

**PLANNING COMMISSION – July 16, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Final Plat	Final Plat of Kinsman Estates, Block 1, Lots 1 & 2

**SYNOPSIS:**

This is an application to combine three tracts into two lots. The properties are located within a residential neighborhood that was platted in 2006. For unknown reasons, these tracts were left out of the Lakeshore Estates final plats.

There is one variance requested with this final plat. The applicant is requesting to forgo the requirement to construct an incremental two feet of paving width or construct a sidewalk along Aspen Avenue, due to the street being entirely built out.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
The northeast corner of the intersection of Aspen Avenue and Lakeshore Boulevard	Being 0.3597 acres out of the JJ Schaefer Survey, Abstract A-1882, S-0646, City of San Angelo, Texas

<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
SMD #1 – Tommy Hiebert Nasworthy Neighborhood	RS-1, Single-Family Residential	N - Neighborhood	0.3597 acres

**THOROUGHFARE PLAN:**

**Aspen Avenue** – Urban Local Street, Required 50’ min. ROW, 36’ min. Paving Width with sidewalk, or 40’ min, without. Actual 60’ ROW, 36’ Paving Width with no sidewalks

**Lakeshore Boulevard** – Urban Local Street, Required 50’ min. ROW, 36’ min. Paving Width with sidewalk, or 40’ min, without. Actual 80’ ROW, 70’ Paving Width with no sidewalks

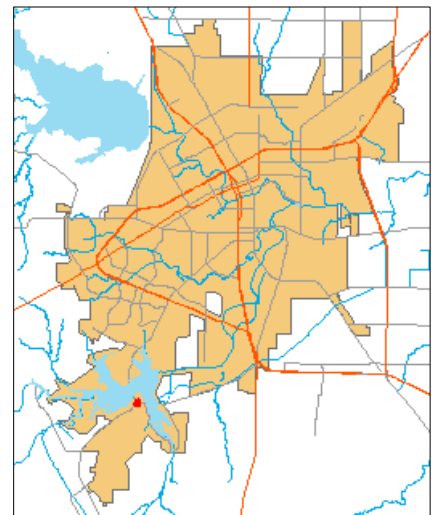
**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission **APPROVE** the Final Plat for Kinsman Estates, Block 1, Lots 1 & 2, subject to three (3) Conditions of Approval, and **APPROVE** a Variance from Section 10.III.A.2 of the Subdivision Ordinance, which requires either the construction of an incremental two feet of paving width or a sidewalk along Aspen Avenue.

**NOTIFICATIONS:**

Notification is not required for Final Plats

<b>PROPERTY OWNER/PETITIONER:</b>
<i>Property Owner(s):</i> John Roberts
<i>Agent:</i> None
<b>STAFF CONTACT:</b>
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 <a href="mailto:kristina.heredia@cosatx.us">kristina.heredia@cosatx.us</a>



**Variances:** In conjunction with the plat application, the applicant has submitted a request for variances from Section 10.III.A.2 (roadway improvement requirements), Section 9.V (sidewalks along roadways with pavement widths of 36' or less) of the City's Land Development and Subdivision Ordinance. In accordance with Chapter 1, Section IV.A, the Planning Commission **shall not approve** a Variance unless the request meets the following findings based upon the evidence that is presented:

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

Staff agrees with the petitioner that sidewalks are not necessary along Aspen Avenue. There are no sidewalks on the same side of the street, and both adjacent streets have developed to an extent that there is no reasonable expectation of an increased amount of traffic that would require additional paving width.

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

Because the lots in question are located on a corner, there are two different streets that could potentially require sidewalks. However since both streets are fully developed, there is little-to-no room for a sidewalk to be constructed.

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

There is potential that a hardship could result to pedestrians if they had to exit and reenter Aspen Street in such a relatively short distance, especially adjacent to an intersection

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

Staff has determined that the granting of the variance to construct a sidewalk will not vary the provisions of the applicable ordinance as this neighborhood appears to be built out to its fullest capacity.

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

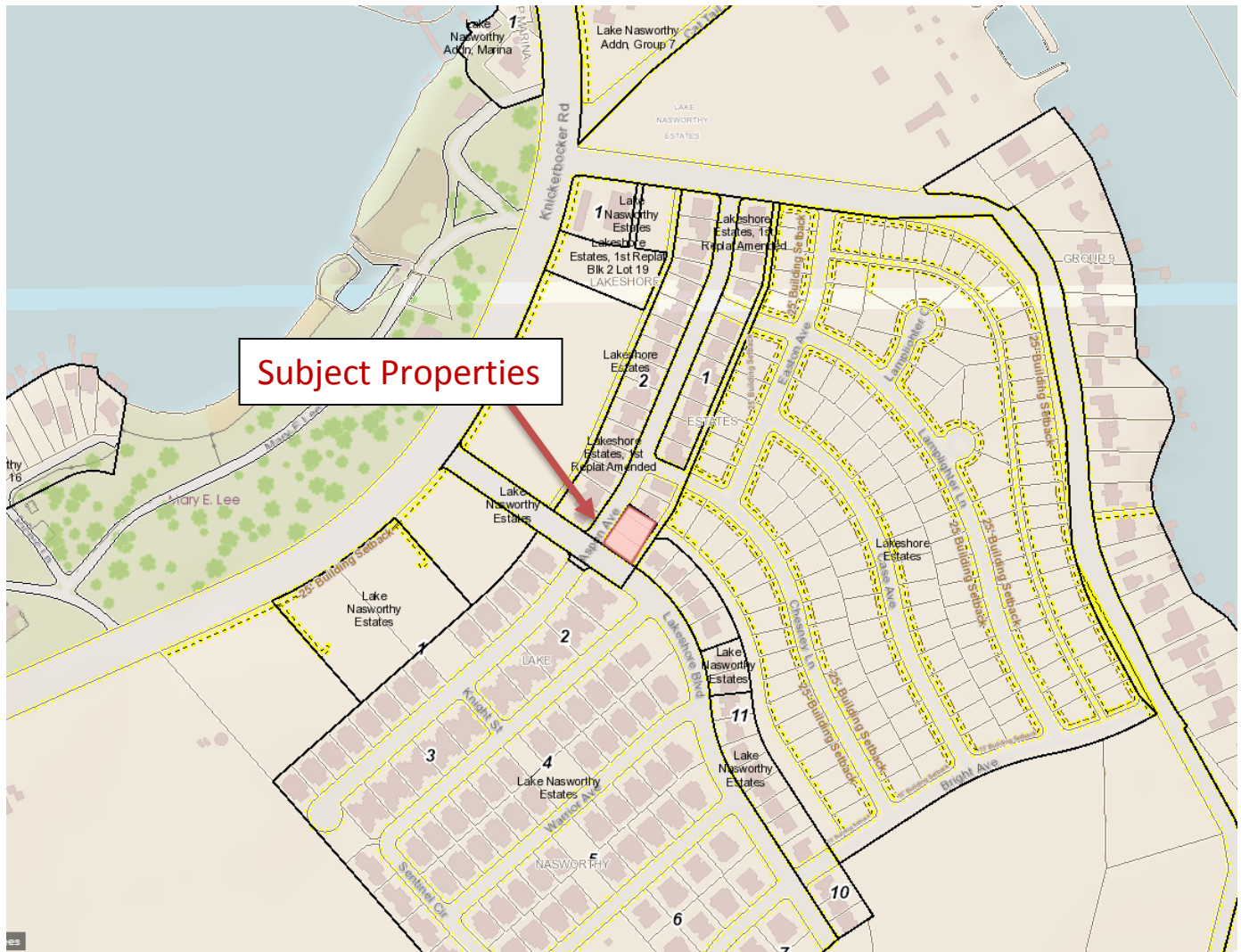
**APPROVE** the Final Plat for Kinsman Estates, Block 1, Lots 1 & 2, subject to **three** Conditions of Approval, and

**APPROVE** a Variance from Section 10.III.A.2 of the Subdivision Ordinance, which requires either the construction of an incremental two feet of paving width or a sidewalk along Aspen Avenue.

The following Conditions of Approval are recommended:

1. Per Subdivision Ordinance, Chapter 7.II, provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prior to building permit issuance and recordation of the plat: Install necessary water and wastewater service lines to each new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1]

3. Prior to building permit issuance and recordation of the plat: Prepare and submit plans for required improvements to Aspen Avenue by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10]. For Aspen Avenue, the minimum width is 36 feet with a 4 foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either a 4 foot sidewalk, or 2 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV].





PLANNING COMMISSION – JULY 16, 2018  
 STAFF REPORT



<b>APPLICATION TYPE:</b>		<b>CASES:</b>	
Rezoning & Comprehensive Plan Amendment		Z18-14: Caloway & CP18-05: Caloway	
<b>SYNOPSIS:</b>			
<p>The applicant has submitted two concurrent applications to rezone and amend the Future Land Use of two vacant lots located on the corner of West Avenue O and Ben Ficklin Road. West Avenue O is a residentially zoned street. There are actually three vacant lots that are adjoining at this intersection, however the applicant is proposing to only develop the two on the end of the street, which will leave a buffer between the proposed commercial building and the residents of that street. This area was platted in 1905 and the majority of the homes built on this street section were built in the 1950s. There has been no recent residential development in this area, and the applicant is proposing to build a small office building for his business on the two western lots. Rezoning this property to Office Commercial, with a Future Land Use of Neighborhood Center will be the least impactful commercial zoning district to the surrounding residents, while still allowing the intersection to develop in a commercial capacity, as is currently developed.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
320 West Avenue O; generally located at the northeast corner of the intersection of West Avenue O and Ben Ficklin Road		Being 0.36 acres out the Fort Concho Addition, Block 126, Lots 13-14, City of San Angelo, Texas.	
<b>SM DISTRICT /</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
SMD District #3 – Harry Thomas Rio Vista Neighborhood	RS-1 Single-Family Residential	Neighborhood	0.36 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>West Avenue O</b> – Urban Local Street, Required 50’ min. ROW, 36’ min. pavement width with sidewalks, or 40’ without.          Actual 65’ ROW, 30’ pavement width, without sidewalks.  <b>Ben Ficklin Road</b> – Urban Local Street, Required 50’ min. ROW, 36’ min. pavement width with sidewalks, or 40’ without.          Actual 90’ ROW, 50’ pavement width, with sidewalks.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff recommends <b>APPROVAL</b> of the proposed Rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, and <b>APPROVAL</b> of the Comprehensive Plan Amendment, changing lands from the “Neighborhood” Future Land Use category to the “Neighborhood Center” Future Land Use category.</p>			
<b>PROPERTY</b>			
<i>Petitioner:</i> Jesse Caloway			
<b>STAFF CONTACT:</b> Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 <a href="mailto:kristina.heredia@cosatx.us">kristina.heredia@cosatx.us</a>			

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The Comprehensive Plan calls for areas of low-intensity commercial corridors to be located adjacent to residential areas. Office Commercial (CO) is the least intense commercial zoning district and limits the type of commercial businesses allowed. For example, the land use of Retail Sales & Services is not allowed in the CO zoning district. This will protect the residential street from a noticeable increase in vehicular traffic, while also providing a transitional zone and Future Land Use that will buffer the local residents from the heavier commercial activity along this section of Ben Ficklin Road.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The Zoning Ordinance allows for concessions to be made when alternative zoning districts are more compatible with a specific area. This section of West Avenue O was developed as a residential street over 60 years ago, with these corner lots never being built out. Since the adjacent section of Ben Ficklin Road has developed in a commercial capacity, it would be consistent with the Zoning Ordinance to allow these lots to also develop commercially, albeit with a less intense land use that is more compatible with the surrounding homes. Office Commercial is the best commercial zoning district for this property.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As indicated above, the subject properties are located adjacent to a commercial corridor along Ben Ficklin, and also a residential corridor along West Avenue O. Office Commercial would be the least intense zoning district that would give the property a chance to develop in a commercial capacity, since historically the land has failed to develop as a residential property.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The conditions have changed from what was originally intended by City Council as an area saturated with industrial development to an area that caters to both large sections of industrial and commercial development. Allowing the rezoning and the amendments to the Comprehensive Plan would allow the City to recognize the growth patterns that this particular corridor portrays.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There is potential for temporary environmental effects as construction on the new office building is commencing. However once the property is developed, there is no anticipated detrimental effect to the area as the land use is considered low-intensity.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** When West Avenue O had homes constructed on it in the 1950s there was a community need for additional housing options. However since these particular lots failed to develop as residences, there is evidence that the community need has changed. Granting the property owner the ability to develop these lots commercially allows for a changing community need to be met.

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 many vacant lots on the residentially zoned West Avenue O. This is an indication that development patterns have changed and the likelihood of additional homes been built in this immediate area is minimal. Rather, Ben Ficklin is showing development of commercial businesses, and allowing this intersection to continue to have commercial growth is reflective of the development patterns of this area.

**Notifications:**

15 notifications were sent out to property owners within 200 feet on July 2, 2018. Staff has received one response in favor and zero responses in opposition.

**Recommendation:**

Staff's recommendation is for the Planning Commission to

1. Recommend **APPROVAL** of the proposed Comprehensive Plan Amendment, changing lands from the Neighborhood Land Use category to the **Neighborhood Center** Future Land Use category.

and

2. Recommend **APPROVAL** of the proposed Rezoning from the Single-Family Residential (RS-1) Zoning District to the **Office Commercial (CO) Zoning District.**

**Attachments:**

List of Properties  
Aerial Map  
Zoning Map  
Future Land Use Map  
Notification Map  
Site Plan  
Photographs





**Aerial Map**

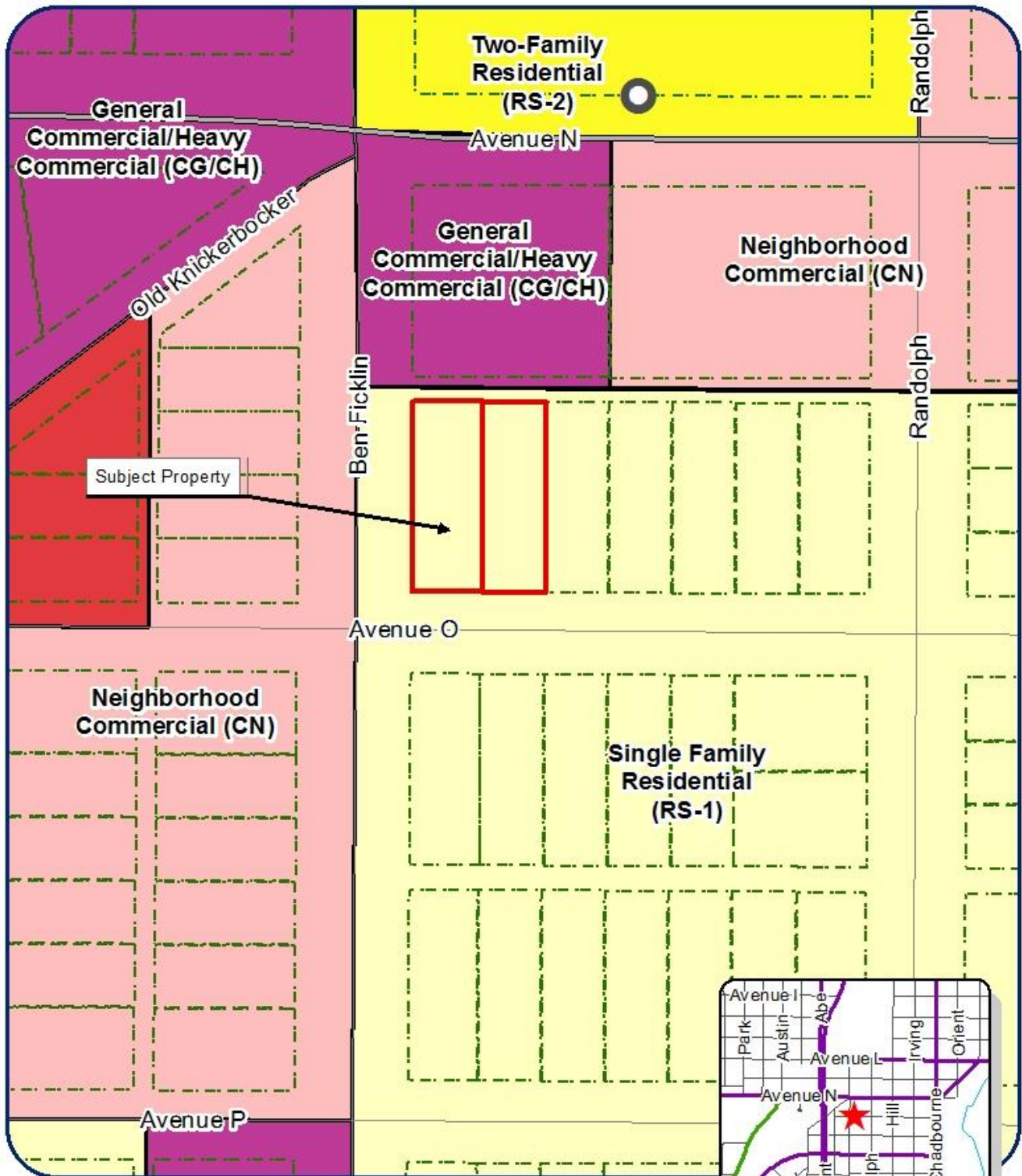
**Case Z18-14 & CP18-05**

Council District: Harry Thomas SMD # 3  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

**Legend**

- Subject Properties: █
- Current Zoning: **RS 1**
- Requested Zoning Change: **CO**
- Vision: **Neighborhood**



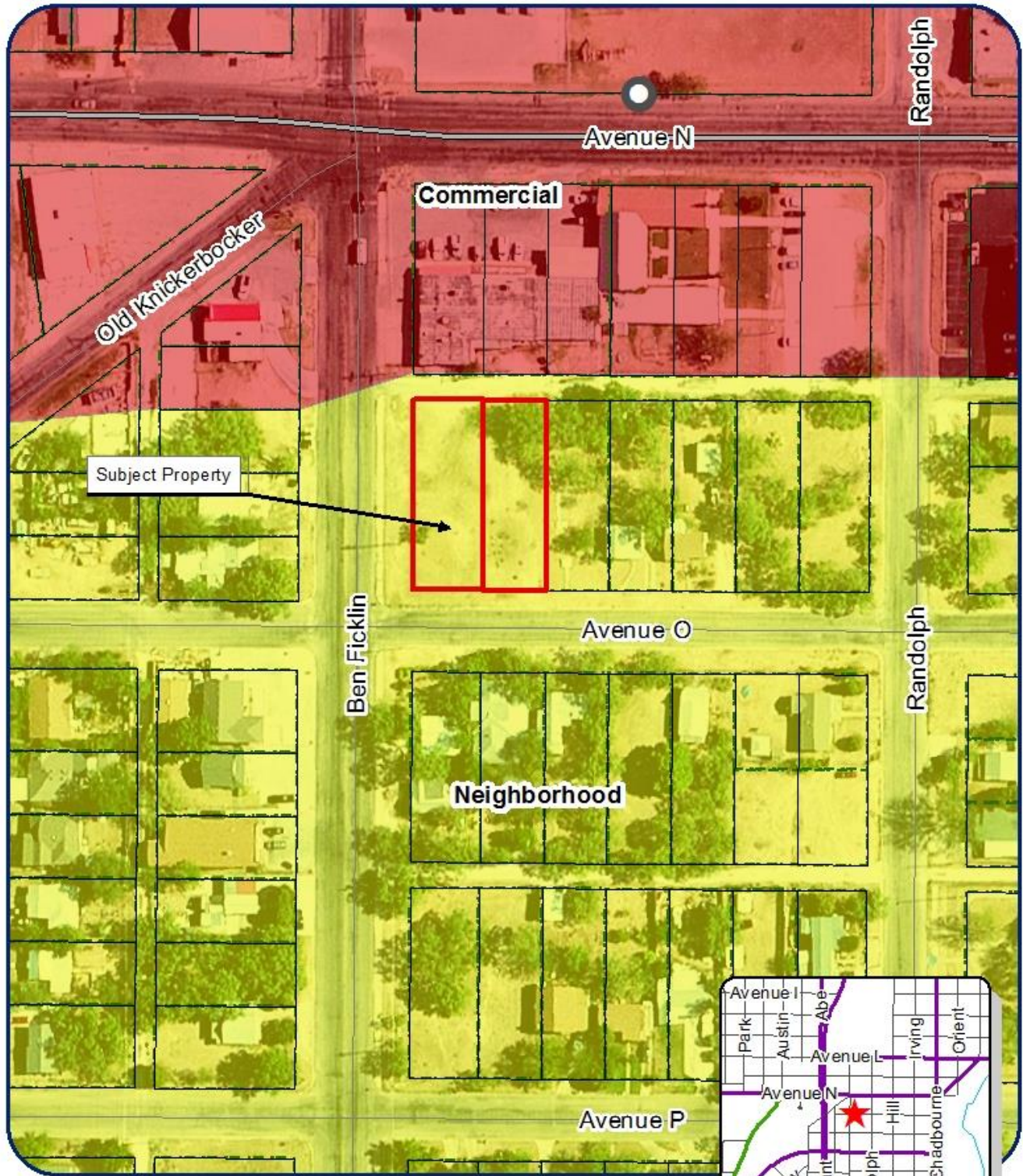


**Zoning Map**  
**Case Z18-14 & CP18-05**

Council District: Harry Thomas SMD # 3  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

**Legend**  
 Subject Properties: —  
 Current Zoning: **RS 1**  
 Requested Zoning Change: **CO**  
 Vision: **Neighborhood**

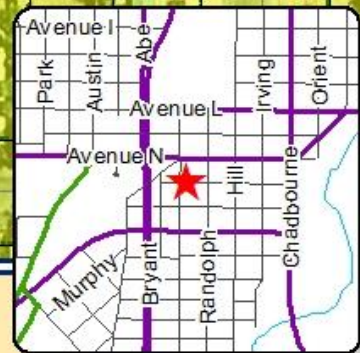




**Future Land Use Map**  
**Case Z18-14 & CP18-05**

Council District: Harry Thomas SMD # 3  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

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





**Thoroughfare Map**

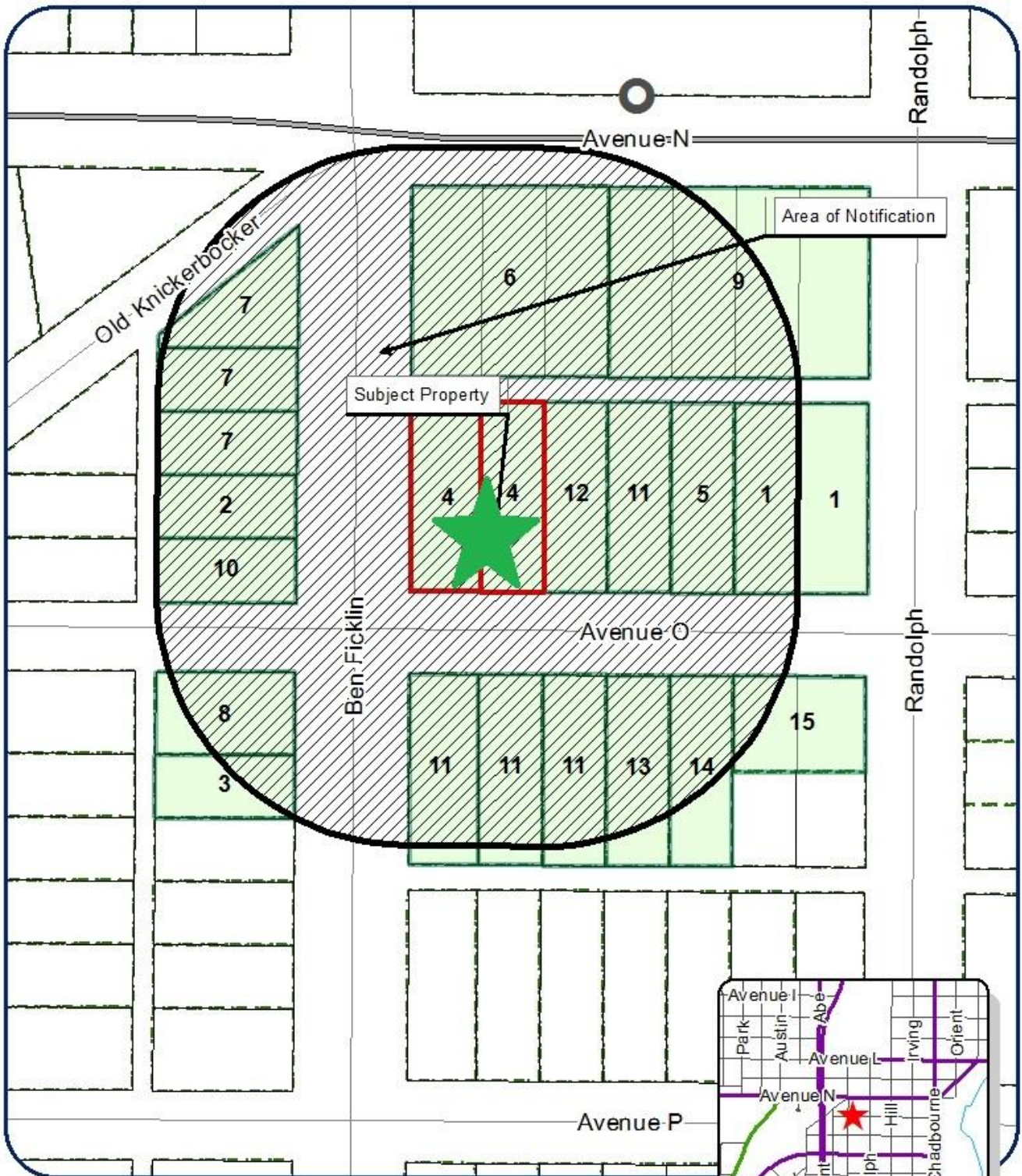
**Case Z18-14 & CP18-05**

Council District: Harry Thomas SMD # 3  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

**Legend**

- Subject Properties: █
- Current Zoning: █ RS 1
- Requested Zoning Change: █ CO
- Vision: █ Neighborhood





**Notification Map**  
**Case Z18-14 & CP18-05**

Council District: Harry Thomas SMD # 3  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

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



Site Photos

Intersection to be Rezoned to CO, Looking North-East



Looking North-West on Ben Ficklin at Commercial Businesses



Looking South-West on Ben Ficklin at Commercial Businesses



Looking East on Ben Ficklin toward Adjacent Vacant Lot and Residential Homes



Looking South on Ben Ficklin toward Residential Home





**PLANNING COMMISSION – July 16, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Conditional Use		CU18-05: Favre	
<b>SYNOPSIS:</b>			
A request for approval of a Conditional Use for a Bed and Breakfast in the Single-Family Residence (RS-1) Zoning District, on a property located at 2458 Fishermans Road. The bed and breakfast has been operating since 2015 and the applicant has been paying hotel occupancy tax since that time. The subject property has one single family residence where the owner/operator lives in one bedroom and rents the other two bedrooms out for less than 30 day at a time.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
2458 Fishermans Road		Being Lot 10, Block 1, Lake Nasworthy Subdivision, Group 14	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	RS-1 – Single-Family Residential	N – Neighborhood	0.69 acres
<b>THOROUGHFARE PLAN:</b>			
<i><b>Fishermans Road</b></i> – Urban Local Street, <u>Required:</u> 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk, <u>Provided:</u> No right-of-way, 30’ pavement			
<b>NOTIFICATIONS:</b>			
9 notifications mailed within 200-foot radius on June 29, 2018. Two have been received in support within the 200-foot radius and three in support from outside the 200-foot radius. Zero have been received in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the renewal of a Conditional Use for a Bed and Breakfast in the Single-Family Residential (RS-1) Zoning District, on the subject property, <b>subject to two Conditions of Approval.</b>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Sammee Favre			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			

**Additional Information:** The applicant has provided evidence demonstrating that the current operation has been in existence since 2015 while paying hotel occupancy tax and therefore protected from Section 406.A.4, which prohibits new bed and breakfast operations from occurring on roadways with pavement widths that are less than 30 feet. The applicant seeks to bring the current operation into compliance with Section 406 of the Zoning Ordinance, which was adopted by the San Angelo City Council on January 17, 2017. The subject property, per the Appraisal District, contains a 2,959 sq ft house, a 1,200 sq ft boat house, carports and storage all constructed in 1967.

**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 subject property is zoned Single-family Residential. Bed and breakfast uses are allowed in this zoning district with an approved Conditional Use. The requirement of a Conditional Use intended to identify and mitigate potentially adverse impacts between a somewhat intensive land use and nearby residential uses. Mitigation may include, but are not limited to, additional parking and internal circulation measures, noise and activity thresholds and other controls deemed necessary and appropriate.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The subject property is zoned Single-family Residential, or RS-1. Bed and breakfast uses are now considered acceptable in this zoning district with an approved Conditional Use. The parking requirement and building occupancy conditions imposed with the Conditional Use help ensure that a proposed bed and breakfast meets the spirit and intent of the Zoning Ordinance.
- 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 Conditional Use becomes the means through which some form of compatibility between a somewhat intense land use and nearby residential uses may be maintained. In this instance, the goal of the Conditional Use would be to offer a balance between new lodging alternative opportunities, the existing Lake Nasworthy environment, and any surrounding residential neighborhoods. Since the Lake Nasworthy region is an area known for recreational amenities, a bed and breakfast would appear to be a compatible use with the 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. The subject use continues to be located within an existing residential structure and maintains the existing building footprint on

the property. The required parking spaces are already paved and there are no plans to change the topography of the property.

5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* According to the 2013 Master Plan and Implementation Strategy for Lake Nasworthy, the overall lake area is ripe to become a tourist and “action sports” destination area. Also, tourism is seen as an important economic sector for the overall city. To this end, approval of the proposed Conditional Use could most likely address a community need identified in the Master Plan.
  
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* The subject property is zoned Single-family Residential, and that zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. Bed and breakfast uses may be allowed in this zoning district with an approved Conditional Use. Although temporary lodging may appear to differ from the intent of the current zoning, the type of clientele and the varying frequency of lodging associated with this type of venue appears to be vastly different from that of a conventional hotel facility. Presumably, less conventional accommodations such as these may provide more appealing lodging alternatives that are more in line with single-family residential development.

**Recommendation:**

Staff’s recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a Bed and Breakfast in the Single-Family Residential (RS-1) Zoning District, **subject to the following two Conditions of Approval:**

1. The owner shall maintain all off-street parking on the premises in a manner consistent with Section 406 & 511 of the Zoning Ordinance.
  
2. The property owner shall maintain the bed and breakfast operation in a manner consistent with Section 406 of the Zoning Ordinance.

**Attachments:**

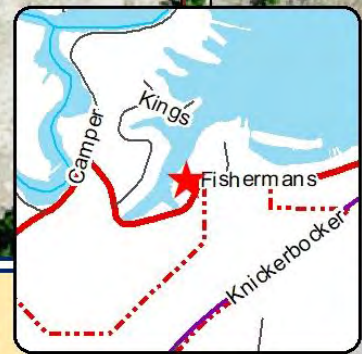
Aerial Map  
Future Land Use Map  
Zoning Map  
Photographs  
Plans  
Hotel Occupancy Tax  
Application  
Notification Map

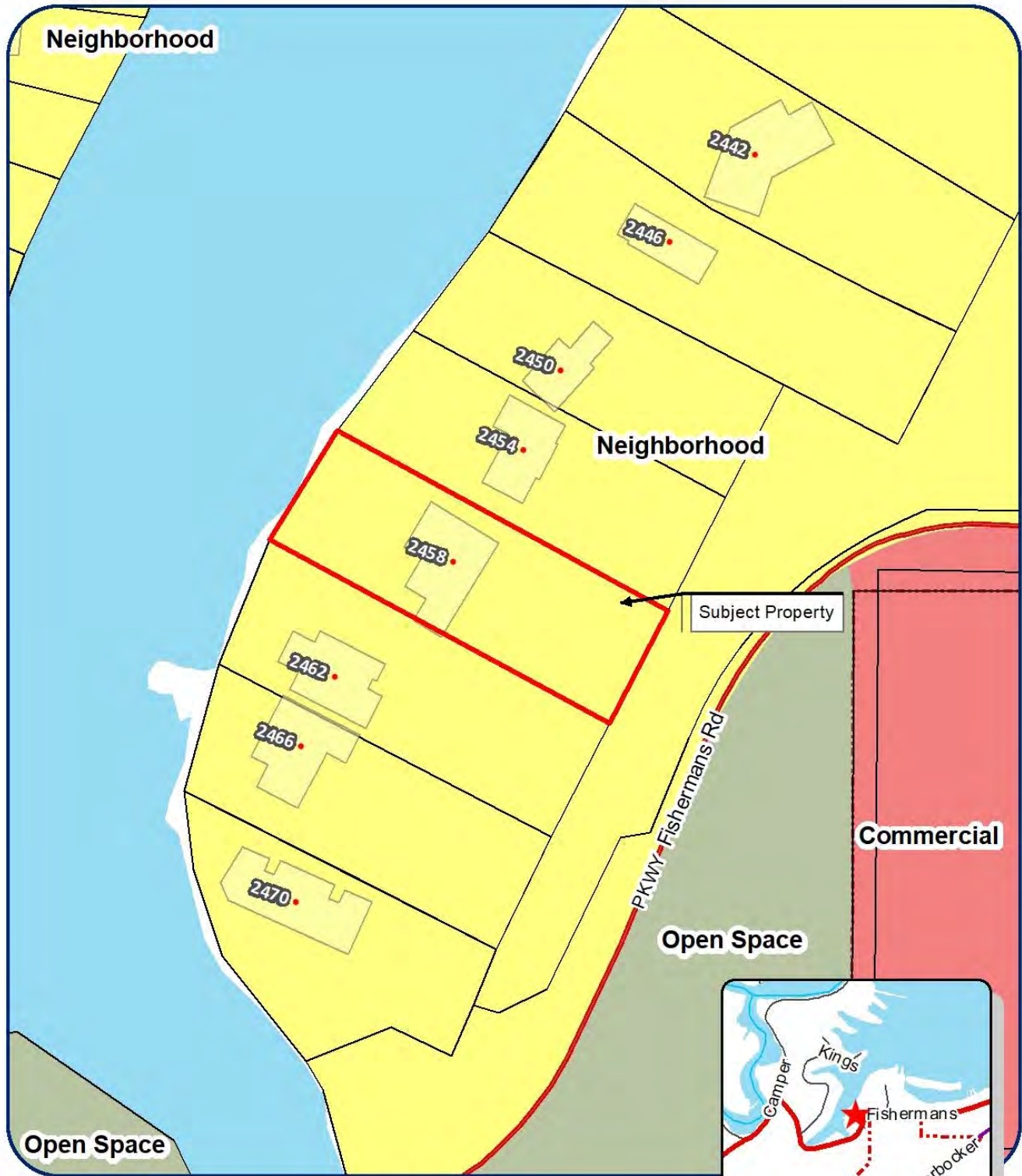


**CU18-05: Favre**  
**2458 Fishermans Road**

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

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

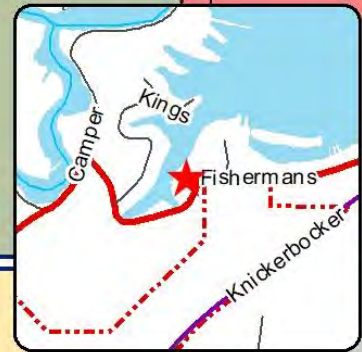


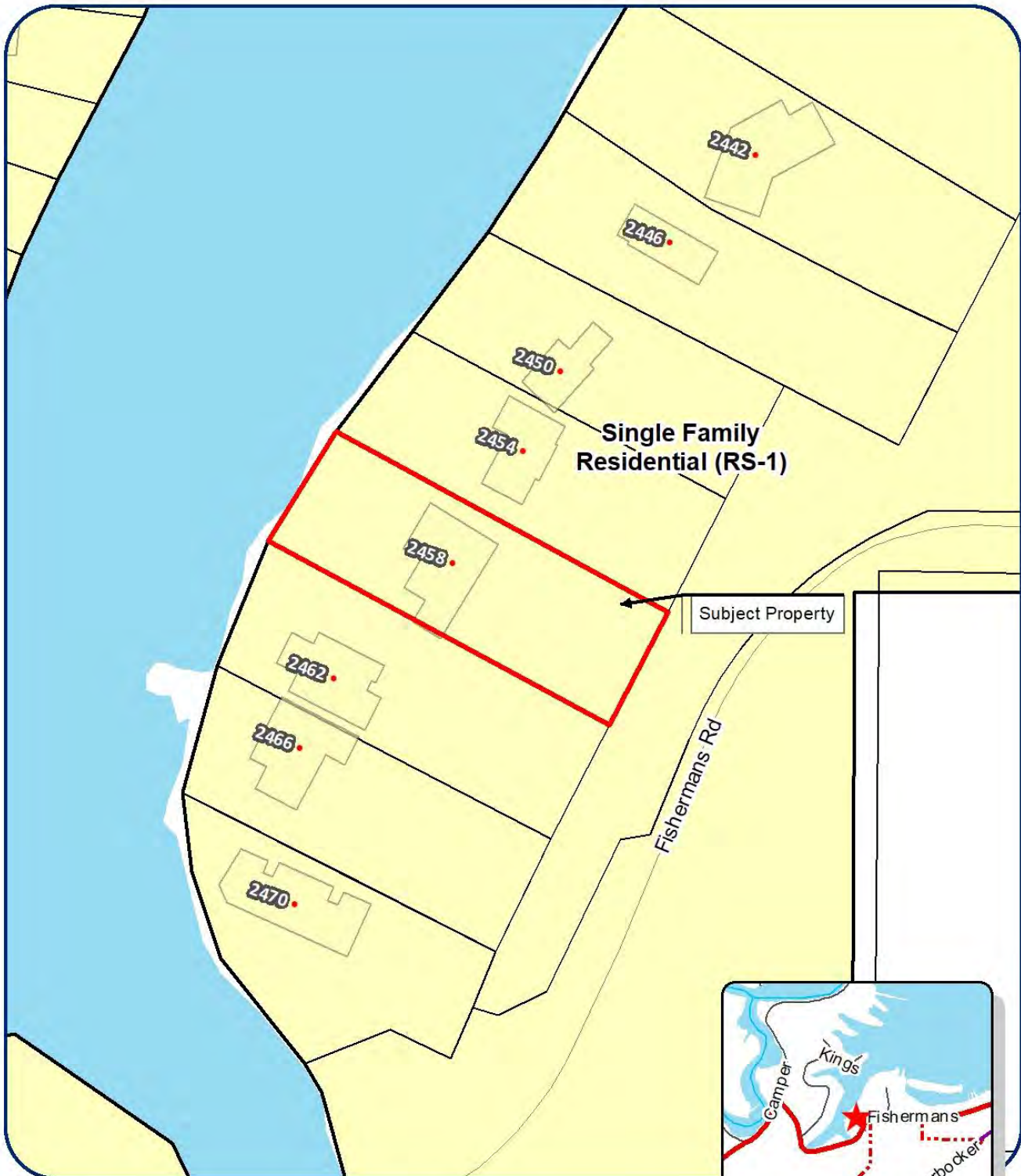


**CU18-05: Favre**  
**2458 Fishermans Road**

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

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





**CU18-05: Favre**  
**2458 Fishermans Road**

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

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



Photos of Site and Surrounding Area





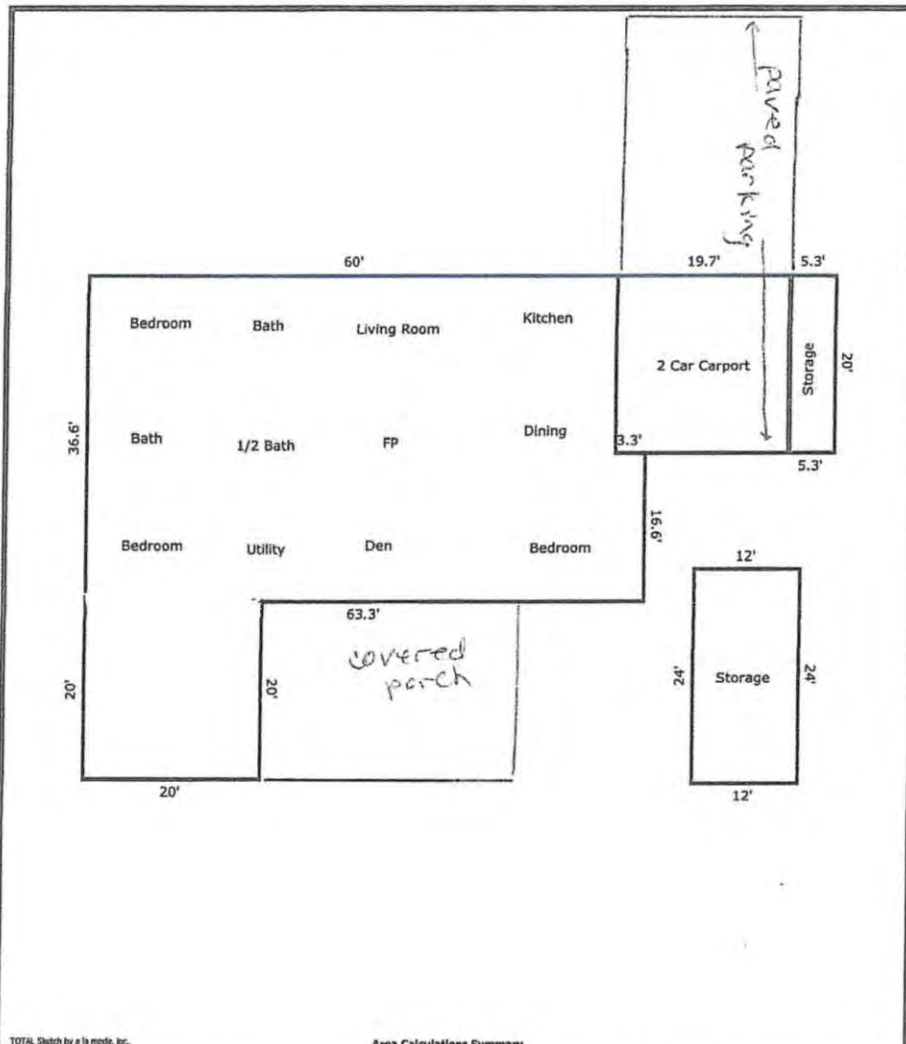




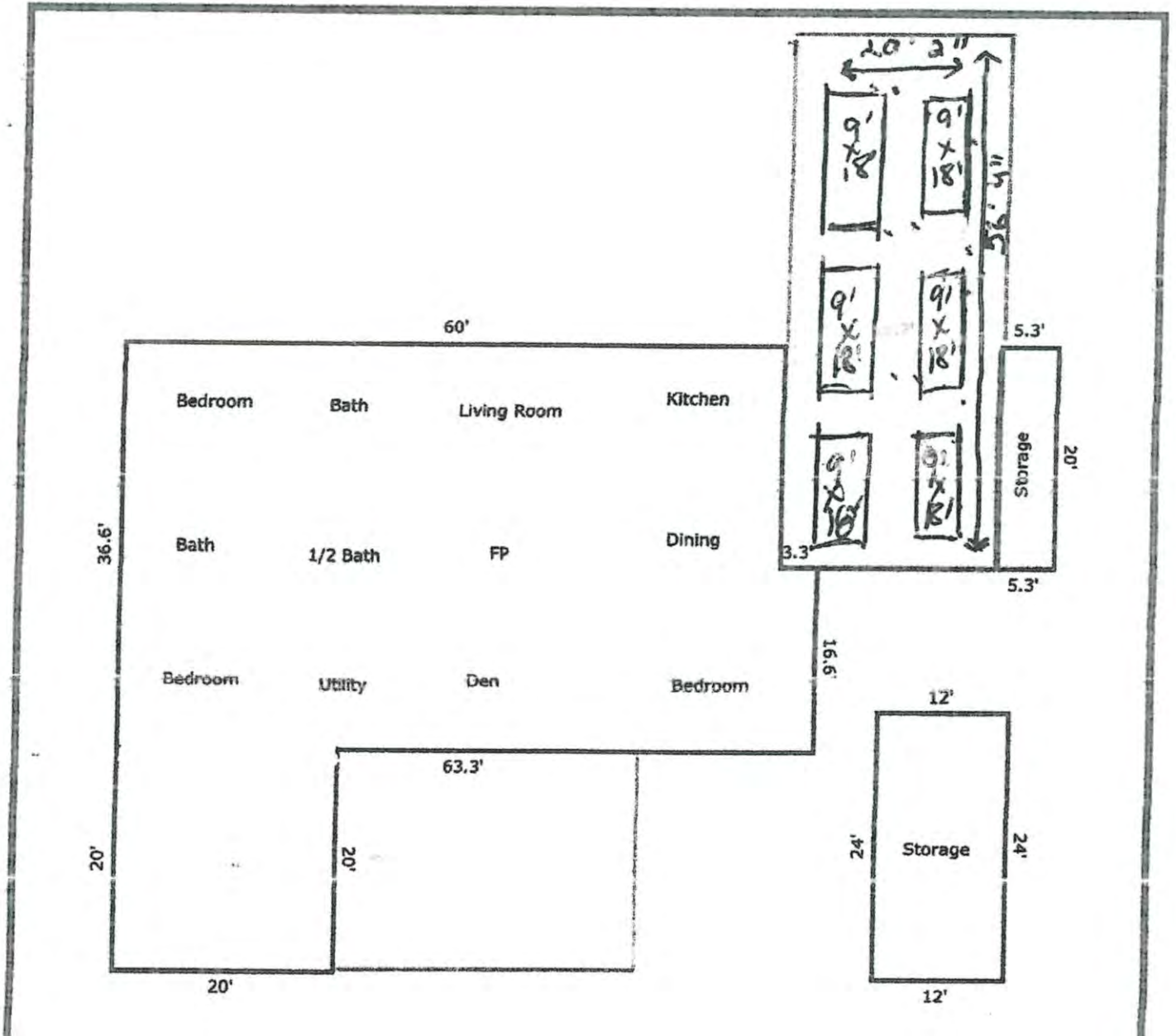
## Plans

### Building Sketch (Page - 1)

Borrower	Favre, Sammee and Jerod				
Property Address	2458 Fishermans Rd				
City	San Angelo	County	Tom Green	State	TX
Zip Code	76904				
Lender/Client	Mortgage Financial Services, LLC				



TOTAL Sketch by a la mode, inc.		Area Calculations Summary	
Living Area			
First Floor	2250.78 Sq ft	Calculation Details	36.6 x 60 = 2196 3.3 x 16.6 = 54.78
<b>Total Living Area (Rounded):</b>	<b>2251 Sq ft</b>		
Non-Living Area			
2 Car Attached	394 Sq ft		20 x 19.7 = 394
storage	288 Sq ft		12 x 24 = 288
Concrete Patio	400 Sq ft		20 x 20 = 400
storage	106 Sq ft		20 x 5.3 = 106



CITY OF SAN ANGELO, TEXAS  
 Hotel Occupancy Tax Report Detail  
 For the Month Ended 09/30/15

SAMMEE FAVRE	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	TOTAL
TOTAL ROOM RECEIPTS	-	-	-	-	-	-	-	-	2,000.00	-	-	2,000.00	4,000.00
LESS EXEMPTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	-	-	-	-	-	-	-	-	2,000.00	-	-	2,000.00	4,000.00
TOTAL TAX DUE (7%)	-	-	-	-	-	-	-	-	140.00	-	-	140.00	280.00
TIMELY DISCOUNT (1%)	-	-	-	-	-	-	-	-	1.40	-	-	1.40	2.80
NET TAX DUE	-	-	-	-	-	-	-	-	138.60	-	-	138.60	277.20
LATE PENALTY	-	-	-	-	-	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL DUE AND PAYABLE	-	-	-	-	-	-	-	-	138.60	-	-	138.60	277.20
DUE DATE	11/30/14	12/31/14	01/31/15	02/28/15	03/31/15	04/30/15	05/31/15	06/30/15	07/31/15	08/31/15	09/30/15	10/31/15	10/20/15
DATE RECEIVED	-	-	-	-	-	-	-	-	-	-	-	-	-
DAYS PAST DUE	-	-	-	-	-	-	-	-	-	-	-	-	-
EXEMPTION % OF TOTAL	-	-	-	-	-	-	-	-	0.00%	-	-	0.00%	0.00%
TEXAS COMPTROLLER DATA	-	-	-	-	-	-	-	-	-	-	-	-	-
VARIANCE TO DATA	-	-	-	-	-	-	-	-	-	-	-	-	-
GENERAL LEDGER BALANCE	-	-	-	-	-	-	-	-	-	-	-	-	-
SAMMEE FAVRE	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	TOTAL
TOTAL ROOM RECEIPTS	-	-	-	-	-	-	-	-	-	2,000.00	-	-	2,000.00
LESS EXEMPTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	-	-	-	-	-	-	-	-	-	2,000.00	-	-	2,000.00
TOTAL TAX DUE (7%)	-	-	-	-	-	-	-	-	-	140.00	-	-	140.00
TIMELY DISCOUNT (1%)	-	-	-	-	-	-	-	-	-	1.40	-	-	1.40
NET TAX DUE	-	-	-	-	-	-	-	-	-	138.60	-	-	138.60
LATE PENALTY	-	-	-	-	-	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL DUE AND PAYABLE	-	-	-	-	-	-	-	-	-	138.60	-	-	138.60
NOTES:	DATE	COMMENTS											

*proof of taxes paid since June 2015*

CITY OF SAN ANGELO, TEXAS  
 Hotel Occupancy Tax Report Detail  
 For the Month Ended 09/30/16

SAMMEE FAVRE	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	TOTAL
TOTAL ROOM RECEIPTS	-	-	-	-	-	-	-	-	3,000.00	-	-	-	3,000.00
LESS EXEMPTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	-	-	-	-	-	-	-	-	3,000.00	-	-	-	3,000.00
TOTAL TAX DUE (7%)	-	-	-	-	-	-	-	-	210.00	-	-	-	210.00
TIMELY DISCOUNT (1%)	-	-	-	-	-	-	-	-	2.10	2.10	-	-	4.20
NET TAX DUE	-	-	-	-	-	-	-	-	207.90	(2.10)	-	-	205.80
LATE PENALTY	-	-	-	-	-	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL DUE AND PAYABLE	-	-	-	-	-	-	-	-	207.90	(2.10)	-	-	205.80
DUE DATE	11/30/14	12/31/14	01/31/15	02/28/15	03/31/15	04/30/15	05/31/15	06/30/15	07/31/15	07/31/16	08/30/16	09/30/16	
DATE RECEIVED	-	-	-	-	-	-	-	-	-	07/20/16	-	-	-
DAYS PAST DUE	-	-	-	-	-	-	-	-	-	-	-	-	-
EXEMPTION % OF TOTAL	-	-	-	-	-	-	-	-	0.00%	-	-	-	0.00%
TEXAS COMPTROLLER DATA	-	-	-	-	-	-	-	-	-	-	-	-	-
VARIANCE TO DATA	-	-	-	-	-	-	-	-	-	-	-	-	-
GENERAL LEDGER BALANCE	-	-	-	-	-	-	-	-	-	-	-	-	-
SAMMEE FAVRE	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	TOTAL
TOTAL ROOM RECEIPTS	2,000.00	-	-	-	-	-	-	-	-	3,000.00	-	-	5,000.00
LESS EXEMPTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	2,000.00	-	-	-	-	-	-	-	-	3,000.00	-	-	5,000.00
TOTAL TAX DUE (7%)	140.00	-	-	-	-	-	-	-	-	210.00	-	-	350.00
TIMELY DISCOUNT (1%)	1.40	-	-	-	-	-	-	-	-	2.10	-	-	3.50
NET TAX DUE	138.60	-	-	-	-	-	-	-	-	207.90	-	-	346.50
LATE PENALTY	-	-	-	-	-	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL DUE AND PAYABLE	138.60	-	-	-	-	-	-	-	-	207.90	-	-	346.50
NOTES:	DATE	COMMENTS											

CITY OF SAN ANGELO, TEXAS  
 Hotel Occupancy Tax Report Detail  
 For the Fiscal Year Ended 09/30/17

SAMMEE FAVRE	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	TOTAL
TOTAL ROOM RECEIPTS	-	-	-	-	-	-	-	-	7,250.00	-	-	9,875.00	17,125.00
LESS EXEMPTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	-	-	-	-	-	-	-	-	7,250.00	-	-	9,875.00	17,125.00
TOTAL TAX DUE (7%)	-	-	-	-	-	-	-	-	507.50	-	-	691.25	1,198.75
TIMELY DISCOUNT (1%)	-	-	-	-	-	-	-	-	5.08	-	-	6.91	11.99
NET TAX DUE	-	-	-	-	-	-	-	-	502.42	-	-	684.34	1,186.76
LATE PENALTY	-	-	-	-	-	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL DUE AND PAYABLE	-	-	-	-	-	-	-	-	502.42	-	-	684.34	1,186.76
DUE DATE	11/30/16	12/31/16	01/31/17	02/28/17	03/31/17	04/30/17	05/31/17	06/30/17	07/31/17	08/31/17	09/30/17	10/31/17	
DATE RECEIVED	-	-	-	-	-	-	-	-	07/17/17	-	-	12/31/17	
DAYS PAST DUE	-	-	-	-	-	-	-	-	-	-	-	(61.00)	
EXEMPTION % OF TOTAL									0.00%			0.00%	0.00%
TEXAS COMPTROLLER DATA													
VARIANCE TO DATA													
GENERAL LEDGER BALANCE													
SAMMEE FAVRE	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	TOTAL
TOTAL ROOM RECEIPTS	2,000.00	-	-	-	-	-	-	-	-	7,250.00	-	-	9,250.00
LESS EXEMPTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	2,000.00	-	-	-	-	-	-	-	-	7,250.00	-	-	9,250.00
TOTAL TAX DUE (7%)	140.00	-	-	-	-	-	-	-	-	507.50	-	-	647.50
TIMELY DISCOUNT (1%)	1.40	-	-	-	-	-	-	-	-	5.08	-	-	6.48
NET TAX DUE	138.60	-	-	-	-	-	-	-	-	502.42	-	-	641.02
LATE PENALTY	-	-	-	-	-	-	-	-	-	-	-	-	-
INTEREST	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL DUE AND PAYABLE	138.60	-	-	-	-	-	-	-	-	502.42	-	-	641.02
NOTES:	DATE	COMMENTS											0.00%

CIT  
 Hotl

SAMMEE FAVRE	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18
TOTAL ROOM RECEIPTS	-	-	1,000.00	-	-
LESS EXEMPTIONS	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	-	-	1,000.00	-	-
TOTAL TAX DUE (7%)	-	-	70.00	-	-
TIMELY DISCOUNT (1%)	-	-	0.70	-	-
NET TAX DUE	-	-	69.30	-	-
LATE PENALTY	-	-	-	-	-
INTEREST	-	-	-	-	-
ROUNDING ERRORS	-	-	-	-	-
TOTAL DUE AND PAYABLE	-	-	69.30	-	-
DUE DATE	11/30/17	12/31/17	01/31/18	02/28/18	03/31/18
DATE RECEIVED	-	-	-	-	-
DAYS PAST DUE	-	-	-	-	-
EXEMPTION % OF TOTAL			0.00%		
TEXAS COMPTROLLER DATA					
VARIANCE TO DATA					
GENERAL LEDGER BALANCE					
SAMMEE FAVRE	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18
TOTAL ROOM RECEIPTS	-	-	-	10,875.00	-
LESS EXEMPTIONS	-	-	-	-	-
TOTAL TAXABLE RECEIPTS	-	-	-	10,875.00	-
TOTAL TAX DUE (7%)	-	-	-	761.25	-
TIMELY DISCOUNT (1%)	-	-	-	7.61	-
NET TAX DUE	-	-	-	753.64	-
LATE PENALTY	-	-	-	-	-
INTEREST	-	-	-	-	-

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): Sammee Favre  
 Owner     Representative (Affidavit Required)

P.O. Box 5245    San Angelo TX    76902  
 Mailing Address    City    State    Zip Code

(325) 374-1959    sammee81@suddenlink.net  
 Contact Phone Number    Contact E-mail Address

2458 Fisherman's Road, San Angelo, TX 76904  
 Subject Property Address    City    State    Zip Code

0.693 lot 10, blk 1, subd: Lake Nasworthy, Group 14  
 Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

Lot Size: 0.693 acres    Zoning: \_\_\_\_\_

**Section 2: Site Specific Details**

\*Use attachment if necessary.

Existing Use of Property: Homeowner's residence and short term rental

Proposed Use/Size: Homeowner's residence and short term rental

Proposed Conditional Use (from Section 309): Homeowner's residence and short term rental

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: My home does not change upon the arrival of guests.

I remain living in my home in a portion of my home while guests are present.

**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: Appearance remains the same whether or not I have guests. Neighbors can not distinguish as to whether I have guests or my children and grandchildren and friends at my home.

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

Explanation: It is a stipulation that in order for my guests to share my home that they must comply with regulations. This includes noise. I am on the premises in case someone decides not to follow regulations.

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: The community will benefit from my guests as they will purchase greener gas, and other supplies at our local establishments and the City will benefit from taxes collected.

**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: Logical and orderly pattern of urban development will continue in my neighborhood as the property is still my home on which I pay extremely high taxes. It is my investment and I will continue make it an important part of my neighborhood.

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

Please initial the following:

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

Samuel Favre  
 Signature of licensee or authorized representative

2-12-18  
 Date

Samuel Favre  
 Printed name of licensee or authorized representative

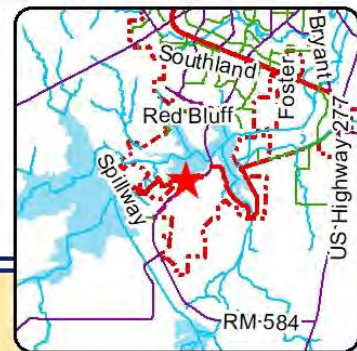
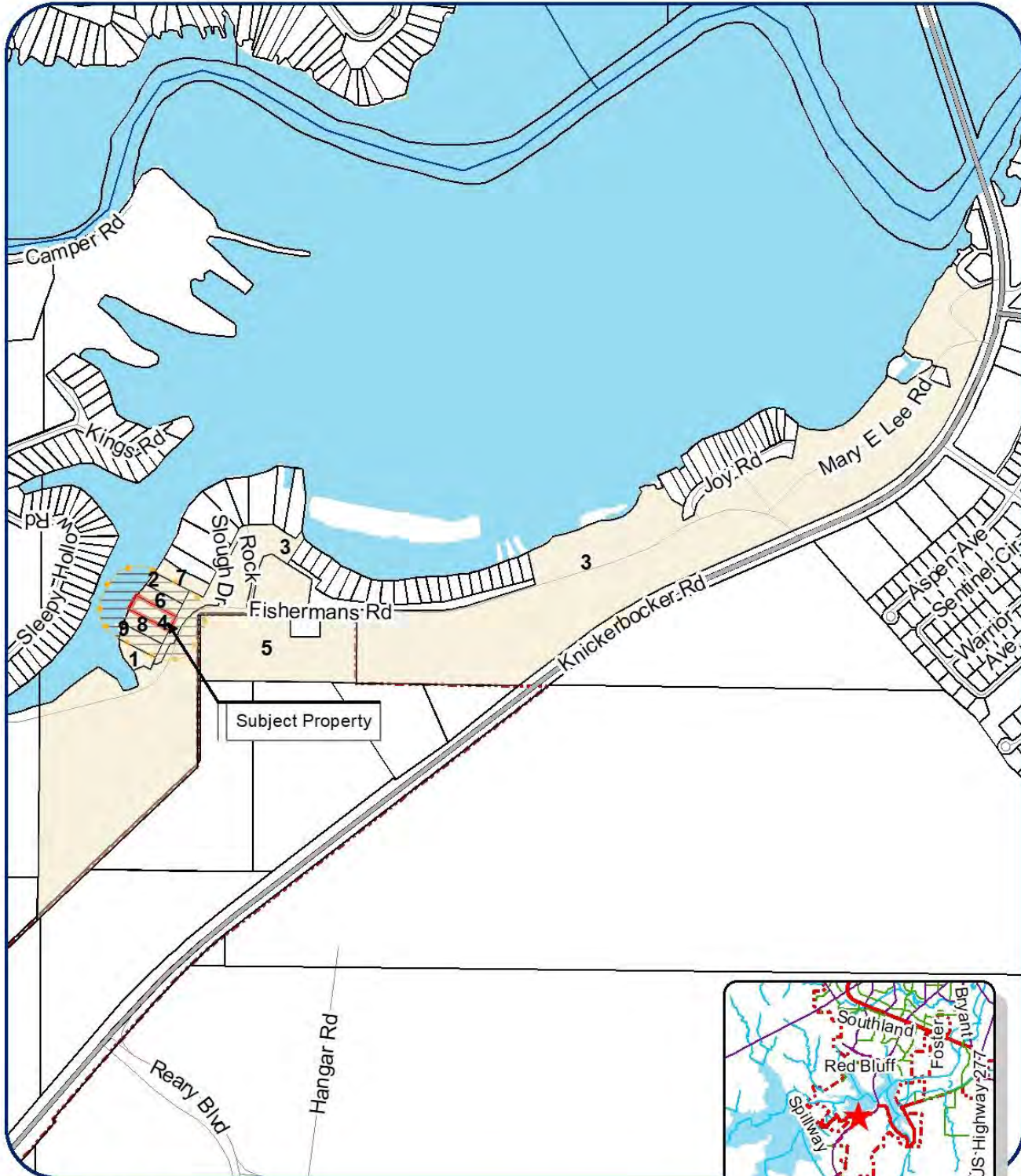
\_\_\_\_\_  
 Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Case No.: CU: 18-05 Planning Commission date: 2 / 13 / 18

Nonrefundable application Fee: \$ 385 Receipt #: \_\_\_\_\_ Date paid: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Reviewed/Accepted by: H. Becker Date: 2 / 13 / 18



**ZBA18-06: Favre**  
**2458 Fishermans Road**

Council District: SMD #1 - Tommy Hiebert  
 Neighborhood: Nasworthy  
 Scale: 1" approx. = 850 ft

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





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

(  ) IN FAVOR (  ) IN OPPOSITION

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

I have operated an STE for several years with no complaints. City has asked me to change my request to asking permission for a Bed and Breakfast since I live on the property. I have faithfully paid hotel and city taxes and managed my property without any complaints.

NAME: Simone Favre

ADDRESS: 2458 Fishermen's Road  
San Angelo, TX 76904

SIGNATURE: Simone Favre

CU18-05: Favre

Property owner number: 4

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (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.

(X) IN FAVOR ( ) IN OPPOSITION

REASON(S) Sammee Favre, who resides at  
2458 Fisherman's Road, has been our neighbor  
for approximately 10 years. She has been a good  
neighbor and an asset to our neighborhood.  
I believe that she should be granted the  
conditional use permit for a Bed and Breakfast  
She has had short term renters for  
several years now and we have never  
had any problems with anyone she has ever  
had and we are here all of the time. She lets us  
know when she will have renters and stays at her  
house to make sure everything goes well.

NAME: Ron and Sharon Mecklenburg

ADDRESS: 2462 Fisherman's Road  
San Angelo, TX 76904 - 7867

SIGNATURE: Ron Mecklenburg Sharon Mecklenburg

CU18-05: Favre

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 (325) 657-4210 ext. 1547 or by email at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).

To Whom It May Concern.

Myself, family and friends have been going to San Angelo for the weekends and Holidays more so now that there's short term rental properties located at the lake. We are from Midland Tx, owning a boat and finding a lake with the sources we need is tough due to travel distance from Midland. We enjoy going to San Angelo for the shopping, lake fun and some night life. We buy all of our groceries, necessities, shopping and fueling locally In San Angelo. We usually travel with several couples and kids so the bill on the shopping part is usually in the thousands. We usually use this trip to get away from day to day life and relax. I have been going to San Angelo since I was 8 years old and have enjoyed the time we have spent there and actually going back in the upcoming weeks for some more relaxation and shopping.

I hope this letter helps you in making the right decision.

Regards,

Gerald Garcia

432-425-4005

Ggarcia79707@outlook.com



9458 FM 362, Brookshire, TX 77423  
Phone: 281-375-5778 Fax: 281-375-6145

5/1/18

To whom it may concern,

My name is Andy Drennan and I have vacationed in San Angelo for the past five years. Each year I bring a group of very talented wake boarders and wake surfers to the "Wake the Desert" event held in July on Lake Nasworthy. I have found it much more convenient to use the VRBO listings around the lake for our stay. Being on the lake allows us to bring our boat and have better access to practice and play during the event, not to mention we can find accommodations that will house us all together in one environment. Having local businesses around the lake that are convenient to us for shopping, makes it easy to refuel and buy supplies to feed/hydrate our large group. VRBO and the added fact that we can cook for our team makes it a lot more affordable to travel.


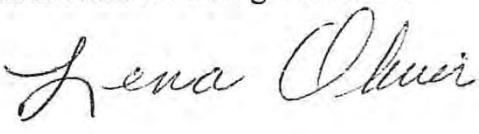
Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Drennan', with a long horizontal flourish extending to the right.

Andy Drennan

I know a lot of questions have been raised about short term rentals. I believe they add another way we can bring in income to our city. I believe that the property owners have the right to rent their houses out on a short term basis, just as they have the right to rent them out on a long term basis.

If you vote to stop the property owners from renting out short term, you should also vote to stop the property owners from renting out long term. There is no difference. I would rather have a short term rental next to me than a long term that disrespects the property and neighbors. The short term rentals that I am familiar with are invited guests who are much more respectful than some long term guests. I have rental properties where my renters have torn up the properties and I couldn't get them out.

   
Mack and Lena Oliver  
523 Koberlin  
San Angelo, Texas 76903



**PLANNING COMMISSION – July 16, 2018  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Street and Alley Right-of-Way Abandonment		Street and Alley Right-of-Way Abandonment: SKG Engineering, LLC (Bowman/Conn/Contreras/Frontier Real Estate Investments)	
<b>SYNOPSIS:</b>			
The applicants have submitted applications for street and alley abandonments to acquire additional land for a future retail development on their properties. The applicants own the portion of Block 4 of the Monterrey Addition bounded by West Avenue Z to the north; Ben Ficklin Road to the east; San Jacinto Street to the south; and South Bryant Boulevard to the west, except for a small part of Lot 21 at the northwest corner. They are seeking to acquire a 25-foot wide strip of the public right-of-way of Ben Ficklin Road immediately east of the subject properties; and a 10-foot wide alley which extends horizontally along the full length of the properties.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
25-foot segment of west side of Ben Ficklin Road and 10-foot public alley southeast of South Bryant Boulevard and West Avenue Z		Being a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way; generally located immediately east of Lots 1-5 and 22-27 of Block 4 of the Monterrey Addition; and, a 10-foot wide, 0.061-acre (2,678-square foot) public alley located between Lots 1-5 and 22-27 within Block 4 of the Monterrey Addition	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FLU:</b>
SMD District #3 – Harry Thomas Rio Vista Neighborhood		CN and CG/CH	Neighborhood Center
			<b>SIZE:</b>
			Street R.O.W: 0.162 acres Alley R.O.W: 0.061 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>South Bryant Boulevard</b> – Urban Arterial Street (TXDOT) Required: 80' right-of-way, 64' pavement Provided: 150' right-of-way, 106' pavement with a sidewalk</p> <p><b>Ben Ficklin Road</b> – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 100' right-of-way, 50' pavement and no sidewalk (complied at time of platting)</p> <p><b>West Avenue Z</b> – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 40' right-of-way, 28' pavement and no sidewalk (complied at time of platting)</p> <p><b>San Jacinto Street</b> – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 30' right-of-way, 28' pavement and no sidewalk (complied at time of platting)</p>			
<b>NOTIFICATIONS:</b>			
10 notifications mailed within 200-foot radius on July 5, 2018 as required. Zero received in support or opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>PARTIAL APPROVAL</b> of the Street Right-of-Way Abandonment request, and <b>APPROVAL</b> of the Alley Right-of-Way Abandonment request, <b>subject to the two Conditions of Approval</b> for each described below.			
<b>PROPERTY OWNER/PETITIONER:</b>			
<p><i>Owners and Applicants: Daniel G. Bowman; John Conn; Joe Contreras; Frontier Real Estate Developments, Inc. (Max Jacobs)</i></p> <p><i>Authorized Representative: Herb Hooker, SKG</i></p>			
<b>STAFF CONTACT:</b>			
<p>Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a></p>			

**Additional Information:**

Planning Staff circulated all relevant municipal departments, as well as public and private utility companies. The following comments were received:

- Frontier Communications indicates there is a combination of aerial and underground fiber optic cables within the Ben Ficklin Road and San Jacinto Street public right-of-ways. The above ground fiber optic cables adjacent to Ben Ficklin Road run the full length of this frontage, and those adjacent to the San Jacinto Street frontage run the majority of this frontage, then underground along the far east portion. They are requiring a combination of aerial and unobstructed (ground) easements, 10 feet in width. The applicants will be required to dedicate these easements as part of a future subdivision plat.
- The Operations Department indicates that they are only willing to support abandonment of the west 15 feet of Ben Ficklin Road, not the entire 25 feet requested, to maintain additional right-of-way next to Ben Ficklin Road. This right-of-way would be maintained to allow for drainage and future utility/roadway projects.
- Engineering Services will require relocation of the existing sewer main located within the 10-foot alley, as well as extension of water and sewer mains in order to support the abandonment of the alley. As a condition of approval, the applicants will be required to dedicate easements for these utilities as part of the future subdivision plat should these utilities need to be located on private property.

**Analysis:**

Planning Staff reviewed all relevant ordinances and policies, and conducted a site visit to the property on June 18, 2018 to determine the appropriateness of abandoning the said public street and alley right-of-ways. The Planning Division is in support of full abandonment of the public alley, and a partial abandonment of 15 feet of the Ben Ficklin Road right-of-way, consistent with the above comments and for the following reasons:

***Site Analysis***

The Planning Division supports full alley abandonment for several reasons: First, the applicants own all of the properties abutting the alley between Ben Ficklin Road, West Avenue Z, South Bryant Boulevard, and San Jacinto Street. The applicants are proposing to use the properties and abandoned alley for future retail development. Abandoning the alley should not impose any negative impacts as it is currently unpaved and no other property owner would use it once consolidated into the applicants' development project. Second, Engineering Services has indicated that the existing sewer main inside the alley could be relocated and extending along adjacent public right-of-ways. For instance, if 15 feet of Ben Ficklin Road was dedicated to the applicants, there would still be an additional 10 feet of right-of-way which could be used for an extension of the existing sewer main already in this area, a water main, and a public sidewalk through the platting process. Extension of these mains along the San Jacinto Street side, which currently has a deficient right-of-way, could be provided through an easement as part of a required future subdivision plat.

The Planning Division also supports abandoning 15 feet of public right-of-way along Ben Ficklin Road for several reasons: First, this segment is substantially set back from the existing sewer main closest to Ben Ficklin Road, approximately 10 feet to the east. Abandonment would therefore not hinder any current or future location of utilities. Second, Ben Ficklin Road has an existing right-of-way width of 100 feet, with a 25-foot unpaved area west of the paved portion of Ben Ficklin Road. As a local street, Ben Ficklin Road only requires a paving width of 40 feet and is currently 50 feet wide, 10 feet greater than required. Maintaining this additional area would therefore provide no public benefit.

Finally, should any aerial and ground easements for Frontier Communications be located within the proposed abandonment area, Frontier has confirmed that said easements would still allow vehicular access and sidewalks to be located within them. For all of these reasons, the Planning Division is satisfied with abandoning the westerly 15 feet of Ben Ficklin Road and the entire alley.

### ***Traffic Circulation Patterns***

The Planning Division believes existing and anticipated traffic patterns would not be negatively affected if the street and alley right-of-way abandonments are approved. As indicated, the applicants own all of the land within the alley and will be the only parties using it once abandoned and consolidated into their development project. The street abandonment area is located immediately west from a daycare facility, Rio Vista Head Start, but as indicated, Ben Ficklin Road is 10 feet wider than required, and this segment acts as excess, unpaved right-of-way. Abandoning this portion would additional area for future commercial development, and taxable property, on the applicants' properties. Although much of this area along Ben Ficklin Road may be consumed with future easements for fiber optics and/or a sidewalk, this would not hinder abandoning a portion of land currently not being utilized. Finally, the requirement for a future subdivision plat as a condition of approval of the street and alley abandonments will ensure that property records are updated and adequate right-of-ways and infrastructure are in place for the proposed development. Through the platting process, additional right-of-ways and paving per City standards will best ensure that any future traffic generated from the commercial development will have adequate maneuvering and turning radiuses to and from the property.

### ***Relevant Ordinances and Policies***

The proposed abandonment would not contravene any applicable City Ordinance. As a condition of approval, the applicant will be required to replat the abandonment areas into the existing properties, creating a single property for future retail development. The associated replat would allow the City to obtain the necessary right-of-way and infrastructure improvements necessary for improved traffic safety and quality development within this block.

**Recommendation:**

Staff's recommendation is for the Planning Commission to recommend **APPROVAL of only the westerly 15 feet** of the proposed abandonment and vacation of a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way located immediately east of Lots 1-5 and 22-27 of Block 4 of the Monterrey Addition, **subject to following two Conditions of Approval:**

**- And-**

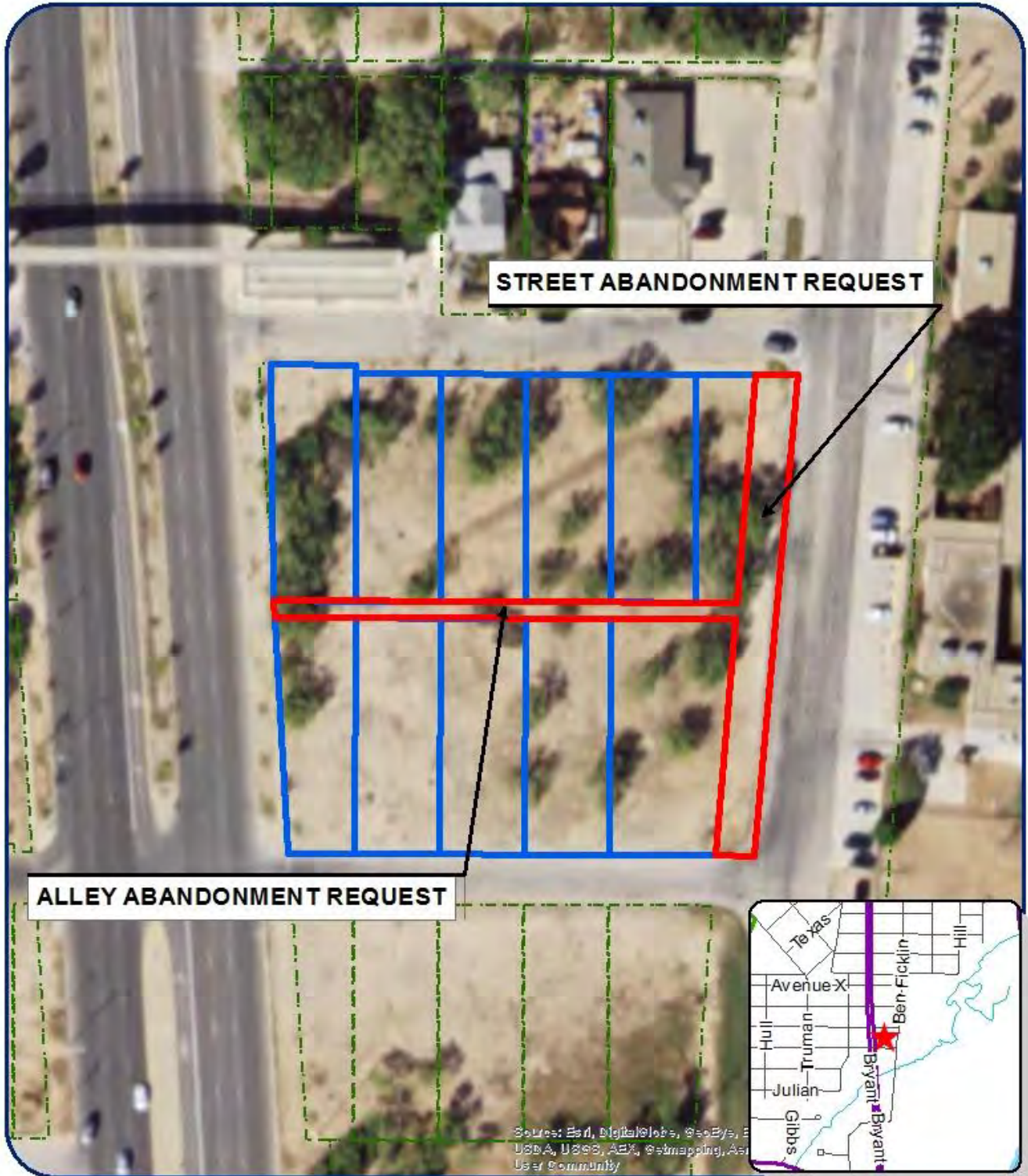
Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed abandonment and vacation of a 10-foot wide, 0.061-acre (2,678-square foot) public alley located between Lots 1-5 and 22-27 within Block 4 of the Monterrey Addition; **subject to following two Conditions of Approval:**

1. Submit and obtain approval and official recording of a subdivision replat:
  - a. Absorbing the westerly 15 feet of the proposed Ben Ficklin Road abandonment area, and the full alley abandonment area, into adjacent lots, Lots 1-5 and 22-27 in Block 4 of the Monterrey Addition, meeting all requirements of the Land Division and Subdivision Ordinance;
  - b. Relocating the existing sewer main located within the 10-foot alley, and install and/or extend any required sewer mains, water mains, and sidewalks to adequately service the property, with any necessary easements to the satisfaction of Engineering Services. A performance guarantee for relocating the sewer line in the alley shall be submitted; and
  - c. Providing any required, unobstructed aerial and underground easements to the satisfaction of Frontier Communications. The applicants shall obtain a letter of approval from Frontier Communications allowing paving for parking or a sidewalk over the easements and provide the letter of approval to Planning Staff as part of the future subdivision plat.
2. Remit payment for the assessment formula outlined in the fee schedule, if the abandonments are approved, for the entire abandoned areas *[Code of Ordinances, Section A9.008]*. The City, as an abutting property owner of the street abandonment along Ben Ficklin Road, is entitled to ½ of the abandoned right-of-way, but the City has determined its portion of the abandoned right-of-way is surplus property and authorizes the City Manager to sign documents necessary to convey its portion of the abandoned right-of-way to the applicant *[Code of Ordinances, Section A9.008]*.

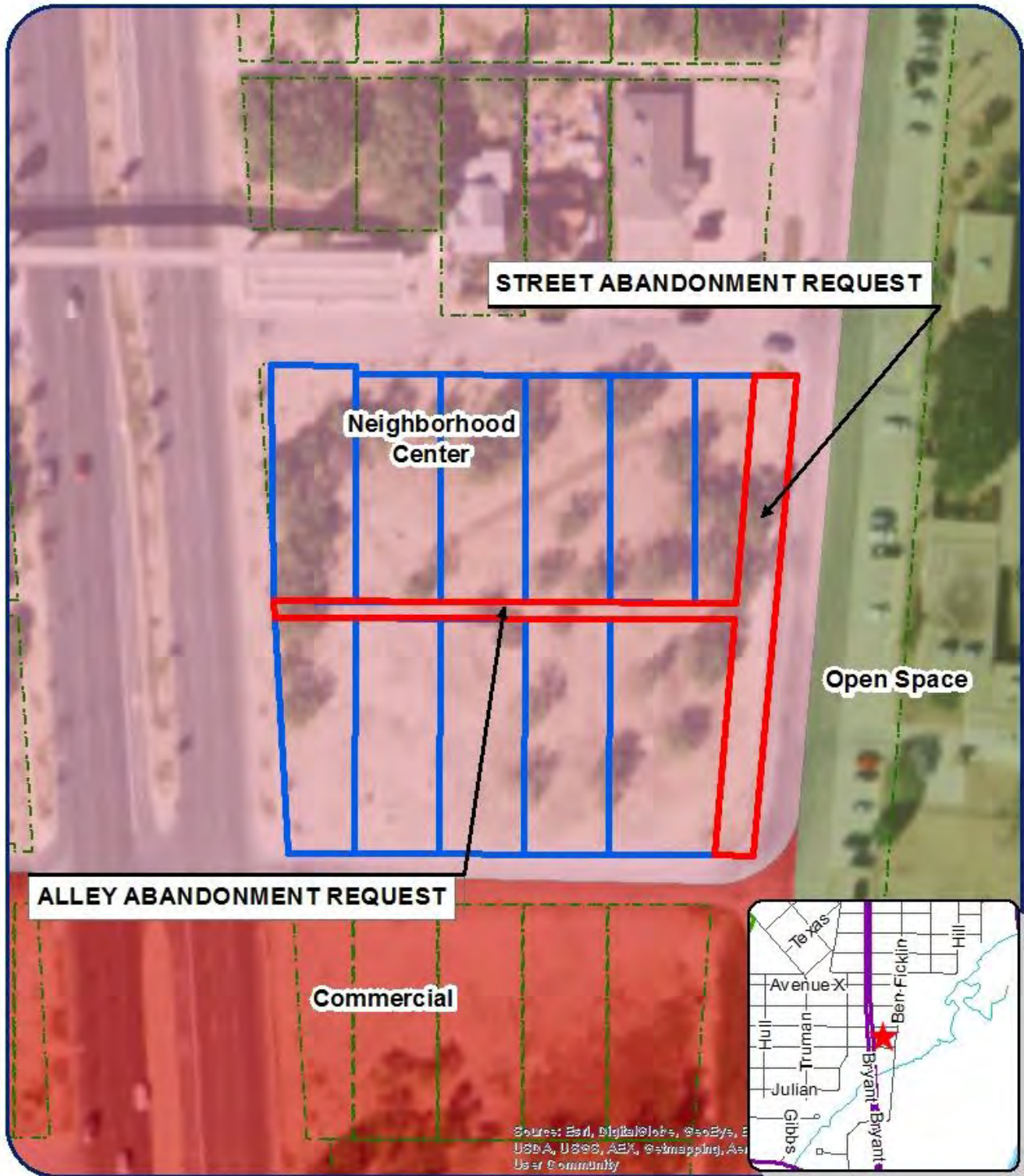
**Attachments:**

- Aerial Map
- Future Land Use Map
- Zoning Map
- Street and Alley Abandonment Exhibit
- Applications





<b>Right-Of-Way Abandonment Case File</b>		<b>Legend</b>	
<b>SKG Engineering, LLC</b>		Subject Properties:  —	
Council District: Harry Thomas (SMD#3)		Current Zoning: <b>CN and CG/CH</b>	
Neighborhood: Rio Vista		Requested Zoning Change: <b>N/A</b>	
Scale: 1" approx. = 75 ft		Vision: <b>Neighborhood Center</b>	
25-ft Ben Ficklin R.O.W. and 10-ft alley between Lots 1-5, 22-27, Blk 4, Monterrey Add'n			 




**Right-Of-Way Abandonment Case File**

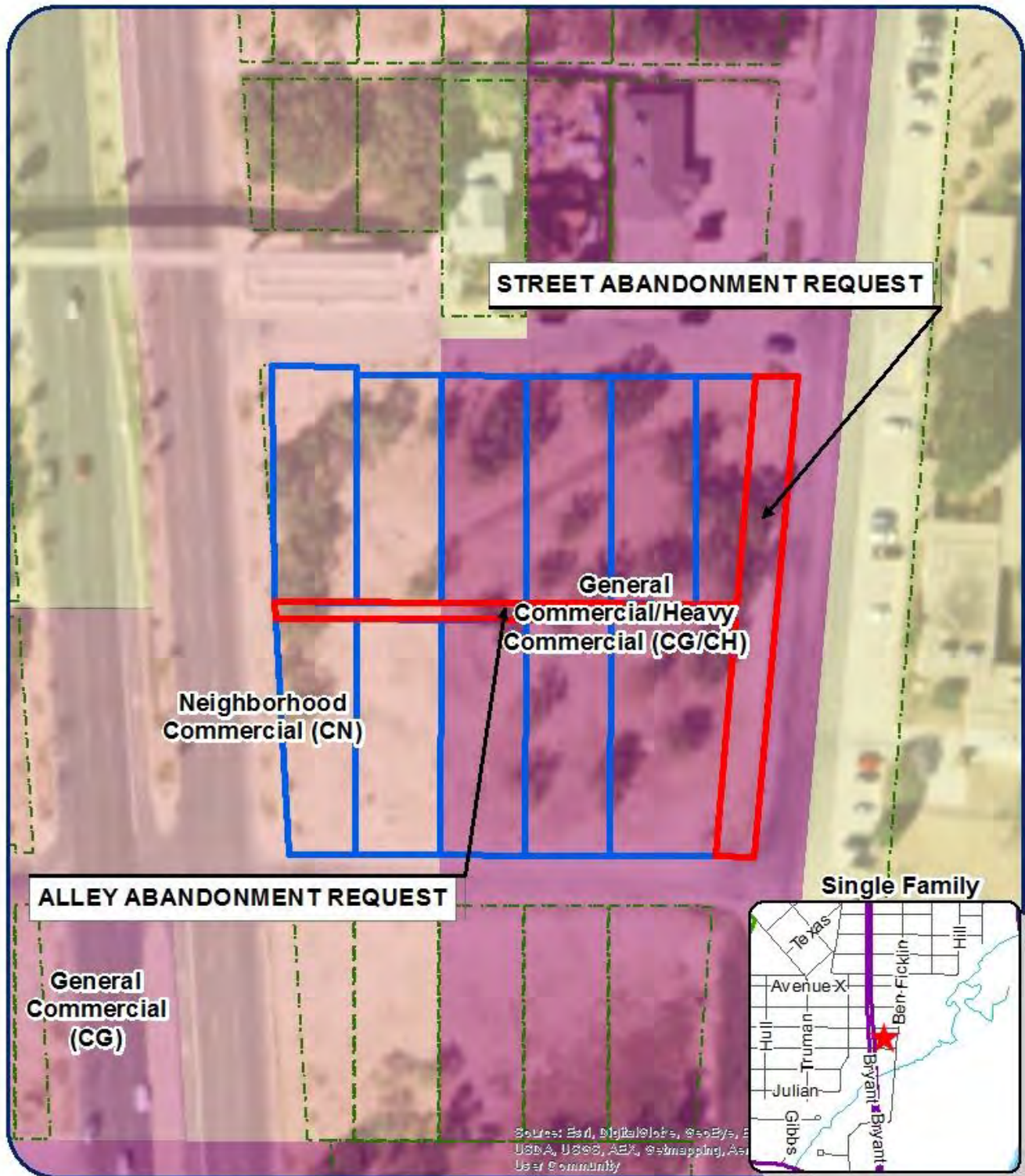
**SKG Engineering, LLC**

Council District: Harry Thomas (SMD#3)  
Neighborhood: Rio Vista  
Scale: 1" approx. = 75 ft  
25-ft Ben Ficklin R.O.W. and 10-ft alley between Lots 1-5, 22-27, Blk 4, Monterrey Add'n

**Legend**

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





**Right-Of-Way Abandonment Case File**

**SKG Engineering, LLC**


Council District: Harry Thomas (SMD#3)

Neighborhood: Rio Vista

Scale: 1" approx. = 75 ft

25-ft Ben Ficklin R.O.W. and 10-ft alley between Lots 1-5, 22-27, Blk 4, Monterrey Add'n

**Legend**

Subject Properties: 

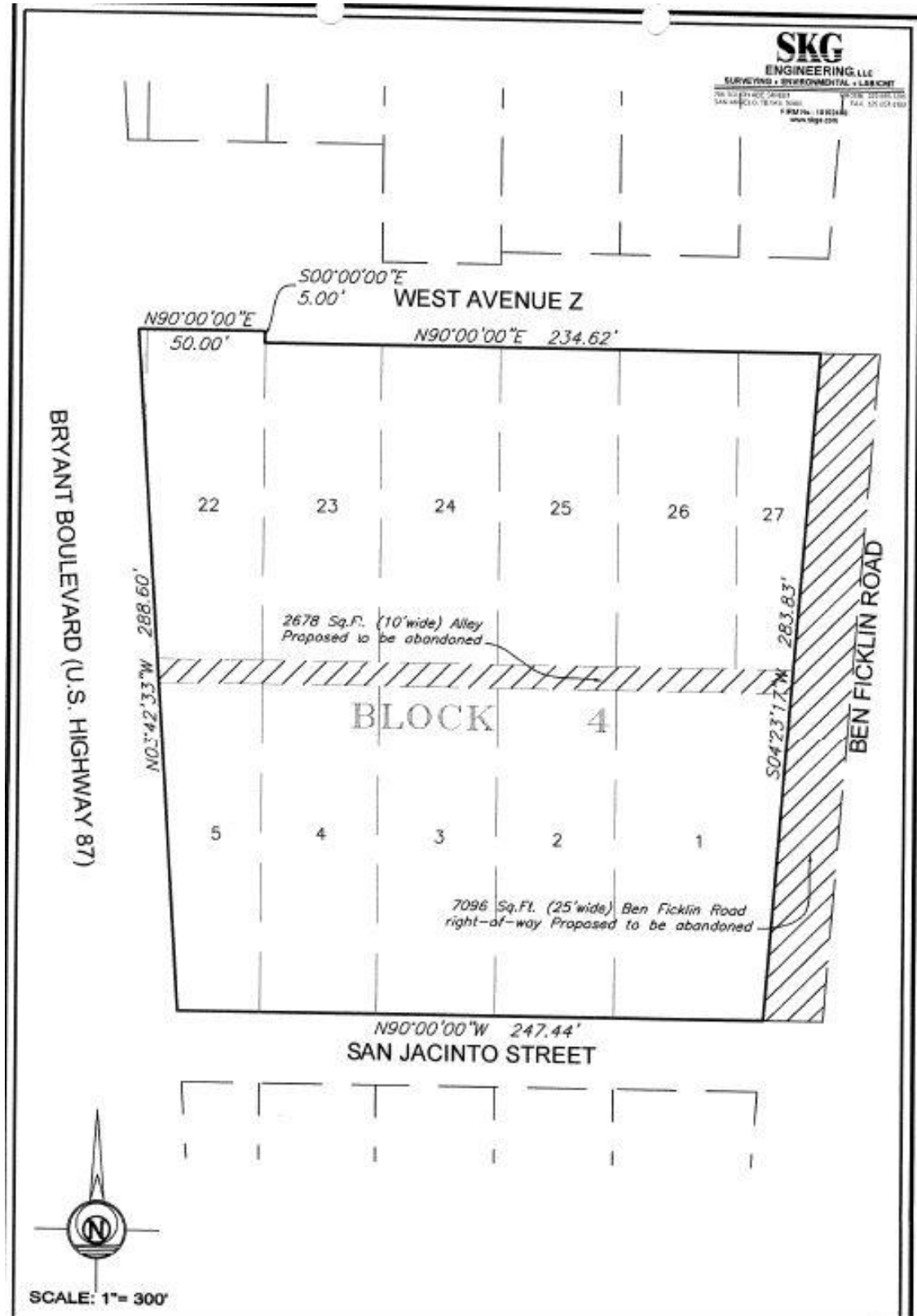
Current Zoning: **CN and CG/CH**

Requested Zoning Change: **N/A**

Vision: **Neighborhood Center**



### Street and Alley Abandonment Exhibit





Section 3: Applicant's acknowledgement

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

[Signature] OWNER  
Signature of licensee or authorized representative affirming the truth of the above statement.

June 18, 2018  
Date

Paul Hooker Hooker Homes  
Printed name of licensee or authorized representative

SKG Eng.  
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 6, 18, 2018

Non-Refundable Fee: \$ 450.00

Receipt #: 284720

Date paid: 5, 18, 2018

Date of hearing by Planning Commission: 7, 16, 2018

Date of hearing by City Council: 8, 21, 18

Reviewed/Accepted by: J. Fisher



Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Signature of licensee or authorized representative affirming the truth of the above statement.

Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 6 / 18 / 2018

Non-Refundable Fee: \$ 450.00 Receipt #: 284725 Date paid: 6 / 18 / 18


Date of hearing by Planning Commission: 7 / 16 / 2018 Date of hearing by City Council: 8 / 21 / 2018

Reviewed/Accepted by: J. Fisher



**PLANNING COMMISSION – July 16, 2017  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASES:</b>	
Street Name Change		Harbor Court	
<b>SYNOPSIS:</b>			
A request for approval of a Street Name Change for Harbor Court to “Ener Tel Way.” The request is to rename a 325-foot length of this street's right-of-way beginning at West Avenue N continuing south to the cul-de-sac terminus in central San Angelo.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
Harbor Court located within 2nd Replat in Section 2, T.J.A.K. Addition, Tom Green County, Texas		Being a 325-foot length of this street's right-of-way beginning at West Avenue N continuing south to the cul-de-sac terminus, located in 2nd Replat in Section 2, T.J.A.K. Addition, Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #3 – Harry Thomas Rio Vista Neighborhood	Light Manufacturing (ML)	Commercial	325 Linear Feet
<b>THOROUGHFARE PLAN:</b>			
<u>Harbor Court</u> – Local Road – ROW 50’ Required (50’ Provided) – Pavement Width 36’ with a 4’ sidewalk or 40’ Required (40’ Provided)			
<b>NOTIFICATIONS:</b>			
Four notifications were mailed to properties directly adjacent to the street segment on July 3, 2018. One response has been received in support and zero in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the street name change to “Ener Tel Way,” <b>subject to two (2) Conditions of Approval.</b>			
<b>PETITIONERS:</b>			
Scott Wisniewski Shamrock Capital Corporation LLC			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			

**Street Name Change:** Harbor Court is located in the Central San Angelo. When the subdivision was created, more commercial development was anticipated to front onto Harbor Court. Since the City has purchased a large piece of the property adjacent to the street right-of-way for a drainage project, the right-of-way mainly services as an entrance to the future expansion of Ener-Tel Services. The other two businesses that are adjacent to the street right-of-way have primary access on West Avenue N and use Harbor Court as a secondary access.

The following are three guidelines which the Division uses to determine the applicability and appropriateness of any proposed street name change.

**1. Whether or not the street name change would confuse motorists and emergency vehicles**

The proposed street name change appears unlikely to confuse motorists and emergency vehicles. Since the street acts more as entrance to the future expansion of Ener-Tel Services, this change would help relieve confusion by giving the perception of a drive or entrance exclusively to Ener-Tel. The configuration of Harbor Court is currently a short Local Street and there are no addresses using this street as a destination or reference point. From an emergency response standpoint, city staff stand ready to make any necessary data changes to ensure a minimal disruption in response times, should the Ordinance authorizing the name designation be adopted. The emergency 911 address coordinator has indicated there are currently no streets in San Angelo that utilize the hyphen and the 911 addressing system service team has suggested the hyphen be avoided. The City of San Angelo also follows the NENA standards for addressing which states on page 9, "Remove special characters (dash, underscore, apostrophe, quotes or any other special characters that could cause problems in any of the software or databases)."

**2. Whether there is the same or similar name to the proposed street name**

There are no existing streets in San Angelo with the same or similar name.

**3. Whether or not there is a justified reason to rename the street such as the naming for the betterment of the community or to honor a public figure**

Since the road now acts more as a driveway or secondary entrance to future Ener-Tel Expansion, Staff believes renaming the street would clarify the use of the road as well as avoid confusion.

**Recommendation:**

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a street name change from Harbor Court to "**Ener Tel Way,**" subject to the following two (2) Conditions

of Approval:

1. A request to the City's 911 Addressing Coordinator shall be submitted for an address/street name change for addresses affected by the street name change.
2. Payment to the City of San Angelo shall be made for the installation of two street identification signs at the intersections with Austin Street and Vaughn Street. All signage shall be designed and erected in accordance with local regulations.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Photos of Street Segment  
Application  
Notify Map  
Comment Letter



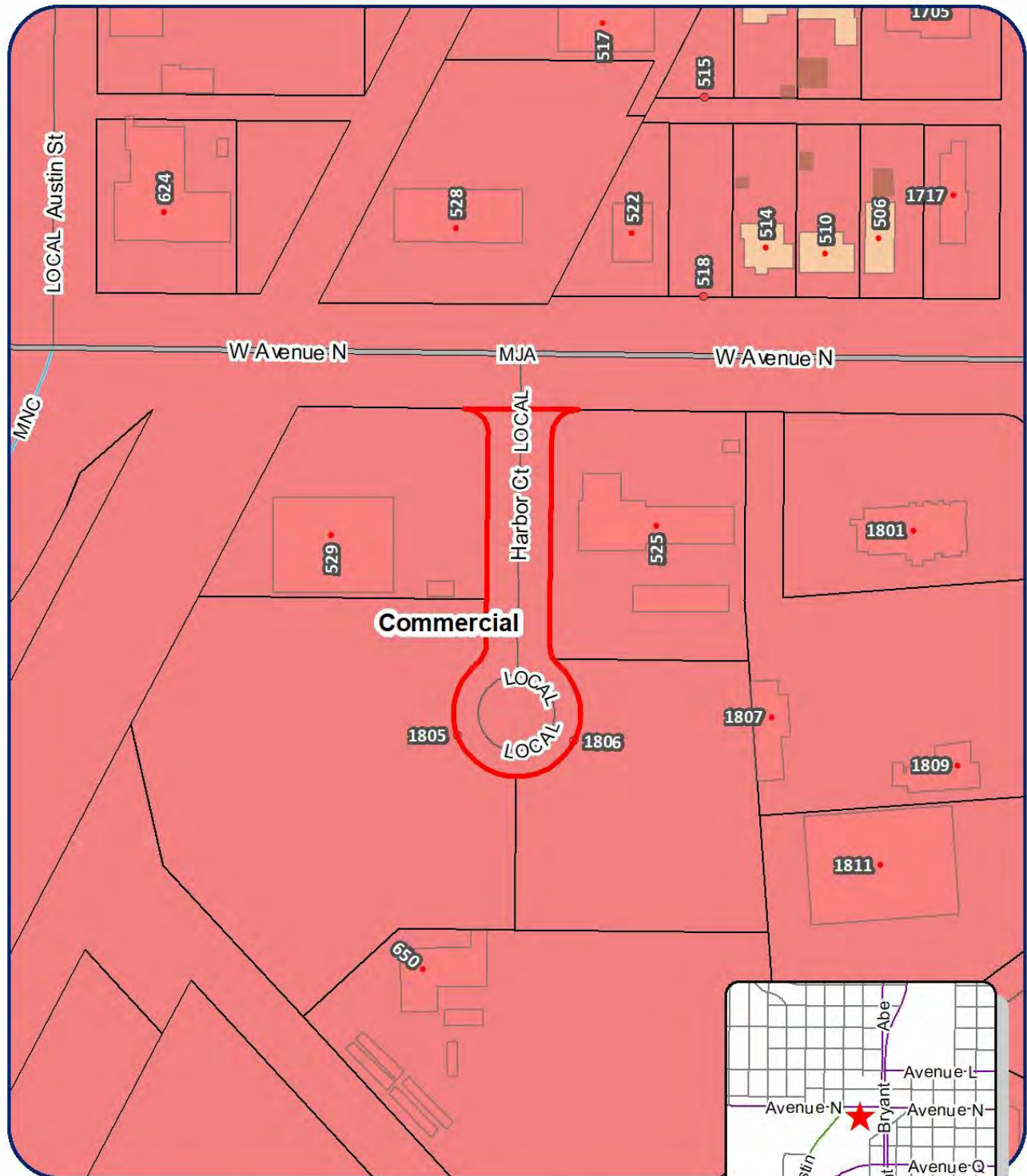
**Street Name Change**  
**Harbor Court**

Council District: SMD #3 - Harry Thomas  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

**Legend**

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





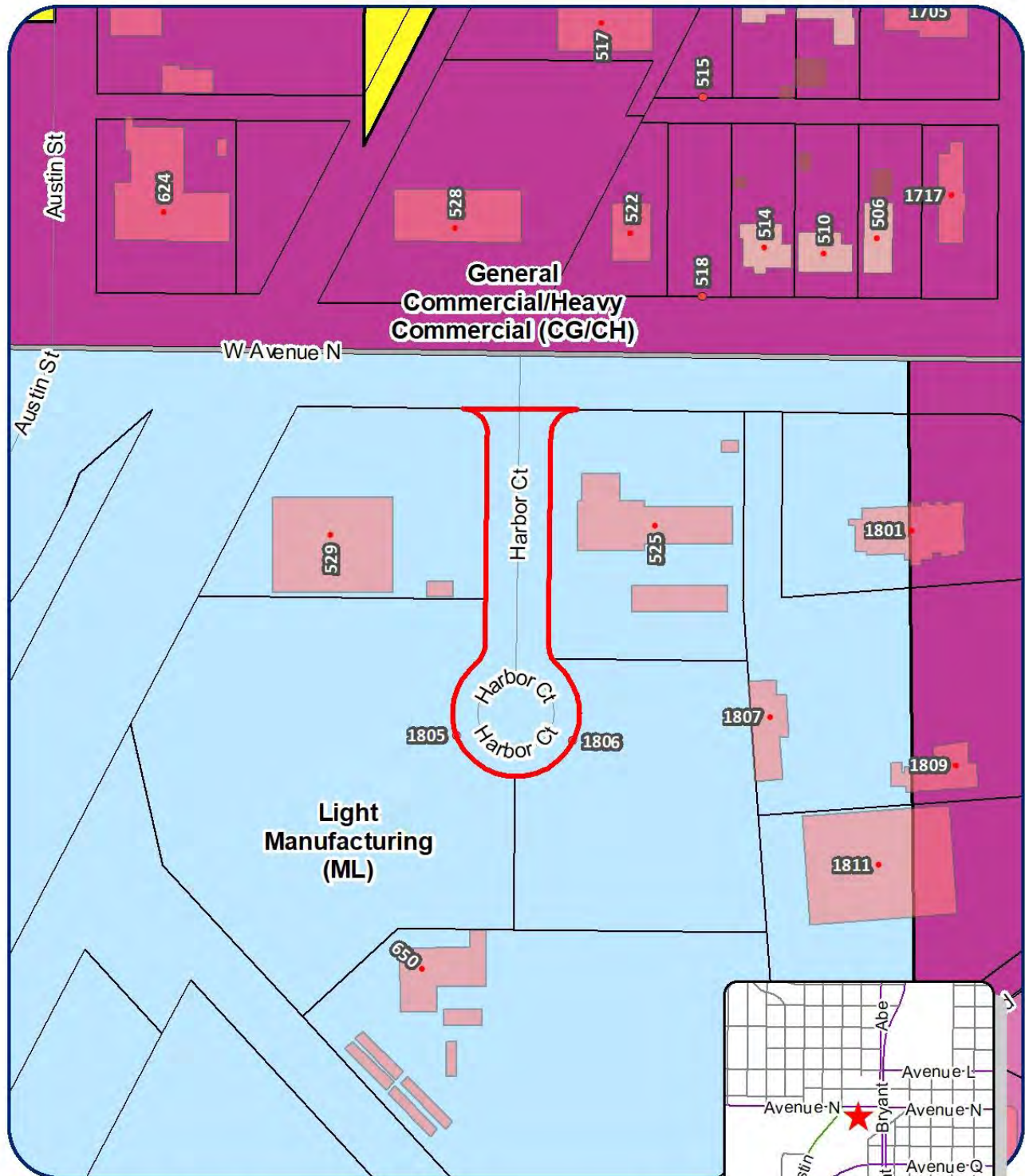
**Street Name Change**  
**Harbor Court**

Council District: SMD #3 - Harry Thomas  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

**Legend**

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





**Street Name Change**  
**Harbor Court**

Council District: SMD #3 - Harry Thomas  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 100 ft

**Legend**

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




Photo of Street Segment








Effective January 3, 2017



**City of San Angelo, Texas – Planning Division**  
 52 West College Ave  
**Application for Naming/Renaming a Street**



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**Section 1: Basic Information**

Name of Applicant(s): Scott Wisniewski

Owner                       Representative (Affidavit Required)

801 South Abe                      San Angelo      Texas                      76903

Mailing Address                      City                      State                      Zip Code

325-653-6814

Contact Phone Number                      Contact E-mail Address

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**Section 2: Property Characteristics**

Is the street public?  Yes  No                      Is street private?  Yes  No

Describe request for street to be named/changed: It is requested that the street currently named "Harbor Court" be renamed to "Ener-Tel Way"

From the intersection of: Avenue N/Harbor Court                      to: End of Harbor Court

Describe reason(s) for request to name or rename the street: \_\_\_\_\_

Use attachment, if necessary, including where applicable, the legal description of land adjacent to street requested to be named/renamed: \_\_\_\_\_

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

Please Initial the following:

SW I/we understand that a separate fee will be required from the applicant for any new signage installation.

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

Scott Wisniewski                      06/06/2018

Signature of licensee or authorized representative                      Date

Scott Wisniewski

Printed name of licensee or authorized representative

Shamrock Capital Corporation LLC

Name of business/Entity of representative

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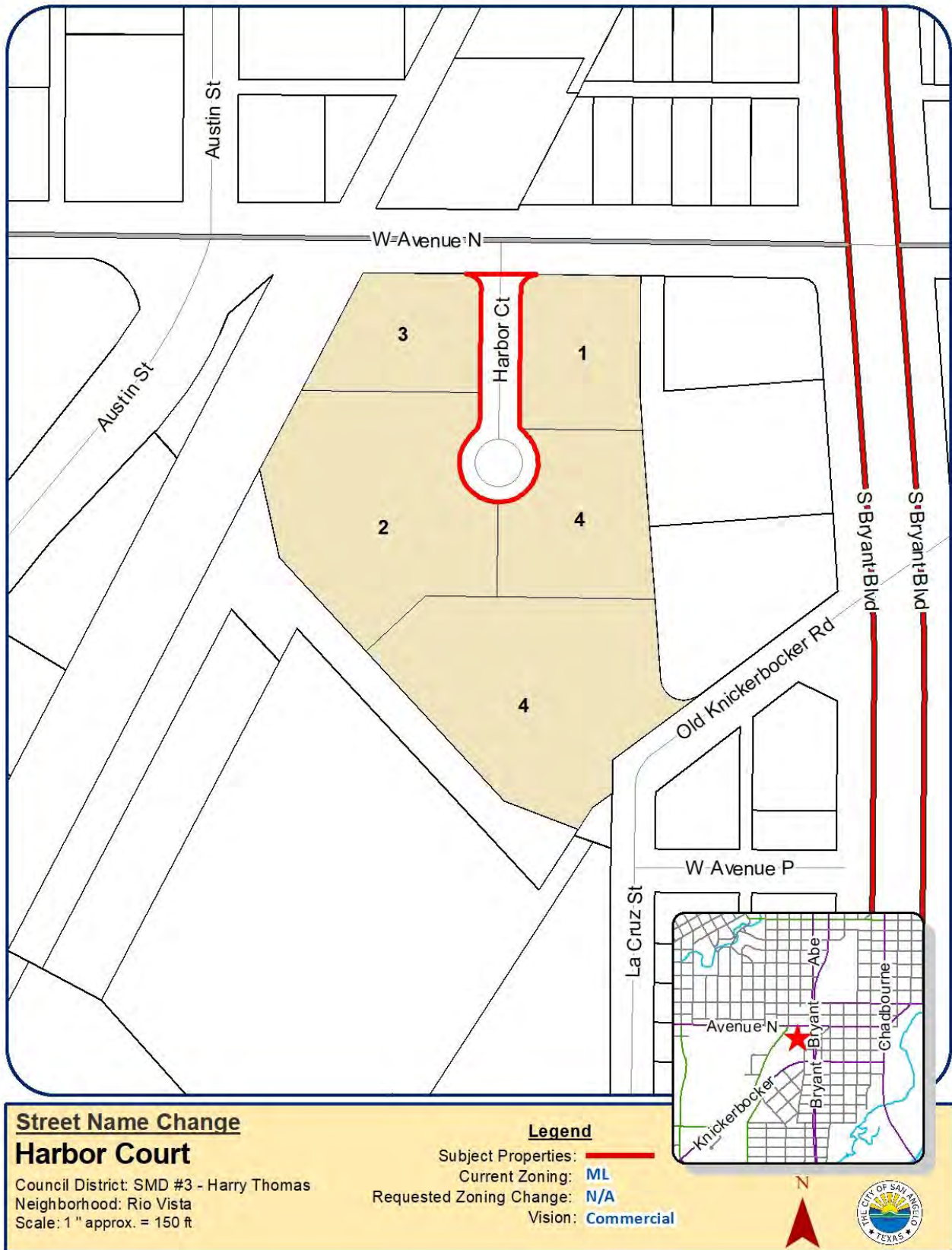
**FOR OFFICE USE ONLY**

Reviewed/Accepted by: H. Bueker                      Date: 6/11/18       Verified Complete       Verified Incomplete

Assigned to: \_\_\_\_\_

Nonrefundable application fee: \$ 500      COSA Signage cost: \$ \_\_\_\_\_      Date paid: 6/11/18      Receipt No. \_\_\_\_\_

Planning Commission hearing date: 7/16/18                      City Council hearing date(s): 8/17/18 & 8/21/18



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

NAME: Scott A. Wisniewski

ADDRESS: 801 S. Har  
San Angelo, Tx 76903

SIGNATURE: 

Street Name Change: Harbor Court

Property owner number: H

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

# MEMO

**Meeting**

**Date:** July 16, 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 text amendment changes were presented to the Development Task Force on May 10 and a final draft had been prepared and included at the end of the Staff Report.

The Planning Commission voted to **TABLE** the text amendment until the July 16, 2018 meeting to provide the community with additional time to review. After further discussion with developers, builders, members of the community, and legal staff, the Planning Division is proposing several changes. The following is a summary of the most significant changes proposed. Minor changes including grammatical edits, reorganizing and renumbering sections can be found at the end of this report as part of the overall text amendment (changes from the version presented at the previous Commission meeting are **highlighted**).

**Additional changes/revisions to be presented to July 16, 2018 Planning Commission Meeting:****Chapter 1 - General Provisions:**

- **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 on multiple adjacent platted lots. This provision clarifies that replatting would

not be required in these circumstances ***for up to 3 lots (originally for up to 2 lots as presented on June 18).***

- **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 changes 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. Single-family residential properties will continue to be required to plat only if there is an increase in floor area of 50% of floor area, ***or 1,000 square feet, which is greater (the 1,000-square foot provision was added to allow smaller homes to expand up to 1,000 square feet without being penalized for having a lesser floor area than larger homes).***

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

- **Modifying expiration dates for plats and preliminary plats.** Initially, preliminary plats were proposed to be extended an additional 5 years only if an associated final plat is approved. ***The proposed change will address a concern raised at the previous meeting to allow an additional 5 years so long as progress towards completion of the project is being made. “Progress” includes several possibilities, which are consistent with the state law requirement regarding “dormant projects”. Some in the development community prefer a 10 year expiration timeframe, but Planning Staff believe that the five year provision is more appropriate.***

***A review of nine comparable cities in Texas showed that 5 of those cities have an expiration of 1 year or less (Midland, Odessa, Lubbock, Big Spring, and Waco), 3 cities have an expiration of 2 years (Abilene, Amarillo, and Wichita Falls), and one city has an expiration of 5 years (Temple).***

#### **Changes as presented to June 18, 2018 Planning Commission Meeting:**

##### **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 on 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 progress towards project completion. Progress towards completion will extend the preliminary plat an additional 5 years from the date of the most recently applicable action. “Progress” includes a final plat application submitted, even if not yet approved; a good-faith attempt to file an associated permit; infrastructure facility costs of at least 5% of the appraised market value of the property; posting of fiscal security for performance; and payment of utility connection fees (see Chapter 5 below and in the attached text amendment).

#### **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.

## 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 those 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. 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 parcel of land can be described by no more than three 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:

a. 50% of floor area or 1,000 square feet, whichever is greater, within existing buildings on the same ~~tract~~ parcel for single-family residential.

b. 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.

1. After approval has been granted by the Planning Commission, a preliminary plat will remain valid for a period of five years. Progress with an approved final plat will extend the period of validity by an additional five years from the date of final plat approval. After this time, the approval shall expire and no longer be valid, unless progress towards completion of the project has occurred, in which case the preliminary plat will remain valid for five years from the date of the most recent applicable action indicating such progress. All preliminary plats in effect on the date of this ordinance shall expire 5 years from the effective date of this ordinance, unless progress towards completion of the project has occurred, in which case the preliminary plat will remain valid for five years from the date of the most recent applicable action indicating such progress.
2. Progress towards completion of the project shall include any one of the following:
  - a. an application for a final plat or plan is submitted to the City;

- b. a good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
- c. costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- d. fiscal security is posted with the City to ensure performance of an obligation required by the regulatory agency; or
- e. utility connection fees or impact fees for the project have been paid to the City.



## 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:** July 16, 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

**Block** - ~~A tract~~An area 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.

**Lot** - A platted tract, plot, or portion of a subdivision ~~or other parcel~~ of land intended ~~as a unit~~ for the purpose, ~~whether immediate or future~~, of transferring of ownership or for building development.

**Parcel** – A general term used for a legally defined piece of land, whether a lot or tract.

**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.~~

~~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. A parcel of land that was not created by a subdivision plat, including remainder portions of a previously platted lot that has been subsequently divided.~~

## 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 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 may be permitted in subdivisions (or resubdivisions) otherwise classified as minor.

B. The subdivision includes the total contiguous ~~tract 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.