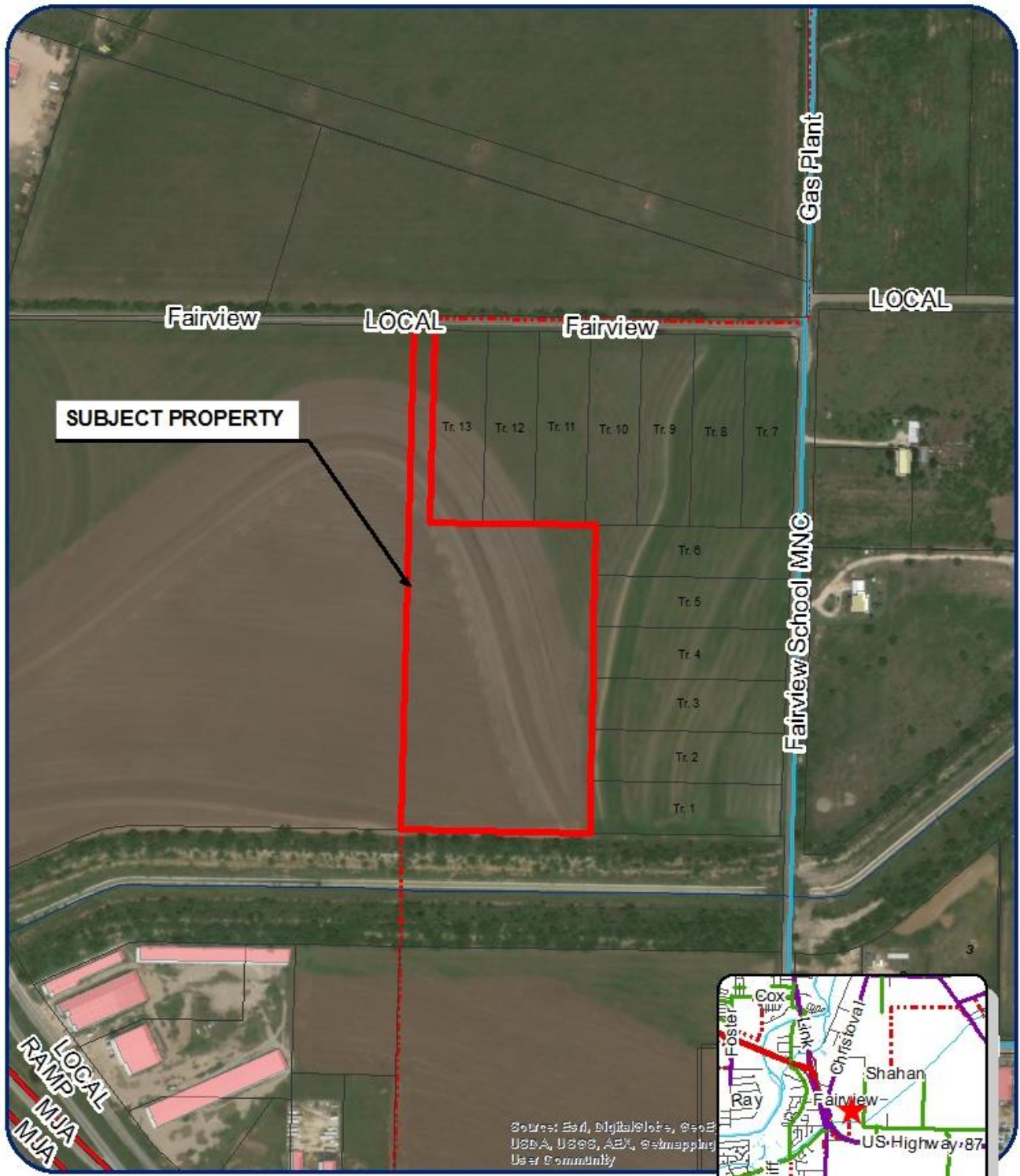
DENY the Variance from Section 10.III.A.2 to allow a minimum pavement width of 26 feet in lieu of the required 30 feet for Bridlewood Court, a proposed rural local street;

DENY the Variance from Section 9.III.A.5.a(3) to allow no curbing in lieu of the required header curbs; and

DENY the Variance from Section 9.III.C.2 to allow a dead-end street greater than 750 feet.

Attachments:

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



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




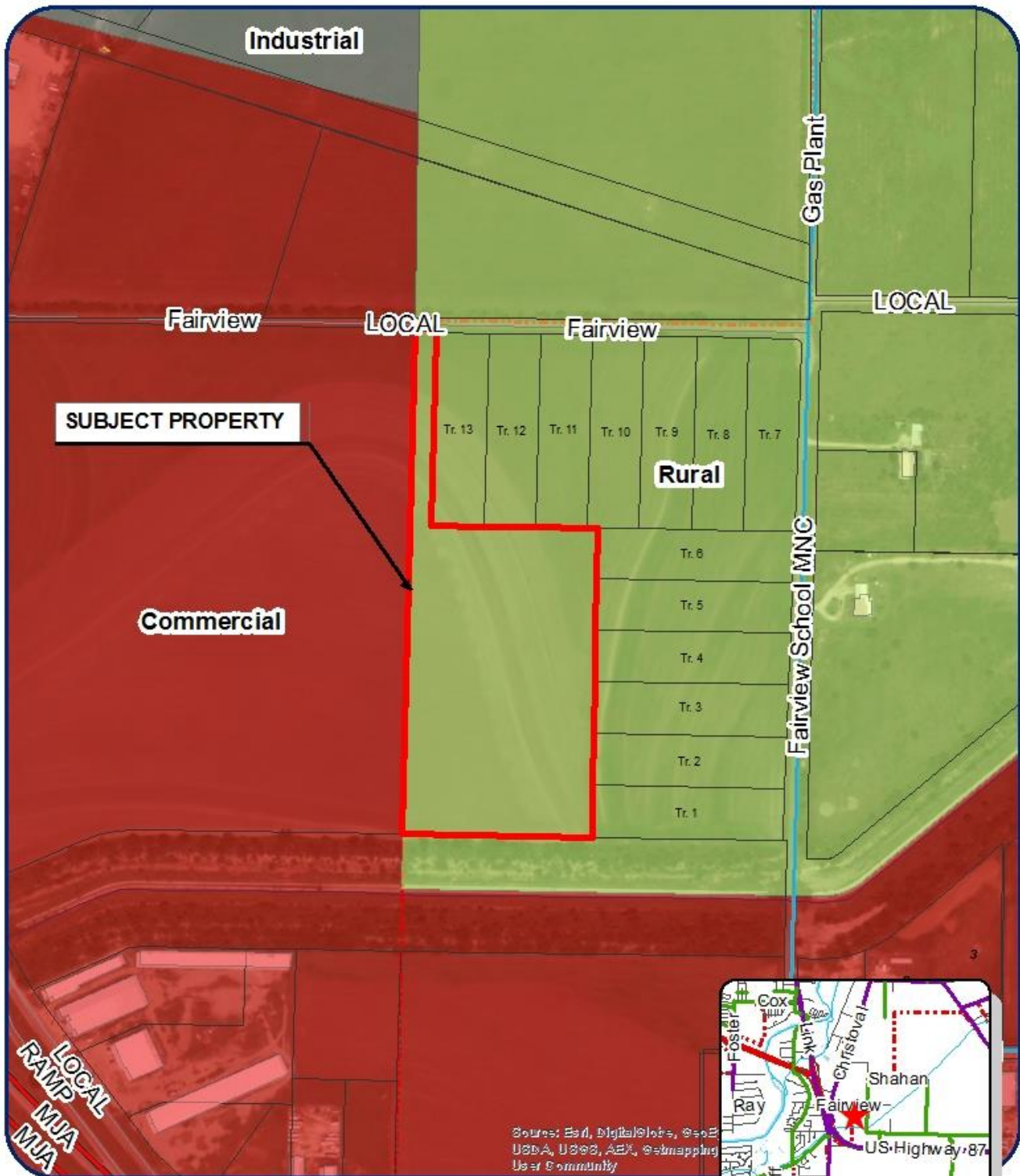
Zoning Case File
Bridlewood Estates, Section Two

Council District: N/A
 Neighborhood: N/A
 Scale: 1" approx. = 375 ft
 Subject Property: West of Fairview Rd/Fairview School Rd

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

N



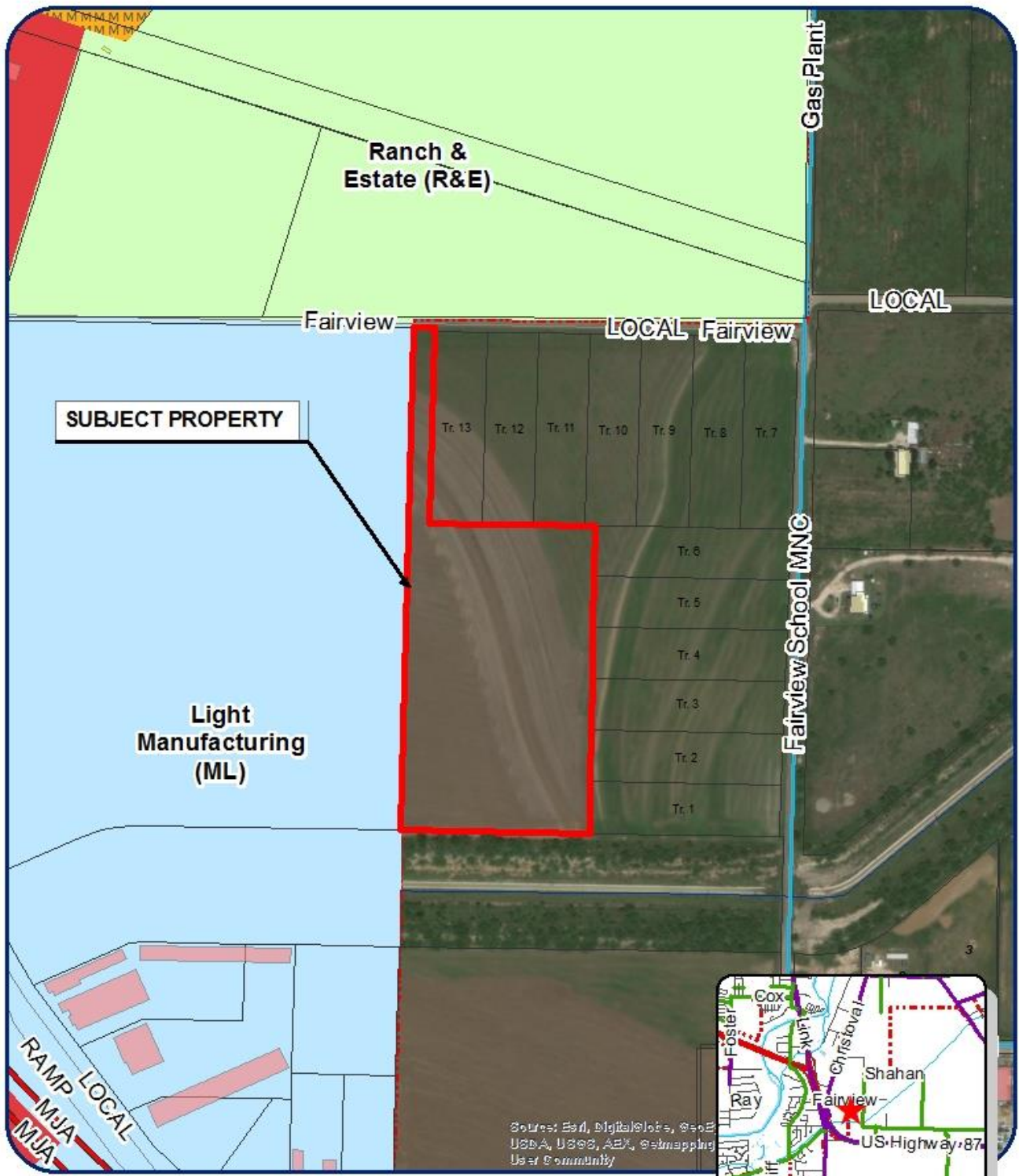


Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, Aero, GeoMapping, User Community

Zoning Case File
Bridlewood Estates, Section Two
 Council District: N/A
 Neighborhood: N/A
 Scale: 1" approx. = 375 ft
 Subject Property: West of Fairview Rd/Fairview School Rd

Legend
 Subject Properties: [Red Outline]
 Current Zoning: N/A
 Requested Zoning Change: N/A
 Vision: Rural





Zoning Case File
Bridlewood Estates, Section Two

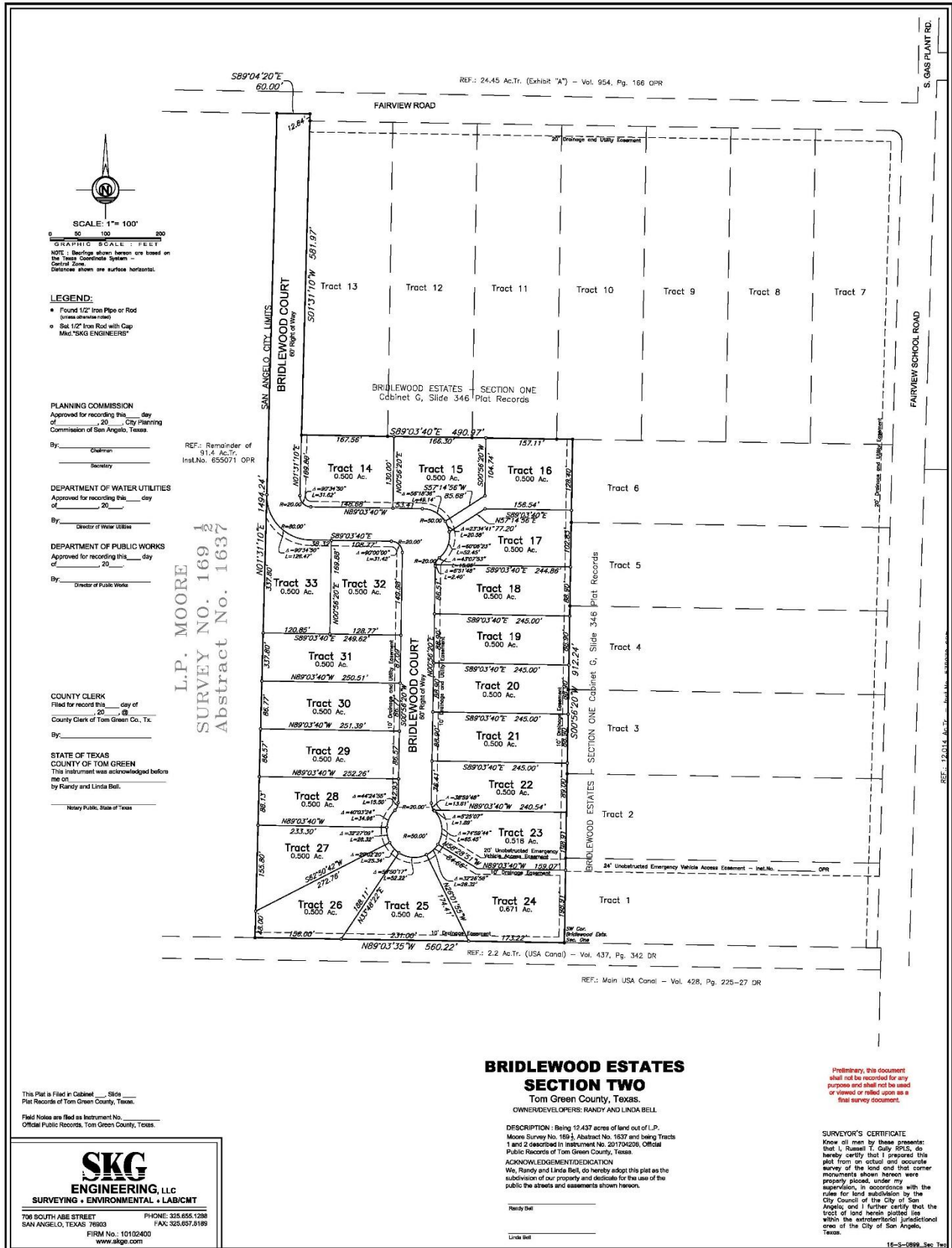
Council District: N/A
 Neighborhood: N/A
 Scale: 1" approx. = 375 ft
 Subject Property: West of Fairview Rd/Fairview School Rd

Legend

Subject Properties:
 Current Zoning: N/A
 Requested Zoning Change: N/A
 Vision: Rural

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

N



SCALE: 1" = 100'
 GRAPHIC SCALE - FEET
 0 50 100 200
 NOTE: Bearings shown hereon 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 1/2" Iron Rod with Cap Mkt. "SKG ENGINEERS"

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

 Secretary

REF.: Remainder of 31.4 Ac.Tr. Inst.No. 655371 OPR

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

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

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

STATE OF TEXAS
COUNTY OF TOM GREEN
 This instrument was acknowledged before me on _____
 by Randy and Linda Bell.

 Notary Public, State of Texas

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

BRIDLEWOOD ESTATES
SECTION TWO
 Tom Green County, Texas.
 OWNER-DEVELOPERS: RANDY AND LINDA BELL

DESCRIPTION: Being 12.437 acres of land out of L.P. Moore Survey No. 169 1/2, Abstract No. 1637 and being Tracts 1 and 2 described in Instrument No. 20170228, Official Public Records of Tom Green County, Texas.

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

Randy Bell _____
 Linda Bell _____

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

SURVEYOR'S CERTIFICATE
 Know all men by these presents: that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo and I further certify that the tract of land herein platted lies within the extrajurisdictional area of the City of San Angelo, Texas.

SKG ENGINEERING, L.L.C.
 SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET PHONE: 325.656.1288
 SAN ANGELO, TEXAS 76903 FAX: 325.657.5189

FIRM No.: 10192400
 www.skg.com



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
 BRIDLEWOOD ESTATES SECTION TWO

Proposed Subdivision Name
 12.437 acres being Tracts 1 & 2 as described in Instrument No. 201704206 OPR Tom Green Co.

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 R000049176 or 66-01637-2773-400-00

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
Randy and Linda Bell	227-8985	rbell1539@yahoo.com

Property Owner:

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

Architect/Engineer/Design Professional:

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

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

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: Millersview-Doole WSC

Sewer: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? 0.500 Ac +

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

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

If yes, briefly describe each, including the use and size: 24' wide emergency vehicle access easement

Section 3: Property Characteristics

12.437 20

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 12.437 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 10.19 Office _____

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

Are there existing structures on the property? Yes No

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

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Ch.9 Sec. IIIA5(3) & Sec. V, Ch.10 Sec. 4

Full variance requested Partial variance requested (proposed variation from standard): 26 Roadway County Spec. Surface, City Spec. Subgrade&Base, No Curbing, N

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
The granting of the variance will not be detrimental in that it will allow widening of the existing roadway
in a manner that will be consistent with Tom Green County Standards and maintenance procedures.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
The conditions are unique in that this variance is for expansion of an existing County roadway which is typically
not applicable to other properties, which utilize City roadways.

(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.
A hardship would result because of the physical condition of the existing roadway and the difference in construction and functionality of a County roadway as opposed to a City roadway.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
The variances will not alter the provisions. The roadways will be widened and will be able to be maintained by County road and bridge crews as they do now.

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.II 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 _____ Date _____
Representative's Signature _____ Date _____

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
Date Date

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____
Date Recorded: _____

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: Ch.9.III.c.2

Full variance requested Partial variance requested (*proposed variation from standard*): To allow a dead-end street of over 750' in length, but with an emergency vehicle access provided

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 emergency vehicle access easement/roadway will provide a secondary access in the case of any life/safety emergency.

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 property's only access is by this roadway, which is generally not applicable to other properties with abutting roadways.

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.
This property would not be developable without the variance.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
The partial variance will allow the roadway to function with 2 ingress-egress points for emergency vehicles while limiting any through-traffic in this residential development.

**PLANNING COMMISSION – January 22, 2018
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Rezoning		Z18-01: Patel	
SYNOPSIS:			
A request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District on the subject property. The subject site is currently developed as the Park Motel and operating as such.			
LOCATION:		LEGAL DESCRIPTION:	
2819 North Chadbourne Street		Being S 225.5 Feet OF E 220 Feet OF Block 2, and E 118 Feet OF 3 & W 22 Feet OF 3 EXC E 10 Feet OF E 118 Feet & W 20 Feet OF 4, Block 1, Nibling Subdivision, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #4 – Lucy Gonzales Reagan Neighborhood	CG/CH - General Commercial/ Heavy Commercial RS-1 – Single Family Residential	Neighborhood Center	1.35 acres
THOROUGHFARE PLAN:			
<u>North Chadbourne Street</u> – Urban Minor Arterial Street – ROW 80’ Required (85’ Existing) – Pavement Width 64’ Required (64’ Existing)			
NOTIFICATIONS:			
23 notifications were mailed within a 200-foot radius on January 8, 2018. Zero responses have been received in support or in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed rezoning to the Neighborhood Commercial (CN) Zoning District .			
PETITIONERS:			
Owner: Jashvantlal K. & Laxmiben J. Patel			
Agent: Mamta Patel Nagaraja			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The Comprehensive Plan designates this currently CG/CH and RS-1 zoned property as “Neighborhood Center.” This is consistent with the existing motel use and the surrounding commercial properties. Rezoning this property would allow for consistency in the area.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing land use, motel, would comply with the CN Zoning District. The existing buildings will be non-conforming in regards to setbacks, screening, and other zoning regulations, but future development would be restricted by the zoning ordinance at the time of development. Moreover, the Zoning Ordinance has designated the CG/CH Zoning District as a transitional designation with the intention that rezonings would take place to make each site more consistent with its respective Future Land Use and surroundings.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The property is located within an area that has mixed uses, but is comprised of mostly commercial along North Chadbourne Street. The subject parcels will be adjacent to single-family residential lots on the southwest side and a trailer park to the west. This type of commercial use is similar to other uses along this section of North Chadbourne Street.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property, currently zoned CG/CH and RS-1, seems to have been rezoned with the last update for the Zoning Ordinance which applied the CG/CH Zoning District to most of the area along North Chadbourne Street. Where the Zoning Ordinance may have initially anticipated a more intense commercial development, the area has not developed that way.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There are no anticipated negative effects on the natural environment from these actions. Land use would continue in the same manner, and intensity, as already exist on the adjacent properties.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There has not been any demonstrated community need for a use on the site to be heavy commercial or general commercial. The site has remained developed for many years. Allowing the site to rezone to CN would be reflective of the continuing need for neighborhood commercial in the area, rather than allowing a continuance of a zoning designation that hasn't been fully utilized in the past.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area along North Chadbourne Street and West 29th Street is primarily commercial. This parcel will keep in continuity with the adjoining lots immediately adjacent to along the north-south corridor.

Recommendation:

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

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Photos of Site
Notification Map



Subject Property



Z18-01: Patel

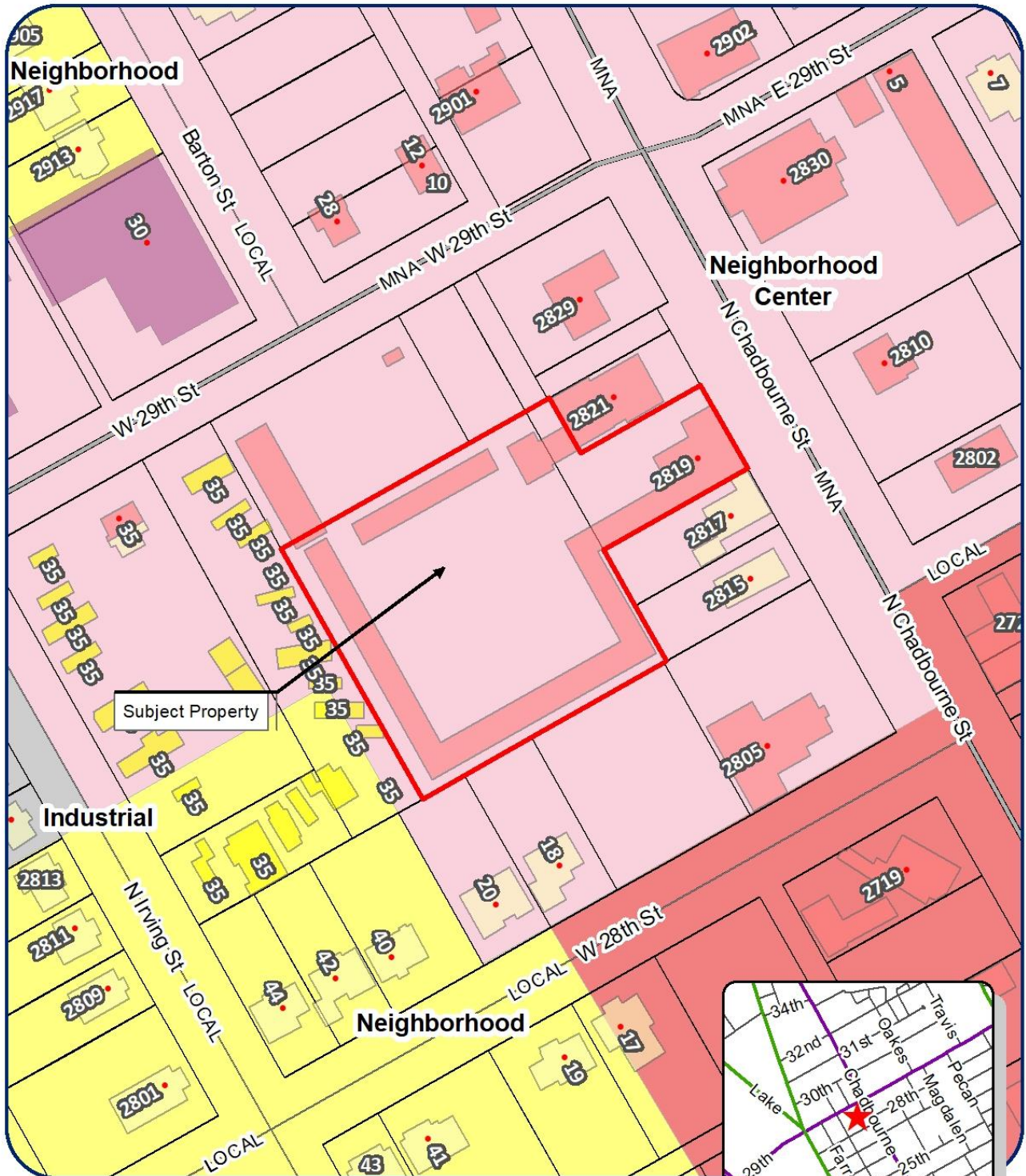
2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzles
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend

- Subject Properties:
- Current Zoning: **CG/CH, RS-1**
- Requested Zoning Change: **CN**
- Vision: **Neighborhood Center**





Z18-01: Patel

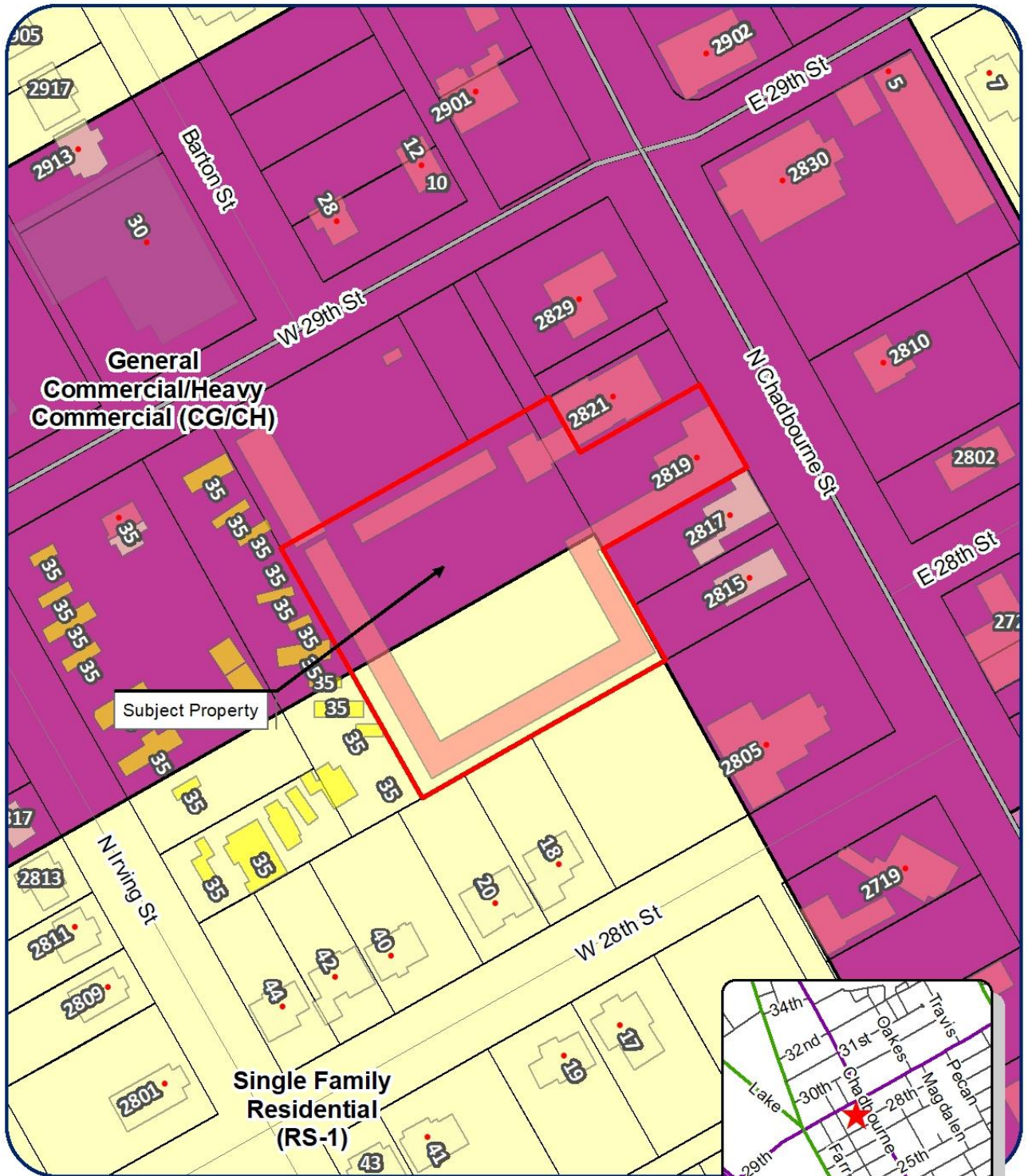
2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzles
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend

Subject Properties:
 Current Zoning: CG/CH, RS-1
 Requested Zoning Change: CN
 Vision: Neighborhood Center






Z18-01: Patel

2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzles
Neighborhood: Reagan
Scale: 1" approx. = 100 ft

Legend

- Subject Properties: 
- Current Zoning: **CG/CH, RS-1**
- Requested Zoning Change: **CN**
- Vision: **Neighborhood Center**



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): Jashvantlal K. Patel and Laxmiben J. Patel

Owner Representative (Notarized Affidavit Required)

8416 North 16th Place Phoenix AZ 85020
 Mailing Address City State Zip Code
325-653-5707

Contact Phone Number Contact E-mail Address
2819 North Chadbourne Street San Angelo TX 76903

Subject Property Address City State Zip Code

Legal: Acres: 1.089, Blk: 2, Subd: NIBLING S/D, S 225.5 FT OF E 220 FT OF BLK 2

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

Existing Zoning: CG/CH Proposed Zoning: CN Lot size: 1.089 Acres

(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Motel business

*Proposed Use of Property: Dependent on North TIRZ Application; Possibly other retail business

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

Jashvantlal Patel and Laxmiben Patel [Signature] Submitter J. Patel 12/12/2017
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: 12 / 12 / 17

Case No.: Z 17 -- 17

Fully-dimensional site plan:

Nonrefundable fee: \$ N/A

Receipt #: North TIRZ Date paid: ____/____/____

Sign Deposit ~~\$37.50~~

Receipt #: North TIRZ Date paid: ____/____/____

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

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

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

Planning Commission hearing date: 1 / 22 / 18 Date notifications due: 1 / 11 / 18

City Council hearing date: 2 / 20 / 18 Packets due date: 2 / 12 / 18

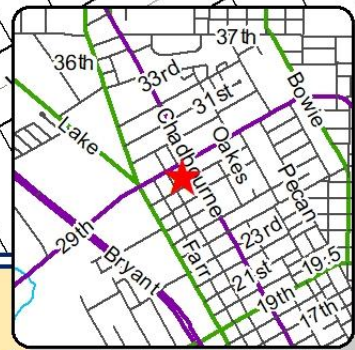
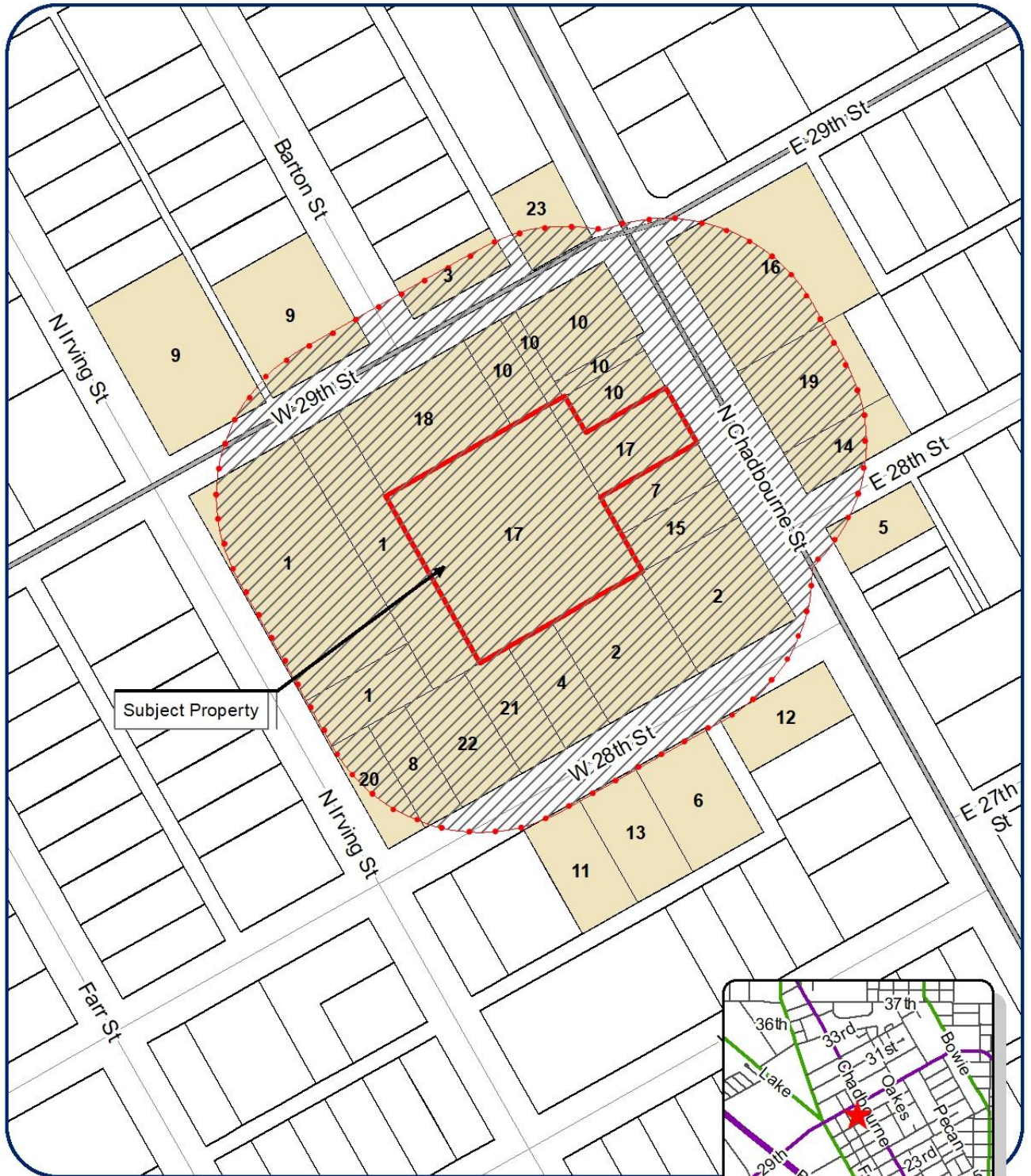
Publication date: 2 / 1 / 18

Reviewed/Accepted by: H. Bueker Date: 12 / 12 / 17

Photo of Site







Z18-01: Patel

2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzles
 Neighborhood: Reagan
 Scale: 1" approx. = 150 ft

Legend

- Subject Properties: —
- Current Zoning: **CG/CH, RS-1**
- Requested Zoning Change: **CN**
- Vision: **Neighborhood Center**



**PLANNING COMMISSION – January 22, 2018
STAFF REPORT**



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

SYNOPSIS:

The applicant applied for a Conditional Use in December to allow Alcoholic Beverage Sales for On-Premise Consumption (bar) on the entire property zoned General Commercial/Heavy Commercial (CG/CH) Zoning District. The existing retail plaza includes a restaurant, supermarket, hair salon, café, and a proposed new bar, “LISM Lounge” at the 2408 unit.

The Planning Commission approved the Conditional Use at their December 11, 2017, meeting, with six Conditions of Approval imposed on the property. Condition #3 limited the hours of operation for the proposed bar, requiring the bar to close at midnight. This amendment is to remove Condition #3, which will allow the proposed bar to have the same hours afforded all bars by the State of Texas.

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:

7 notifications mailed within 200-foot radius on January 10, 2018. Zero received in support or opposition.

STAFF RECOMMENDATION:

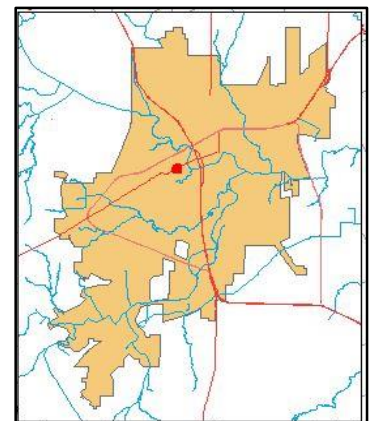
Staff recommends **APPROVAL** of the Amendment to CU17-21, to remove Condition # 3 from an approved Conditional Use which allows for Alcoholic Beverage Sales for On-Premise Consumption, as defined in Section 315.A of the Zoning Ordinance, in the General Commercial/Heavy Commercial (CG/CH) Zoning District.

PROPERTY OWNER/PETITIONER:

Property Owner and Applicant:
777 Plaza, LLC

STAFF CONTACT:

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



Rational for Recommendation:

The Condition of Approval in question, Condition # 3, reads as follows:

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.

The Texas Alcoholic Beverage Commission (TABC) permits establishments where:

1. Alcoholic is consumed on-premise and
2. Which are located in a city or county that have a late hours permit

To remain open and sell alcohol “until 2 am any night of the week” (TABC Website – Hours of Sale and Consumption). By removing Condition # 3, the Planning Commission will allow the subject site to have business hours on par with what the TABC currently allows.

Recommendation:

Staff’s recommendation is for the Planning Commission to **APPROVE** an Amendment to CU17-21, which removes Condition #3 from an approved 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 five 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. 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.
4. The applicant shall comply with all provisions of Section 423 of the Zoning Ordinance for any bars with outdoor seating.
5. No Variances shall be granted for any zoning requirements for a bar on this property.


Attachments:

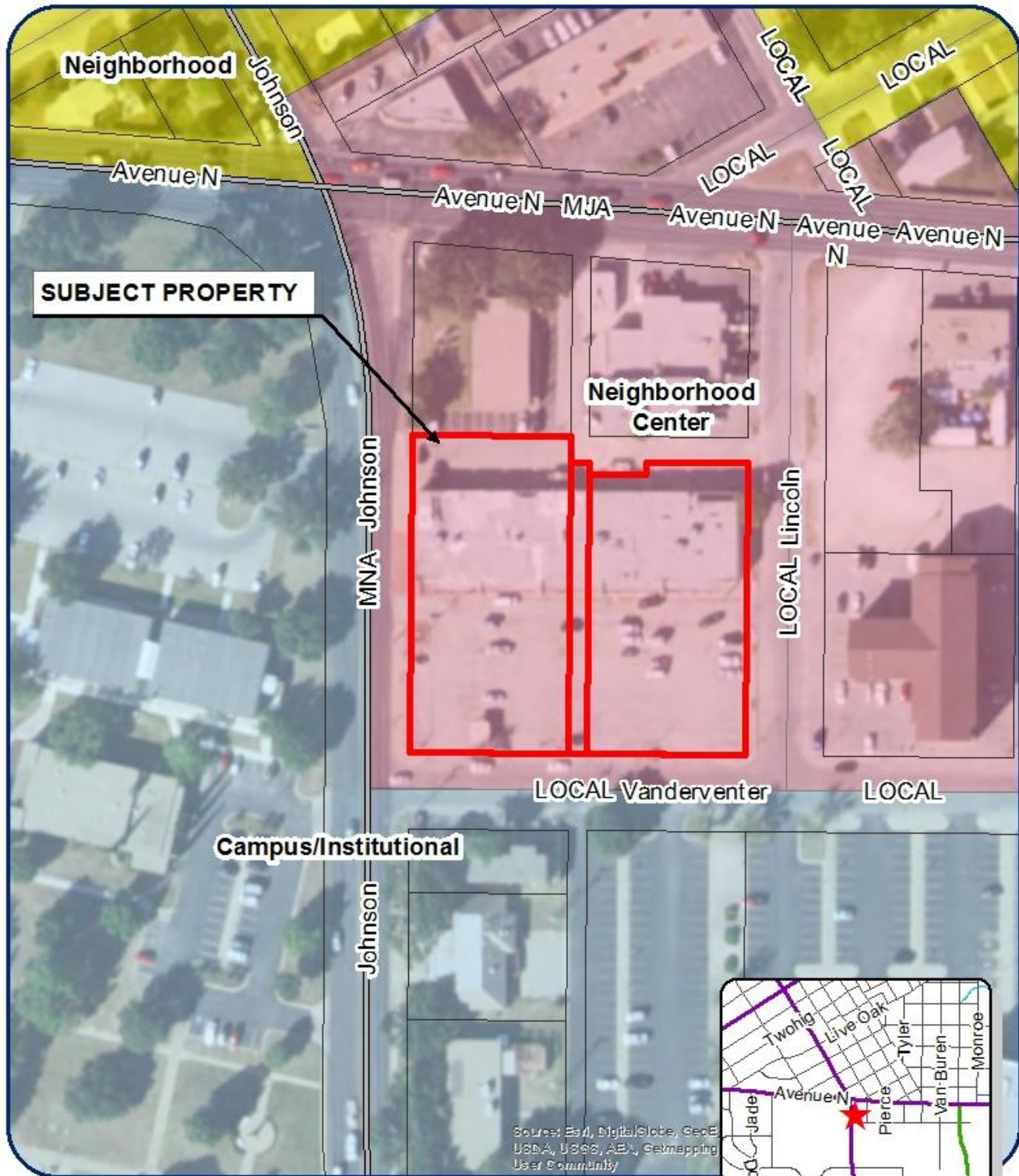
Aerial Map
Future Land Use Map
Zoning Map
Photographs
Map of Property
Letter Requesting Amendment



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



<p>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</p>	<p>Legend Subject Properties: — Current Zoning: CG/CH Requested Zoning Change: N/A Vision: Neighborhood Center</p>	<p style="text-align: center;">N</p> 
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Source: Esri, DigitalGlobe, GeoE
 USDA, USGS, Aero, Getmapping
 User Community

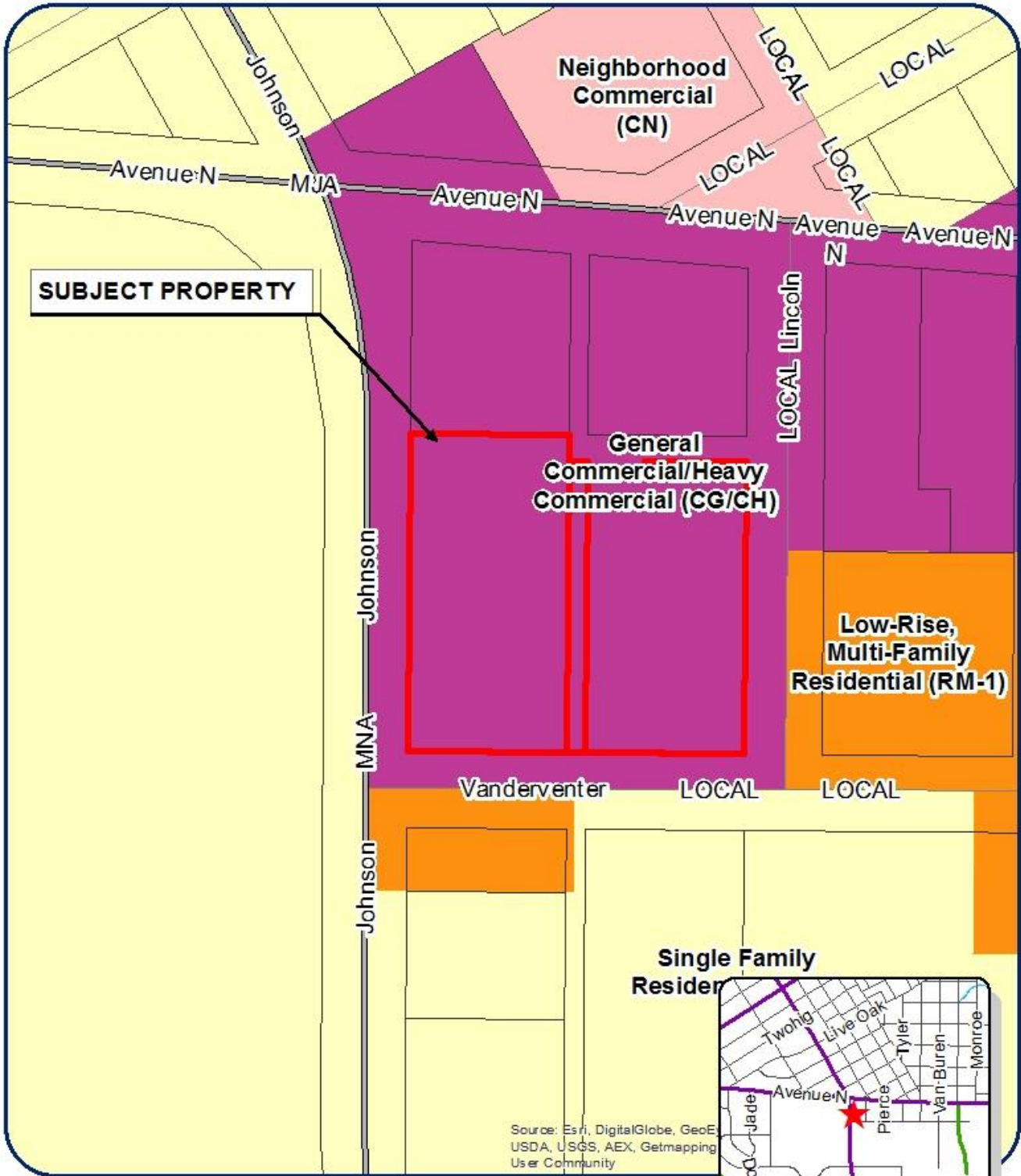
Conditional Use Case File
CU17-21: 777 Plaza, LLC

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**





Source: Esri, DigitalGlobe, GeoE
 USDA, USGS, AEX, 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



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)



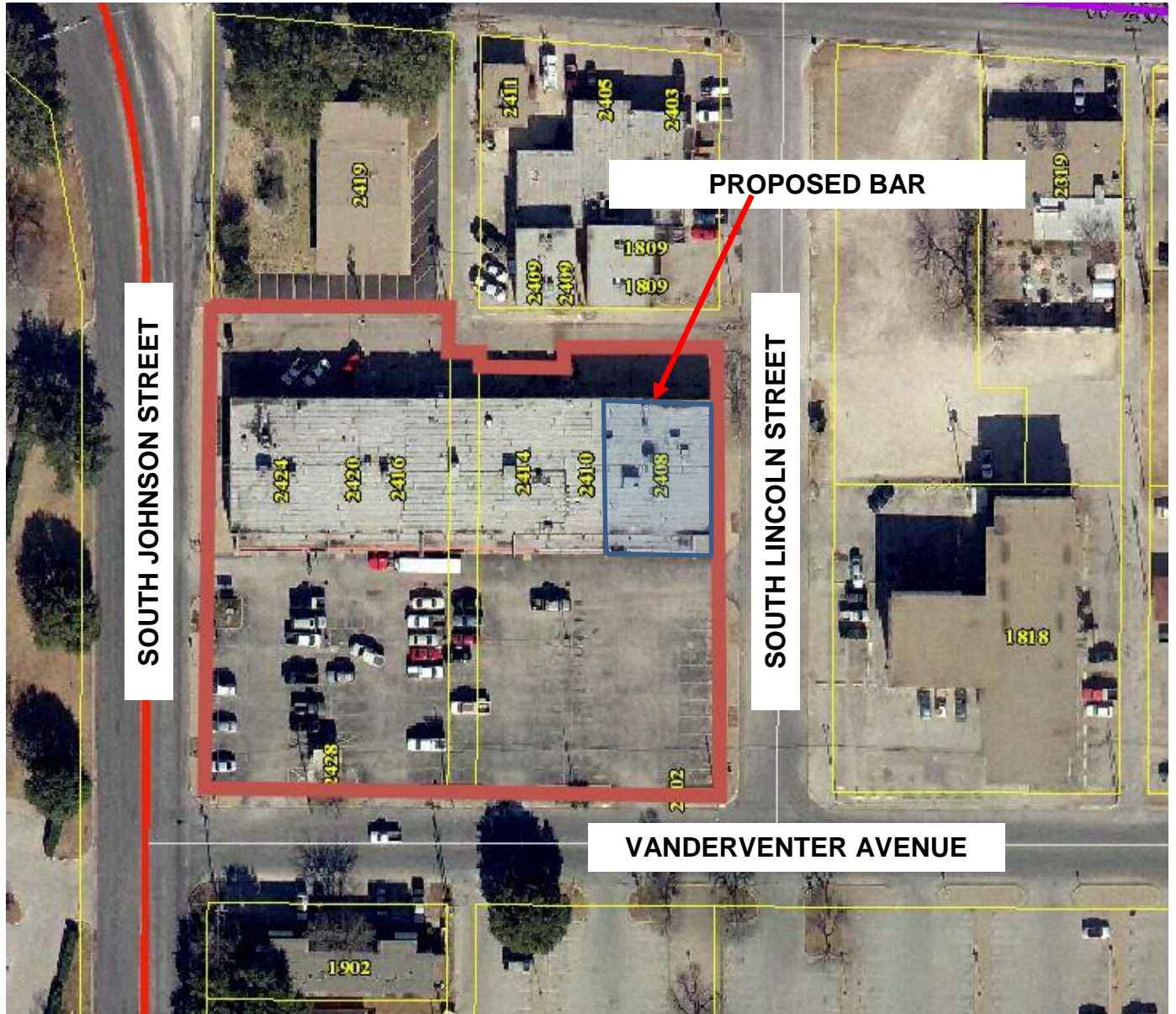
NORTHEAST (APARTMENTS AND RETAIL)



NORTHEAST (THE PARROT'S HEAD TAVERN)



Map of Property



Letter Requesting Amendment

Fisher, Jeff

From: Aaron Adams <aadams7681@gmail.com>
Sent: Friday, January 5, 2018 8:42 AM
To: Fisher, Jeff
Cc: realtormollie@yahoo.com
Subject: Amendment to CU

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff,

I am requesting that LISM LLC be able to operate until 2a.m. throughout the week. We will be having special events throughout the week recognizing ASU students, non profit organizations and celebrating different cultures. Wednesdays and Thursdays are days we will be having special events to recognize ASU. By being able to operate like all the bars/lounges in San Angelo with mix beverage permits with late hours; As a former ASU student and graduate from the college of business, I feel that this small change will aid in the success of a new business and the economic growth of San Angelo. Thank you.

Respectfully,

Aaron Adams
LISM LLC.