

**PLANNING COMMISSION – June 18, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Final Plat		Final Plat of the Stripes Addition, Section One	
<b>SYNOPSIS:</b>			
<p>This is an application to plat a 4.00 acre tract. This plat was originally approved in April 2015, and since it was never recorded it expired in April of 2018.</p> <p>There are no variances requested with this replat.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
The southeast corner of the intersection of Foster Road and the West 306 Loop Service Road		V Muller Survey, A-1648, S-0176, City of San Angelo, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #1 – Tommy Hiebert Country Club Neighborhood	General Commercial (CG)	NC – Neighborhood Center	4.00 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>West Loop 306 Service Road</b> – TxDOT Road Actual 33’ ROW, 34’ Paving Width without sidewalks</p> <p><b>Foster Road</b> – Minor Arterial Street, Required 80’ min. ROW, 64’ min. Paving Width Actual 160-100’ ROW, 56-27’ Paving Width with no sidewalks</p>			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends that the Planning Commission <b>APPROVE</b> the Final Plat for Stripes Addition, Section One, subject to eleven (11) Condition of Approval			
<b>NOTIFICATIONS:</b>			
Notifications are not required since the property has not been zoned Residential in the past 5 years			
<b>PROPERTY OWNER/PETITIONER:</b>			
<p><i>Property Owner(s):</i> Stripes, LLC</p> <p><i>Agent:</i> Russell Gully, SKG Engineering, LLC</p>			
<b>STAFF CONTACT:</b>			
<p>Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 <a href="mailto:kristina.heredia@cosatx.us">kristina.heredia@cosatx.us</a></p>			

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

**APPROVE** the Final Plat for Stripes Addition, Section One, subject to **eleven (11)** 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].
2. Revise plat to show the correct boundary of each adjoining street, alley, easement, lot or tract, shown by dotted or dashed line. (There is a discrepancy on where the southern property adjoins Lot 1 and Foster Road) [Land Development and Subdivision Ordinance, Chapter 7.II].
3. Provide documentation from the property owner identifying the three different signatories as representatives of the property owner. (There are three different names under ownership; two on the application and one on the plat. We are requesting this for clarification) [Land Development and Subdivision Ordinance, Chapter 7.II].
4. 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. Sidewalks shall be constructed along the right-of-way for Foster Road and along the right-of-way for the service road for West Loop 306. These sidewalks shall be located and built to City specifications. This requirement can be deferred until the building permit phase.
5. The applicant is not required to connect to City sewer service since property is greater than 200' from any public main or sewer lateral, per Chapter 11, Section 11.02.061. The applicant shall contact Pam Weishuhn with Environmental Health at 325-658-1038 for septic system requirements. If the applicant desires to connect to City sewer service, the applicant may do so at their cost. Based upon available information, sewer service would require a new lift station and approximately 2,000 feet or more of sewer pipe, including a crossing of Loop 306, to connect to the existing City sewer system.
6. A fire hydrant shall be provided that complies with the code. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants shall be provided where required by the fire code official. For buildings equipped throughout

with an approved sprinkler system, the distance requirement shall be 600 feet [Section 507.5.1].

7. If City sewer is desired, prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 12.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].
8. Contact the City of San Angelo Department of Water Utilities Customer Service Office at 301 W. Beauregard Ave. or by calling (325) 657-4323 to request water service connections and to establish a utility service account.
9. Prepare and submit plans for required improvements to Foster Road, an urban minor arterial by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10]. For Foster Road, the minimum width is 64 feet (in this case, requiring 18.5 additional feet of incremental improvement). A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV].
10. Illustrate the dedication of required right-of-way for Foster Rd by half the additional increment necessary to comprise the minimum right-of-way width of 80 feet (in this case, it varies) [Land Development and Subdivision Ordinance, Chapter 10].
11. 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]
  - o \*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."

**NOTE:**

1. Since site is over 1 acre, additional requirements for reporting are required by TCEQ.

### SIDEWALK MAP

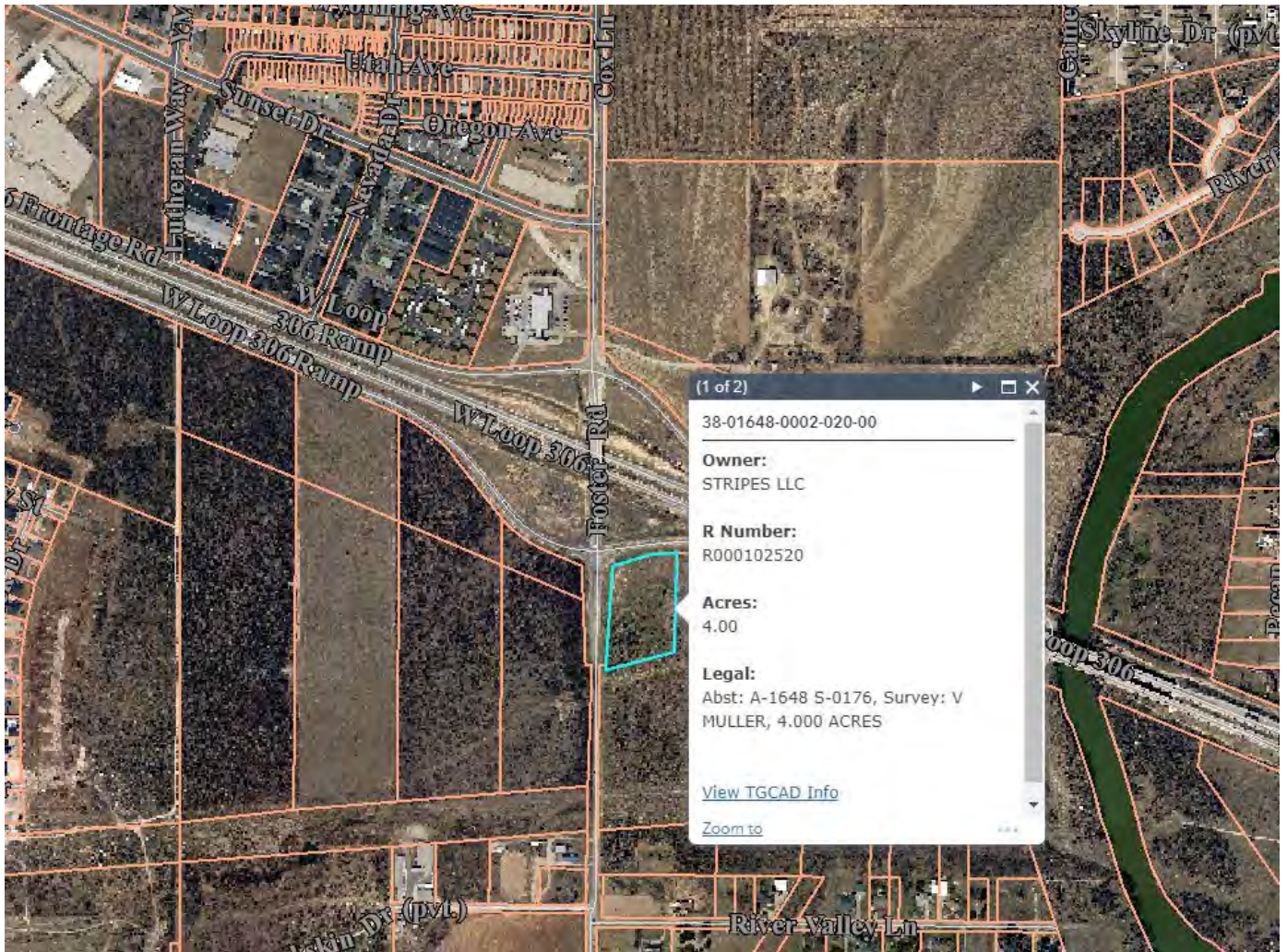


An important aspect of the Planning Department's responsibilities is to plan for the future wellbeing and safety of all residents and visitors of San Angelo. In order to accommodate growth, sidewalks can be required where there is an anticipation of increased foot traffic and public presence. While there is currently no development in the adjoining properties, growth is expected, and Foster Road has been identified as an Arterial Street in the Master Thoroughfare Plan. Therefore, a sidewalk shall be required.

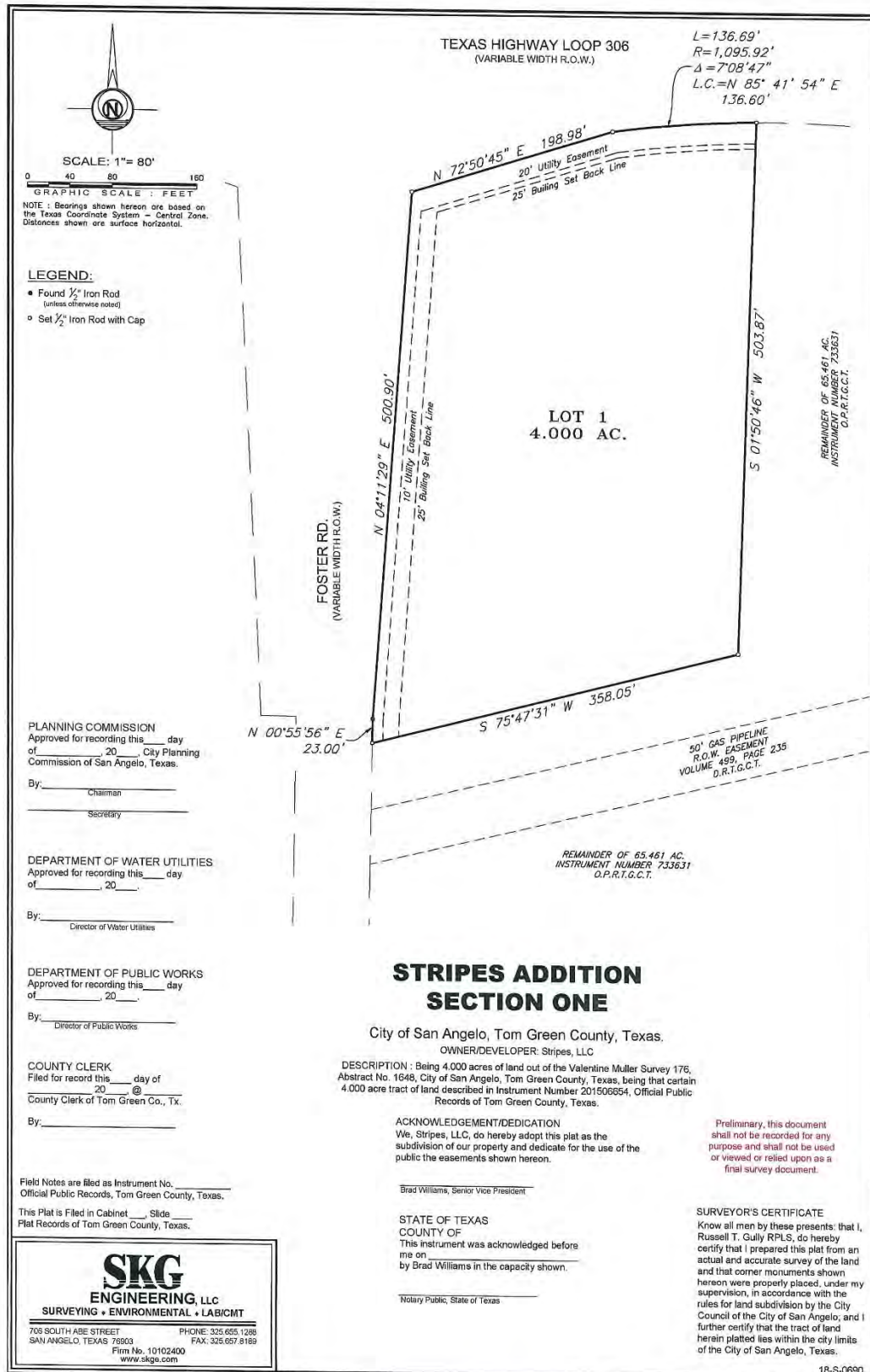
Furthermore, there is an existing sidewalk directly north on Foster Road. Requiring the construction of sidewalks for this Final Plat will provide for accessible pedestrian travel from the nearby apartment buildings so that the residences can safely traverse to the convenience store.



AERIAL MAP



PLAT





**PLANNING COMMISSION – June 18, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Rezoning	Z18-13: Hirschfeld Properties, L.P.

**SYNOPSIS:**  
The applicant has applied for a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District to allow the storage and shipping of fabricated steel on the entire property. The 100-foot by 423.5-foot CG/CH west portion of the property allows these uses by right. The remaining RS-1 portion which comprises approximately half of the property, does not. In early May 2018, the City’s Code Compliance Division received a complaint by the adjacent neighbor at 209 West 31<sup>st</sup> Street about the applicant storing steel pipes on the RS-1 portion of their property near the shared property fence. The applicant subsequently applied for this Rezoning to allow the uses on the entire site, and has temporarily moved all storage items onto the CG/CH portion of the property.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
3014 Grape Creek Road; located at the southeast corner of Grape Creek Road and West 31 <sup>st</sup> Street	Being 2.053 acres in Block 9, Mather Addition No. 1

<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
SMD District #2 – Tom Thompson Riverside Neighborhood	General Commercial /Heavy Commercial (CG/CH) and Single-Family Residential (RS-1)	I - Industrial	2.053 ac.

**THOROUGHFARE PLAN:**  
**Grape Creek Road** – Urban Collector Street  
Required: 60’ right-of-way, 50’ pavement  
Provided: 110’ right-of-way, 40’ pavement (complied with subdivision standards at time of platting)  
**West 31<sup>st</sup> Street** – Urban Local Street  
Required: 50’ right-of-way, 40’ pavement or 36’ with a 4-foot sidewalk  
Provided: 50’ right-of-way, 30’ pavement and no sidewalk (complied with subdivision standards at time of platting)

**NOTIFICATIONS:**  
15 notifications mailed within 200-foot radius on June 6, 2018. Zero received in support or opposition.

**STAFF RECOMMENDATION:**  
Staff recommends **APPROVAL** of the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District on the subject property.

**PROPERTY OWNER/PETITIONER:**  
*Property Owner and Applicant:*  
Mr. Jeremy Bartz, Hirschfeld Properties, L.P.

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



**Additional Information:**

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

- 1. Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The subject property has had a Future Land Use designation of “Industrial” since the City’s original 2003 Comprehensive Plan (CP). The 2009 Strategic Plan update to the CP defines Industrial areas as “areas where industry and agricultural are suitable” and calls to “cluster industrial and intensive agricultural businesses into several large areas by specifying boundaries within which such uses may be incentivized to locate, remain and thrive, while establishing increased business diversity.” Although there is no record of any permits on the property, historical aerial photography confirms there has been non-residential storage on the property since 1996. This industrially-designated cluster comprises mainly of the Hirschfeld properties in the area, which extend north to West 32<sup>nd</sup> Street, west of Grape Creek Road, and south to West 28<sup>th</sup> Street, east of Martin Luther King Drive. The existing uses of steel storage and shipping are compatible with the “Industrial” Future Land Use designation policies. A Rezoning to CH would allow these uses by right on the entire property, including the Single-Family Residential (RS-1) portion.
- 2. Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** As indicated previously, the easterly RS-1 portion of the property never allowed steel storage or shipping by right. The proposed CH zoning is the least intense zoning district that would allow steel storage and shipping. These uses would fall under the “Industrial Service” category of the CH zoning district, which allows “sales, repair and/or storage of heavy machinery, metal and building materials.” Heavier industrial uses such as manufacturing and production that may include processing and fabrication are not be allowed in the CH zone. The Planning Division believes that the CH zoning is the preferred alternative given the property faces residential homes to the north and east. Section 509 of the Zoning Ordinance requires a minimum 6-foot high opaque privacy fence along the east property line abutting a residential use and zoning district, and there is an existing 6-foot high metal fence along the east property line and extending around most of the property. In addition, Section 504.E of the Zoning Ordinance requires that no outdoor storage shall be allowed within required side yards. The CH zone requires a 10-foot side yard setback if abutting a residential district or use, and therefore, any outdoor storage will be required to be setback a minimum of 10 feet from the east property line. The Planning Division believes this required setback will assist in mitigating the adjacent property owner’s concerns about steel piping being placed against his west property line. Finally, the 2.053-acre property with a lot width of 175 feet and a lot depth

of 423.5 feet well exceeds the minimum lot area of 6,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 80 feet in the CH zone. The property will comply with all applicable CH zoning provisions. Prior to any future construction on the property, the applicant will be required to pave any required parking, maneuvering, and driveway approaches, as the property currently has a caliche surface.

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 City's Comprehensive Plan has designated the future land use of the subject property "Industrial," as well as the residential properties immediately to the east. Utilization of the property for steel shipping and storage would be compatible with the other Hirschfeld steel properties to the west and south. The existing 6-foot high privacy fence adjacent to the east property line and the outdoor storage setback requirement of 10 feet from this property line will mitigate any effects on the residential property to the east. The 6-foot high fence also screens the north side of the property facing residential development north of West 31<sup>st</sup> Street. As indicated above, the Planning Division believes that the CH zone is the preferred option - it allow the existing steel storage use to continue, but ensure any intensive industrial uses including manufacturing and processing remain prohibited to protect the residential properties to the north and east.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The RS-1 zone, formerly R-1 before the current 2000 Zoning Ordinance, prohibits commercial or industrial storage. However, the City's Comprehensive Plan has designated the property "Industrial" since at least 2003, and there has been non-residential storage on the property since at least 1996. Therefore, the Planning Division believes that a rezoning on the east portion of the property from RS-1 to CH is appropriate and reflects the changed conditions of the property.
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.* The entire property contains a caliche surface and is used exclusively for outdoor storage of steel piping and related equipment. Since the CH zoning does not allow manufacturing or processing, the Planning Division does not believe there will be any negative effects on the natural environment. There is no entrance from West 30<sup>th</sup> Street, a local street, to the property and vehicles are required to use Grape Creek Road or West 30<sup>th</sup> Street to enter and exit the site. This will improve traffic safety by ensuring that commercial traffic will enter the site from streets already surrounded by commercial and industrial uses, away from predominantly residential streets.



6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes that the CH zone in this area addresses a demonstrated community need. The property is located next to the existing Hirschfeld steel business which provides employment to San Angelo residents and has been in operation for over 30 years. The CH zoning in this case is compatible with the future land use of the area and property of “Industrial.” This zoning designation will allow the existing steel storage operation, but ensure that more intense industrial and heavy commercial uses are prohibited.
  
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.* There are no anticipated changes to existing development patterns. The existing lot configuration will not change, and as indicated previously, commercial traffic would enter from either Grape Creek Road or West 30<sup>th</sup> Street next to the existing Hirschfeld operation and away from residential properties.

**Recommendation:**

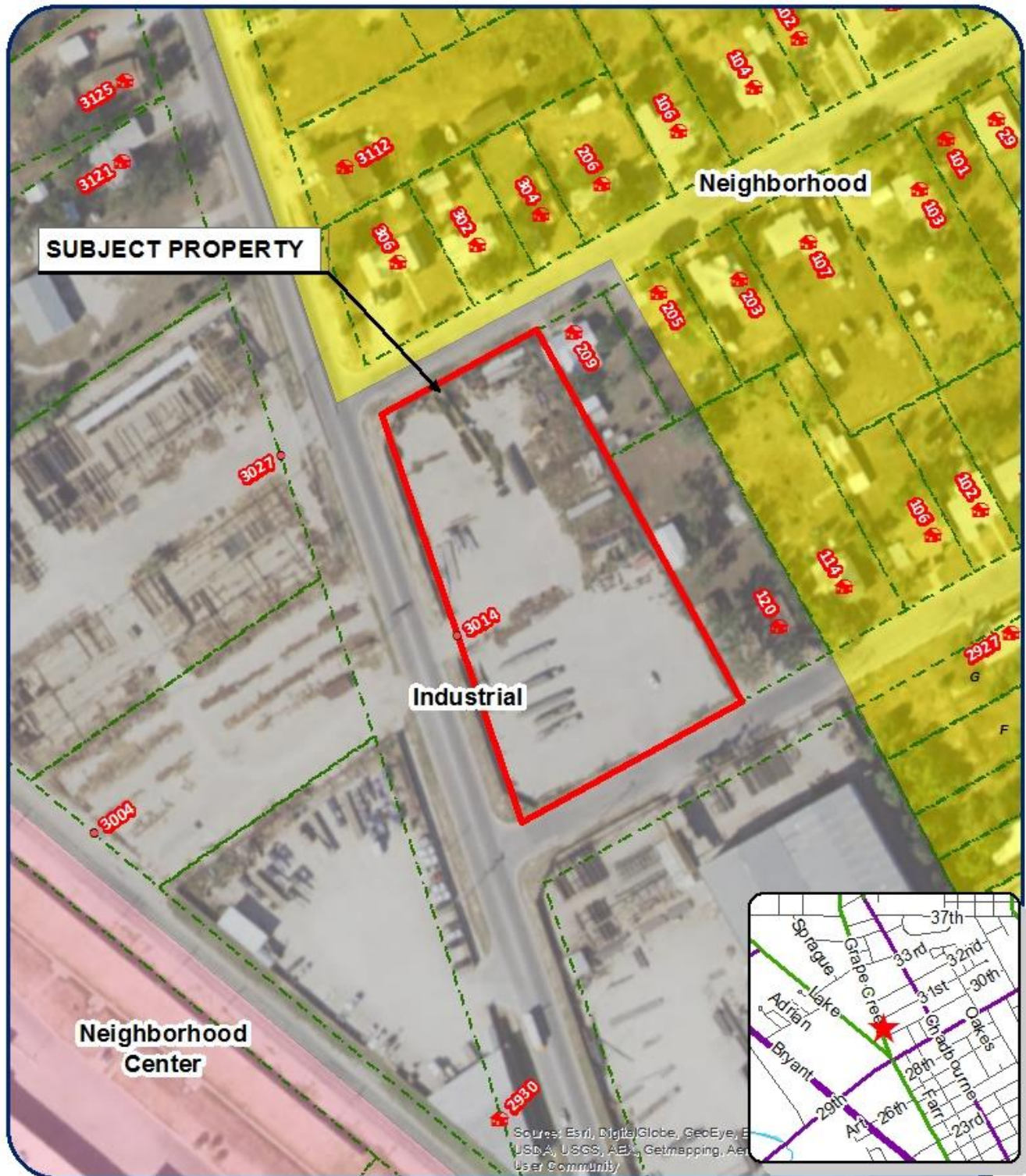
Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the **Heavy Commercial (CH) Zoning District** on the subject property.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Photographs  
Applicant’s Response to Zoning Criteria  
Application







**Zoning Case File**

**Case Z18-13: Hirschfeld**

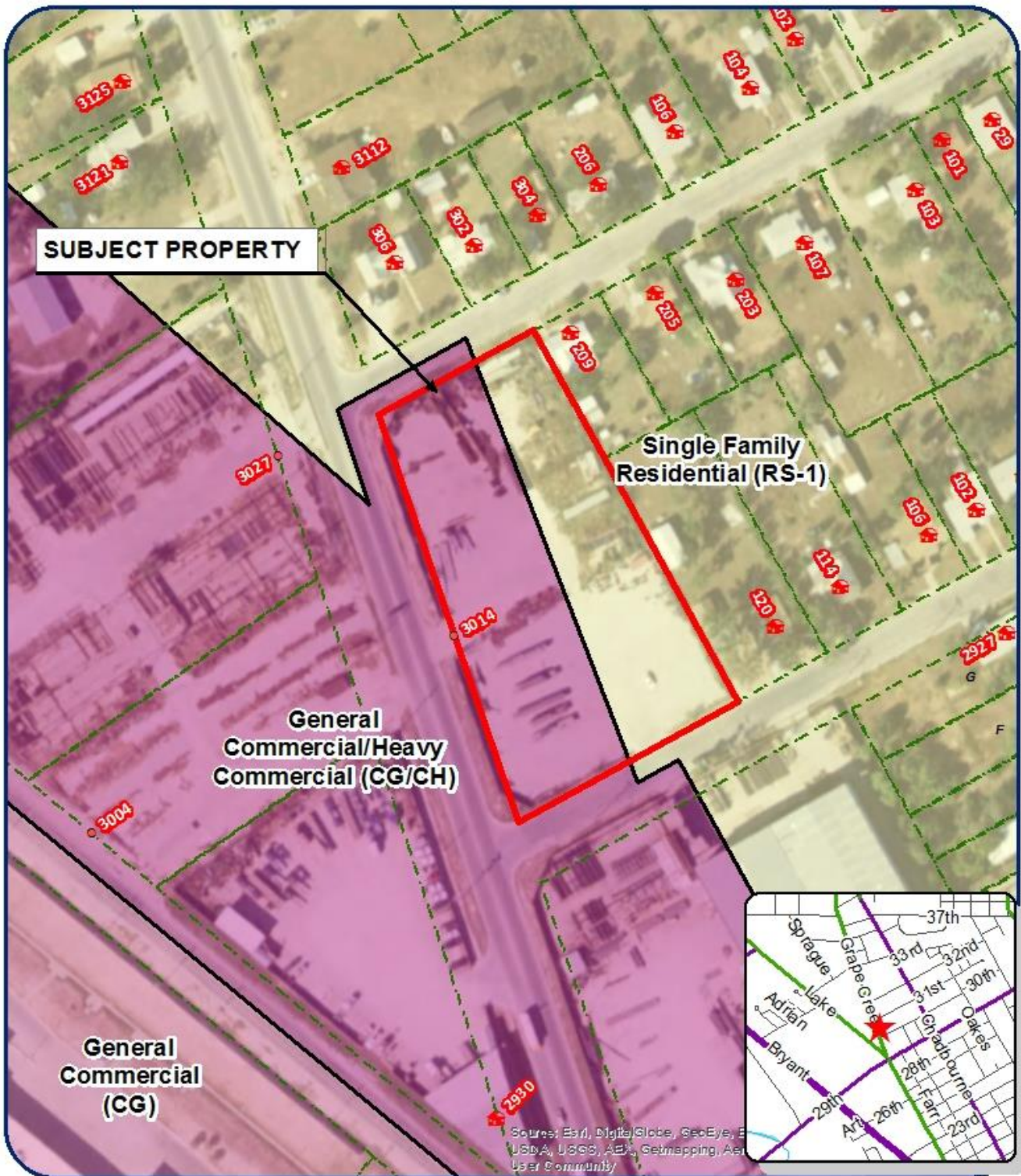
Council District: Tom Thompson (SMD#2)  
 Neighborhood: Riverside  
 Scale: 1" approx. = 125 ft  
 Subject Property: 3014 Grape Creek Road

**Legend**

Subject Properties:   
 Current Zoning: CG/CH and RS-1  
 Requested Zoning Change: CH  
 Vision: Industrial







**Zoning Case File**

**Case Z18-13: Hirschfeld**

Council District: Tom Thompson (SMD#2)  
 Neighborhood: Riverside  
 Scale: 1" approx. = 125 ft  
 Subject Property: 3014 Grape Creek Road

**Legend**

Subject Properties:   
 Current Zoning: **CG/CH and RS-1**  
 Requested Zoning Change: **CH**  
 Vision: **Industrial**





**Photos of Site and Surrounding Area**

**NORTH**



**WEST**



**EAST**



**SOUTH AT 209 WEST 31<sup>ST</sup> STREET**





**Photos of Site and Surrounding Area**

**LOOKING WEST AT GRAPE CREEK ROAD**



**INSIDE PROPERTY LOOKING SOUTH**



**INSIDE PROPERTY LOOKING NORTH**



**INSIDE PROPERTY LOOKING SOUTH**



**Sec. 212. Amendments to Text or Official Zoning Map**

G. Amendment Criteria. The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

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 AMENDMENT OF ZONING THIS PARCEL OF PROPERTY WOULD ALLOW FOR CONSISTENT USE OF SAID PROPERTY AS A MATERIAL STORAGE YARD, AND DISTRIBUTION LOCATION FOR SHIPMENT OF MATERIAL. THIS MATERIAL IS STRUCTURAL STEEL, AND IS COMPATIBLE WITH ALL OTHER PROPERTIES OWNED/OPERATED BY HIRSCHFELD IN SAN ANGELO.

2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.

THERE SHOULD BE NO CONFLICTS WITH ZONING ORDINANCE, AS WE (HIRSCHFELD) SHALL COMPLY WITH ALL REQUIREMENTS OF THE ZONE CHANGE AMENDMENT.

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 PARCEL OF LAND IN QUESTION IS COMPATIBLE WITH THE SURROUNDING AREA.



4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.

THERE ARE NO CHANGED CONDITIONS

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, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment

THERE SHALL BE NO EFFECT ON THE NATURAL ENVIRONMENT  
AND HIRSCHFELD SHALL COMPLY WITH ALL STATE, LOCAL AND  
FEDERAL LAWS FROM AN ENVIRONMENTAL PROTECTION  
STANDPOINT.

6. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

THE COMMUNITY NEED, IN THIS CASE, WOULD BE CONTINUED  
EMPLOYMENT OF SAN ANGELO RESIDENTS WHO WORK  
FOR HIRSCHFELD

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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.

NOT KNOWN.

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



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**Section 1: Basic Information**

Name of Applicant(s): HIRSCHFELD PROPERTIES, L.P.

Owner       Representative (Notarized Affidavit Required)

Mailing Address: 112 W. 29th STREET      City: SAN ANGELO      State: TX      Zip Code: 76903

Contact Phone Number: 325-486-4415      Contact E-mail Address: Jeremy.Bartz@HIRSCHFELD.com

Subject Property Address: Block 7, SUBD MATHER ADDITION NO 1, 2.0530 ACRES, SAN ANGELO, TX      City: SAN ANGELO      State: TX      Zip Code: 76903

Legal Description (can be found on property tax statement or at [www.tamgreenland.com](http://www.tamgreenland.com)):  
Block 7, SUBD MATHER ADDITION NO 1, 2.0530 ACRES

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Existing Zoning: PARTIAL CGH / PARTIAL RS-1      Proposed Zoning: \_\_\_\_\_      Lot size: 2.0530 ACRES

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

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**Section 2: Site Specific Details**

Existing Use of Property: FABRICATED STEEL STORAGE/SHIPPING

\*Proposed Use of Property: SAME

\*Use separate attachment if necessary

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**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.

HIRSCHFELD PROPERTIES, LP      [Signature]      HIRSCHFELD      5/18/18  
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: 5/18/2018

Case No.: Z18-13

Fully-dimensioned site plan:

Nonrefundable fee: \$ 625.00

Receipt #: \_\_\_\_\_ Date paid: 5/21/2018

Sign Deposit \$37.50

Receipt #: \_\_\_\_\_ 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: 6/18/2018    Date notifications due: 6/7/2018


City Council hearing date: 7/17/2018    Packets due date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Publication date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: J. Fisher    Date: 5/18/2018

**PLANNING COMMISSION – June 18, 2018**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Conditional Use		CU18-11: Gutierrez	
<b>SYNOPSIS:</b>			
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. The CG/CH District does not allow this use by right, and so is considered a Legal Non-Conforming Use. However, because the property ceased operating for more than one year, per Section 310 of the Zoning Ordinance, approval of a Conditional Use is now required.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
3027 North Chadbourne Street		Being N 135 Ft Of Nw Part Of Blk 11 & 15.7 Ft Of N 134.95 Ft Of Blk 10, Mather Addition No 1, Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #2 – Tom Thompson Riverside Neighborhood	CG/CH – General Commercial/ Heavy Commercial	Commercial	0.59 acre
<b>THOROUGHFARE PLAN:</b>			
<u>North Chadbourne Street</u> – Urban Minor Arterial – ROW 80’ Required (85’ Existing) – Pavement Width 64’ Required (58’ Existing)			
<u>West 31<sup>st</sup> Street</u> – Urban Local – ROW 50’ Required (50’ Existing) – Pavement Width 40’ Required (32’ Existing)			
<b>NOTIFICATIONS:</b>			
17 notifications were mailed within a 200-foot radius on May 24, 2018. One response has been received in support and Zero in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> 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, <b>subject to the following three Conditions of Approval.</b>			
<b>PETITIONERS:</b>			
Guadalupe Gutierrez & Daniel Lopez			
<u>Property Owner:</u> Gabriel Guerra			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			

**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 has, up until recently, continuously operated as a bar with on-site alcohol consumption. The surrounding area also includes several establishments with alcoholic beverage sales. It is unlikely that approval of this Conditional Use will create additional adverse effects on an area that already has a strong presence of such uses.
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, which are being met with this request.
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 west of the CG/CH zones, North Chadbourne Street 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 that 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 three 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. Applicant must restore or remove the existing sign. Any alteration or relocation of the sign except for routine maintenance or repair and/or replacement of sign faces will require a building permit which shall require compliance with all requirements of the city's codes.
3. 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.

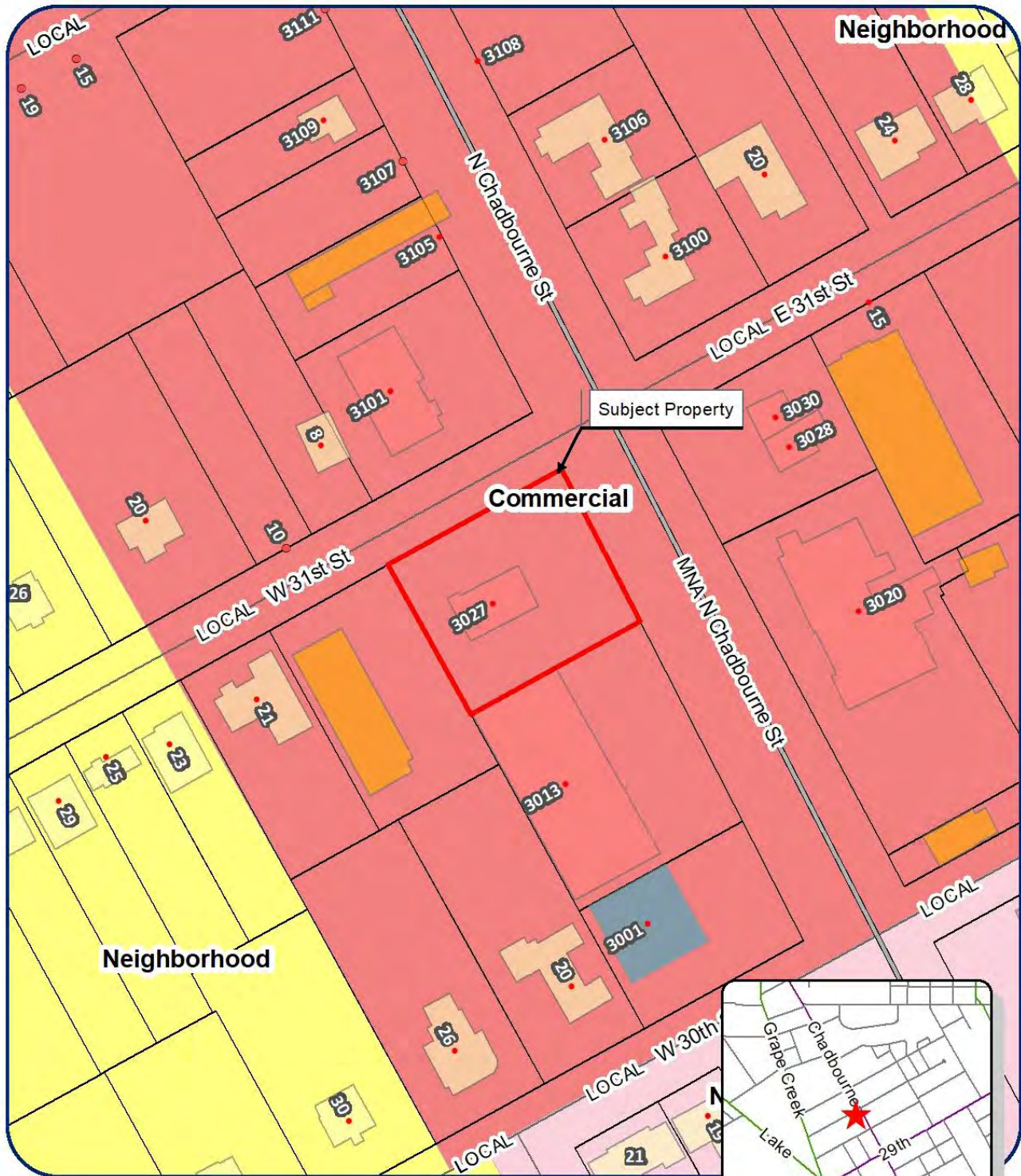
**Attachments:**

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







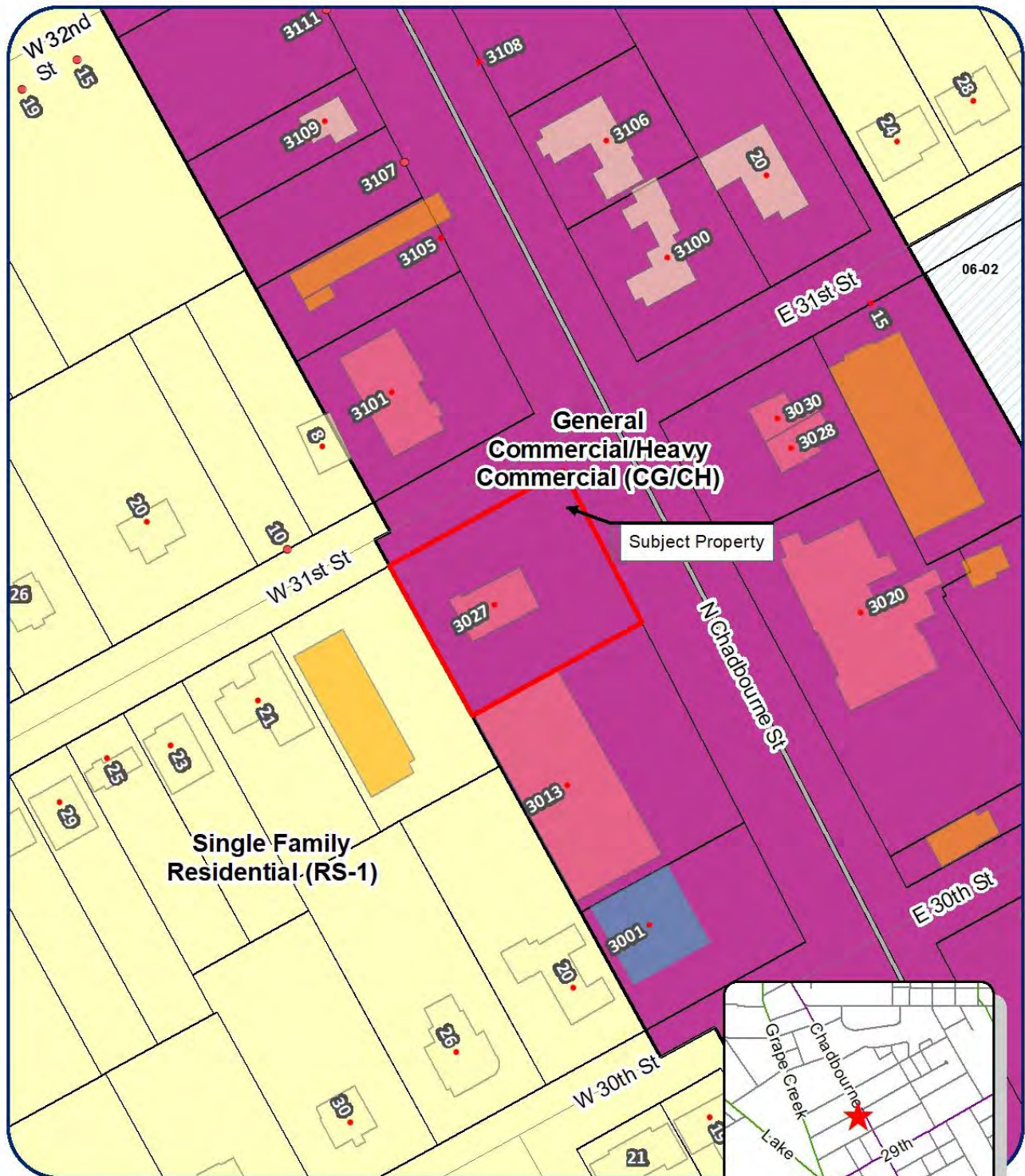


**CU18-11: Gutierrez**  
**3027 North Chadbourne Street**

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

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





**CU18-11: Gutierrez**

**3027 North Chadbourne Street**

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

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



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): GUADALUPE C GUTIERREZ AND DANIEL P LOPEZ  
 Owner  Representative (Affidavit Required)

Mailing Address: 1526 PREUSSER SAN ANGELO TX 76903  
City State Zip Code

Contact Phone Number: 325) 300 40-44 Contact E-mail Address: ggutier45@gmail.com

Subject Property Address: 3027 N. Hall Boulevard SAN ANGELO TX 76903  
City State Zip Code

Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com)):  
BLK: 10 811, SUBD: MATHER Addition NO. 1, N 135 Ft of NW Part of BLK 11 & 15.7 Ft of N 134.95 Ft of BLK 10

Lot Size: 0.59 Zoning: CG/CH

**Section 2: Site Specific Details**

\*Use attachment if necessary.

Existing Use of Property: FOR CLUB PRIVATELY BAR OR VOUCH

Proposed Use/Size: FOR A BAR

Proposed Conditional Use (from Section 309): ALCOHOLIC BEVERAGES SALES FOR ON PREMISES

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: Little impact By Bar's Around and Business

**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: this is a Commercial USE



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: with Experience for Running A BAR.  
AND HAVE WORK FOR THE PEOPLE

**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: BUINESS IS SURROUNDED, BY BAR'S AND RESTAURANT

**Section 3: Applicant(s) Acknowledgement**

Please initial the following:

- GG If approved, a Conditional Use is applied to the property, not the property owner.
- GG The Planning Commission makes the final decision on Conditional Use requests; appeals may be directed to City Council
- GG Approval of this Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- GG 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.

[Signature]  
Signature of licensee or authorized representative

5-9-2018  
Date

Gabriel Guerra  
Printed name of licensee or authorized representative

\_\_\_\_\_  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Case No.: CU: 18 -- 11

Planning Commission date: 6 / 18 / 18

Nonrefundable application Fee: \$ 385

Receipt #: 284689 Date paid: 5 / 10 / 18

Reviewed/Accepted by: H. Buelker

Date: 5 / 9 / 18

**Photos of the Site**

Looking South down North Chadbourne Street at Front of Subject Property



Looking West down West 31<sup>st</sup> Street at Subject Property





Existing Parking Lot Conditions North Side



Existing Parking Lot Conditions South Side





Looking North down North Chadbourne Street



Looking North on the West Property Line to Residential Use





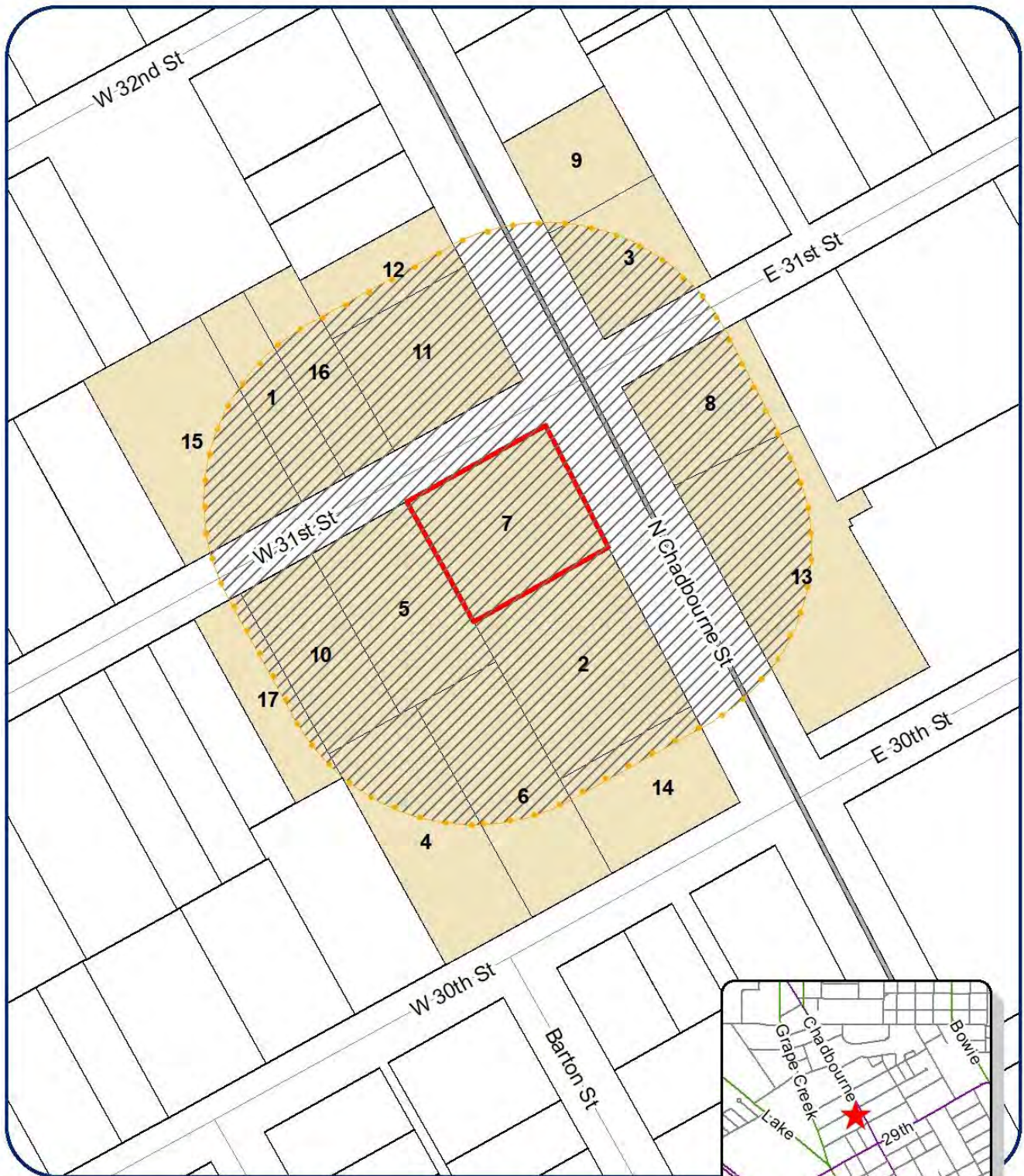
Looking East down West 31<sup>st</sup> to Residential Use



Looking East across North Chadbourne Street to Commercial Uses








**CU18-11: Gutierrez**

**3027 North Chadbourne Street**

Council District: SMD #2 - Tom Thompson  
 Neighborhood: Riverside  
 Scale: 1" approx. = 125 ft

**Legend**

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





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) \_\_\_\_\_  
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\_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: Henry Gutierrez

CU18-11: Gutierrez

Property owner number: 8

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 ext. 1547 or by email at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).

**PLANNING COMMISSION – June 18, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Conditional Use		CU18-13: Lira	
<b>SYNOPSIS:</b>			
A request for approval of a Conditional Use to allow for Retail Sales and Service in the Office Commercial (CO) Zoning District on the subject property. The building previously used as a real estate office is being converted to a hair salon, if approved. Given the strong presence of office uses on the property, the applicant is unwilling to rezone the site to allow for commercial uses outright.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
3411 South Johnson Street		Being 0.1503 acres out of the J Mc Neese Survey, Abst: A-1641 S-0176.25, Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #5 – Lane Carter ASU-College Hills Neighborhood	CO – Office Commercial	Neighborhood Center	0.15 acre
<b>THOROUGHFARE PLAN:</b>			
N/A			
<b>NOTIFICATIONS:</b>			
17 notifications were mailed within a 200-foot radius on May 24, 2018. Two responses have been received in support and Zero in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the proposed Conditional Use to allow for Retail Sales and Service in the Office Commercial (CO) Zoning District on the subject property, <b>subject to three Conditions of Approval.</b>			
<b>PETITIONERS:</b>			
Maria Carmen Lira			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			



**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 proposed commercial use, a hair salon, should not increase traffic or change building exterior appearance drastically compared to the real estate office that operated previously. The surrounding area includes retail sales and service along Knickerbocker Road so there will be minimal 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 retail sales and service is allowed in the CO Zoning District with a Conditional Use on the subject lot, subject to compliance with minimum criteria for approval, which will be met as part of this request.
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 Office Commercial (CO) and is surrounded by a mixture of CN, CG and ML zoning. While there is Residential (RS-1) zoning to the north and west of the CO zone, the intersection of South Johnson Street and Knickerbocker Road 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 retail sales and service 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 Office Commercial (CO) and is surrounded by several different zoning districts compatible with the proposed use.



**Recommendation:**

Staff recommends that the Planning Commission **APPROVE** a Conditional Use to allow for Retail Sales and Service in the Office Commercial (CO) Zoning District, **subject to the following three Conditions of Approval:**

1. The applicant shall work with the Permits and Inspections Division to ensure the building meets the requirements for a hair salon occupancy.
2. An Access Easement must be recorded with Tom Green County giving the applicant permanent access to South Johnson Street.
3. 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



**CU18-13: Lira**

**3411 South Johnson Street**

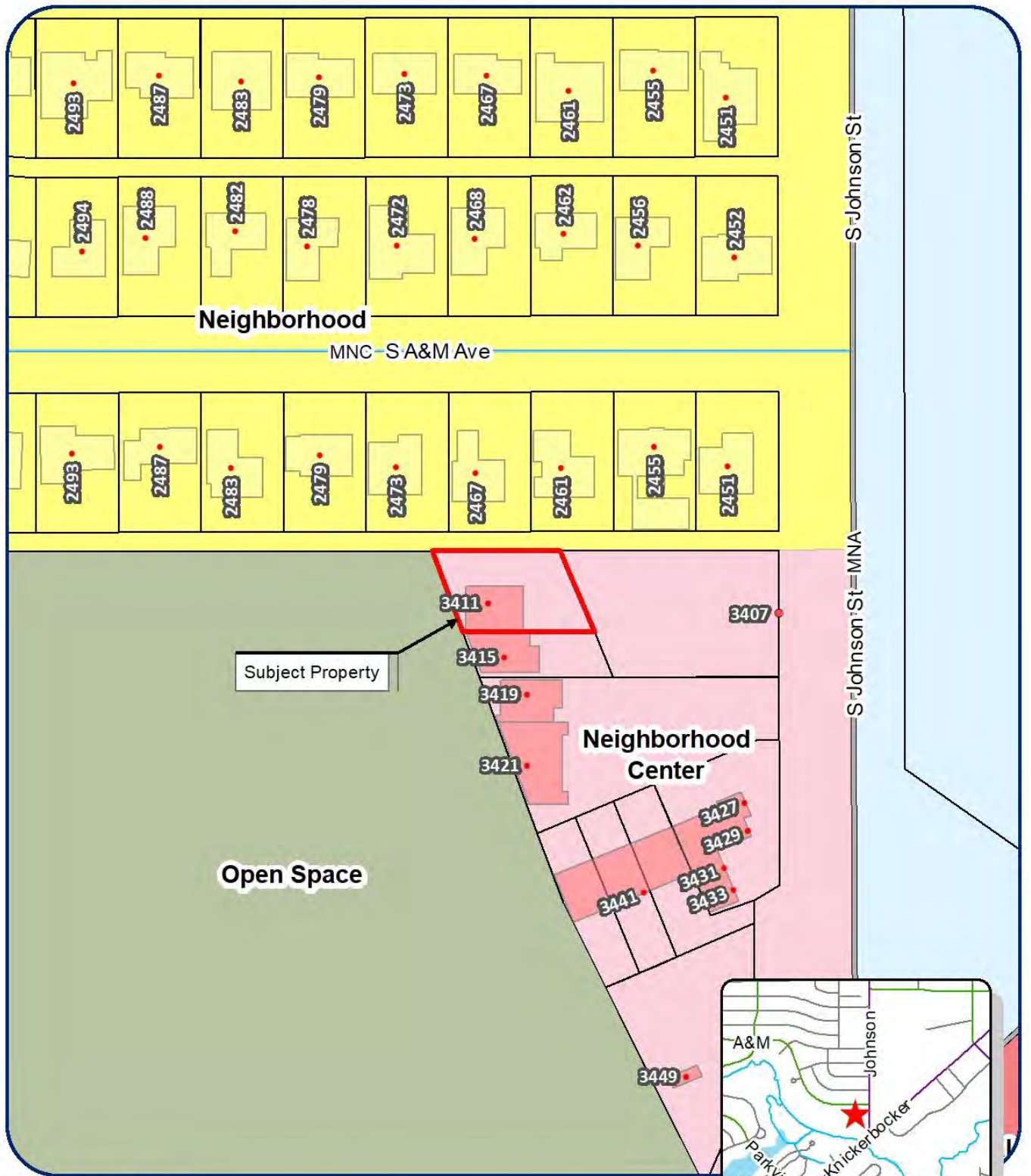
Council District: SMD #5 - Lane Carter  
 Neighborhood: ASU-College Hills  
 Scale: 1" approx. = 100 ft

**Legend**

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





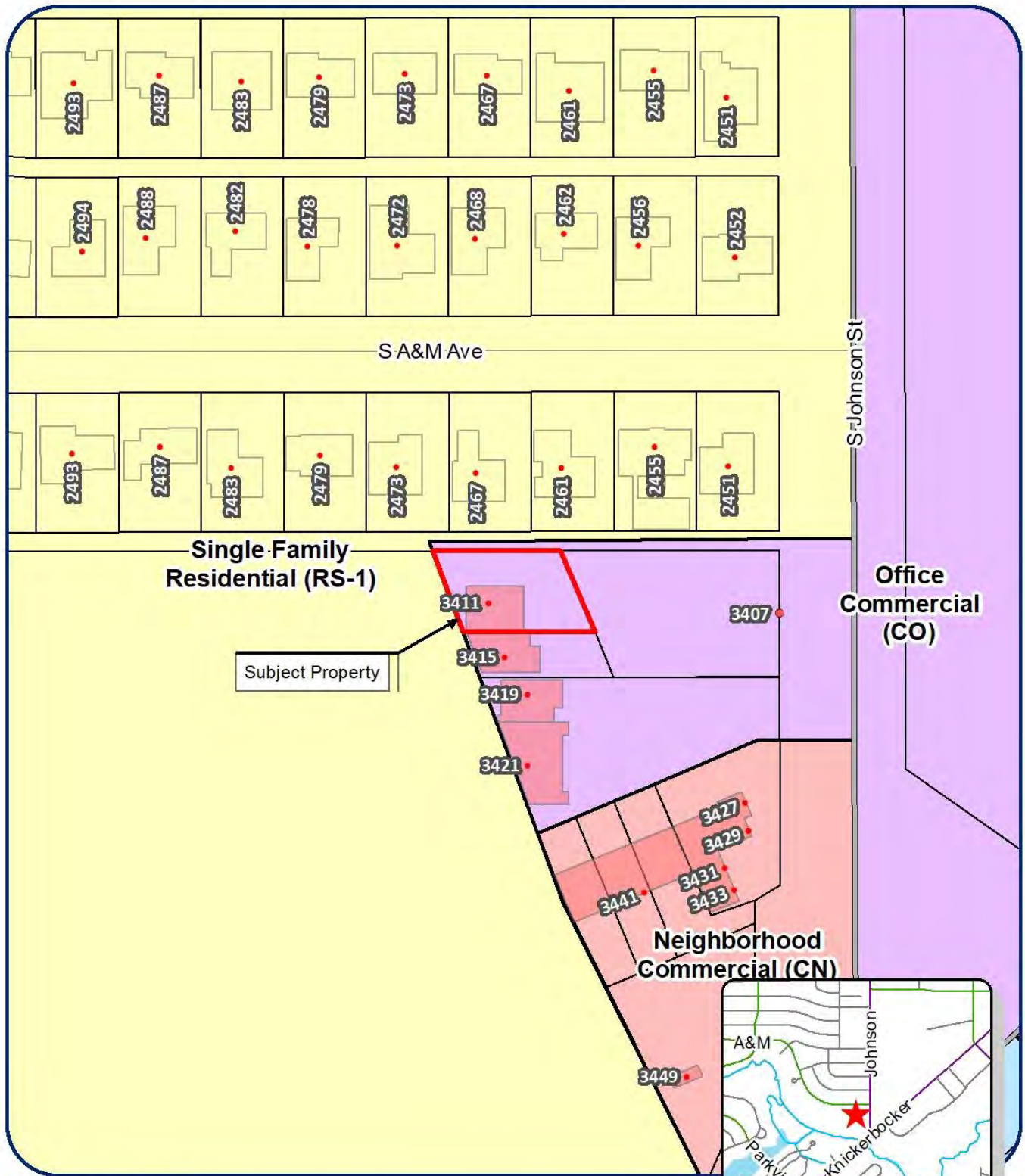


**CU18-13: Lira**  
**3411 South Johnson Street**

Council District: SMD #5 - Lane Carter  
 Neighborhood: ASU-College Hills  
 Scale: 1" approx. = 100 ft

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





**CU18-13: Lira**

**3411 South Johnson Street**

Council District: SMD #5 - Lane Carter  
 Neighborhood: ASU-College Hills  
 Scale: 1" approx. = 100 ft

**Legend**

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







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: There are other beauty shops on Johnson street/Knickerbocker less than a half to one mile from the subject.

**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: There is a variety of offices and retail as mentioned before in the immediate area that should fit into the urban development of the community.

**Section 3: Applicant(s) Acknowledgement**

Please initial the following:

- mcl If approved, a Conditional Use is applied to the property, not the property owner.
- mcl The Planning Commission makes the final decision on Conditional Use requests; appeals may be directed to City Council
- mcl Approval of this Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- mcl 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.**

Maria Carmen Lira  
Signature of licensee or authorized representative

May 18, 2018

Date

Maria Carmen Lira

Printed name of licensee or authorized representative

The Rage

Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Case No.: CU: 18-13

Planning Commission date: 6 / 18 / 18

Nonrefundable application Fee: \$ 385

Receipt #: 284698 Date paid: 5 / 18 / 18

Reviewed/Accepted by: H. Bueker

Date: 5 / 18 / 18



**Photos of the Site**

Looking West Down Alley Toward Subject Property



Entrance South of Subject Property





Entrance looking at the Subject Property



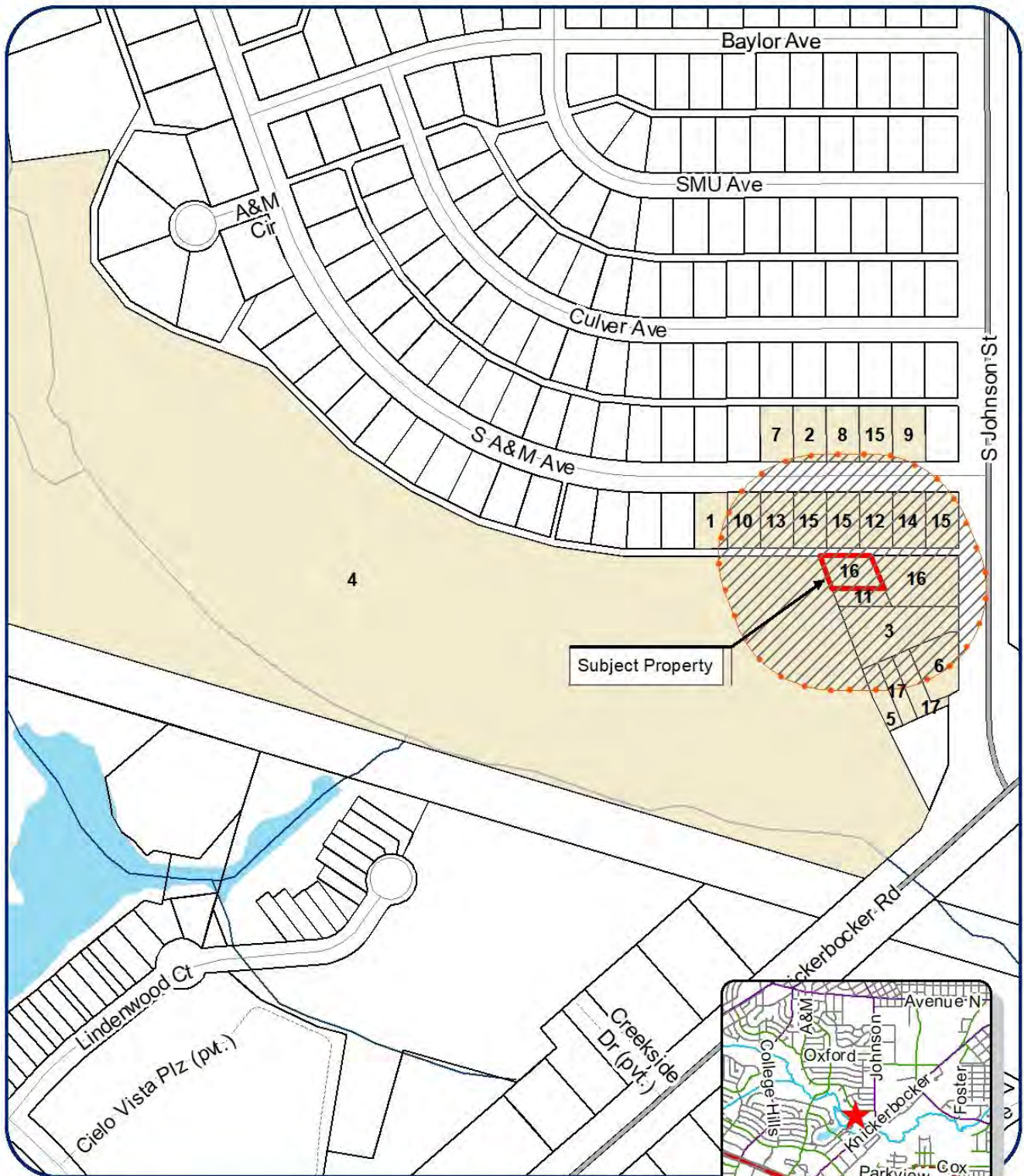
Parking Directly in Front of Subject Property





Back of Building Adjacent to Alley

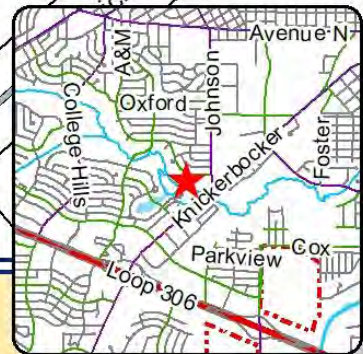




**CU18-13: Lira**  
**3411 South Johnson Street**

Council District: SMD #5 - Lane Carter  
 Neighborhood: ASU-College Hills  
 Scale: 1" approx. = 250 ft

**Legend**  
 Subject Properties: ———  
 Current Zoning: **CO**  
 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) Diane Soloff told  
me it is a hairshop  
and good.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNATURE: Davee Green

CU18-13: Lira

Property owner number: 5

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 ext. 1547 or by email at [hillary.bueker@cosatx.us](mailto:hillary.bueker@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.

100 (  ) IN FAVOR (  ) IN OPPOSITION  
REASON(S) \_\_\_\_\_

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NAME: W. Court Saff

ADDRESS: 2750 Oak Hills Trail  
San Angelo, TX 76904

SIGNATURE: W. Court Saff

CU18-13: Lira

Property owner number: 16

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 ext. 1547 or by email at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).



**PLANNING COMMISSION – June 18, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Conditional Use		CU18-14: Crosspointe Fellowship Church of San Angelo Inc.	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a Conditional Use to allow an existing church and its expansion on the properties zoned Single-Family Residential (RS-1). The existing church was erected before 2000 when churches were allowed by right in the R-1 zone, now the Single-Family Residential (RS-1) Zoning District. However, its expansion requires a Conditional Use, per the updated Zoning Ordinance. The church plans to purchase the vacant 0.692-acre property immediately west of Coliseum Drive and its existing facility. There are no plans to develop this property at this time, but approval of a Conditional Use will facility expansion onto this property in future.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
4210 Coliseum Drive and three unaddressed tracts; generally located at the southwest and southeast corners of Coliseum Drive and 43 <sup>rd</sup> Street		Being 0.431 acres within the Lots 3-6 less 97' x 100' Church B; the east 165 feet of Lot 1 and the west 25 feet of Lot 2 and the abandoned alley immediately south; and 0.692 acres in the T.H. Dawson Survey #9; all in Block 17 of the Fair Park Addition, comprising 1.407 acres	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District #2 – Tom Thompson ASU – College Hills Neighborhood		RS-1 – Single-Family Residential	N – Neighborhood
<b>SIZE:</b>			
1.407 acres			
<b>THOROUGHFARE PLAN:</b>			
<p><b>Coliseum Drive, East 42<sup>nd</sup> Street and 43<sup>rd</sup> Street</b> – Urban Collector Streets          Required: 60' right-of-way, 50' pavement          Provided: Coliseum Drive - 80' right-of-way, 46' pavement (complied at time of platting)          Provided: East 42<sup>nd</sup> Street - 64' right-of-way, 36' pavement (complied at time of platting)          Provided: 43<sup>rd</sup> Street - 64' right-of-way, 36' pavement (complied at time of platting)</p>			
<b>NOTIFICATIONS:</b>			
17 notifications mailed within 200-foot radius on June 7, 2018. Zero received in support or opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of a Conditional Use to allow for a Religious Institution in the Single-Family Residential (RS-1) Zoning District on the subject properties, <b>subject to four conditions of approval.</b>			
<b>PROPERTY OWNER/PETITIONER:</b>			
<p><i>Property Owner and Applicant:</i>          Crosspointe Fellowship Church of San Angelo Inc.</p> <p><i>Agent:</i>          Mr. Bill Ford</p>			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			

**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 Planning Division believes that with appropriate conditions of approval, and current screening requirements under the Zoning Ordinance, impacts on the surrounding area will be minimized. The existing church and fellowship hall buildings at 4210 Coliseum Drive are already screened from the adjacent residential uses to the east and south with a 6-foot wooden opaque privacy fence as required under Section 509.A of the Zoning Ordinance. As a condition of approval, the Planning Division recommends that a 6-foot high opaque privacy fence also be installed along the west and south property lines of the vacant church property at the time of any future construction including a building, structure, or parking lot. Section 509.A. requires such fence to be installed when the side or rear lot line of a nonresidential use is adjacent to a residential use or zoning district. This provision however is not typically enforced unless a building permit is required. By requiring this as a condition of approval for all construction, including parking areas, this will ensure that residential development to the west and south is adequately screened. The applicant will also be required to extend the east privacy fence on the existing church property northward if the vacant property to the east develops residentially, as per Section 509.A of the Ordinance. This would require extending the existing 6-foot high privacy fence northward an additional 65 feet (tapering to 4 feet within the 25-foot front yard setback area from East 43<sup>rd</sup> Street). Finally, a proposed condition will require the applicant to submit a Site Plan for the vacant 0.692-acre property at the time of any construction including a parking lot to the Planning Director for review and approval. This will allow the Planning Division to assess any future development on this property, and provide any additional conditions of approval such as additional screening, landscaping, sidewalks, and crosswalks. It is noted that this vacant property will not require a subdivision plat approval in future, provided it remains in its current configuration. Chapter 1.VI.A.2.d of the Land Development and Subdivision Ordinance exempts platting if the lot was conveyed by metes-and-bounds in the same configuration prior to July 5, 1950. The subject property has existed in the same configuration per deed records since at least October 24, 1928. However, any required services such as water and sewer may be required to be extended at time of permitting.

**2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** Section 501.G of the Zoning Ordinance requires principal nonresidential uses in residential zoning districts to meet the required standards of the residential zoning district where they are located. The existing church property complies with the applicable Single-Family Residential (RS-1) Zoning District it is located in, and any future development on the vacant 0.692-acre property to the west will have adequate space to comply with the RS-1 standards for this property. Both properties well exceed the minimum lot area of 5,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the RS-1 zone. Historic aerial imagery confirms that the existing church buildings have been on the property since at least 1996. The buildings are setback greater than 25 feet from the front yards facing Coliseum Drive, East 42<sup>nd</sup> Street, and East 43<sup>rd</sup> Street as required, and comply with all other required setbacks. The Tom Green County Appraisal District indicates that the church building is 2,938 square feet, and the fellowship building is 1,898 square feet,



a total of 4,836 square feet. Churches require the greater of 1 parking space for every 400 square feet of gross floor area or 1 parking space for every 10 patron seats as per Section 511.B. of the Zoning Ordinance. A site visit conducted on June 3, 2018, during church service confirmed there were 25 parking spaces in front of the main building facing the Foster Communications Coliseum. Using the gross floor area standard of 1 parking space per 400 square feet, the buildings would require a total of 12 parking spaces. The applicant's agent indicates that the maximum seating capacity for both buildings is 125. Using this greater standard, a total of 13 parking spaces would be required. Given there are 25 parking spaces on the property, the applicant is in 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 subject properties are surrounded by residential and institutional uses in the Lake View neighborhood. Immediately to the north is the Foster Communications Coliseum and Fairgrounds, with Lincoln Middle School and Lake View High School further northeast within one-mile of the subject properties. The properties have a Future Land Use designation of "Neighborhood" in the City's Comprehensive Plan, which calls to "promote an appropriate balance of use within each neighborhood" and includes design guidelines to "screen parking and service areas of commercial properties adjacent to residential uses." As indicated above, the existing church has been at this location for over 20 years and provides the local neighborhood a gathering space for worship, prayer, and church-related services. Existing screening on the developed property, and required screening when construction occurs on the new property, will be consistent with the Neighborhood policies and compatible with the surrounding 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 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. A review of grading, drainage, and stormwater runoff would be conducted as part of any future development on the properties.

**5. Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** The Planning Division believes there is a demonstrated community need for a church at this location, given close proximity to residential homes and schools. Allowing an expansion onto the vacant property to the east will allow the church to continue to grow and service the neighborhood. A required site plan prior to any construction on the vacant property will ensure that growth can occur while respecting the residential character of the surrounding area.

**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 Planning Division believes that the Conditional Use would result in a logical and orderly development pattern for the area. Coliseum Drive, East 42<sup>nd</sup> Street and East 43<sup>rd</sup> Street are all identified as collector streets in the City's Master Thoroughfare Plan designed to accommodate larger traffic volumes and connect local streets to arterial streets. Given the vacant property is 0.692 acres, the Planning Division is confident that adequate parking can be provided on this property for any future development.

It is noted that all existing and future parking for the Conditional Use shall be limited to church parking only. A commercial parking lot, where all or a portion of the parking area is used for parking not connected to the church is prohibited as part of the Conditional Use and in the RS-1 Zoning District.

**Recommendation:**

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a Religious Institution in the Single-Family Residential (RS-1) Zoning District on the subject properties, subject to the **following four Conditions of Approval:**

1. The applicant shall submit a Site Plan for review and approval for the vacant 0.692-acre property at the time of any construction, including a parking lot.
2. The applicant shall install a minimum 6-foot high opaque privacy fence along the west and south property lines of the vacant 0.692-acre property, tapering to four feet within the 25-foot front yard setbacks, prior to any construction, including a parking lot, on this property.
3. If the vacant property to the east facing East 43<sup>rd</sup> Street develops residentially, the applicant shall extend the existing 6-foot high privacy fence along the east property line of 4210 Coliseum Drive northward to the end of Lot 2, tapering to four feet within the 25-foot front yard setback.
4. The applicant shall obtain a building permit from the Permits and Inspections Division for any new buildings or structures on the properties.

**Attachments:**

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





Source: Esri, DigitalGlobe, GeoEye, Earthstar (USA), USGS, AeroGRID, IGN, Sina, AeroGRID, IGN, Sina, User Contributed

**Conditional Use Case File**

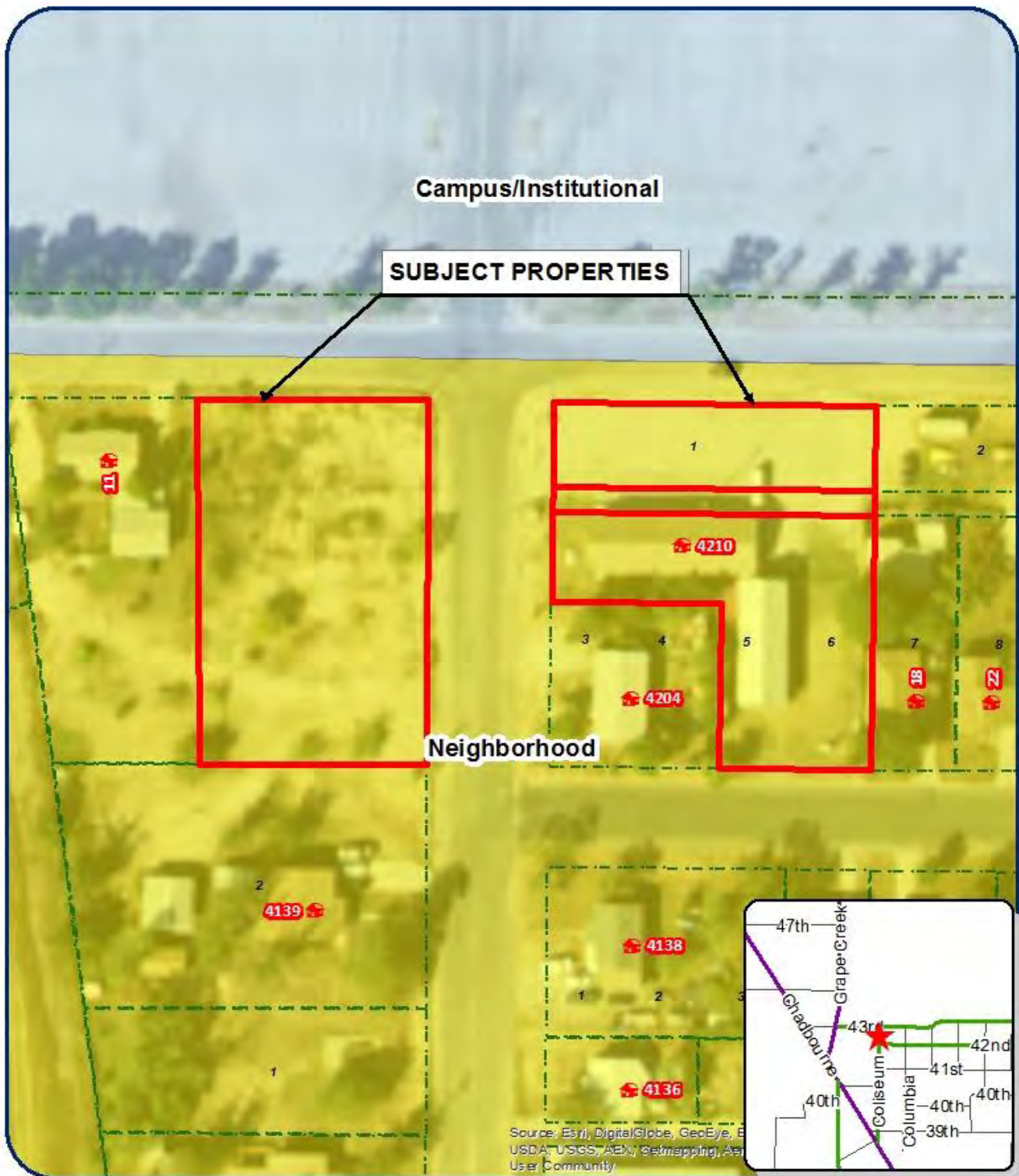
**Case CU18-14: Crosspointe Church**

Council District: Tom Thompson (SMD#2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 75 ft  
 Subject Properties: 4210 Coliseum Drive and Unaddressed Tracts, 1.135 acres

**Legend**

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





**Conditional Use Case File**

**Case CU18-14: Crosspointe Church**

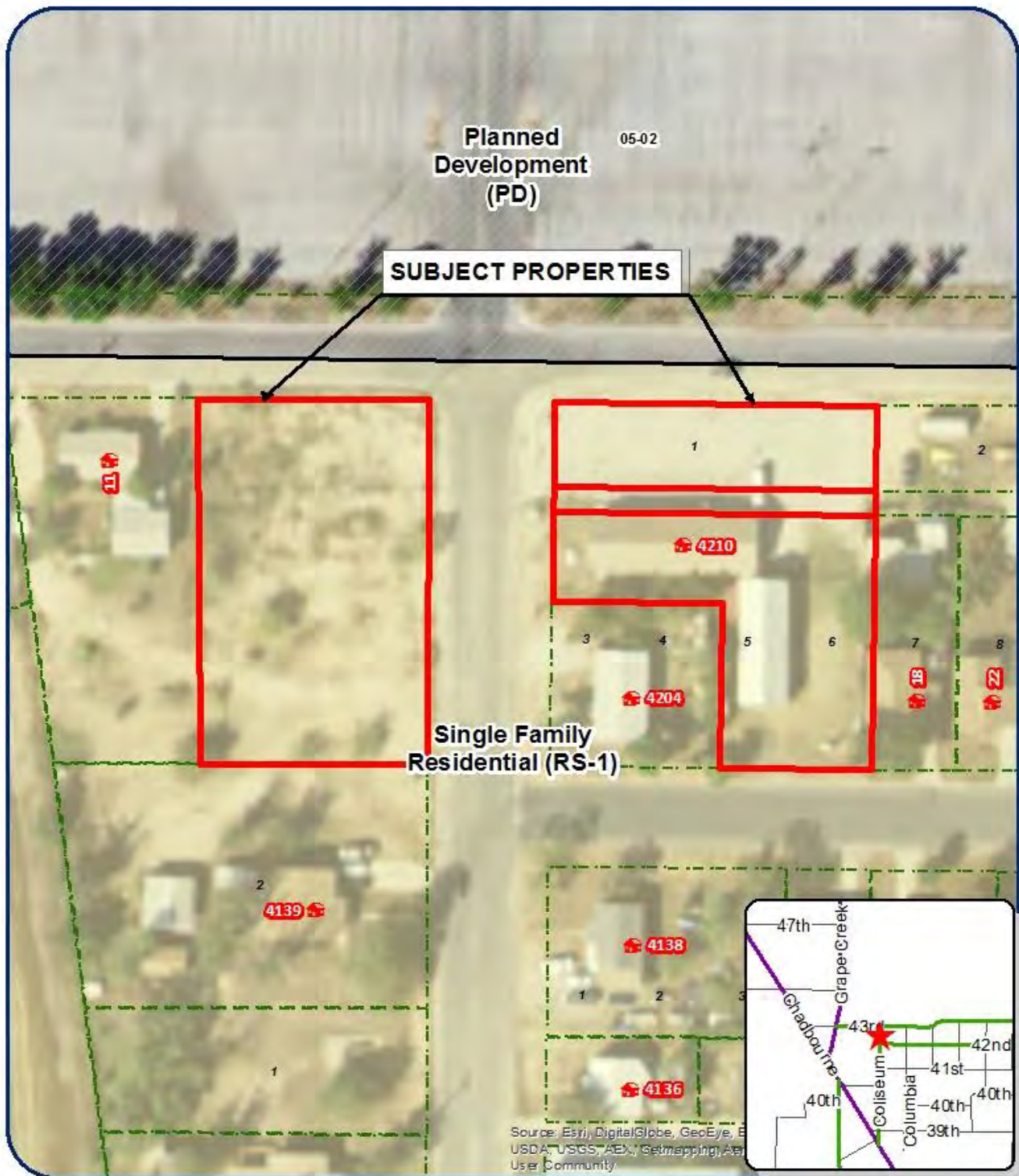
Council District: Tom Thompson (SMD#2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 75 ft  
 Subject Properties: 4210 Coliseum Drive and Unaddressed Tracts, 1.135 acres

**Legend**

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







**Conditional Use Case File**

**Case CU18-14: Crosspointe Church**

Council District: Tom Thompson (SMD#2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 75 ft  
 Subject Properties: 4210 Coliseum Drive and Unaddressed Tracts, 1.135 acres

**Legend**

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





Photos of Site and Surrounding Area

**NORTH**



**EAST**



**SOUTH**



**LOOKING SOUTHEAST AT EXISTING CHURCH**



**SOUTH AT CHURCH PROPERTY**



**EAST AT CHURCH PROPERTY**





**Photos of Site and Surrounding Area**

**VACANT PROPERTY WEST OF COLISEUM DRIVE  
(FUTURE EXPANSION)**



**LOOKING NORTH FROM EAST 42<sup>ND</sup> STREET**



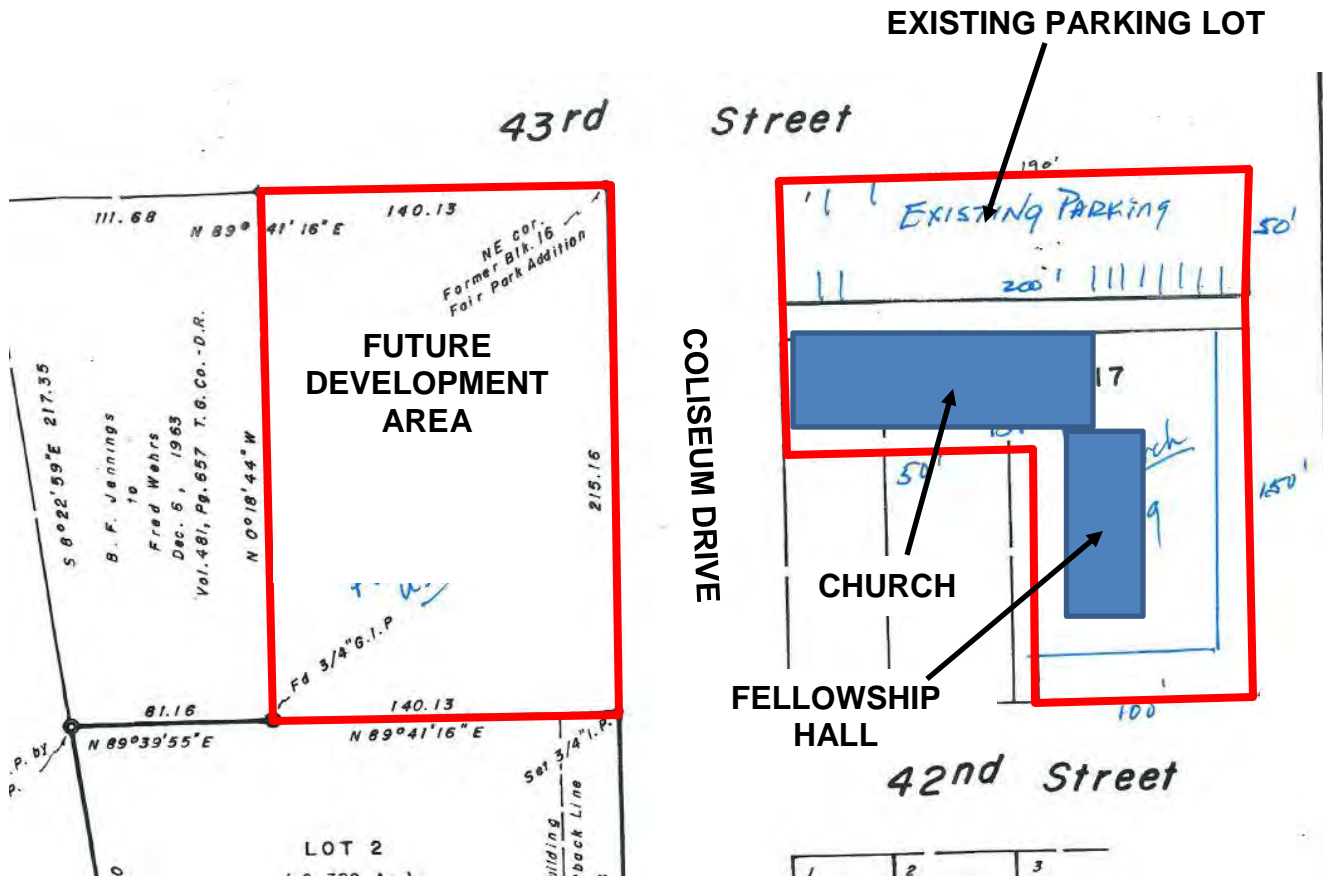
**LOOKING SOUTH FROM EXISTING CHURCH**



**REAR VIEW FROM FELLOWSHIP HALL**



Site Plan





REVISED JANUARY 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): CrossPointe Fellowship Church of San Angelo Inc  
 Owner  Representative (Affidavit Required)

Mailing Address: 4210 Coliseum Dr San Angelo Texas 76903  
City State Zip Code

Contact Phone Number: 325-277-5301 / 325-812-3900 Contact E-mail Address: jroliver2233@gmail.com

Subject Property Address: SEE BELOW \* San Angelo Texas 76903  
City State Zip Code

Legal Description (can be found on property tax statement or at [www.texasproperty.com](http://www.texasproperty.com)):  
.417 Acres Gen ID 38-08046-0015-00000

\* 4210 Coliseum Dr San Angelo Texas 76903  
Block East 165' of Lot 1 & 25' of Lot 2 + Adj. Alley (to be abandoned)  
Uddell's tract 0.42 ac TH Dawson Survey 1887, A# 8046  
 Lot Size: 1.07 Ac Zoning: RS-1

**Section 2: Site Specific Details**

\*Use attachment if necessary. 1 Existing Church @ Existing Parking Lot  
2 Vacant Lot

Existing Use of Property: None

Proposed Use/Size: Church / Future Use Undetermined

Proposed Conditional Use (from Section 309): To allow a religious institution to  
RS-1 zone

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: 1 Already existing church across street, San Angelo  
Coliseum across street, LV Arena stadium, Lincoln HS

**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: All lots comply w/ minimum RS-1 zoning

**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: SEE #7 Explanation

Effective January 3, 2017

Explanation: N/A

**Section 2 continued: Site Specific Details**

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

Explanation: Appl. cont plans to expand - i.e. Fellowship hall  
 neighborhood church expansion to meet community needs

**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: Properties have frontage to collector roads + no  
 proposed change to lot to change traffic patterns  
 Almost 1/2 acre to accommodate additional parking

**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.**

[Signature]  
 Signature of licensee or authorized representative

5-22-18  
 Date

Joel Oliver  
 Printed name of licensee or authorized representative

CrossPointe Fellowship Church  
 Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Case No.: CU: 18-14 Planning Commission date: 6, 18, 18  
 Nonrefundable application Fee: \$ 385.00 Receipt #: \_\_\_\_\_ Date paid: 5, 29, 18  
 Reviewed/Accepted by: J. Fisher Date: 5, 25, 18



# MEMO



## Meeting

**Date:** June 18, 2018

**To:** Planning Commission

**From:** Jon C. James, AICP  
Planning & Development Services Director

**Request:** Public hearing and consideration of a text amendment to Chapter 12, Exhibit "C" Land Development and Subdivision Ordinance, Chapter 1 "General Provisions," Chapter 3 "Definitions," Chapter 5 "Procedural Requirements for Subdivisions," Chapter 6 "Guarantee of Performance," and Chapter 9 "Subdivision Design Policies."

## Background:

The Planning Division recently undertook a review of the Land Division and Subdivision Ordinance to provide clarity on when a subdivision plat is required; exceptions to platting; when a plat gets recorded and expires; types of performance guarantees and deferral options; and an overall cleanup of language. The proposed changes were presented to the Development Task Force on May 10 and a final draft has been prepared and included at the end of the Staff Report.

The following is a summary of the most significant changes proposed. Minor changes such as grammatical edits, reorganizing and renumbering sections can be found at the end of this report as part of the overall text amendment:

## Chapter 1 - General Provisions:

- **Include "combining separate land parcels" as a subdivision action.** The current subdivision ordinance specifies platting is required for splitting a parcel into two or more lots, but is silent on *combining* lots. This new provision will provide clarity and ensure that a proposal to combine parcels will also require platting.
- **Exempting adjacent single-family residential lots under common ownership from replatting.** There are many circumstances in the City where a single-family home is located two adjacent platted lots. This provision clarifies that replatting would not be required in these circumstances.

- **Revising the floor area exception for properties with existing buildings.** The current ordinance requires unplatted properties to be platted if there an expansion of greater than 50% of building floor area within a 12-month period. This tends to penalize single-family residential properties with smaller footprints and effectively exempts larger-scale, non-residential. The proposed change will require platting where an expansion exceeds 25% (except for single-family residential). Expansions without platting will be limited to 5,000 square feet annually, preventing properties with larger buildings from exemptions simply because they have a larger footprint.

### **Chapter 3 - Definitions:**

- **Removing redundant language from the definition of “Subdivision.”** The current definition of “Subdivision” restates the exceptions from subdivision platting which are already described in Chapter 1.VI.A.2 Enforcement. Generally, it is preferable to use the definition section to simply define the term and leave the exceptions within the body of the ordinance. In addition, these exceptions are being moved to Chapter 1.V Applicability as they relate to the applicability, rather than enforcement, of plat requirements.

### **Chapter 5 – Procedural Requirements for Processing Subdivisions:**

- **Modifying expiration dates for plats and preliminary plats.** The current subdivision ordinance outlines specific times for recording and expiration of preliminary plats, final plats and replats, and administrative plats (final or replats):
  - **Administrative plats** currently expire after 6 months from the approval date, often leaving insufficient time for the applicant to fulfill approval conditions. The proposed amendment would increase this window to 12 months.
  - **Final plats and replats (non-administrative)** currently expire after 18 months unless a guarantee for all improvements is extended up to an additional 18 months (3 years total) by City Council. The new provision will allow these plats a full three years to be recorded with no need for an extension. Similarly, performance guarantees will now be valid up to 3 years instead of 18 months, or longer with the development agreement option (see Chapter 6 changes).
  - **Preliminary plats** currently have no expiration, and are required to be reviewed by the Planning Commission every 5 years. They cannot be repealed for 24 months after they are approved, or within 24 months after a final plat located within the boundaries of the preliminary plat is approved. Without an automatic expiration, many preliminary plats in the City have remained technically valid even though they may not be relevant to current development patterns. The proposed change will have preliminary plats automatically expire after 5 years if there has been no subsequent final plats within that time period. However, an approved final plat will extend the preliminary plat an additional 5 years. This allows



developers who are making progress on a preliminary plat to continue, but will ensure expiration of plats for which no development activity is occurring.

#### **Chapter 6 – Guarantee of Performance:**

- **Creation of a “Deferral of Obligation” option.** The current ordinance limits performance guarantees to performance bonds, letters of credit, and cash or cashier’s checks. The proposed amendment will allow a development agreement as an alternative. Such an agreement will allow a plat to be recorded with the agreement acting as security for required improvements. This option will be at the discretion of the City and will generally be used to allow deferral of required improvements from the subdivision plat to a later phase of development, such as per a site plan or building permit.
- **Extension of performance guarantees beyond three years with a development agreement.** The current ordinance limits performance guarantees for up to the three years (18 months with an 18-month extension by City Council). The proposed amendment would simplify this by removing the requirement for an extension and simply limiting performance guarantees to 3 years. In addition, this adds the clarification that a deferral through a development agreement may extend beyond 3 years.

#### **Chapter 9 – Subdivision Design Policies**

- **Deferral of drainage studies and City Engineer as approval authority.** The current ordinance states that a drainage study may be required and approved by City staff with a review by the Director of Public Works. The proposed amendment allows a deferral of this study to a subsequent stage of development, and references the City Engineer as this approval authority as per current practice.

#### **Attachments:**

Proposed Text Amendment

## CHAPTER 1 GENERAL PROVISIONS

### ~~SECTION V: ENACTMENT AND EFFECTIVE DATE~~

~~This Ordinance shall take effect immediately upon adoption by the City Council. All plats, plans, construction drawings and other items submitted after the adoption of this Ordinance shall conform to these requirements: (1959 Code, title 9, ch. 4, ex. A)~~

### SECTION V: APPLICABILITY

- A. *Applicability. Any person undertaking the act of subdivision ~~as herein described~~ or combination of separate land parcels, be it within the City limits of San Angelo or its extraterritorial jurisdiction, shall comply with the provisions of the LAND DEVELOPMENT AND SUBDIVISION ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS. ~~Subdivision shall include the act of into two or more parts for any one or more of the following purposes: (1) laying out any subdivision of said tract of land; (2) laying out any addition to the city; (3) laying out suburban lots, building lots, or other lots; (4) laying out streets, alleys, squares, parks or other parts of said tract of land to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to those streets, alleys, squares, parks or other said parts.~~ Subdivision shall include the act of into two or more parts for any one or more of the following purposes: (1) laying out any subdivision of said tract of land; (2) laying out any addition to the city; (3) laying out suburban lots, building lots, or other lots; (4) laying out streets, alleys, squares, parks or other parts of said tract of land to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to those streets, alleys, squares, parks or other said parts. For purposes of this ordinance, subdivision shall include resubdivision. The owner of a ~~tract~~ parcel of land (within the limits of jurisdiction ~~for~~ of this ordinance) who divides the ~~tract~~ parcel or combines parcels shall have a plat prepared for approval by the City of San Angelo and subsequent recording with ~~the~~ Tom Green County Clerk. Failure to comply with the provisions of this ordinance, except when subdivision or combination is permitted by the following exceptions below, shall be unlawful:*

1. ~~The proposed construction or improvement is situated on a tract~~ The parcel of land can be described as a portion of one or more original surveys and which has been conveyed by metes-and-bounds, but said ~~tract~~ parcel is documented to be the exact same size and configuration as one which existed at that location on or before July 5, 1950.
2. ~~The proposed construction or improvement is situated on a tract~~ The parcel of land can be described as a portion of a lot(s) on the most recently applicable plat(s) duly recorded with ~~the~~ Tom Green County Clerk, provided that:
  - a. No increase in the number of lots occurs;



- b. *No reorientation of lots occurs;*
  - c. *All resulting parcels ~~lots~~ meet minimum requirements of the zoning ordinance; and*
  - d. *The boundary of any lot portion can be described by a ~~an~~ single parallel offset of a platted lot boundary.*
3. ~~The proposed construction or improvement is situated on a tract~~ The parcel of land was created ~~considered a subdivision by some instrument other than a duly recorded plat, but said subdivision occurred as a result of judicial decree or will.~~
4. ~~The proposed construction or improvement is situated on a tract~~ The parcel of land is ~~comprised of one or more parcels lots, as owned, which are smaller than lot(s) on the most recently applicable plat(s) duly recorded with the Tom Green County Clerk, but said division of lot(s) resulted solely from the acquisition of right-of-way by a political subdivision for public purposes.~~
5. ~~The proposed construction or improvement is situated on a tract~~ The tract of land is ~~greater than five acres, where each such tract has access to a public street and where no public improvement (including streets and utilities) is to be dedicated.~~
6. The tract of land can be described by no more than two platted lots that are adjacent and under common ownership and used for single-family residential purposes.

## SECTION VI: ENFORCEMENT

~~A.— Applicability. Any person undertaking the act of subdivision as herein described, be it within the City limits of San Angelo or its extraterritorial jurisdiction, shall comply with the provisions of the LAND DEVELOPMENT AND SUBDIVISION ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS. Subdivision shall include the act of dividing a tract of land into two or more parts for any one or more of the following purposes: (1) laying out any subdivision of said tract of land; (2) laying out any addition to the city; (3) laying out suburban lots, building lots, or other lots; (4) laying out streets, alleys, squares, parks or other parts of said tract of land to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to those streets, alleys, squares, parks or other said parts. For purposes of this ordinance, subdivision shall include resubdivision. The owner of a tract (within the limits of jurisdiction for this ordinance) who divides the tract shall have a plat prepared for approval by the City of San Angelo and subsequent recording with the Tom Green County Clerk, except when subdivision is permitted by exception specified elsewhere herein this ordinance. Failure to comply with the provisions of this ordinance, except when subdivision is permitted by exception specified elsewhere herein this ordinance, shall be unlawful.~~

**(Note: Moved to the New Chapter 1, Section V.A.)**

A. Enforcement by Building Official. No building permit shall be issued until a valid plat has been recorded. The Building Official shall only be authorized to issue permits for construction or improvement of any structure located within one or more entire lots which are under single ownership or control, and which are represented on a plat duly recorded with Tom Green County Clerk, except as specified in Section V or the following:

~~1.— Tracts of land characterized by any one of the below listed descriptions shall be considered a subdivision by some instrument other than a duly recorded plat. Except as otherwise allowed by exceptions specified in the following subsection VI.B.2, the Building Official shall not be authorized to issue permits for construction or improvements on any such tracts characterized by one or both of the following descriptions:~~

~~a.— one or more lots, as owned, which are smaller than or configured differently from lot(s) represented on the most recently applicable plat duly recorded with the Tom Green County Clerk;~~

~~b.— portions of original surveys (as established by the State of Texas General Land Office) which are conveyed by metes and bounds description, unless said tract proposed for building construction is documented to be the exact same size and configuration as one which existed at that location on or before July 5, 1950.~~

~~2.— Permits may be issued by the Building Official for construction or improvement of structures on a tract other than a lot in a duly recorded subdivision, as identified in the preceding subsection VI.B.1, under the following conditions:~~



1. Installation of any sign, support, fence or other structure which is not intended or designed to shelter or enclose persons or movable property of any kind.

2. Alterations, repairs or remodeling made to any existing structure.

3. Construction of additional building floor area (detached from or attached to any building already existing on the same ~~tract~~ parcel) which does not exceed more than 50% of floor area within existing buildings on the same ~~tract~~ parcel **for single-family residential or does not exceed 25% of floor area within existing buildings on the same parcel for all other development types**, as long as such additions shall not occur more than once in any 12-month period **nor exceed 5,000 square feet annually.**

~~d. The proposed construction or improvement is situated on a tract described as a portion of one or more original surveys and which has been conveyed by metes and bounds, but said tract is documented to be the exact same size and configuration as one which existed at that location on or before July 5, 1950. (Note: Moved to the New Chapter 1.V.A.1.)~~

~~e. The proposed construction or improvement is situated on a tract described as a portion of lot(s) on the most recently applicable plat(s) duly recorded with the Tom Green County Clerk, provided that:~~

~~(1) no increase in number of lots occurs;~~

~~(2) no reorientation of lots occurs;~~

~~(3) all resulting lots meet minimum requirements of the zoning ordinance; and~~

~~(4) the boundary of any lot portion can be described by an offset of a platted lot boundary. (Note: Moved to the New Chapter 1.V.A.2.)~~

~~f. The proposed construction or improvement is situated on a tract considered a subdivision by some instrument other than a duly recorded plat, but said subdivision occurred as a result of judicial decree or will. (Note: Moved to the New Chapter 1.V.A.3.)~~

~~g. The proposed construction or improvement is situated on a tract comprised of one or more lots, as owned, which are smaller than lot(s) on the most recently applicable plat(s) duly recorded with the Tom Green County Clerk, but said division of lot(s) resulted solely from the acquisition of right-of-way by a political subdivision for public purposes. (Note: Moved to the New Chapter 1.V.A.4.)~~

~~h. The proposed construction or improvement is situated on a tract which includes all or part of an abandoned street or alley, in addition to all or portions of lot(s) represented on a duly recorded plat, and the characteristics of that tract would otherwise allow the Building Official to issue a permit for construction or improvement of any structure.~~

~~i. The proposed construction or improvement is situated on a tract greater than five acres, where each such tract has access to a public street and where no public improvement (inc. streets and utilities) is to be dedicated.~~

**(Note: Moved to the New Chapter 1.V.A.5.)**

**B.** Enforcement by Denial of Public Services. The City of San Angelo shall withhold new or expanded service of any type, including but not limited to utility connection and street maintenance, from ~~tracts~~ parcels which are characterized by any one of the following descriptions:

1. Within a subdivision for which no plat is duly recorded with ~~the~~ Tom Green County ~~Clerk~~, and within which the Building Official would not be authorized to issue permits for construction or improvement of any structure in accordance with exceptions itemized in subsection IV.B.2 [VI.B.2] above; or
2. Within a duly recorded subdivision for which improvements have not been completed to standards required by the subdivision ordinance that was in effect at the time the subdivision plat was approved, unless the current ordinance requirements are less stringent and for which an appropriate financial guarantee of performance has not been accepted by the City of San Angelo.

**C.** Enforcement by City Attorney. The City Attorney is authorized and directed to take appropriate action in district court to enjoin any violation of this ordinance.



## CHAPTER 3 DEFINITIONS

**SUBDIVISION:** The division of land into two or more parts for any one or more of the following purposes: laying out a subdivision of the tract; laying out an addition to the city; laying out suburban lots, building lots, or other lots; or laying out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other said parts. The term subdivision shall include resubdivision or the laying out of two or more spaces for lease or rent for Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park. ~~however, this definition shall expressly exclude the division of property in the following situations:~~

~~A. The division of property by judicial decree or will.~~

~~B. The division of property solely by virtue of abandoning a street or alley, or solely by the acquisition of right of way by a political subdivision for public purposes.~~

~~C. The resubdivision of lots already represented on a recorded plat or replat, wherein all the following characteristics are present:~~

~~1. no increase in the number of lots occurs;~~

~~2. no reorientation of lots occurs;~~

~~3. all resulting lots meet minimum requirements of the zoning ordinance; and~~

~~4. any new boundary of a tract resulting from said resubdivision can be described by an offset of a platted lot boundary.~~

**CHAPTER 5  
PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS**

**SECTION III: STAGES OF DEVELOPMENT REVIEW**

A. Major Subdivisions.

2. Preliminary Plat. The preliminary plat shall be submitted to the City Planning Commission for approval before consideration of a final plat intended for future recording with the Tom Green County Clerk. Preliminary plats will not be reviewed by the City Planning Commission, until such plats are officially accepted by the Planning Department. Plats not accompanied by an official application and not containing all proper information will not be accepted for review. Either the preliminary plat itself or an accompanying map shall illustrate the total contiguous tract(s) of land owned by or under the control of the subdivider, even if only a portion of the tract is intended for subdivision by a final plat. A boundary survey will not be required, but the boundaries of land intended to be submitted as a final plat shall be dimensioned and accurately drawn to scale, and so shall the boundaries of all land owned by, or under the control of, the subdivider (if more extensive than the area intended for final subdivision). Boundary data from recorded deeds shall be used, whenever appropriate. The preliminary plat shall be prepared by a qualified professional, trained and experienced in subdivision design.

~~d. Duration of approval. Preliminary plat approval shall be effective until said preliminary plat is repealed by the City Planning Commission or City Council, as appropriate, after a public hearing on the matter is conducted by that body responsible for the plat's initial approval. A preliminary plat shall not be repealed: (1) for a period of 24 months after the date on which the City Planning Commission or City Council, as appropriate, approved the original preliminary plat or an applicable revision thereof; or (2) for a period of 24 months after approval of a final plat showing any section of land encompassed by the original preliminary plat or an applicable revision thereof. Preliminary plats which are subject to repeal should generally be reviewed by the City Planning Commission every five (5) years in order to analyze each one's compliance with current subdivision regulations and effect upon other existing and proposed land developments.~~

~~Approval of a revised preliminary plat (for all or portions of land represented on a previously approved preliminary plat) shall also have the effect of repealing the previously approved preliminary plat or applicable portion thereof.~~

c. Administrative Subdivisions.

3. Recording of Plats. After administrative approval has been granted by the Planning Director, the final plat may be filed for record with the Tom Green County Clerk, in accordance with procedures set forth in Section II, Chapter 7 of this ordinance. ~~If the plat is not filed for recording with the Tom Green County Clerk within a period of six (6) months following administrative approval, said approval shall expire and be no longer valid, unless an additional six-month period of validity is authorized in writing by the Planning Director.~~

E. Recordation and Expiration of Plats

1. Administrative plats – Administrative plats shall be filed for recording with Tom Green County within a period of twelve calendar months from approval, or the approval shall expire and no longer be valid.
2. Final Plats and Replats – If any final plat or replat (not classified as an administrative subdivision) has not been filed for record with Tom Green County within a period of three years from its approval by the Planning Commission or City Council, approval of such plat shall expire and no longer be valid.

- F. Preliminary Plat Approval and Expiration. After approval has been granted by the Planning Commission, a preliminary plat will remain valid for a period of ~~three~~ five years. Progress with an approved final plat will extend the period of validity by an additional ~~three~~ five years from the date of final plat approval. After this time, the approval shall expire and no longer be valid, ~~unless an additional two (2) year period of validity is authorized in writing by the Planning Director. This two (2) year period is discretionary and based on evidence of substantial progress in infrastructure plans or construction.~~ All preliminary plats in effect on the date of this ordinance shall expire in accordance with this section 5 years from the effective date of this ordinance.



**CHAPTER 6  
GUARANTEE OF PERFORMANCE**

**SECTION I: PERFORMANCE AGREEMENT**

C. Recording of Plat.

1. Construction of Improvements. If, within a period of three years after the plat has been approved, the subdivider has constructed and has had all required improvements accepted by the Department of Public Works, the Planning Department shall release the plat to be filed in the deed and plat records of ~~the~~ Tom Green County.

2. Guarantee of Improvements. Within a period of three years after the plat has been approved, if all site improvements have not been completed, but a suitable security covering those uncompleted improvements has been filed with the Department of Public Works, including through a development agreement ensuring future construction, the Planning Department of ~~Planning~~ shall release the plat for recording.

No guarantee may be for a period of time exceeding three years, except through a development agreement, ~~eighteen (18) months and no guarantee may be for a period of time extending beyond three (3) years from the date of such plat approval. However, for good cause shown, the City Council may grant an extension of time up to eighteen (18) months, provided that no extension be for a time beyond three (3) years from the date of such plat approval~~

~~3. Expiration of Approval. If any final plat (not classified as an administrative subdivision) has not been filed for record with the Tom Green County Clerk in accordance with one of the manners described above, within a period of (3) three years from its approval by the City Planning Commission or City Council, approval of such plat shall expire and be no longer valid. If the subdivider desires to resubmit the plat for reapproval, it shall be submitted in the same manner as for a previously unsubmitted plat. (Note: Moved to Chapter 5.III.E.)~~

~~4. Building Permit. No building permit shall be issued until the plat has been recorded. No water or sewer service or other utilities shall be connected to a structure until the subdivision improvement[s] have been completed and accepted by the City. (Note: Now covered in Chapter 1, Section VI.A. and VI.B.)~~

## SECTION II: TYPES OF GUARANTEE OF PERFORMANCE

A. Performance Bond. A performance bond will be executed by a surety company, licensed to do business in the State of Texas, in an amount equal to the cost estimate of all uncompleted and unaccepted improvements required by these regulations. Such cost estimate will include an inflation factor based upon a locally recognized construction cost index, as approved by the Department of Public Works. The performance bond shall be substantially in the same form as the bond instrument on file in the Department of Public Works. Any deviations from this form shall be approved by the City Attorney. The City Manager is authorized to sign the bond instrument on behalf of the City of San Angelo.

B. Letter of Credit. The subdivider shall provide an irrevocable letter of credit in an amount equal to the cost estimate of all uncompleted and unaccepted site improvements required by these regulations. Such cost estimate is to include an inflation factor based upon a locally recognized construction cost index, as approved by the Director of Public Works. The letter of credit, properly executed, shall be substantially the same form as the sample letter of credit on file in the Department of Public Works. Any deviation from this form shall be approved by the City Attorney.

C. Cash or Cashier's Check. The subdivider shall provide the City cash, or a cashier's check, in an amount equal to the cost estimate of all uncompleted and unaccepted site improvements required by these regulations. Such cost estimate is to include an inflation factor based upon a locally recognized construction cost index, as approved by the Department of Public Works. Upon completion of the required site improvements and their acceptance by the Department of Public Works, the amount will be refunded to the subdivider by the City.

D. Deferral of Obligation. The obligation for all uncompleted and unaccepted site improvements required by these regulations may be deferred until approval of a subsequent development permit, or, in the case of a development proposed in phases, a subsequent phase of the development, or to coincide with a future capital improvement project, or other deferral as approved, on the sole discretion of the City upon written request of the property owner or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into a developer agreement, specifying the infrastructure improvements to be completed, the time to be completed, and the party responsible on a form approved by the Planning Director, City Engineer, and the City Attorney.

## CHAPTER 9 SUBDIVISION DESIGN POLICIES

### SECTION IV: DRAINAGE

5. Drainage Studies. The developer may be required to hire an engineer to prepare a drainage report for review and approval by the City ~~staff~~ Engineer. The ~~Director of Public Works~~ study should also ~~study~~ examine the runoff alterations of each proposed subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as could be pertinent, should serve as a guide to needed alterations and/or improvements. Where it is anticipated that the additional runoff produced or caused by the development of the subdivision will overload an existing downstream drainage facility, the ~~Director of Public Works~~ City Engineer may recommend that the City withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such a manner as the ~~Director of Public Works~~ City Engineer shall determine adequate and sufficient. No subdivision shall be approved until all interior and exterior stormwater runoff is satisfactorily contained or conveyed. The drainage study may be deferred to a later stage of the development process at the discretion of the City Engineer.



# MEMO



**Meeting**

**Date:** June 18, 2018

**To:** Planning Commission

**From:** Jon C. James, AICP  
Planning & Development Services Director

**Request:** Text Amendment to Chapter 12, Exhibit "C" Land Development and Subdivision Ordinance, Chapter 3 "Definitions" and Chapter 4 "Classification of Subdivisions."

**Background:**

The attached is an amendment to Chapter 12, Exhibit "C" Land Development and Subdivision Ordinance, Chapter 3 "Definitions" and Chapter 4 "Classification of Subdivisions" which seek to clearly define the words "Lot," "Tract," and "Parcel" and use these words appropriately throughout Chapter 3 and 4 where previously they had been used interchangeably. Previously, the word "lot" was used for any subdivided piece of land, either through a plat or by meet and bounds. Now "lot" will be specifically used for a piece of land subdivided through the platting process only. A "tract" will be any unplatted piece of land or any previously platted lot that was subsequently divided by other means. The word "parcel" will simply be a general term for any piece of land or property, which could be a lot or tract.

**Attachment:** Proposed Zoning Ordinance Amendments

## CHAPTER 3 DEFINITIONS

Abut - To physically touch or border upon or to share a common property line.

Alley - A public or private right-of-way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Apartment - Two or more buildings constructed on a single parcel of property where most buildings contain at least two (2) living units; or one or more buildings constructed on a single parcel of property where each building contains at least five (5) living units.

Block - A tract of land bounded by street or by a combination of street and public land, railroad or utility rights-of-way, waterways, or any other barrier to the continuity of development.

Building - Any structure built for the support, shelter, or enclosure of persons, animal, chattels or movable property of any kind and includes any structure.

Building Inspector - The Chief Building Official of the City of San Angelo, Texas.

Building Permit - Written permission issued by the City of San Angelo for the construction, repair, alteration or addition to a structure.

Certificate of Occupancy - A document issued by the City of San Angelo allowing the occupancy of a building and certifying that the structure or use has been constructed or will be used in compliance with all City codes and ordinance[s].

City - City of San Angelo, Texas.

City Attorney - The licensed professional representing the City of San Angelo in legal matters.

City Council - The governing body of the City of San Angelo, also referred to as the Council.

Construction Standards - The requirements, as approved by the City Council, [that] control the construction of all City facilities within the jurisdiction of the municipal government.

Developer - The entity authorized and empowered by law (such as being the holder of the title of the land proposed to be subdivided) to subdivide such real property under such subdivision ordinance.

Director of Planning - The Director of Planning and Urban Development for the City of San Angelo.

Director of Public Works - The licensed professional representing the City of San Angelo in technical matters regarding the platting, design, construction and maintenance of streets, alleys and drainageways.

Drainageway - Any corridor especially reserved for conveying storm runoff.

Dwelling - A house, mobile home, apartment, or building used primarily for human habitation. The word “dwelling” shall not include hotels, motels, tourist courts, or other accommodations for transients, nor shall it include dormitories, fraternities, sororities, rooming houses, businesses, or industrial facilities.

A. Single-Family - A building containing not more than one living unit on one or more lots. Mobile homes not in approved mobile home parks are considered single-family dwellings.

B. Single-Family Attached - Single-family dwelling units constructed in such a manner that the units share a common wall and lot line with another unit. Duplexes, triplexes, and quadraplexes shall be considered single-family attached housing units.

C. Duplex - A single building containing two living units, constructed on one or more lots.

D. Triplex - A single building containing three living units, constructed on one or more lots.

E. Quadraplex - Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

F. Townhouse - One unit of a series of three (3) or more attached, one-family dwelling units, with each unit having private entrances and being located on a separate lot.

Easement - Authorization by a property owner for the use of another, and for a specific purpose, of any designated part of his property.

Extraterritorial Jurisdiction, or ETJ, - Is the unincorporated area contiguous to the corporate boundaries of the city and located within that distance applicable under Chapter 42, Section 42.021 of the Texas Local Government Code.

Fixture - Any fixture, appliance, plumbing arrangement, or other device for receiving and discharging wastewater and other permissible forms of liquid sewage into the City wastewater system, such as but not limited to commodes, lavatories, sinks, bathtubs, showers, dishwashers, washing machines, floor drains, commercial and industrial waste drains, etc.

Front Footage Charge - A fixed charge per front foot of property of a lot owned by a single customer or developer to which water service is made available. This charge recovers a proportionate share of the water system cost to serve customers.

Hotel - A building designed to provide accommodations for transients or persons for a short time residence, with or without meals. A hotel shall have ten (10) or more sleeping



rooms, including the customary accessory facilities. Sleeping rooms shall have no provisions for cooking.

Improvement Plans - The engineering plans, prepared by a registered professional engineer, containing all profiles, specifications, construction details and types of materials for all improvements, excluding dwelling units, to be installed for the development of a subdivision.

Improvements (Also Site Improvements) - The totality of grading, crosswalks, culverts, bridges, sanitary and storm sewers, water mains, street surfaces, and/or pavements, street and road signs, streetlights, curbs and gutters, sewage treatment facilities, pedestrian ways, gas mains, monuments, electric utilities and all other improvements required to render land suitable for the use proposed.

Inspection Charge - A fee charged to a customer or developer to recover the cost of inspecting the installation of water and/or wastewater lines.

Internal Street - Is a private way within a Park which affords the principal means of access to individual manufactured home spaces, mobile home spaces or recreational vehicle spaces, or to auxiliary buildings or common facilities in the Park development. An internal street shall be paved with an approved surface per Chapter 8 of the Zoning Ordinance or per Chapter 10 of the Subdivision Ordinance.

Laterals - Underground pipelines tapped onto City wastewater gravity mains and extending from such mains to, and connected with, private property facilities, such as underground pipeline laterals owned by various customers [or] entities within the City, and into which the wastewater and other liquid sewage of such entities is deposited for transportation into such wastewater mains and the City wastewater system.

Letter of Occupancy - An authorization of and from the City of San Angelo to new subdivision developers thereby approving the completion of required installations of water facilities to serve such new subdivisions as a prerequisite for human occupancy and use of any improvements constructed in any such new subdivision.

Lift Station - A building with a pump, electric motor, and other machinery and plumbing installations located upon City streets, alleys, easements, and other lawful rights-of-way, constituting a part of the City wastewater system, and designed and operated to receive sanitary sewage from one or more gravity wastewater mains or force wastewater mains of the City, and to transport such sewage under pump pressure through other additional wastewater mains (pressure mains) of the City wastewater system.

Lot - A **platted** portion of a subdivision of land intended for the purpose of transferring of ownership or for building development.

Lot, Corner - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Manhole - An underground structure usually concrete, fiberglass, or masonry construction, forming a "tank type" area or unit connected to gravity wastewater mains and constituting part of the gravity flow transportation portion of the wastewater system,

and having a land surface removable cover to allow entrance and accessibility to the interior [of] such manhole.

Manufactured Housing Park - Is a unified development on a contiguous parcel of land a minimum of ten acres in size that is designed or improved for the purpose of renting or leasing two or more manufactured home spaces or manufactured home are for temporary or permanent housing. Manufactured housing parks may include a limited number of recreational vehicle spaces as permitted under Chapter 12, Exhibit "A" of the Code of Ordinances of the City of San Angelo.

Manufactured Housing Space - Is a portion of ground within a Manufactured Housing Park fronting on an internal or private street and designed or intended for the accommodation of one manufactured home, together with such open space for the exclusive use of its occupants as is required by this article and that is not located on a Manufactured Home sales lot. The minimum lot size for any Manufactured Housing space shall be:

- a. Two thousand four hundred square feet, with a minimum lot dimension of 34 feet if designed to accommodate a single or double wide Manufactured Home not exceeding 960 square feet within its walls.
- b. Three thousand six hundred square feet, with a minimum lot dimension of 40 feet if designed to accommodate a single, double or triple wide Manufactured Home exceeding 960 square feet within its walls.

Master Street Plan - The map adopted by the City of San Angelo showing major and minor arterials and collectors and any amendments or additions thereto resulting from the approval and recording of subsequent subdivision plats.

Mobile Home - A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site is three hundred twenty square feet (320 S.F.) or more, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems[.]

Mobile Home Park - Is a unified development on a contiguous parcel of land a minimum of ten acres in size that is designed or improved for the purpose of renting or leasing two or more mobile home spaces with or without Mobile Homes where the spaces for a Mobile Home and Mobile Homes are for temporary or permanent housing. Mobile Home Parks may include a limited number of Recreational Vehicle Spaces if permitted under Chapter 12, Exhibit "A" of the Code of Ordinances of the City of San Angelo. The maximum density shall not exceed ten spaces per gross acre within the Park, excluding easements and utility rights-of-way.

Mobile Home Space - Is a portion of ground within a Mobile Home Park designed or intended for the accommodation of one Mobile Home, together with such open space for the exclusive use of its occupants as is required by this article and that is not located on a mobile home sales lot. The minimum lot size for any Mobile Home space shall be:

- a. Two thousand four hundred square feet, with a minimum lot dimension of 34 feet if designed to accommodate a single or double wide Mobile Home not exceeding 960 square feet within its walls.
- b. Three thousand six hundred square feet, with a minimum lot dimension of 40 feet if designed to accommodate a single, double or triple wide Mobile Home exceeding 960 square feet within its walls.

Motel - The term "motel" shall include the term "hotel," "tourist court," or "transient accommodations," primarily for those persons traveling by automotive vehicle and consisting of two (2) or more units or buildings designed to provide sleeping accommodations and with customary accessory uses.

Off-Site - Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Off-Site Main - Sewer or water mains installed within streets, alleys, easements, or other lawful rights-of-way located outside the boundaries of the subdivision and installed and/or used for connecting on-site mains within such new subdivisions for the transportation and delivery of potable water, sewer and fire protection service to the new subdivision.

On-Site: Sewer - Sewer mains installed within streets, alleys, easements or other dedicated City rights-of-way within new subdivisions, for wastewater and other liquid sewage disposed by entities within such subdivision.

On-Site: Water - The water mains installed within and upon streets, alleys[,] easements or other dedicated public rights-of-way within new subdivisions for the transportation and delivery of potable water and fire protection service within a new subdivision.

Open Space - Private property under common ownership designated for recreation area, private park (for use of owners within the subdivision), play lot area, plaza area, ornamental areas open to general view within the subdivision and parking area. Open space does not include streets, alleys, paved access streets or drives.

Oversized Main - Any water main, whether on-site or off-site, required by the waterworks system to be installed by a new subdivision developer, in excess of the size sufficient to transport and deliver potable water and fire protection service to a new subdivision. The standard size water main used to determine the oversizing cost shall be the greater of the line required to serve the immediate project or eight (8) inches.

Oversized Main and/or Lift Station - Any wastewater main, either on-site or off-site, gravity or pressure, and/or any lift station, either on-site or off-site, required by the City to be installed by new subdivision developers, in excess of the size sufficient to receive, gather, transport, and dispose of the wastewater and other liquid sewage contemplated to be discharged by such new subdivision.

Owner - A person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to, or contract to purchase, the land sought to be subdivided under these requirements or procedures. The owner, however, may designate on the application form



a person to represent the owner in the subdivision process, except that the owner must sign the application form and final plat.

Parcel – A general term used for Land

Park - Is a Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park as defined under this article [chapter].

Performance Guarantee - A performance bond, trust agreement, letter of credit, cash or cashier's check that may be accepted by the City as a guarantee that public improvements required as a part of subdivision approval are satisfactorily completed.

Person - Any individual, firm, trust, partnership, association, or corporation.

Planning Commission - The City Planning Commission of the City of San Angelo, also known as the Commission.

Plat - Is a map, plan or layout of a city, section, survey, subdivision, Park development, or any part thereof, indicating the locations and boundaries of individual properties, tracts, lots or spaces, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other said parts.

A. Preliminary Plat. A preliminary map indicating the proposed layout of a subdivision, which is submitted to the City for consideration and preliminary approval. A preliminary plat is not the plat referred to in Section 212.009 of the Local Government Code for the State of Texas, requiring action within thirty (30) days of application.

B. Final Plat. The final map or plat of all or a portion of a subdivision which is presented to the City for final review and, if approved, may be recorded with the County Clerk.

C. Replat. A replat represents the resubdivision of a parcel or parcels of property that have already been subdivided and for which a subdivision plat is duly recorded with the County Clerk. The City's approval (and the subsequent recording) of a replat shall be required under any circumstances which similarly require approval of a plat, with the following exception:

1. A replat shall not be required to convey a portion of a platted lot to an abutting property owner, provided that no increase in the number of lots occurs, no reorientation of lots in the subdivision occurs, all resulting lots meet minimum requirements of the zoning ordinance, and any new boundary of a tract resulting from said resubdivision can be described by an offset of a platted lot boundary.

Public Improvement - Any improvement, facility or service, with its associated public site or right-of-way, necessary to provide transportation, access, drainage, public or private utilities, or similar essential services.

Recreational Vehicle Park - Is a unified development on a contiguous parcel of land a minimum of ten acres in size that is designed or improved for the purpose of renting or leasing two or more Recreational Vehicle spaces with or without Recreational Vehicles for temporary, except as specifically permitted under Chapter 12, Exhibit "C," Section 407 of this code.

Recreational Vehicle Space - Is a portion of ground within a Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park designed or intended for the accommodation of one Recreational Vehicle, together with such open space for the exclusive use of its occupants as is required by this article and that is not located on a Recreational Vehicle sales lot. A Recreational Vehicle space shall have a minimum of 1500 square feet, but maximum density shall not exceed ten spaces per gross acre within the Park, excluding easements and utility rights-of-way.

Registered Professional Surveyor - A land surveyor properly licensed and registered in the State of Texas.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Sewage - The spent water of a community; wastewater may be interchangeably used.

Sewerage - System of piping, with appurtenances, for collecting and conveying wastewater from source to ultimately a disposal plant of the system.

Site Improvements - See Improvements.

Sketch Plat - A rough sketch map of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

Standard Size Main Lift Station Facilities - All water and/or wastewater mains, lift stations, and other facilities, if any, required by the City to be installed by new subdivision developers and having sufficient size to receive, gather, transport, and dispose of the wastewater and other liquid sewage contemplated to be discharged by such new subdivision and to furnish treated water and fire protection to such new subdivision.

Streets:

- A. Residential, Local or Minor Streets - Any street which collects traffic from a localized area and discharges it into a larger distribution system, and is used primarily for access to abutting properties.
- B. Marginal Access Street - Any minor street which is parallel to and adjacent to arterial streets or highways, and which provides access to abutting properties

and protection from through traffic.

C. Major Collector Street - Any street which collects traffic from residential or local streets and discharges it into an arterial street.

D. Minor Collector Street - Any street which serves primarily to collect traffic from residential or local streets and discharges it into a major collector street.

E. Primary Arterial - Any street which has its origin and termination at some point outside the confines of the city and which serves to move traffic at high speeds between major areas of the city and through the city, and not intended to provide direct land access service.

F. Secondary Arterial - Any street which provides for the through traffic movement between areas and across the city, and for direct access to abutting property; subject to necessary control of entrances, exits and curb cuts.

Subdivision - The division of land into two or more parts for any one or more of the following purposes: laying out a subdivision of the tract; laying out an addition to the city; laying out suburban lots, building lots, or other lots; or laying out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other said parts. The term subdivision shall include resubdivision or the laying out of two or more spaces for lease or rent for Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park; however, this definition shall expressly exclude the division of property in the following situations:

A. The division of property by judicial decree or will.

B. The division of property solely by virtue of abandoning a street or alley, or solely by the acquisition of right-of-way by a political subdivision for public purposes.

C.

D. The resubdivision of lots already represented on a recorded plat or replat, wherein all the following characteristics are present:

1. no increase in the number of lots occurs;

2. no reorientation of lots occurs;

3. all resulting lots meet minimum requirements of the zoning ordinance; and

4. any new boundary of a tract resulting from said resubdivision can be described by an offset of a platted lot boundary.

Subdivision - Rural - Any subdivision (or portion thereof) wherein each lot is intended for occupancy by one single-family residence, and wherein each such lot is a minimum of one (1) acre in size.



Subdivision - Urban - Any subdivision (or portion thereof) wherein some or all lots intended for occupancy by one single-family residence are less than one (1) acre in size, or any subdivision (or portion thereof) wherein property is planned for nonresidential, two-family residential or multifamily residential use.

Tap Fee - The fee charged any entity within the city for connecting the wastewater and liquid sewage discharging appliances and facilities of such entity to the City wastewater system by means of laterals.

Tie-On Fee - The fee to be charged by the City to any third party entity (being any entity other than the City or a developer of a new subdivision who has installed an oversized main or lift station in connection with the development of a new subdivision) for tying onto a preinstalled oversized main or oversized lift station.

Townhouse Subdivision - Those developments in which it is proposed to partition land into individual lots and construct single-family dwellings which may be individually owned and where lot sizes and specifications are to be different from those otherwise required by these subdivision regulations.

Tract – an un-platted parcel of land which can include portions of any previously platted lot. Any portion of a previously platted lot not included as part of a replat is no longer considered a lot.

User Fee - The fee to be charged by the City for tying onto the water system for a supply of treated water from the water system, or for tying onto the wastewater system for discharge of wastewater and other liquid sewage into the wastewater system.

Waste - Wastewater and other permissive forms of liquid sewage deposited into the City wastewater system by various entities within the City.

Wastewater Main - An underground pipeline owned and operated by the City installed in streets, alleys, easements, or other City rights-of-way, constituting a part of the system owned and operated by the City in receiving, transporting, gathering, treating, and disposing of sewage disposal of various entities within the City (and not including laterals tapped onto such mains extending to and upon the privately owned property of the entity discharging sewage into such system); any such main transporting sewage under pump pressure from a lift station constituting a “pressure main.”

Wastewater System - The facilities constructed, owned, maintained, and otherwise operated by the City in receiving, gathering, transporting, and disposing of wastewater and other forms of liquid sewage disposed of by various entities within the City; and including, but not limited to, sanitary sewer disposal plants, wastewater mains, lift stations, and laterals.

Wastewater Utility Standards - The construction standards and specifications as determined, transcribed, and recorded in the Water Utilities Department, from time to time, for the construction and installation of wastewater mains, lift stations, tap-on laterals, and other facilities of the wastewater system of the City.

Water Distribution System - The system of water mains used to deliver potable water and

fire protection services to customers. It includes large size lines that may normally be called transmission lines.

Water Meter Installation Charge - The fee charged any entity for the installation of a water meter to supply the proposed facility.

Water System - The entire water utility system that services the needs of the customer, which includes treatment facilities, transmission, distribution, and fire protection lines, taps, meters, and all other related appurtenances incidental thereto.

Water System Standards - The construction standards and specifications as determined, transcribed, and recorded in the Water Utilities Department, from time to time, for the construction and installation of water transmission and distribution mains and related facilities of the water system of the water utility system of the City.

Water Utilities Department - The department of the City administration portion of the City government headed by the Director of Public Works and having the administrative responsibility for and being in charge of the installation, subsequent repair and maintenance and overall operation of the City wastewater system and fresh water supply system.

Water Utility System - A common terminology used to identify the public water and wastewater utility which is owned by the City of San Angelo.

## CHAPTER 4 CLASSIFICATION OF SUBDIVISIONS

### SECTION I: ADMINISTRATIVE SUBDIVISION (OR RESUBDIVISION)

A subdivision or resubdivision may be approved administratively, if the plat of said subdivision (resubdivision) may be classified as an amended plat in accordance with [Section V in Chapter 5](#) of this ordinance, or if said subdivision (resubdivision) meets all the following criteria:

- A. includes no more than four (4) new lots ~~or tracts~~ of land:
- B. no dedication of land (for streets or alleys, for example) is required to serve the lots ~~or tracts~~ resulting from subdivision, or which may be required by an adopted public plan for streets, drainage or utilities, if such a plan exists for the subject area of proposed subdivision:
- C. all new lots ~~or tracts~~ front onto an existing public street right-of-way which is improved to City specifications in effect at the time of application:
- D. no extensions of water or sewer mains are required to furnish utility services to those lots ~~or tracts~~ resulting from subdivision;
- E. the Director of Public Works recommends approval of the subdivision, based on the absence of need for detailed drainage plans and other such relevant considerations:

F. existing easements for utilities are not removed or realigned, without either one or both of the following prerequisite qualifications:

1. Expressed written permission from an appropriate official of each utility service potentially affected, by removal or realignment of said easement(s), or
2. If necessary, official release and abandonment of said easement(s) by the governing body for the City of San Angelo; and

G. in the case of resubdivisions requiring formal notification of nearby property owners, no written opposition is received from the property owners so notified, before the required public hearing is closed. This public hearing shall take place no less than fifteen (15) days following deposit of notices in a postal depository, as required by [Section III](#) D in Chapter 5 of this ordinance.

## **SECTION II: MINOR SUBDIVISION (OR RESUBDIVISION)**

(a) A subdivision or resubdivision may be classified as minor, if it meets all the following criteria:

A. No new street rights-of-way~~s~~ shall be proposed or required to serve the lots ~~or tracts~~ resulting from subdivision, or which may be required by an adopted public plan for streets; however, marginal dedications of land onto existing street rights-of-way~~s~~ may be permitted in subdivisions (or resubdivisions) otherwise classified as minor.

B. The subdivision includes the total contiguous ~~tract~~parcel of land owned or under control of the subdivider.

C. The Director of Public Works or his designated representative has indicated that no detailed drainage or utility plans will be required in conjunction with proposed subdivision development.

(b) A subdivision or resubdivision may be classified as minor if the plat of said subdivision or resubdivision includes the laying out of two or more spaces for lease or rent for Mobile Home Park, Manufactured Housing Park or Recreational Vehicle Park, and otherwise meets the requirements of a Minor Subdivision set forth at subpart (a) of this [Section II](#) of Chapter 4, of Chapter 12, Exhibit "C" of this Code.

## **SECTION III: MAJOR SUBDIVISION (OR RESUBDIVISION)**

A subdivision not meeting the criteria of an administrative or a minor subdivision shall be classified as a major subdivision. Private access easements or private streets shall not be permitted in a major subdivision (or resubdivision) where they are intended to provide access to the lots~~, tracts~~ or building sites within the subdivision or resubdivision. Private access easements may be used to furnish access to common areas or open space where so indicated on the plat or replat. (Ordinance adopted 10/17/95)



#### **SECTION IV: OTHER SUBDIVISION ACTIONS**

A. Plat Vacation. A plat vacation returns land which has been subdivided to the configuration which immediately preceded the plat which is being vacated. Vacation returns the property to unplatted acreage, or to a previously recorded plat. This action is most effective when an entire plat is being vacated, and there are one or a few owners involved in the plat which is being vacated, or the intent is to return the tract to original acreage.

B. Amended Plat. A subdivision plat shall be classified as an amended plat, if the sole purpose of the plat is to accomplish one or more of the changes set forth in Section 212.016 of the Local Government Code for the State of Texas. See also [Section V in Chapter 5](#) of this ordinance.