

PLANNING COMMISSION – August 20, 2018
STAFF REPORT



APPLICATION TYPE:		CASE:	
Final Plat		Final Plat of Bridgestone Knickerbocker Addition	
SYNOPSIS:			
<p>The applicant has submitted an application for a Final Plat of the subject 0.690-acre property, formerly the site of the “Cork and Pig Tavern” restaurant. The applicant plans to demolish the existing building and erect a new Firestone tire and service building on the property, which is allowed in the subject General Commercial (CG) Zoning District. The property was never platted and erection of the new building requires a subdivision plat approval as per Chapter 1.VI.A of the Land Division and Subdivision Ordinance. The property with a lot area of 0.69 acres (30,056 square feet), lot width of 200.19 feet, and lot depth of 149.92 feet will exceed the minimum lot area of 6,000 square feet, minimum lot width of 50 feet, and minimum lot depth of 80 feet in the CG zoning district as required.</p>			
LOCATION:		LEGAL DESCRIPTION:	
An unaddressed tract at the southwest corner of Knickerbocker Road and Industrial Avenue		Being a 0.69-acre tract in the J. McNeese Survey No. 0176.25, Abstract No. 1641.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Lane Carter (SMD#5) Neighborhood: ASU – College Hills	CG – General Commercial	C – Commercial	0.69 acres
THOROUGHFARE PLAN:			
<p>Knickerbocker Road (TXDOT) – Urban Major Arterial Street Required: 80’ right-of-way, 64’ pavement Provided: 120’ right-of-way, 85’ pavement</p> <p>Industrial Avenue – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk Provided: 60’ right-of-way, 36’ pavement with no sidewalk (requires a variance from minimum paving width or install a 4-foot sidewalk. The applicant has agreed to install a 4-foot sidewalk – see below).</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Final Plat of the Bridgestone Knickerbocker Addition			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner: Chef Driven Restaurants, Inc.</i></p> <p><i>Agent: Mr. Philip Cornett, RPLS, John Cowan & Associates, Inc.</i></p>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Rationale for Sidewalks

Knickerbocker Road frontage

The property is a corner lot with frontage onto both Knickerbocker Road and Industrial Avenue. Knickerbocker Road is a TXDOT (arterial) street and exceeds the minimum right-of-way and paving widths required. As per Chapter 9.V of the Subdivision Ordinance, the Planning Division will require a sidewalk along this frontage within the public right-of-way for public safety and connectivity to nearby schools, residential uses, and commercial businesses. The applicant has agreed to install this sidewalk and is not seeking a variance. This sidewalk will be adjacent to other businesses to the west with paved areas and curb ramps being used as sidewalks, and which connect to the existing concrete sidewalk at the Scherz Landscaping property at the intersection of Knickerbocker Road and South Johnson Street. It would also be consistent with a future sidewalk to the east on the other side of Industrial Avenue where an existing sidewalk stub and ramp have already been installed.

Industrial Avenue frontage

Industrial Avenue, a local city street, is 36 feet and either requires an additional two feet of paving width (1/2 of the incremental half of the required 40 feet), or a 4-foot sidewalk as per Chapter 10.III.A.2 of the Subdivision Ordinance. The applicant has agreed install a 4-foot sidewalk along this frontage within the public right-of-way which is supported by the Planning Division and Engineering Services in lieu of additional paving width. The existing street is sufficient at 36 feet in width to support existing development patterns and an additional two feet of paving would create an unsafe irregular jog and require relocation of existing curbing. The 4-foot sidewalk would connect to the new sidewalk on Knickerbocker Road and improve pedestrian connection to the Stadium Oaks Apartments further south on Industrial Avenue and to other commercial businesses along this street. The presence of footpaths near the apartment complex provides further justification for a sidewalk in this location.

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

The property is designated “Commercial” in the City’s Comprehensive Plan which includes areas that “are often single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network.” The proposed plat will allow future commercial development with frontage onto Knickerbocker Road, a major arterial road that can accommodate large traffic volumes, and which is surrounded by commercial businesses consistent with the above policies.

The proposed final plat will also conform to the Intent of Purpose Statements of Chapter 2 of the Subdivision Ordinance. The plat will provide for “the orderly, safe, and efficient development of the City” (Statement C); “streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation” (Statement D); and “will assist in guiding the future growth and development of the City in accordance with City plans and requirements” (Statement E). As indicated, the existing streets have sufficient right-of-ways and comply with the minimum paving widths once sidewalks are installed. The new sidewalks will ensure safe and efficient pedestrian movement along these frontages, connecting to existing sidewalks and close to areas where future sidewalks could be installed.

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

APPROVE the “Final Plat of Bridgestone Knickerbocker Addition”.

The following **five Conditions of Approval** are recommended:

1. Per Subdivision Ordinance, Chapter 7.II.A. prior to recordation of the plat, provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Per Land Development and Subdivision Ordinance, Chapter 10, prior to issuance of a building permit and recordation of the plat, prepare and submit plans for required improvements by half the additional increment necessary to comprise the minimum paving widths:
 - For Industrial Ave, the minimum width is 40 feet or 36 feet with a 4-foot sidewalk (in this case, requiring 2 additional feet);
 - Alternatively, as per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period;
 - A second alternative as per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission;
3. Per Land Development and Subdivision Ordinance, Chapter 11.I.B, City of San Angelo Standards and Specifications, prior to recordation of the plat, prepare and submit plans for approval, illustrating the proposed installation of sidewalks along the right-of-ways for Knickerbocker Road and Industrial Avenue, adjacent to the subject property, and complete the installation in accordance with the approved version of these plans; or
 - Prior to recordation of the plat, if placement of sidewalks is not feasible within the public right-of-way, easement(s) shall be provided and illustrated on the plat as per Subdivision Ordinance, Chapter 9.V, City of San Angelo Standards and Specifications. These sidewalks are required to allow more convenient pedestrian access to the site where heavy pedestrian and vehicular traffic is anticipated.

- Alternatively, as per Land Development and Subdivision Ordinance, Chapter 6, prior to recordation of the plat, submit a financial guarantee ensuring the completion of these improvements within an 18 month period;
 - A second alternative would be to allow submission of these plans and installation of these sidewalks to be deferred and constructed prior to a final Certificate of Occupancy;
 - A third alternative as per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
4. Prior to recordation of the plat and on the plat itself, change the title block to read “FINAL PLAT OF BRIDGESTONE KNICKERBOCKER ADDITION” and remove the survey description from the title block.
 5. Prior to issuance of a building permit and recordation of the plat, contact the City of San Angelo Department of Water Utilities Customer Service Office at 301 W. Beauregard Ave. or by calling (325) 657-4323 to establish a utility service account.

Attachments:

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



Subdivision Case File

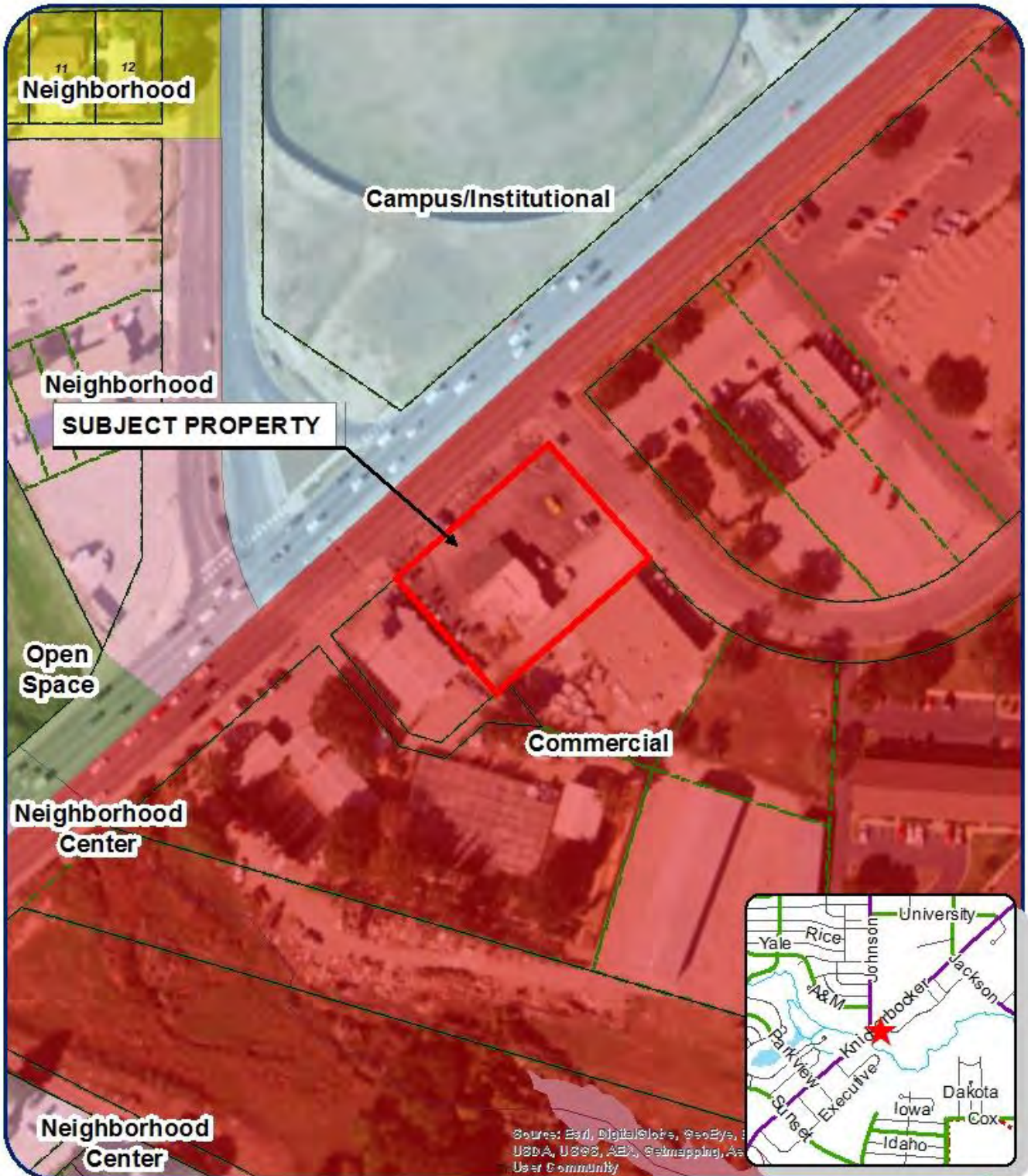
Bridgestone Knickerbocker Addition

Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 125 ft
 Subject Property: 2201 Knickerbocker Road

Legend

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






Subdivision Case File

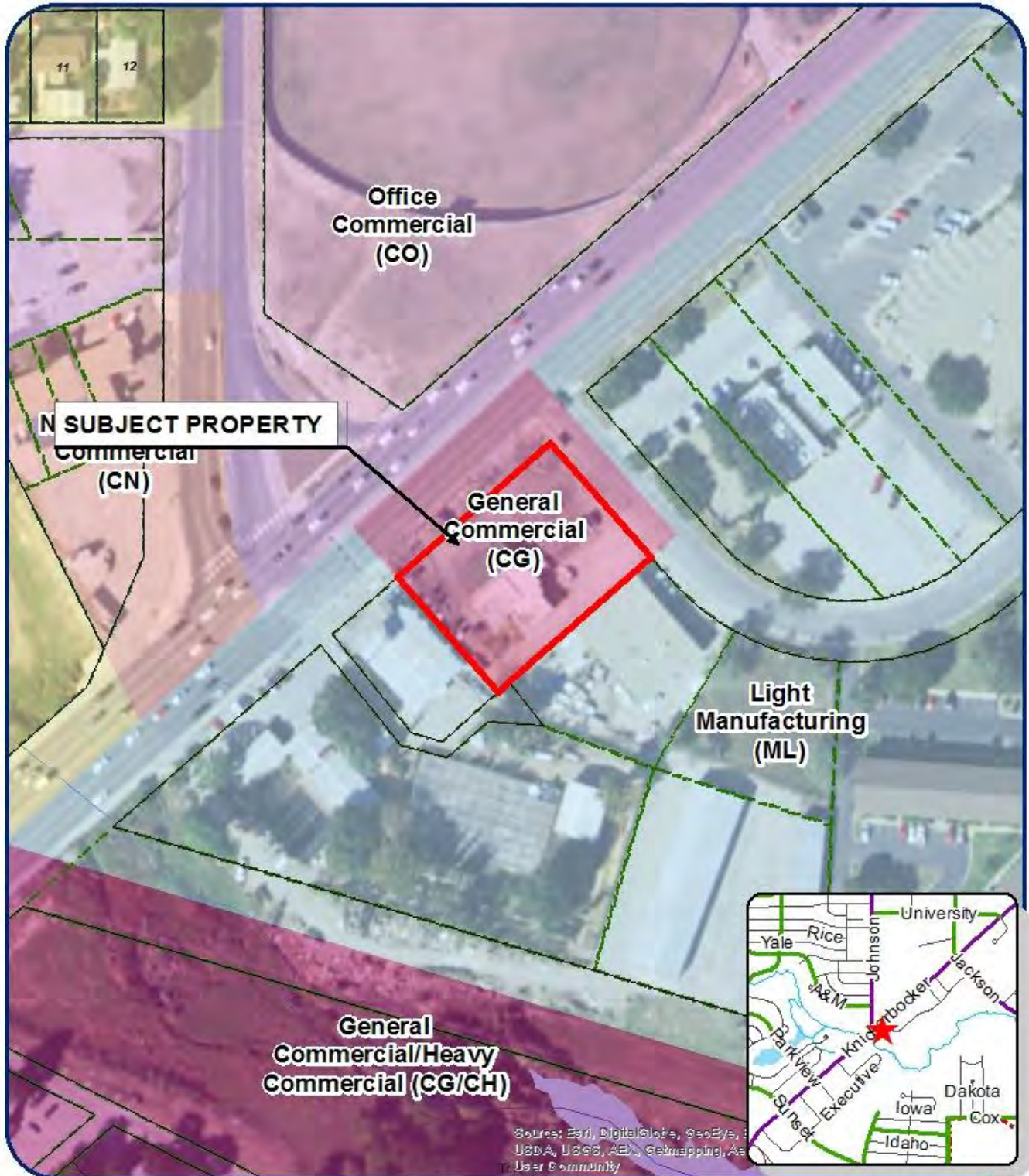
Bridgestone Knickerbocker Addition

Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 125 ft
 Subject Property: 2201 Knickerbocker Road

Legend

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





Subdivision Case File

Bridgestone Knickerbocker Addition

Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 125 ft
 Subject Property: 2201 Knickerbocker Road

Legend

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





City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information
 Bridgestone Knickerbocker Addition

Proposed Subdivision Name
 0.690 acre, part of the John McNeese Survey, A-1641, Tom Green County, Texas

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 38-01641-0026-000-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address

Property Owner:

Name	Phone Number	Email Address

Architect/Engineer/Design Professional: Franklin Land Associates, LLC 615-370-0670 jhorowitz@gbtrealty.com

Name	Phone Number	Email Address

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

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

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

Section 2: Utility & Easement Information

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

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

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

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

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

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.

Section 3: Property Characteristics

0.690 acre 1

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

Existing Zoning:

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

R&E CN CO CG CG/CH CBD OW ML MH

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

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

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.690

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

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.690

Are there existing structures on the property? Yes No

If yes, how many structures exist? 1 What type of structures exist currently? One story metal and frame

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____

Full variance requested Partial variance requested (proposed variation from standard): _____

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

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

The 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.

(Section 4 continues on next page)

Section 4, continued

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

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

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

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

Owner's Signature _____

Date 7/24/18

Representative's Signature _____

Date _____

FOR OFFICE USE ONLY:

Submitted to front desk: 7/25/18 Date Deemed preliminary complete: 7/25/18 4:31pm Date Time Initials JR

Received by Development Services Technician for completeness review: 7/25/18 4:31pm Date Time Initials JR

Completeness review passed? Yes 7/25/18 Date No _____ Date

If yes, when was application scheduled for staff review, if applicable? 8/1/18 Date Initials JR

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

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

Completeness review passed? (Note: if resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)

Yes _____ Date No _____ Date

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

**PLANNING COMMISSION –August 20, 2018
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Replat		3 rd Replat in Section Two, T.J.A.K. Addition	
SYNOPSIS:			
This is an application to replat a 6.431-acre tract of land into two lots located in the central portion of San Angelo. As part of the plat, the applicant is also requesting a variance from the paving width on La Cruz Street. This property has an existing building and frontage along Old Knickerbocker Road, La Cruz Street, and Harbor Court. The lots comply with the minimum lot standards of the ML & CG/CH Zoning Districts.			
LOCATION:		LEGAL DESCRIPTION:	
1805 & 1806 Harbor Court 650 Old Knickerbocker Road		Being all of the Remainder of 75,003 S.F. out of Tract C, Replat, Portion of A-2, Section Two, T.J.A.K. Addition; all of Tract D, Replat Portion of Tract A-2, Section Two, T.J.A.K. Addition; 0.976 acre Remainder of Tract A-2, Section Two, T.J.A.K. Addition; all of Tract F, 2nd Replat in Section Two, T.J.A.K. Addition; 0.043 acres out of J.A. Frick Survey No. 186, Abstract No. 218, and 0.432 out of J. Frick Survey No. 186, Abstract No. 218, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #3 – Harry Thomas Rio Vista Neighborhood	Light Manufacturing (ML) & General Commercial/Heavy Commercial (CG/CH)	Commercial	6.431 acres
THOROUGHFARE PLAN:			
<p>Harbor Court – Urban Local Street, 50’ min. ROW Required (50’ Existing), 36’ with a 4’ sidewalk or 40’ min. Pavement Required (40’ Existing)</p> <p>Old Knickerbocker Road – Urban Local Street, 50’ min. ROW Required (65’ Existing), 36’ with a 4’ sidewalk or 40’ min. Pavement Required (40’ Existing)</p> <p>La Cruz Street – Urban Local Street, 50’ min. ROW Required (55’ Existing), 36’ with a 4’ sidewalk or 40’ min. Pavement Required (36’ with no sidewalk Existing)</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the 3 rd Replat in Section Two, T.J.A.K. Addition subject to Ten Conditions of Approval , and APPROVAL the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow La Cruz Street, an Urban Local Street, to maintain a 36’ pavement width with no sidewalk in lieu of the required 36 feet, with a 4-foot sidewalk, or 40 feet with no sidewalk.			
PROPERTY OWNER/PETITIONER:			
City of San Angelo & Shamrock Capital Corporation, LLC			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			

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

The subject property is designated “Commercial” in the City’s Comprehensive Plan which intends to “establish transition areas between commercial areas and nearby neighborhoods, and ensure long-term viability of commercial sites.” The purpose of the replat is to facilitate an expansion of a long tenured business and construct stormwater facilities to improve drainage in adjacent neighborhoods. The proposed plat would allow the property owners to make improvements to their land consistent with the above policy.

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

Variance: As indicated above, the applicant has submitted a variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow La Cruz Street, an Urban Local Street, to maintain a 36’ pavement width with no sidewalk in lieu of the required 36’ with a 4’ sidewalk or 40’. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant and city staff believe that granting these variance requests would not be detrimental to the public safety, health or welfare, or be injurious to other property as this area functions in its current condition. Engineering Services and the Planning Division support the variance from any the additional improvements to La Cruz Street. All of the adjacent properties are fully developed and this area currently functions with its current construction.

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

The applicant and city staff have stated that the conditions upon which this request for

variances are based are not generally applicable to other property as this is a small in-fill project in an existing neighborhood. As indicated above, Engineering Services and the Planning Division support the variance from any street improvements along this portion of La Cruz Street as these segments lie within an existing developed area.

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

The applicant and City Staff believe due to the physical surroundings and shape of the subject property including the presence of the existing street and utilities, a particular hardship to the owners would result. City staff believes the existing street width and configuration along La Cruz Street will service the surrounding area satisfactorily.

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

The applicant and City Staff believe approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as this street currently functions and will continue to function in its current capacity. Planning agrees that the existing street are currently sufficient and pose no safety risks to the public. This plat will not drastically increase the development of this area or add new street traffic.

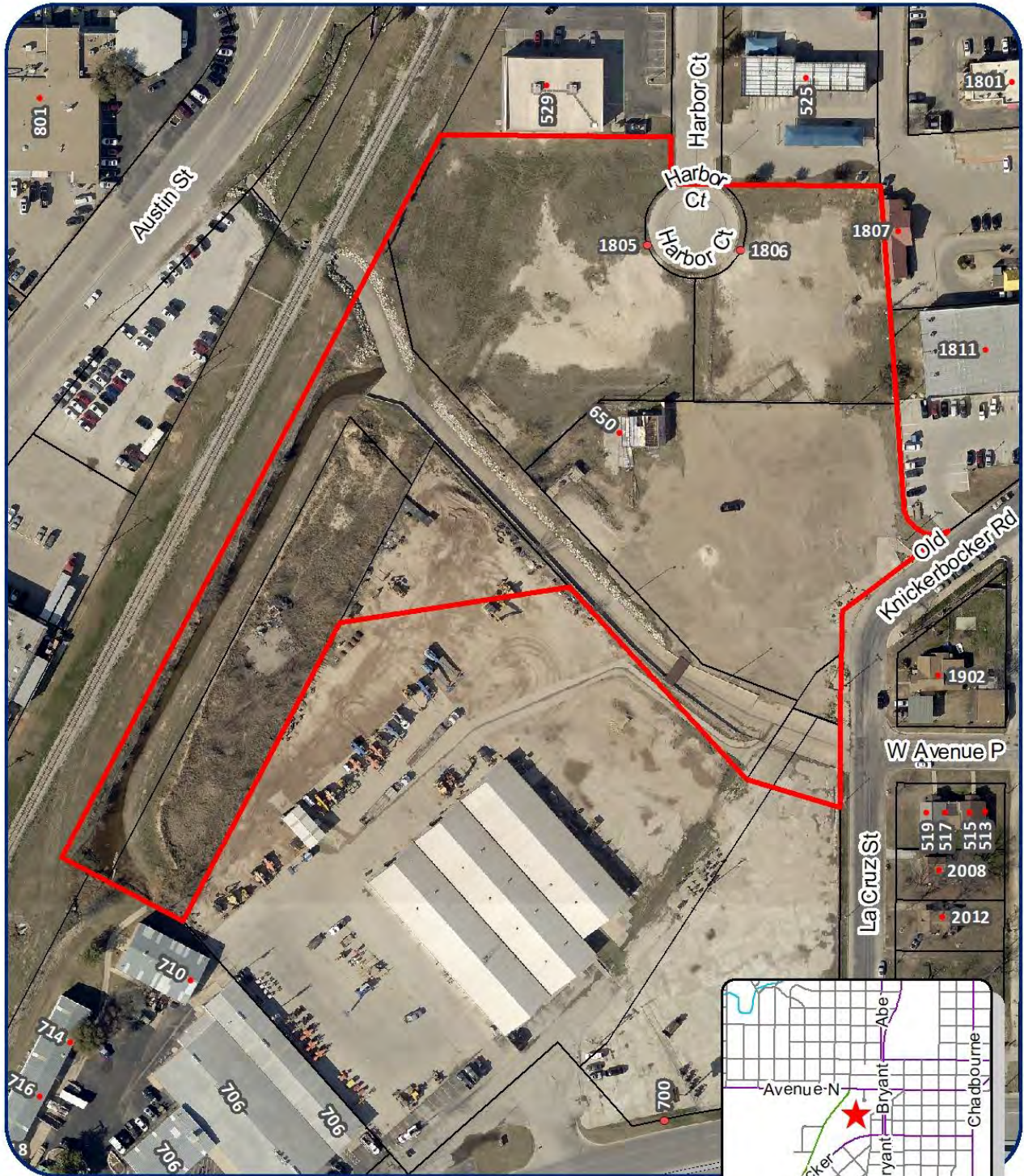
Recommendation: Staff recommends that the Planning Commission **APPROVE** the 3rd Replat in Section Two, T.J.A.K. Addition, subject to **Ten Conditions of Approval**, and **APPROVE** the variance from Chapters 10.III.A.2 of the Subdivision Ordinance to allow La Cruz Street, Urban Local Street, to maintain a 36' pavement width with no sidewalk.

1. Prior to plat recordation, *per Subdivision Ordinance, Chapter 7.II.A* provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, illustrate the required 25' building line along the frontage of Old Knickerbocker Road and La Cruz Street [*Zoning Ordinance, Sec. 501*].
3. Prior to plat recordation, provide final documentation for the right-of-way abandonment approval from City Council.
4. The turnaround dimensions do not match the code description or the alternates of *Appendix D of the 2015 International Fire Code*. Coordinate with the fire department to test the effectiveness of the proposed arrangement or prior to final certificate of occupancy, provide at

- least one twenty foot wide gate at each end of a twenty foot wide fire lane through Tract C-1. Gate keys shall be made available to the fire department through Knox Boxes.
5. The fire hydrant shall remain accessible for fire department use. There shall not be any obstructions within three feet of the fire hydrant. This clearance includes the distance to the fence.
 6. Prior to issuance of a building permit 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*].
 7. Prior to issuance of a building permit and recordation of the plat, contact the City of San Angelo Department of Water Utilities Customer Service Office at 301 W. Beauregard Ave. or by calling (325) 657-4323 to request water and sewer service connections and to establish a utility service account.
 8. Prior to issuance of a building permit and recordation of the plat, prepare and submit plans for required improvements to streets by half the additional increment necessary to comprise the minimum paving widths [*Land Development and Subdivision Ordinance, Chapter 10*].
 - For La Cruz St, the minimum width is 40 feet (in this case, requiring the developer to pave 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*].
 9. Prior to issuance of a building permit and recordation of the plat, illustrate the existing 20' drainage easement on Tract C-2.
 10. Prior to issuance of a building permit and recordation of the plat, illustrate the existing 10' drainage easement on Tract C-2.

Attachments:

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

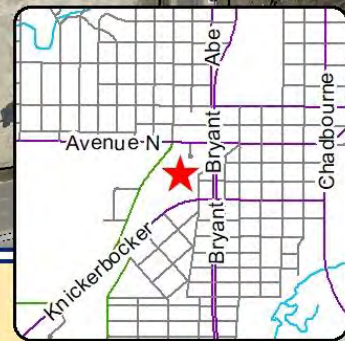


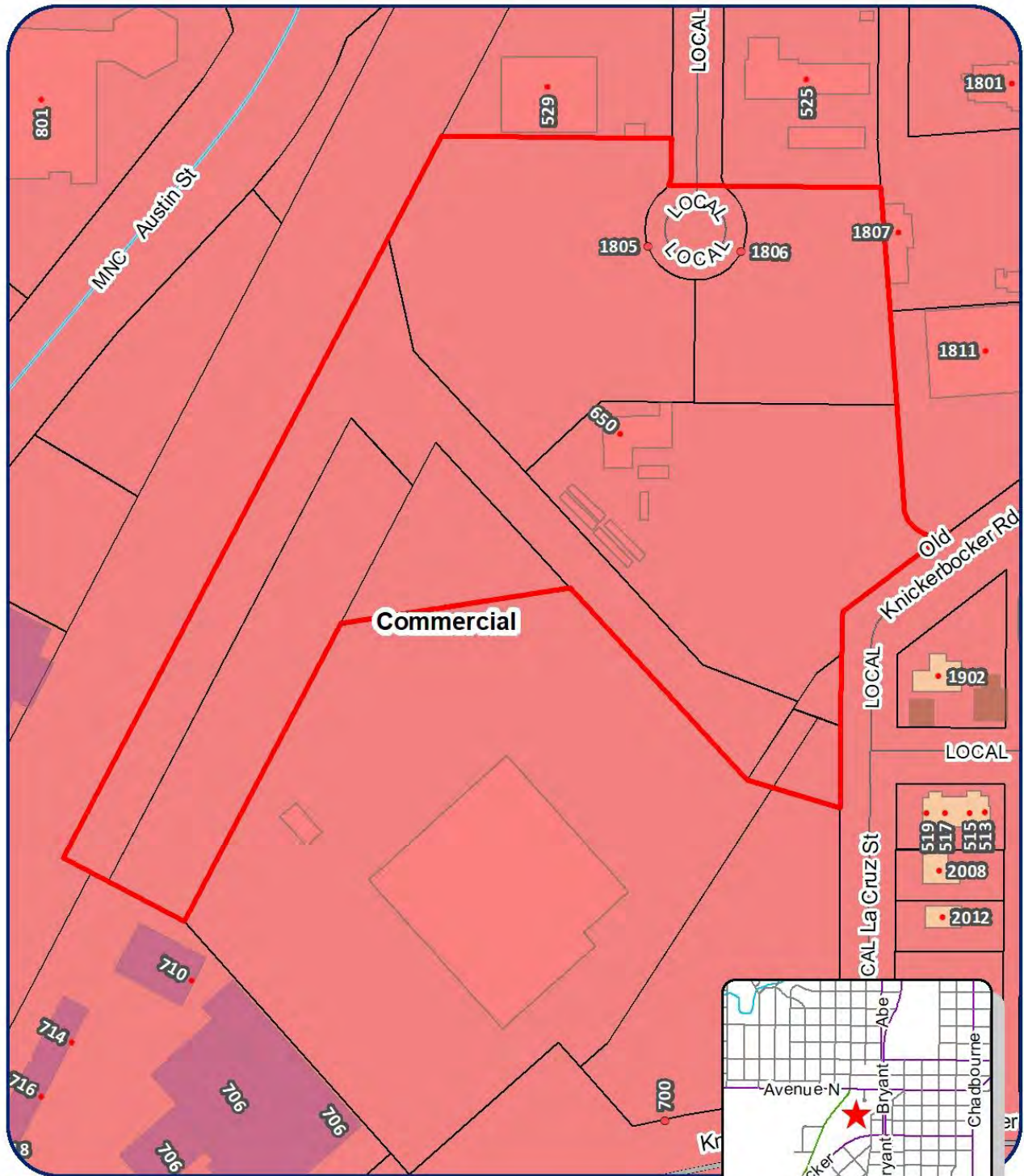
T.J.A.K. Addition
3rd Replat in Section 2

Council District: SMD #3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

Legend

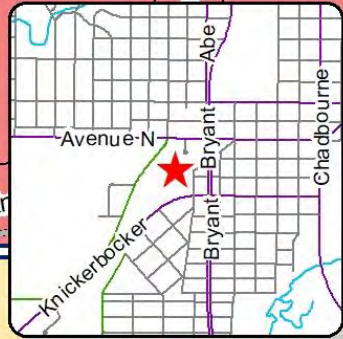
Subject Properties: —
 Current Zoning: **ML & CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**

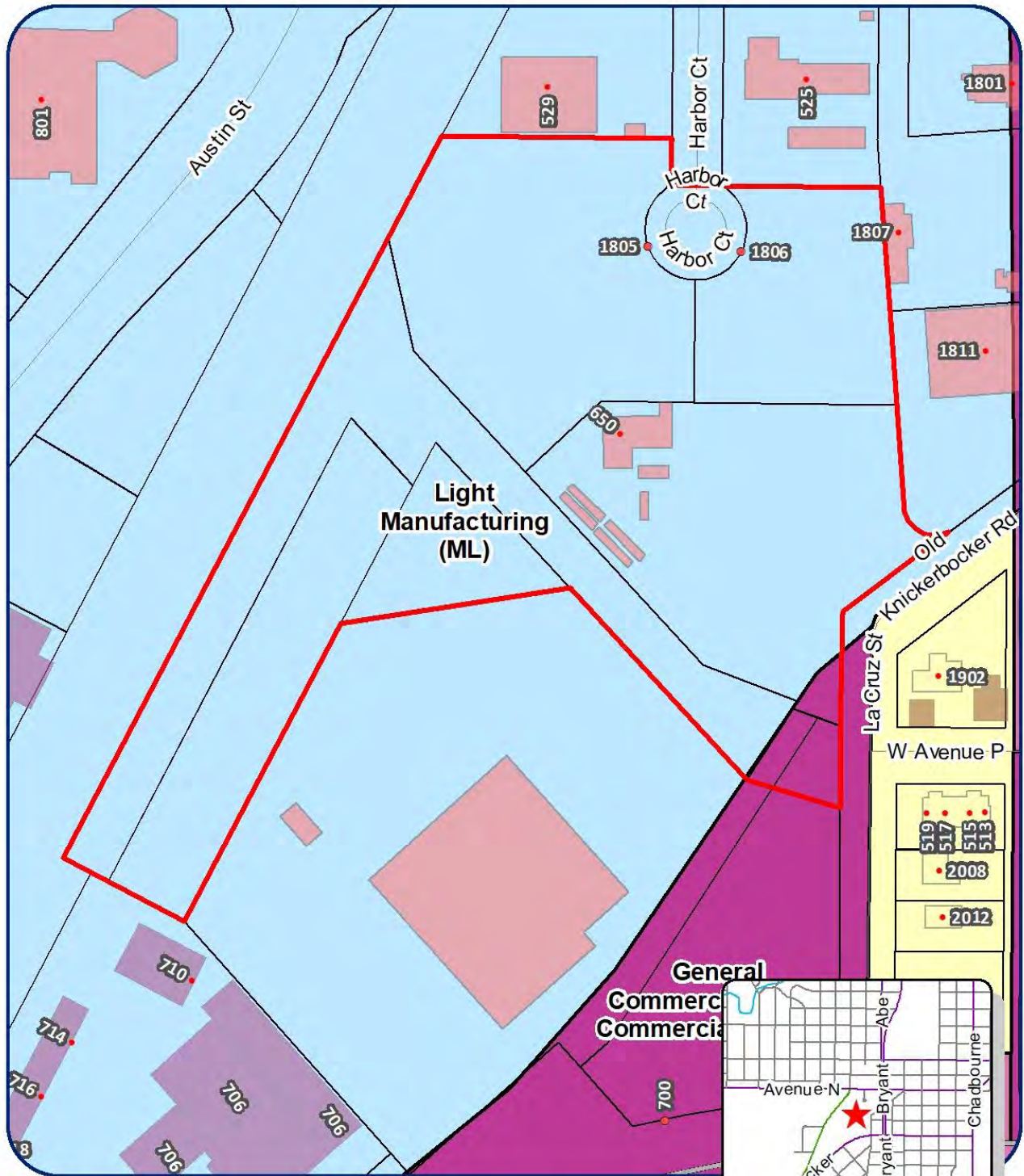




T.J.A.K. Addition
3rd Replat in Section 2
 Council District: SMD #3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

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

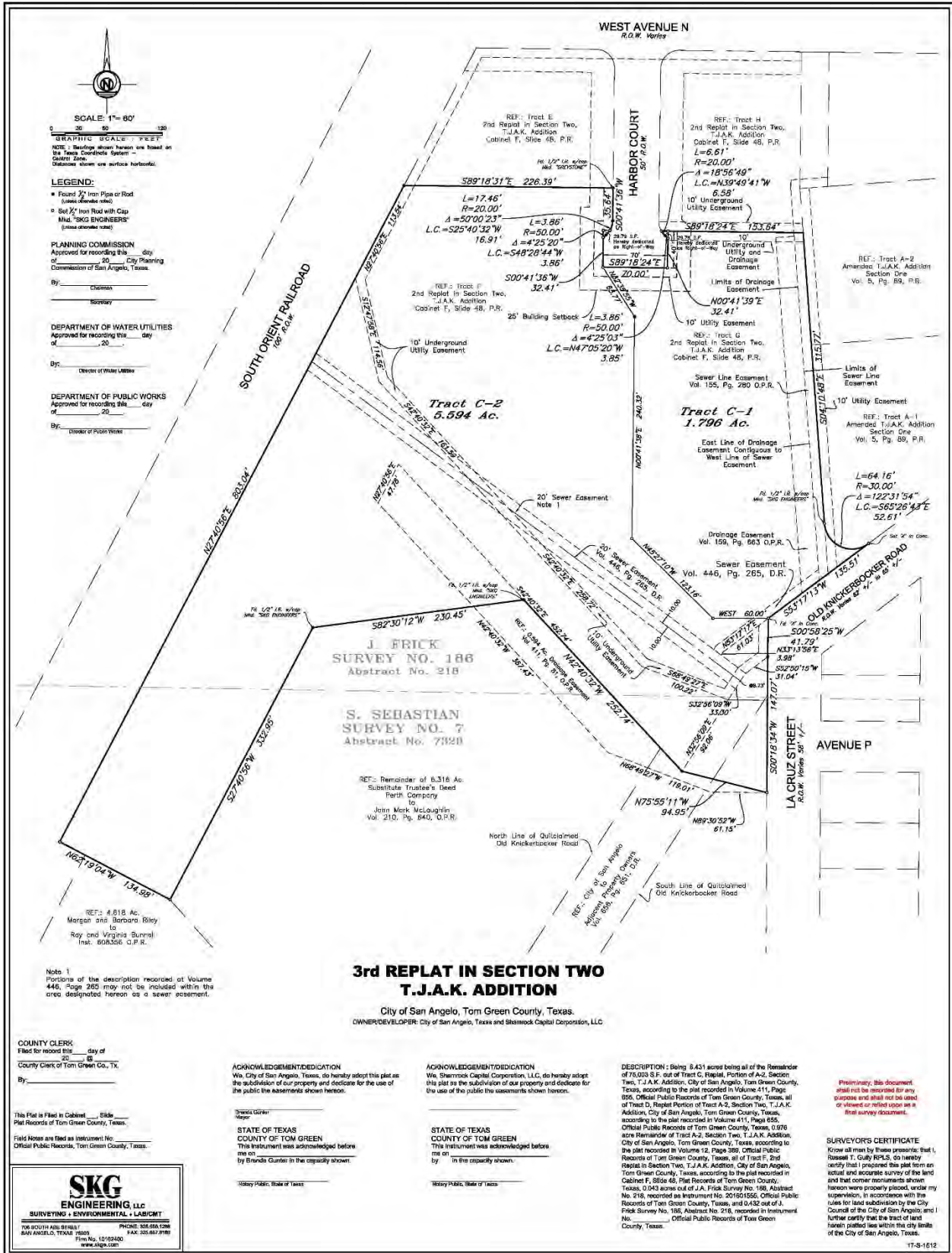




T.J.A.K. Addition
3rd Replat in Section 2
 Council District: SMD #3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

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







City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

3rd Replat in Section Two, T.J.A.K. Addition

Proposed Subdivision Name

See attached for Legal Description

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

25-46025-0000-002-55, 25-46025-0000-002-60, 25-46025-0000-002-30, 25-46025-0000-002-70, 38-00218-0031-100-00, 38-00218-0031-000-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:	City of San Angelo, Texas	(325) 657-4201	russell.pehl@cosatx.us
	Name	Phone Number	Email Address

Property Owner:	City of San Angelo, Texas	(325) 657-4201	russell.pehl@cosatx.us
	Name	Phone Number	Email Address

Architect/Engineer/Design Professional:	Name	Phone Number	Email Address
---	------	--------------	---------------

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

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: N/A

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

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

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

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



City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

3rd Replat in Section Two, T.J.A.K. Addition

Proposed Subdivision Name

See attached for Legal Description

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

25-46025-0000-002-55, 25-46025-0000-002-60, 25-46025-0000-002-30, 25-46025-0000-002-70, 38-00218-0031-100-00, 38-00218-0031-000-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
Shamrock Capital Corporation, LLC	325-658-8375	

Property Owner:

Name	Phone Number	Email Address

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address

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

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: N/A _____

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

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

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

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

Section 3: Property Characteristics

6.431 2

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

Existing Zoning:

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

R&E CN CO CG CG/CH CBD OW ML MH

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

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

Vacant 4.709 Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 1.722

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

Vacant 5.560 Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.871

Are there existing structures on the property? Yes No

If yes, how many structures exist? 1 What type of structures exist currently? Restaurant and Storage

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

Full variance requested Partial variance requested (proposed variation from standard): _____

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
Widening La Cruz St. by only 2 ft in the short distance required would not be beneficial to driver or pedestrian safety on the road. Traffic is not predicted to increase on this road.

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.
Due to the short frontage of the property on La Cruz St. (Less than 200 ft.) makes the widening of only 2 ft of pavement width a special condition due to the lot's short frontage length.

(Section 4 continues on next page)


Section 4, continued

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

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

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

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


 Owner's Signature

_____ Date

 Representative's Signature

_____ Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
Date Date

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

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

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

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

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

Date of Approval Expiration: _____

Date Recorded: _____

**PLANNING COMMISSION –August 20, 2018
STAFF REPORT**



APPLICATION TYPE:	CASE:
Replat	Replat of Lots 27, 28, And 29, Block 3, Poulters Highland Acres

SYNOPSIS:
This is an application to replat 3 previously platted lots into two lots located in the west central San Angelo. As part of the plat, the applicant is also requesting a variance from the paving width on Townview Lane. This property has existing church buildings and frontage along Townview Lane and West Houston Harte Expressway. The lots comply with the minimum lot standards of the R&E and CG/CH Zoning Districts.

LOCATION:	LEGAL DESCRIPTION:
3980 West Houston Harte Expressway	Being 6.488 Acres out of Lots 27, 28, and 29, Block 3, Poulters Highland Acres, City of Son Angelo, Tom Green County, Texas

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #6 – Billie DeWitt Bluffs Neighborhood	Ranch & Estate (R&E) and General Commercial/Heavy Commercial (CG/CH)	Commercial – Rural - Neighborhood	6.488 acres

THOROUGHFARE PLAN:
West Houston Harte Expressway – TXDOT Right-of-way
Townview Lane – Urban Local Street, 50’ min. ROW Required (50’ Existing), 36’ with a 4’ sidewalk or 40’ min. Pavement Required (36’ Existing)

NOTIFICATIONS:
13 Notifications were mailed out on August 3, 2018. One has been received in support and Zero in opposition.

STAFF RECOMMENDATION:
Staff recommends **APPROVAL** of the Replat of Lots 27, 28, And 29, Block 3, Poulters Highland Acres subject to **Nine Conditions of Approval**, and **APPROVAL** the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Townview Lane, an Urban Local Street, to maintain a 36’ pavement width with no sidewalk in lieu of the required 36 feet, with a 4-foot sidewalk, or 40 feet with no sidewalk.

PROPERTY OWNER/PETITIONER:
<u>Property Owner</u> West Side Baptist Church
<u>Representative</u> Steve Eustis
STAFF CONTACT:
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us



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

The northern portion of the subject property is designated “Rural & Neighborhood” in the City’s Comprehensive Plan which intends to “preserve rural character in certain places and Promote vibrant and viable neighborhoods.” With the proposed plat, the existing church use allows a transitional use from the rural neighborhood to the adjacent commercial. The southern portion of the subject property is designated “Commercial” in the City’s Comprehensive Plan which intends to “establish transition areas between commercial areas and nearby neighborhoods, and ensure long-term viability of commercial sites.” The purpose of the replat is to allow the existing church to remain as well as facilitate an expansion of a long tenured existing business along Arden Road. The proposed plat would allow the property owners to make improvements to their land consistent with the above policy.

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

Variance: As indicated above, the applicant has submitted a variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Townview Lane, an Urban Local Street, to maintain a 36’ pavement width with no sidewalk in lieu of the required 36’ with a 4’ sidewalk or 40’. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant believes that granting these variance requests would not be detrimental to the public safety, health or welfare, or be injurious to other property as the frontage along Townview Lane will continue functions in its current condition. Engineering Services and the Planning Division support the variance from any the additional improvements to Townview Lane. All of the adjacent properties are fully developed and this area currently functions with its current construction.

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

The applicant has stated that the conditions upon which this request for variances are based are not generally applicable to other property as Townview Lane dead ends one half mile to the West and all land is platted with residential improvements. They also stated that no sidewalks exist on this street and most likely never will. As indicated above, Engineering Services and the Planning Division support the variance from any street improvements along this portion of Townview Lane as these segments lie within an existing developed area.

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

The applicant believes due to the physical surroundings including the presence of the existing street and utilities, a particular hardship to the owners would result. City staff believes the existing street width and configuration along Townview Lane will service the surrounding area satisfactorily.

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

The applicant believes approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as this street currently functions and will continue to function in its current capacity. Planning and Engineering agree that the existing street are currently sufficient and pose no safety risks to the public. This plat will not drastically increase the development or add new street traffic along Townview Lane.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the Replat of Lots 27, 28, And 29, Block 3, Poulter's Highland Acres, subject to **Nine Conditions of Approval**, and **APPROVE** the variance from Chapters 10.III.A.2 of the Subdivision Ordinance to allow Townview Lane, Urban Local Street, to maintain a 36' pavement width with no sidewalk.

1. Prior to plat recordation, *per Subdivision Ordinance, Chapter 7.II.A* provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prior to Plat Recordation, illustrate the required 25' building line along the frontage of Townview Lane [Zoning Ordinance, Sec. 501].

3. Prior to Plat Recordation, illustrate the required 25' building line along the frontage of West Houston Harte Expressway [Zoning Ordinance, Sec. 501].
4. Prior to Plat Recordation, submit the Replat Checklist and Revise the final plat document in accordance with the Replat Checklist.
5. Prior to plat recordation and issuance of building permit prepare, and submit plans for approval, illustrating the proposed extension of the 8" PVC sewer main (so Lot 27B is serviceable) [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 12.I.B].
 - Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].
6. Prior to plat recordation and issuance of building permit, Prepare and submit plans for required improvements to Townview Lane to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10].
 - For Townview Lane, the minimum width is 36 feet with a 4 foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either 0 additional feet and a 4 foot sidewalk, or 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].
7. Prior to plat recordation and issuance of building permit, a drainage study shall be submitted if the impervious area changes by 5% and development* of a site exceeds 1 acre. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13].
 - *Note: Development is defined in ordinance as "Any man-made change to improved or unimproved real estate, including, but not limited to, adding buildings or other

structures, mining, dredging, filling, grading, paving, excavation, drilling operations, clearing, or removing vegetative cover."

8. Prior to plat recordation and issuance of building permit 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].
9. Prior to plat recordation and issuance of building permit contact the City of San Angelo Department of Water Utilities Customer Service Office at 122 W. 1st Street or by calling (325) 657-4323 to establish a utility service account.

Attachments:

Aerial Map

Future Land Use Map

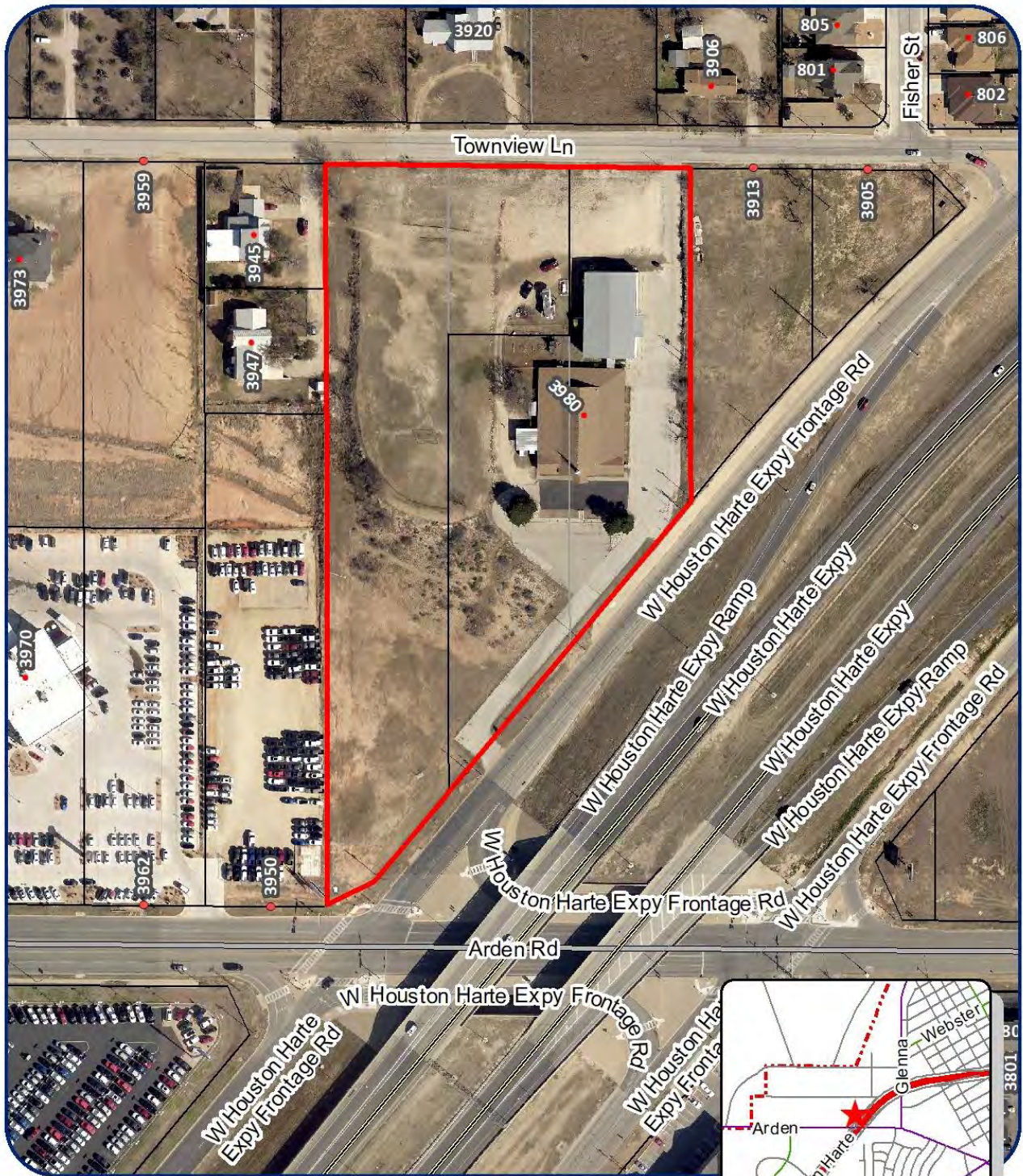
Zoning Map

Proposed Final Plat

Application

Notification Map

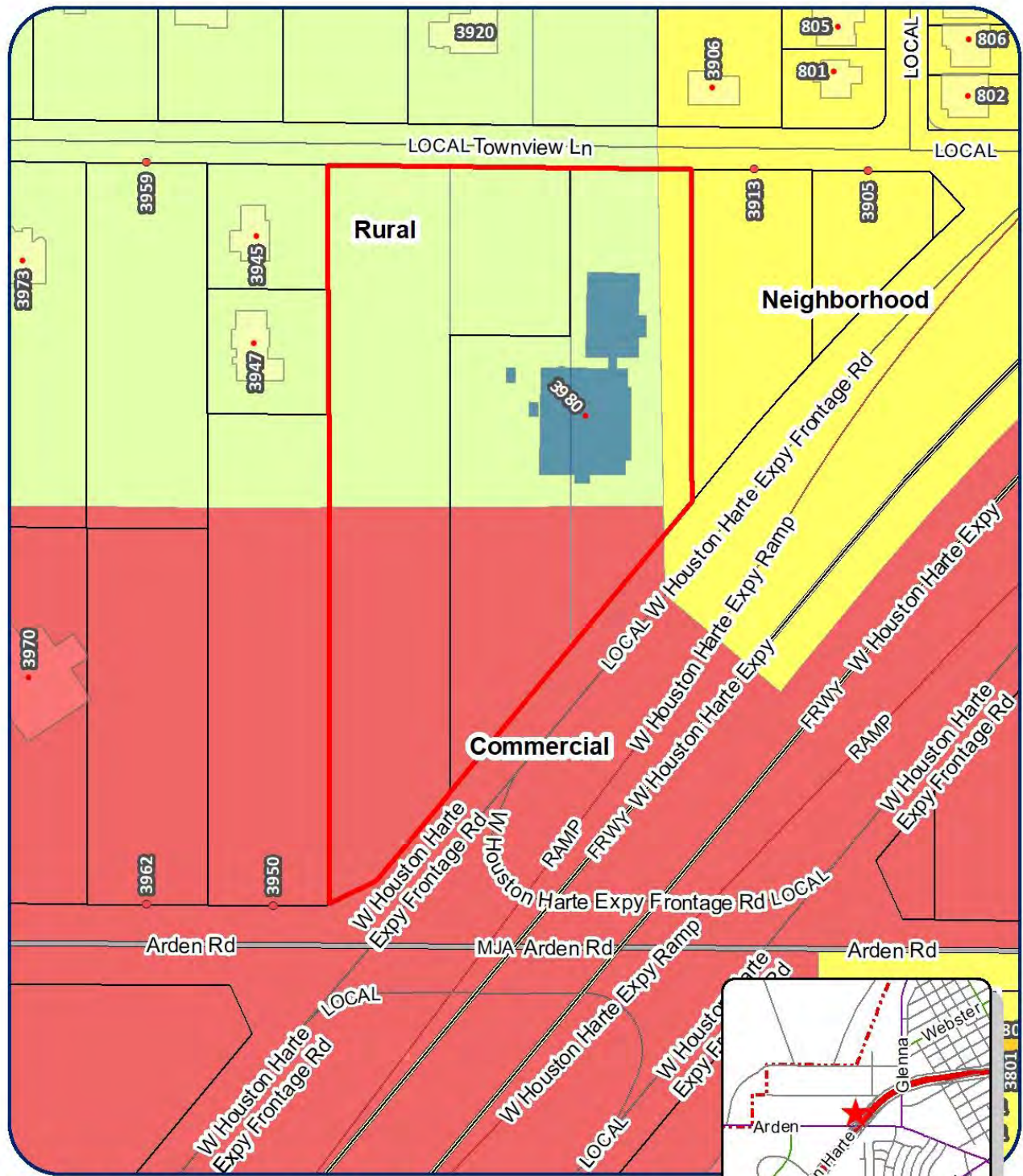
Resident Letter



Poulter's Highland Acres, Block 3
1st Replat Lots 27, 28, 29

Council District: SMD #6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 150 ft

Legend
 Subject Properties: —
 Current Zoning: **R&E - CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Rural - Neighborhood - Commercial**





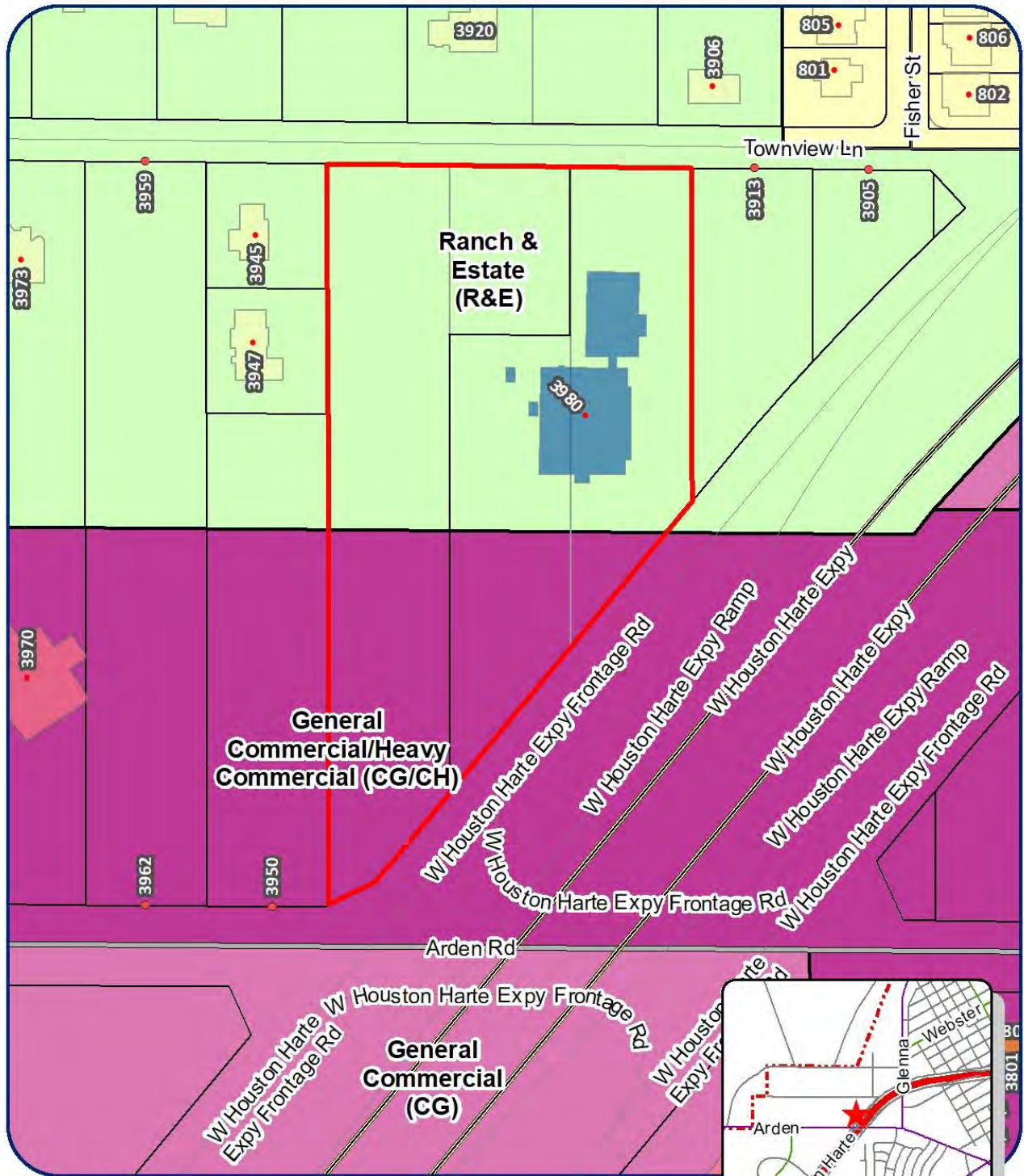
Poulter's Highland Acres, Block 3
1st Replat Lots 27, 28, 29

Council District: SMD #6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 150 ft

Legend

Subject Properties: —
 Current Zoning: R&E - CG/CH
 Requested Zoning Change: N/A
 Vision: Rural - Neighborhood - Commercial





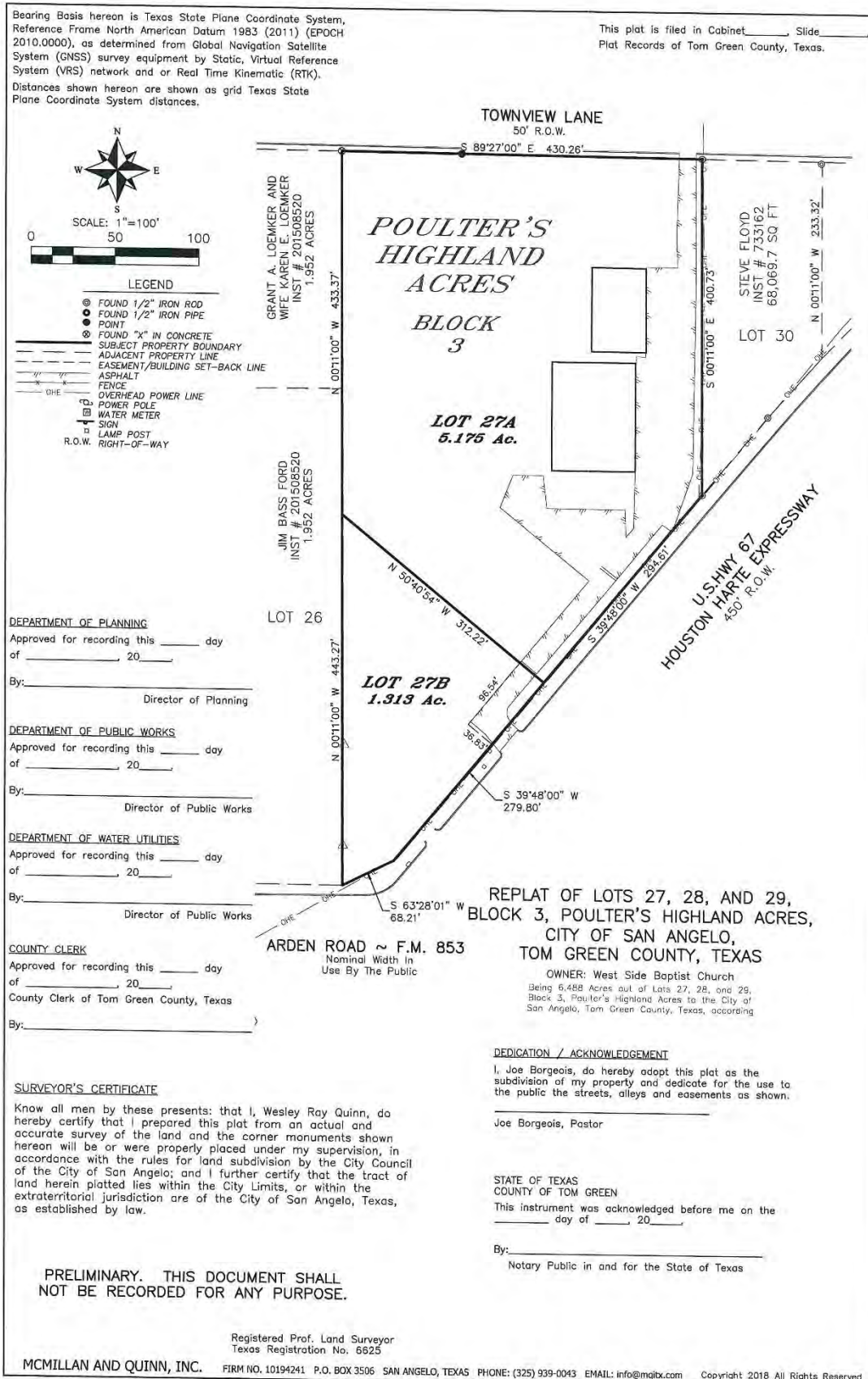
Poulter's Highland Acres, Block 3
1st Replat Lots 27, 28, 29

Council District: SMD #6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 150 ft

Legend

Subject Properties: —
 Current Zoning: **R&E - CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Rural - Neighborhood - Commercial**





City of San Angelo, Texas - Planning Land Subdivision Application



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

Section 1: Basic Information

First Replat of Lots 27, 28 and 29 in Block 3, Poulter's Highland Acres

Proposed Subdivision Name

North parts of Lots 27, 28 and 29, Block 3, Poulter's Highland Acres

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

22-39000-0003-028-00 and 22-39000-0003-027-00

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

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

Authorized Representative:	<input checked="" type="checkbox"/> Tenant ^{Broker}	<input type="checkbox"/> Property Owner	<input type="checkbox"/> Contractor	<input type="checkbox"/> Engineer
Broker ^{Tenant}	Steve Eustis	325-653-1489	steve@steveeustisrealestate.com	
	Name	Phone Number	Email Address	
Property Owner:	West Side Baptist Church	325-944-1423		
	Name	Phone Number	Email Address	
Architect/Engineer/Design Professional:	Erica Carter	325-223-0300	ecarter@fentresseng.com	
	Name	Phone Number	Email Address	

Subdivision Type:

<input type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> Replat - requiring Planning Commission approval	<input type="checkbox"/> Plat Vacation
<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Replat - administratively eligible*	<input type="checkbox"/> Amended Plat

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

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

Section 2: Utility & Easement Information

Water:	<input type="checkbox"/> City - requesting new services	Proposed size? _____
	<input checked="" type="checkbox"/> City - utilizing existing services	Existing size? <u>8 in and 12 in</u>
	<input type="checkbox"/> Other	Please specify: _____
Sewer:	<input type="checkbox"/> City - requesting new services	Proposed size? _____
	<input checked="" type="checkbox"/> City - utilizing existing services	Existing size? <u>8 in</u>
	<input type="checkbox"/> Other	Please specify: _____
	<input type="checkbox"/> Septic System	Lot size? _____

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

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

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

Section 3: Property Characteristics

6.44 ac 2

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

Existing Zoning:

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

R&E CN CO CG CG/CH CBD OW ML MH

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

Existing Land Use (Include the number of acres devoted to this use): church facilities - 5.126 ac; and,

Vacant 1.314 Single-Family Residential _____ Office _____

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

Proposed Land Use (Include the number of acres devoted to this use): church facilities - 5.126 ac; and,

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 1.314

Are there existing structures on the property? Yes No

If yes, how many structures exist? 2 What type of structures exist currently? Church Facilities

If yes, are any of the structures planned to remain? Yes (NOTE: requires one copy of proposed plat showing structures to remain)

No

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: Chapter 10, Section III.A.2

Full variance requested Partial variance requested (proposed variation from standard): Variance of the requirement of 4 ft sidewalk

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
Nothing will be changing on the Townview Lane frontage. The purpose of this replat is to sell a 1.313 ac tract on Houston Harte/Arden Road.
This variance will not be detrimental to public health, safety, or welfare.

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.
Townview Lane dead ends one half mile to the West and all land is platted with residential improvements. No sidewalks exist on this street and most likely never will.

(Section 4 continues on next page)

Section 4, continued

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

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 We see no reason that a variance would vary the provision of any applicable ordinance.

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

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

Owner's Signature _____ Date _____
Stu Gush 7/30/18
 Representative's Signature _____ Date _____

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

Owner's Signature _____ Date _____
Joe Bourgeois, Pastor West side Baptist Church 7-26-18
 Representative's Signature _____ Date _____
Stu Gush 7-27-18

FOR OFFICE USE ONLY:

Submitted to front desk: 7/27/18 Date Deemed preliminary complete: 7/27/18 Date 5:00pm Time HB Initials

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

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

If yes, when was application scheduled for staff review, if applicable? 8/8/18 Date HB Initials

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

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

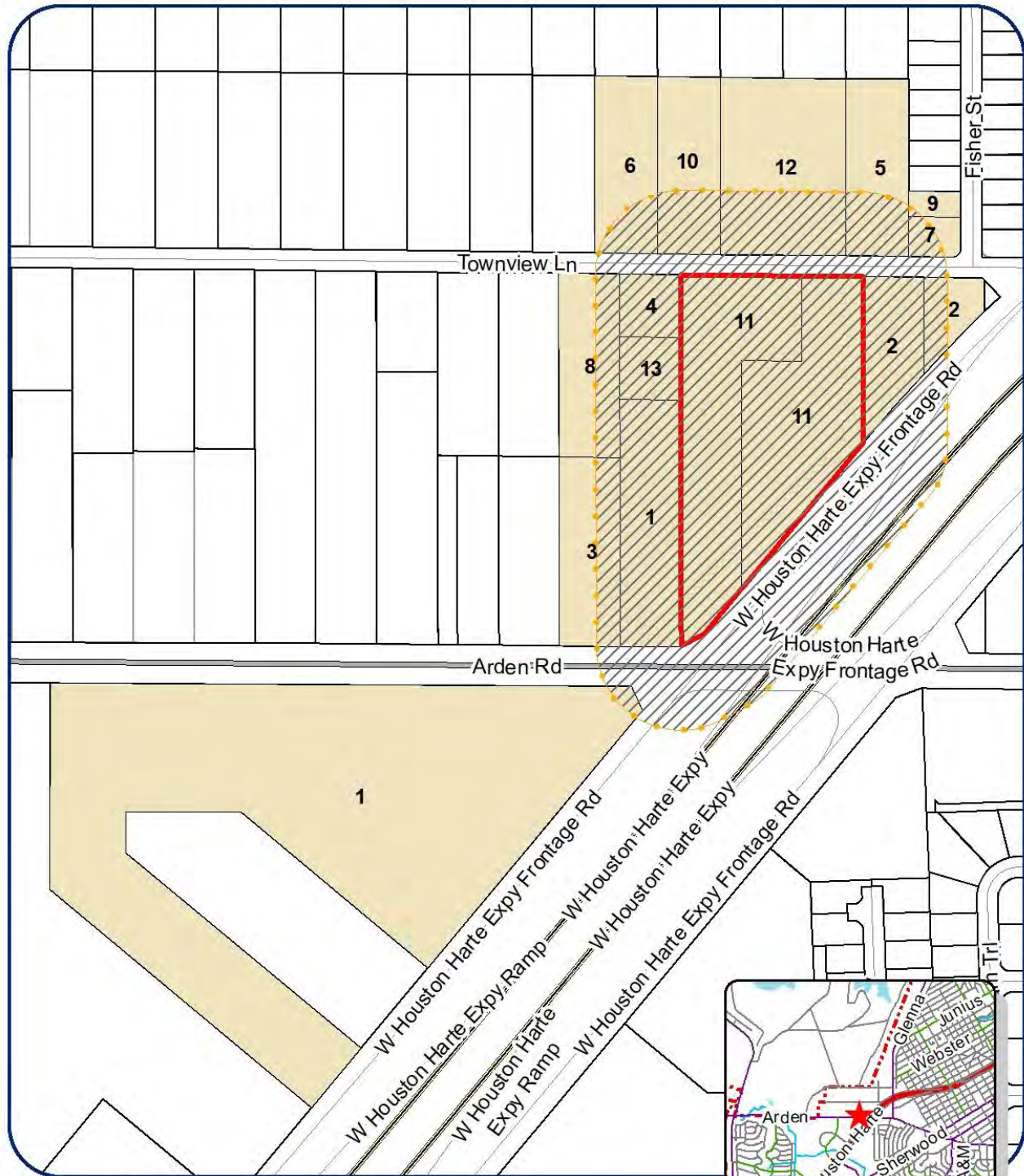
Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)

Yes _____ Date _____ No _____ Date _____



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

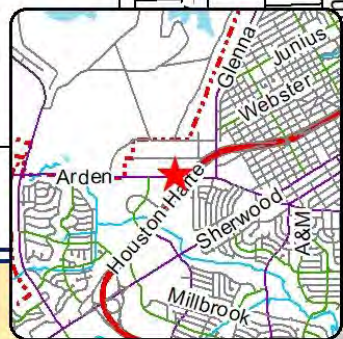
Date of Approval Expiration: _____

Date Recorded: _____



Poulter's Highland Acres, Block 3		Legend	
1st Replat Lots 27, 28, 29		Subject Properties:	
Council District: SMD #6 - Billie DeWitt		Current Zoning: R&E - CG/CH	
Neighborhood: Bluffs		Requested Zoning Change: N/A	
Scale: 1" approx. = 300 ft		Vision: Rural - Neighborhood - Commercial	



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Jim Bass Ford, Inc.
ADDRESS: 4032 W. Houston Harte Expressway
SAN ANGELO, TX. 76901

SIGNATURE: John Bass

REPLAT OF LOTS 27, 28, AND 29, BLOCK 3, POULTER'S HIGHLAND ACRES,

Property Owner number: 1.

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210, ext. 1547 or by email at hillary.bueker@cosatx.us.

**PLANNING COMMISSION – August 20, 2018
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP18-07/Z18-16: Galvan	
SYNOPSIS:			
<p>A request for approval of an amendment to the Comprehensive Plan for the City of San Angelo to change the Future Land Use from Neighborhood to Neighborhood Center on the subject property, and a request for approval of a Rezoning from the Single Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property. The applicant is intending to begin retail sales and service or vehicle services limited. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per Section 212.G of the Zoning Ordinance.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1520 Bryan Street		Being The South Half of Lots 13 And 14, Block 13, Fairview Addition, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	RS-1 – Single Family Residential	Neighborhood	0.218 acres
THOROUGHFARE PLAN:			
<p><u>South Bell Street</u> –Urban Minor Arterial Street, Required 80’ min. ROW (92’ Existing), 64’ min. pavement width (48’ Existing).</p> <p><u>Bryan Street</u> –Urban Local Street, Required 50’ min. ROW (100’ Existing), 36’ min. pavement with sidewalk or 40’ without sidewalk (40’ Existing).</p>			
NOTIFICATIONS:			
<p>15 notifications were mailed within a 200-foot radius on August 3, 2018. Zero response has been received in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from “Neighborhood” to “Neighborhood Center,” and</p> <p>APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District</p>			
PROPERTY OWNER/PETITIONER:			
Miguel Galvan			
STAFF CONTACT:			
<p>Hillary Bueker Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us</p>			

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 amendment from Neighborhood to Neighborhood Center would allow transition between the existing Future Land Use designations in the adjacent area and also allow for compatibility with the associated rezoning to Neighborhood Commercial. Section 304 of the Zoning Ordinance states that the intent of the Neighborhood Commercial Zoning District is to “provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area” The rezoning will allow a transition from the heavier commercial development in the area, and more specifically, allow the applicant to construct the proposed retail use.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed development would comply with the Neighborhood Commercial development standards. The 9,500 square feet property exceeds the minimum lot area of 6,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 80 feet in the Neighborhood Commercial district. Any future buildings will be required to comply with all required setbacks including 25-foot front yard setbacks from Bryan Street and South Bell Street, as well as a 10-foot side yard setback to the west and north.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The property is located within an area that has mixed uses, but is comprised of mostly residential to the west and commercial/industrial along South Bell Street. The subject parcel will be adjacent to residential lots on the west and north side but will remain at a neighborhood scale in the proposed CN zoning district. This type of commercial use is similar to other uses already existing along Bell Street to the east.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property has been zoned Single Family Residential District since the 1954 Zoning Ordinance. Where the Zoning Ordinance may have initially anticipated more residential development, the area has not developed that way, so allowing the Comprehensive Plan amendment and rezoning would make better use of the land in a manner consistent with existing adjacent development.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The Comprehensive Plan amendment and rezoning are anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as the proposed improvements are built, but those would be temporary. Although there will be a heavier footprint with a commercial development as opposed to a residential development, staff will be able to mitigate this during the site plan and permitting processes.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There has not been any demonstrated community need for a use on the site to be residential. The site has been vacant for some time and the potential tenant would not be allowed in the RS-1 Zoning District. Allowing the site to rezone to Neighborhood Commercial would be reflective of the continuing need for commercial in the area, rather than allowing a continuance of a zoning designation that has not been fully utilized in the past.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area along South Bell Street is considerably commercial. This parcel will keep in continuity with the adjoining lots directly adjacent to along this corridor.

Recommendation:

Staff's recommendation is for the Planning Commission to:

1. Recommend **APPROVAL** of a Comprehensive Plan Amendment, changing the Future Land Use designation from "Neighborhood" to "Neighborhood Center."
2. Recommend **APPROVAL** of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Photographs
Notification Map



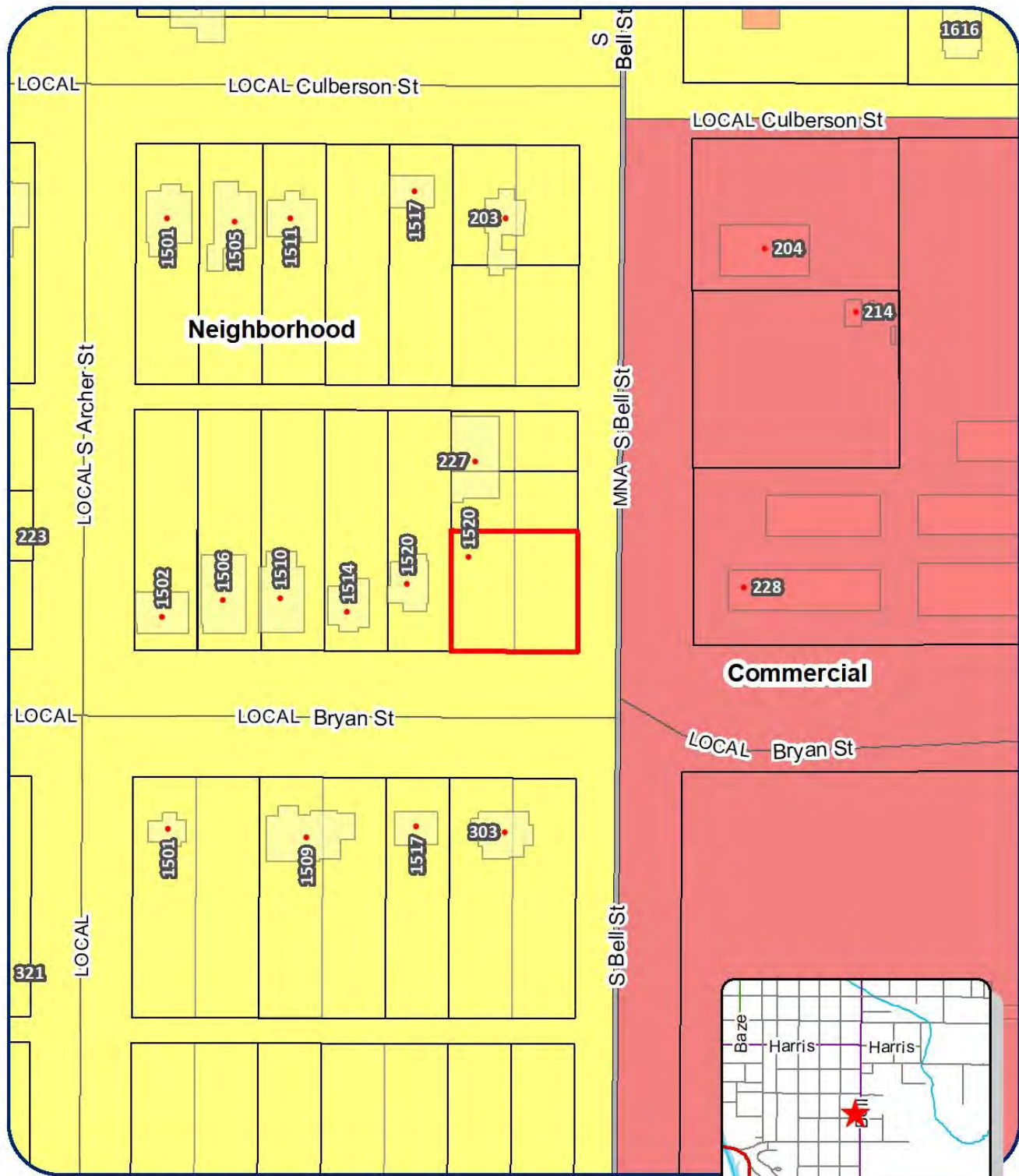
CP18-07/Z18-16: Galvan
1520 Bryan Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho East
 Scale: 1" approx. = 100 ft

Legend

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



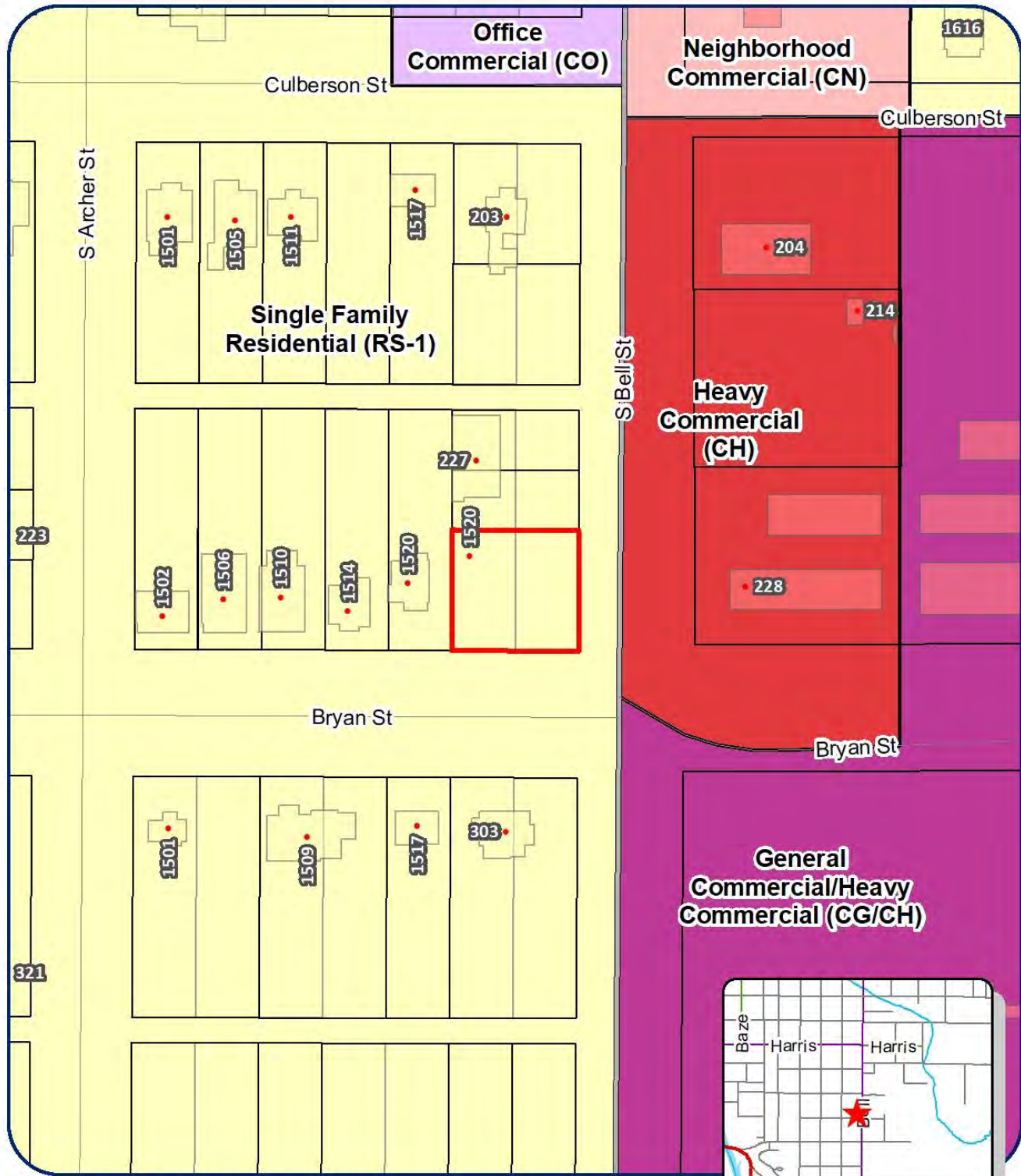


CP18-07/Z18-16: Galvan
1520 Bryan Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho East
 Scale: 1" approx. = 100 ft

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





CP18-07/Z18-16: Galvan
1520 Bryan Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho East
 Scale: 1" approx. = 100 ft

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



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): Miguel Galvan
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 210 Robinhood Trl San Angelo Tx 76903
 City State Zip Code

Contact Phone Number: (325) 716-6644

Contact E-mail Address: _____

Subject Property Address: 1520 Bryan St. San Angelo Texas 76903
 City State Zip Code

Legal Description (can be found on property tax statement or at www.tomgreencad.com):
South half lot of 13314 Bell St

Existing Zoning: RS1 Proposed Zoning: Neighborhood commercial Lot size: W: 150.00' S: 95.00'

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

Section 2: Site Specific Details

Existing Use of Property: Garage: for lot 12:

*Proposed Use of Property: Commercial Neighborhood business:
FOOD RETAIL

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

Miguel Angel Galvan Miguel Galvan 07-20-18
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: 7 / 20 / 18

Case No.: Z 18 - 16 Fully-dimensional site plan:

Nonrefundable fee: \$ 625 Receipt #: _____ Date paid: 7 / 20 / 18

Sign Deposit \$37.50 CP Receipt #: _____ Date paid: ____/____/____

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

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

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

Planning Commission hearing date: 8 / 20 / 18 Date notifications due: 8 / 3 / 18

City Council hearing date: 9 / 18 / 18 Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: H. Buckner Date: 7 / 20 / 18

Effective January 3, 2017



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



Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): Miguel Galvan
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 210 Robinhood Trl San Angelo Tx 76901
City State Zip Code

Contact Phone Number: (325) 716-6644
 Contact E-mail Address: _____

Subject Property Address: 1520 Bryan St San Angelo Tx 76903
City State Zip Code

Lot Size: W. 150.00' S. 95.00' Zoning: _____

Section 2: Site Specific Details

Existing Use of Property: Garage

Proposed Use of Property: Retail

Existing Comprehensive Plan Land Use Designation: neighborhood

Requested Comprehensive Plan Land Use Designation: neighborhood center

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment:

There is a small structure that we would like to expand and turn into a small business for food retail. It would be in an excellent site for business in that area of San Angelo

Rezoning - 500
 Comp Plan 500
 Ad(2) 125
 Sign 37.50

 1287.5
 July 20 Submit Sept 18
 Aug 20 - PC Oct 2 CC

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgment

Please initial the following:

MG This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

MG Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

MG If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

MG The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

MG If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

MG Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

MG Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

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

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

Miguel Galvan
Signature of licensee or authorized representative

07-20-18
Date

Miguel Galvan
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:
Case No.: CPA.: 18 -- 07 Planning Commission Date: 8 / 20 / 18
City Council Date(s): 9 / 18 / 18 10/2/18
Non-Refundable Fee: \$ 662.50 Receipt #: _____ Date paid: _____ / _____ / _____
Reviewed/Accepted by: H. Buckner Date: 7 / 20 / 18

Site Photos



Subject Property



Subject Property



Subject Property along South Bell Street



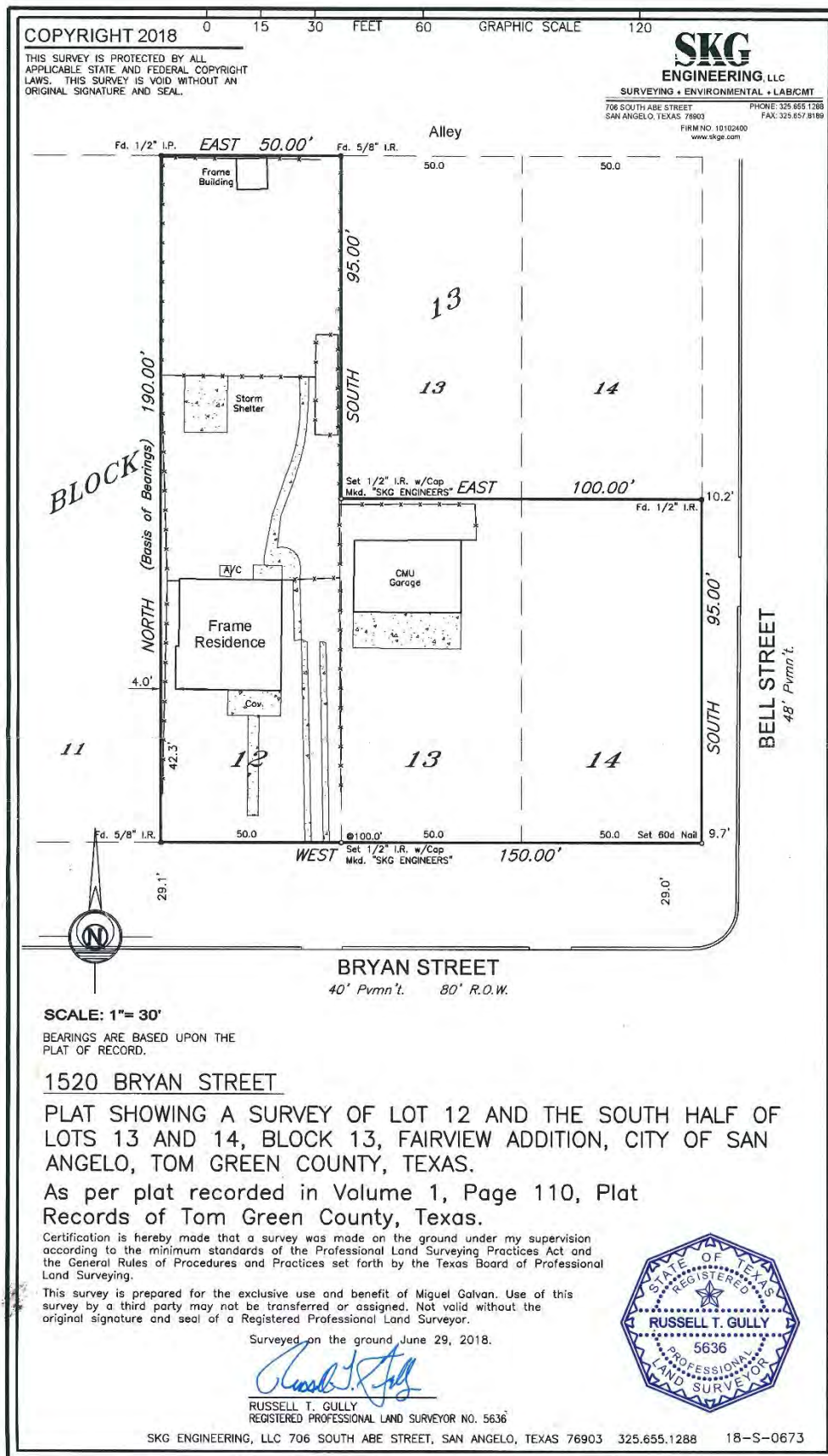
Property Directly East across South Bell Street



Property Directly Southeast across South Bell Street



Property Directly South across Bryan Street





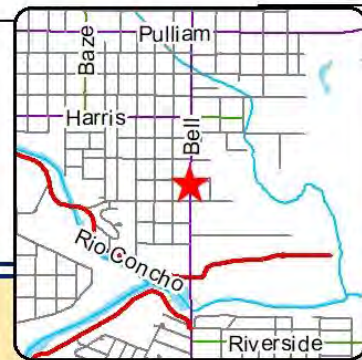
CP18-07/Z18-16: Galvan

1520 Bryan Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho East
 Scale: 1" approx. = 150 ft

Legend

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



**PLANNING COMMISSION – August 20, 2018
STAFF REPORT**



APPLICATION TYPE:	CASE:
Conditional Use	CU18-12: Favre, M

SYNOPSIS:

This is an application for a Conditional Use to allow Household Living in the General Commercial/Heavy Commercial (CG/CH) Zoning District. The property has a current multi-family dwelling unit that was built in 1977 per the Tom Green County Appraisal District. The applicant would like to build an additional two buildings on his property and cannot without first getting the approval of a Conditional Use to bring his property into compliance with the Zoning Ordinance. The applicant is also requesting approval of a variance from the side and rear-yard setbacks that will be going before the Zoning Board of Adjustment on August 20, 2018.

LOCATION:	LEGAL DESCRIPTION:
4122 Forest Trail, generally located on the northeast side of the intersection of Forest Trail and Willow Brook Drive	Being 0.64 acres in the College Hills South Addition, N110' of W225', being 0.56 acres & 0.0773 acres out of the NW part of Section 30

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #6 – Billie DeWitt Sunset Neighborhood	General Commercial/Heavy Commercial (CG/CH)	Neighborhood	0.56 acres

THOROUGHFARE PLAN:

Forest Trail –Urban Local Street, Required 50' min. ROW, 36' min. pavement with a sidewalk, and 40' min. pavement without a sidewalk.
Actual 55' ROW, 40' pavement without sidewalk

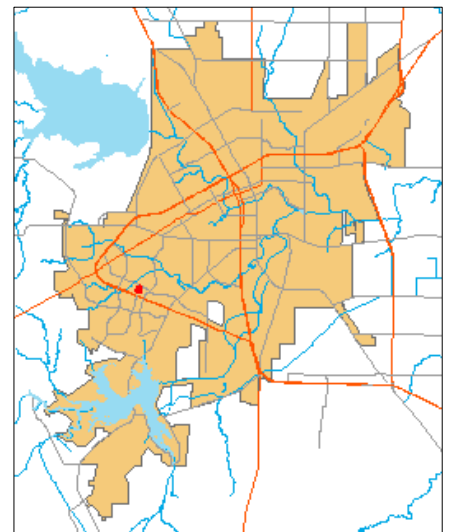
NOTIFICATIONS:

23 notifications were mailed on August 3, 2018 to property owners with 200 feet. Staff has received zero responses in favor and zero responses in opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed Conditional Use to allow for Household Living in the General Commercial/Heavy Commercial (CG/CH) Zoning District, subject to one Condition of Approval.

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



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

1. **Impacts Minimized.** **Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The property has historically been a multi-family residential property. The apartment building was built before the creation of the current Zoning Ordinance and the applicant does not wish to change the use of the property.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The Zoning Ordinance does not currently allow for Household Living to be allowed by right in any district outside of a residential district. Allowing this Conditional Use to be approved would grant the property owner the right to continue to develop his property in a multi-family residential capacity.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject property.** The surrounding area is primarily residential with an adjacent apartment complex to the south and east and single-family residential homes to the north and west. There is new commercial development occurring to the south, but those offices front on the frontage road to West Loop 306. Allowing the use of Household Living would not be incompatible with this particular block.
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.** There appears to be little or no additional impacts as a result of the proposed use as the property is mostly built out. Allowing the applicant to moderately develop his property would not appear to impose a detrimental effect on the environment.
5. **Community Need.** **Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** The neighborhood is established and it appears all the surrounding properties are populated and used as either multi-family or single-family residential.
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.** While south of the surrounding area is developing into a commercial presence, this block is decidedly residential. Allowing this Conditional Use appears to follow a logical development pattern compatible with the area.

Recommendation:

Staff's recommendation is for the Planning Commission to approve a Conditional Use to allow for Household Living in the General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to the following one Condition of Approval:**

1. The applicant shall obtain building permits from the Permits and Inspections Division as needed

Attachments:


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

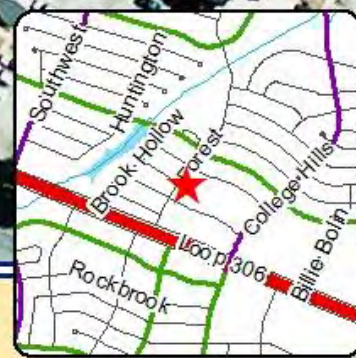


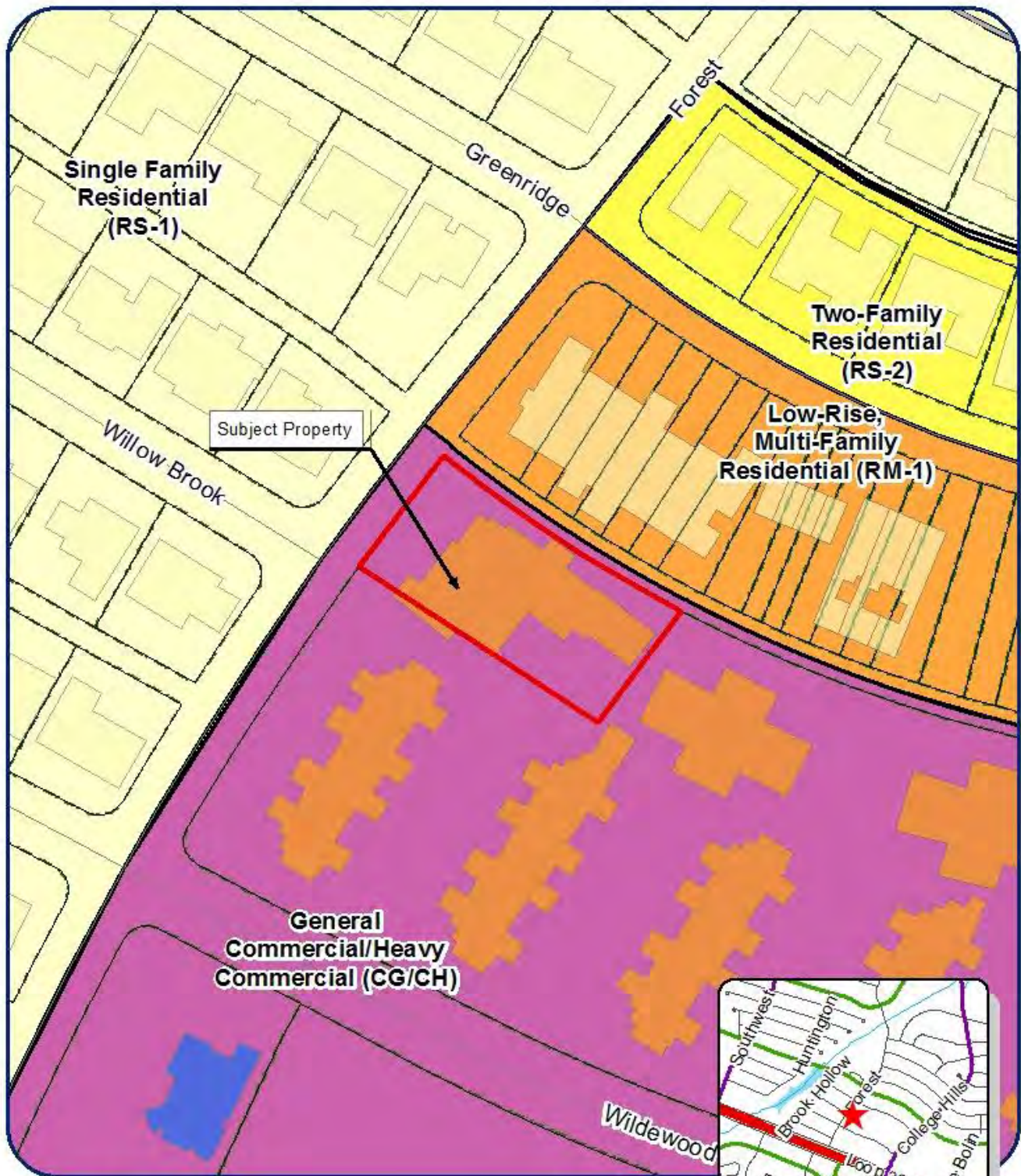
Aerial Map
Case CU18-12

Council District: Billie DeWitt SMD # 6
Neighborhood: Sunset
Scale: 1" approx. = 100 ft

Legend

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






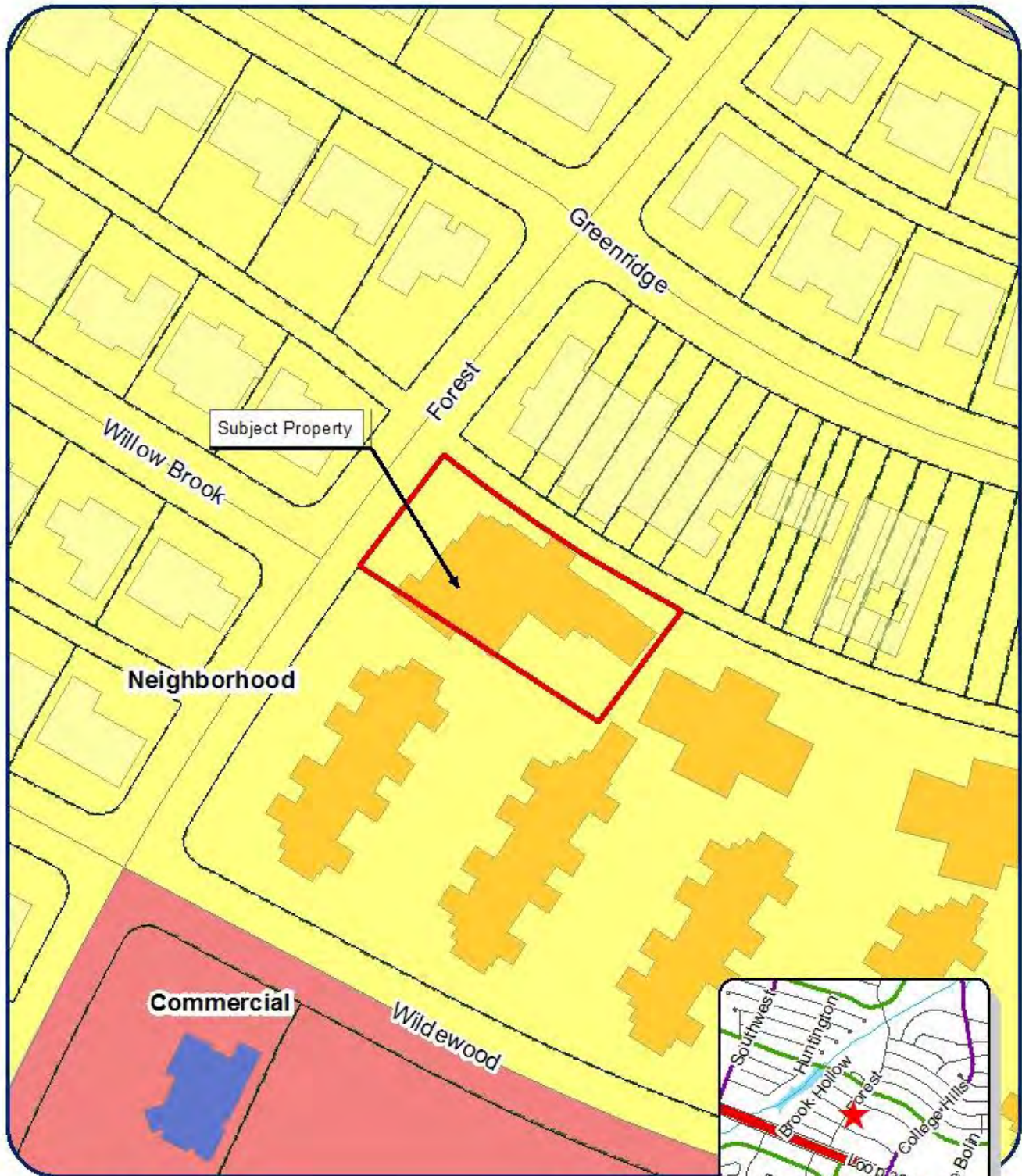
Zoning Map
Case CU18-12

Council District: Billie DeWitt SMD # 6
Neighborhood: Sunset
Scale: 1" approx. = 100 ft

Legend

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





Future Land Use Map

Case CU18-12

Council District: Billie DeWitt SMD # 6
Neighborhood: Sunset
Scale: 1" approx. = 100 ft

Legend

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






Thoroughfare Map
Case CU18-12

Council District: Billie DeWitt SMD # 6
Neighborhood: Sunset
Scale: 1" approx. = 100 ft

Legend

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






Notification Map
Case CU18-12

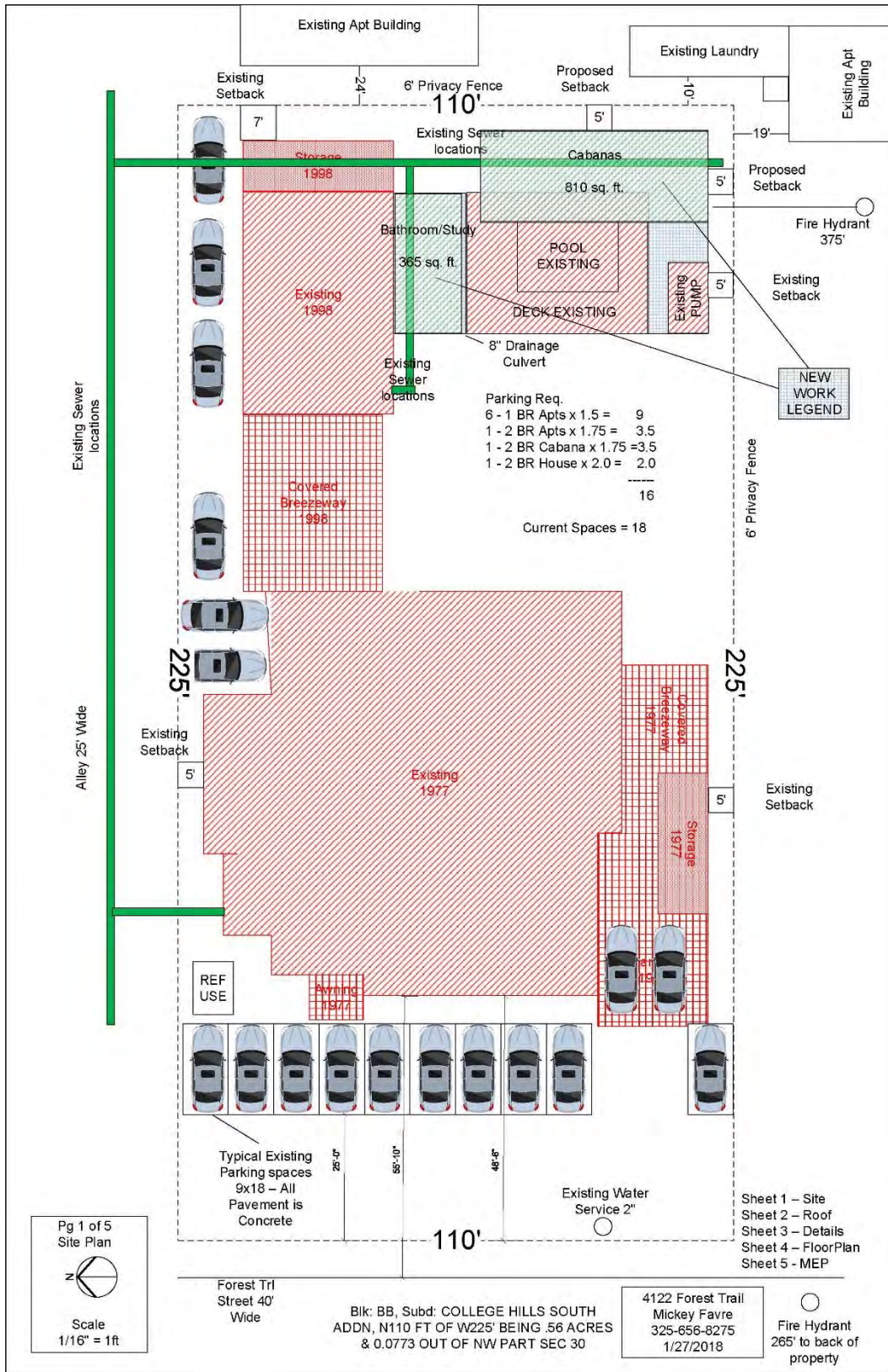
Council District: Billie DeWitt SMD # 6
Neighborhood: Sunset
Scale: 1" approx. = 100 ft

Legend

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



SITE PLAN



SITE PHOTOS

Front of Property on Forest Trail (west side)



Side of Property on alley (north side)



Adjacent Residential Properties on Forest Trail (looking west)



Adjacent Apartment Complex on Forest Trail (looking south)



**PLANNING COMMISSION – August 20, 2018
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU18-15: Carter	
SYNOPSIS:			
<p>The applicant has applied for a Conditional Use for Household Living to legalize an existing single-detached residence and allow a new attached garage on the subject property. The Tom Green County Appraisal District indicates that the residence was built in 1950 and the applicant purchased the property in 2011. The new garage will be 453 square feet, located above the existing concrete slab south of residence. The front 301-square foot area measuring 11'-10" wide and 25'-6" long will be for garage space, and the remaining 152-square foot area measuring 10'-4" wide and 14'-8" long will be for storage.</p>			
LOCATION:		LEGAL DESCRIPTION:	
4007 North Chadbourne Street; generally located approximately 135 feet northwest of the intersection of North Chadbourne Street and East 40 th Street		Being 0.277 acres in the S.A. & M.G. RR Co. Survey No. 11, Abstract 1954	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Riverside Neighborhood	CG – General Commercial and CG/CH General Commercial/Heavy Commercial	NC – Neighborhood Center	0.277 acres
THOROUGHFARE PLAN:			
<p>North Chadbourne Street – Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 125' right-of-way, 50' pavement (complied at time of platting)</p>			
NOTIFICATIONS:			
4 notifications mailed within 200-foot radius on August 8, 2018. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use to allow Household Living (Single-Family Dwelling with accessory uses) in the CG and CG/CH Zoning Districts on the subject property, subject to two conditions of approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant: Michael L. Carter</i>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

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

1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties. The Planning Division believes there will be no adverse impacts on adjoining properties if the proposed conditional use was approved. The property is part of a commercial corridor that extends almost 4 miles between the intersection of Cauley Lane/Highway 87 to the north and Houston Harte Expressway to the south. Approval of this Conditional Use would allow a lower intensity use within an area of higher intensity (commercial /non-residential) uses and therefore, should have no adverse impacts in terms of traffic or visibility. The main residence has existed on the property since 1950 and there is another single-detached dwelling on the adjacent property to the south also owned by the applicant. The applicant has applied for a Conditional Use for this other home to allow it to be used as a Short-Term Rental (CU18-16). The proposed expansion to allow a new garage would not create any negative impacts on the surrounding area. The applicant has already installed a 6-foot high privacy fence along the south, west, and north property lines meeting the requirements of Section 509 of the Zoning Ordinance for privacy fencing adjacent to a nonresidential use or zoning district.

2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance. Both the CG/CH and CG Zoning Districts require a minimum lot width of 50 feet, minimum lot depth of 80 feet, and a minimum lot area of 6,000 square feet. After submitting this application for two separate tracts - the 69' x 150' property (4007 North Chadbourne Street) and the 69' x 25' rear tract, the applicant has combined these into one 69' wide x 175' long property in compliance with the above standards. In addition, Section 502.A of the Zoning Ordinance requires residential uses located within any nonresidential district to "conform with the residential bulk regulations regarding maximum floor area ratio, required yards and height most closely associated with the proposed type of residential use." Since the principal use is a single-family residence, the proposed development shall comply with the Single-Family Residential (RS-1) Zoning District standards. The existing home and the proposed garage comply with all setbacks, building height, and maximum floor area ratio. The garage will setback more than 5 feet from the south side yard as required, have a height of 10 feet, and the floor area ratio of all structures after build-out will be 14%, under the maximum of 40% in the RS-1 Zone. There is an existing 6-foot high privacy fence around three sides – south, west, and north – of the property in compliance with the screening requirements of Section 509.A. of the Zoning Ordinance where a nonresidential use (Cowboy Church) is adjacent to a residential use (subject property). Finally, a single-family residence requires two parking spaces. The concrete slab under the 11'-10" wide by 25'-6" garage parking area can park one vehicle, and the caliche driveway can park an additional 6 vehicles. The current Zoning Ordinance requires that 2 parking spaces are paved with a paved connection to the street if there is new construction requiring a Certificate of Occupancy, or Change of Occupancy for an existing building. In this case, a garage only requires a final inspection but not a Certificate or Change of Occupancy and the primary residence is already pre-existing and does not require additional permits. Therefore, the current parking situation is sufficient at this time. However, the applicant is advised that any new construction requiring a Certificate of Occupancy, or Change of Occupancy for an existing

building, will require a second paved parking space (currently one space is paved) and a paved connection to the street. The applicant may seek a variance from this requirement and is advised to apply prior to any future construction, thereby exempting additional paved parking requirements.

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. As indicated, the property is surrounded by commercial uses along this 4-mile commercial corridor of North Chadbourne Street. The property is adjacent to the San Angelo Cowboy Church to the west and north; a single-detached residence to the south owned by the applicant and pending approval of a short-term rental (CU18-16); and utility company office and burial planning facility to the east and southeast respectively. The Planning Division believes that the proposed use is compatible with the surrounding area. None of these uses are heavy commercial or industrial and the residential use has existed on the property since 1950.

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 concrete slab where the garage will be erected over is pre-existing. A review of grading, drainage, and stormwater runoff would be conducted as part of any future development on the properties.

5. Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need. The Planning Division believes there is a demonstrated community need given that the property has been used for a single-family residence since 1950. In addition, there is a presence of other single-family homes located within 400 feet of the subject property to the south zoned Ranch and Estate (R&E) and within 700 feet to the east zoned RS-1 behind the commercial strip along North Chadbourne Street.

6. Development Patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. The Planning Division believes that the Conditional Use would result in a logical and orderly development pattern for the area. The property has direct and abutting access onto North Chadbourne Street, a minor arterial road, which can accommodate large traffic volumes. The existing property does not require platting as the new garage (453 square feet) is less than 50% of the floor area of the principal residence (1238 square feet), or 37%.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow Household Living (Single-Family Dwelling with accessory uses) in the CG and CG/CH Zoning Districts on the subject property, subject to the **following two Conditions of Approval:**

1. The applicant shall obtain a building permit from the Permits and Inspections Division for the proposed garage on the property.
2. Any new construction requiring a Certificate of Occupancy, or Change of Occupancy, for an existing building, shall require adequate off-street parking, including paved parking and a paved connection to the street in accordance with Section 511 of the Zoning Ordinance. Alternatively, the applicant may seek a variance from these requirements.

Attachments:

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



Conditional Use Case File

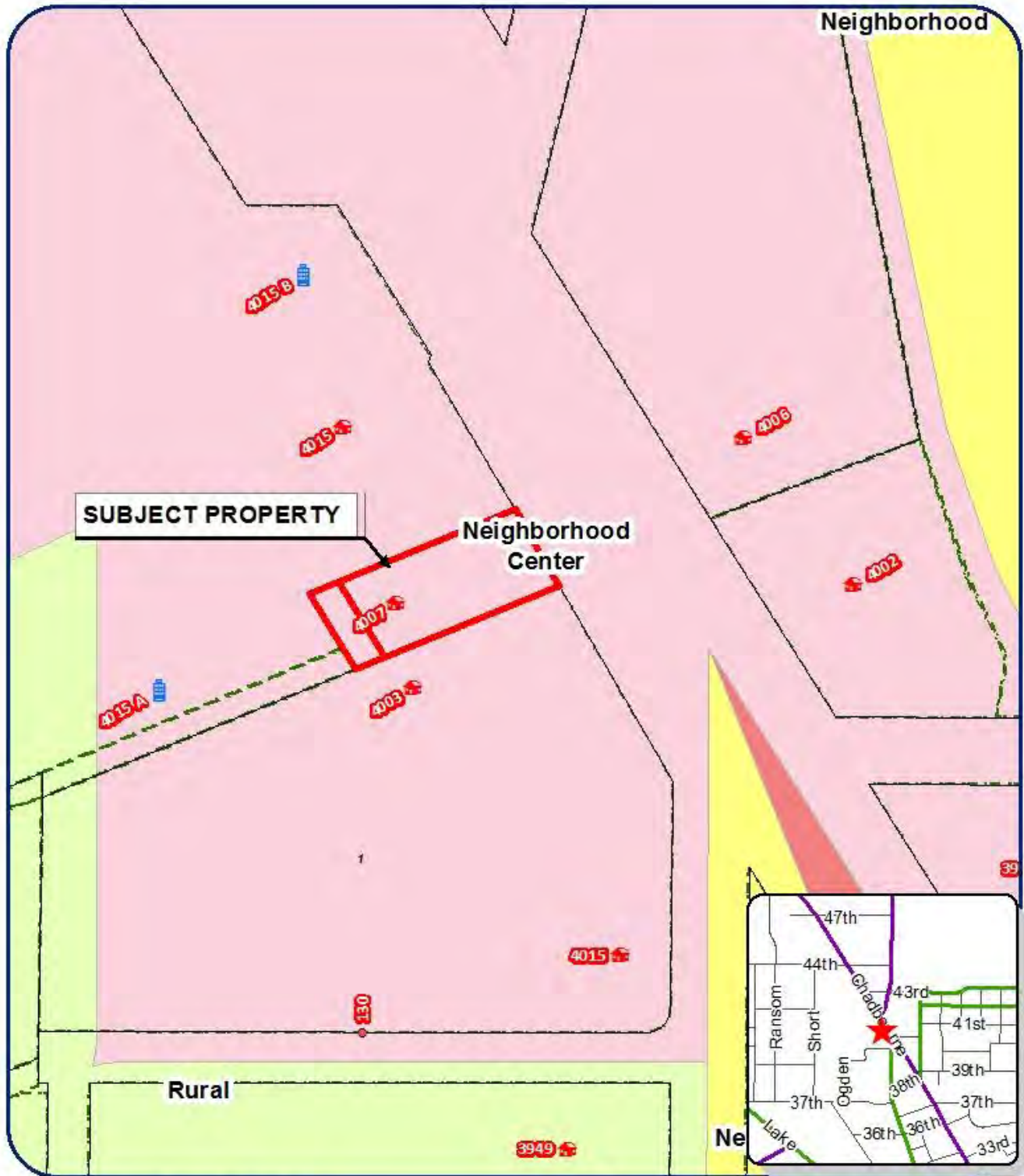
CU18-15: Carter

Council District: Tom Thompson (SMD#2)
 Neighborhood: Riverside
 Scale: 1" approx. = 100 ft
 Subject Property Legal Description(s):

Legend

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





Conditional Use Case File

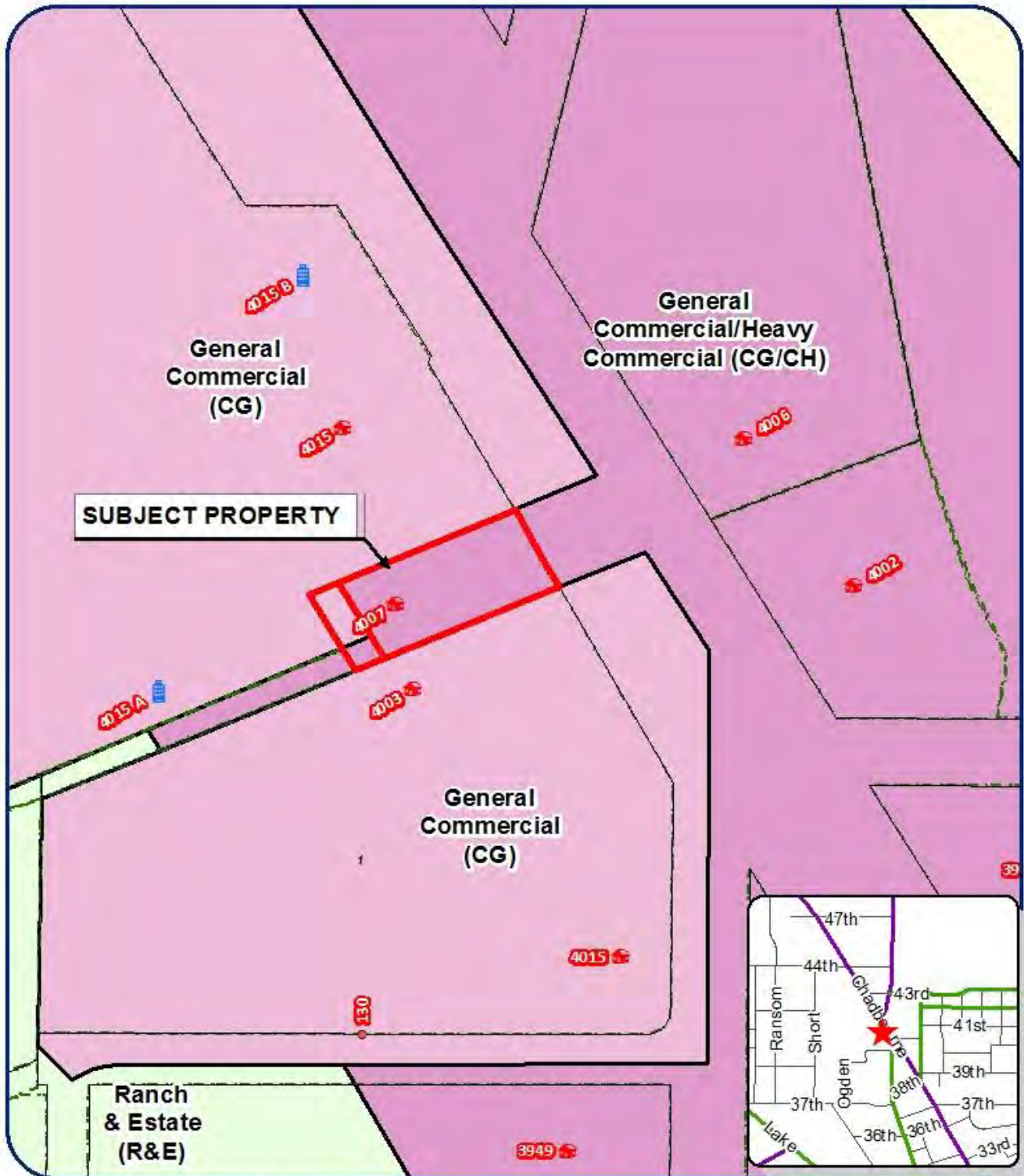
CU18-15: Carter

Council District: Tom Thompson (SMD#2)
 Neighborhood: Riverside
 Scale: 1" approx. = 100 ft
 Subject Property Legal Description(s):

Legend

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





Conditional Use Case File

CU18-15: Carter

Council District: Tom Thompson (SMD#2)
Neighborhood: Riverside
Scale: 1" approx. = 100 ft
Subject Property Legal Description(s):

Legend

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



Photos of Site and Surrounding Area

NORTH



SOUTH



EAST



LOOKING WEST AT PROPERTY



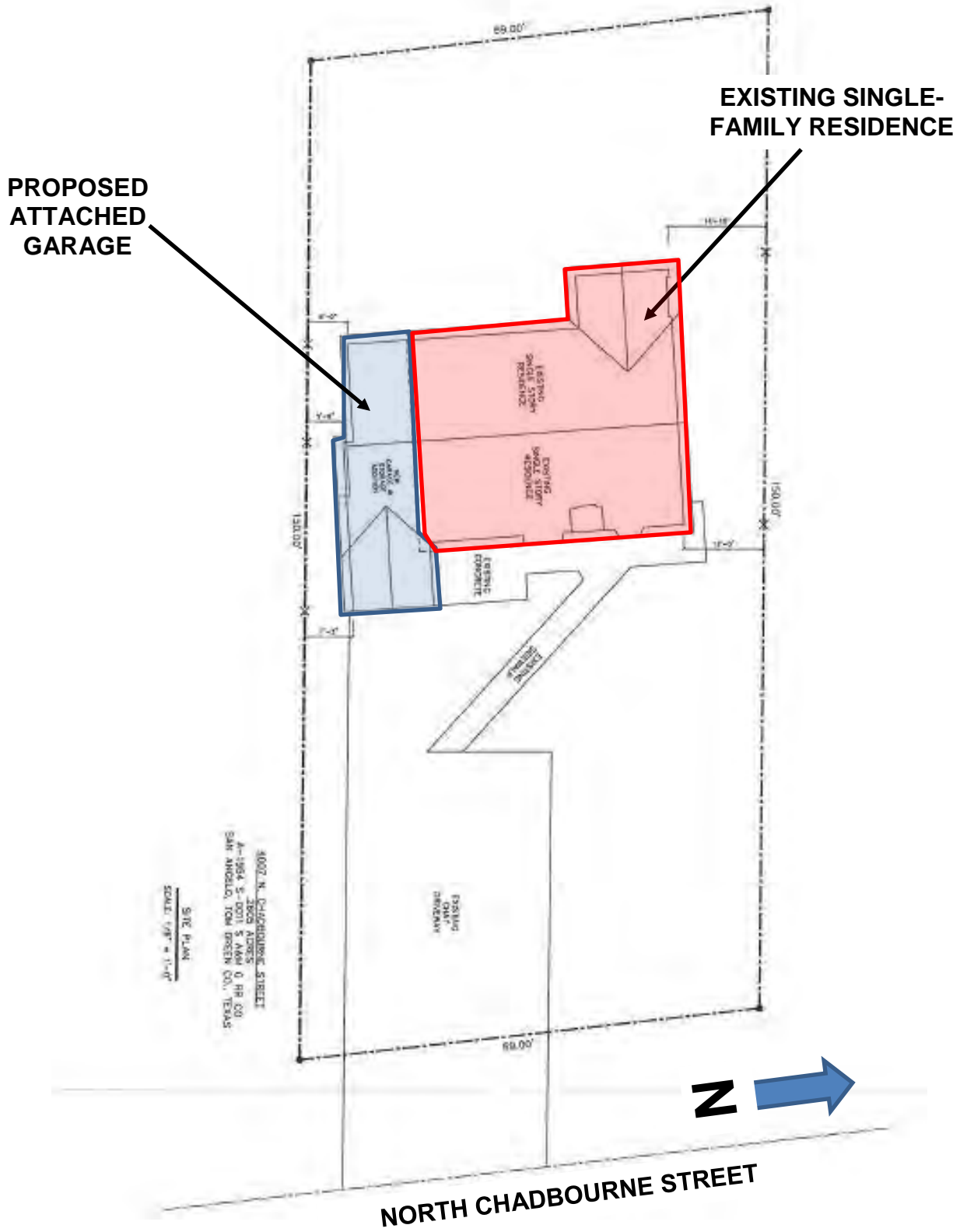
LOCATION OF FUTURE GARAGE



LOOKING NORTH AT CHURCH



Site Plan



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): Mike Carter
 Owner Representative (Affidavit Required)

4007 North Chadbourne Street San Angelo Texas 76903
 Mailing Address: City State Zip Code

PO Box 1443 San Angelo 76903 micarter.50@gmail.com
 Contact Phone Number Contact E-mail Address:
 325-226-1347

Subject Property Address: City State Zip Code
 4007 North Chadbourne street San Angelo Texas 76903

Legal Description (can be found on property tax statement or at www.comptonsaad.com)
 Acres: 0.236, Abst. A-1954 S-0011, Survey: S A & M G RR CO. 2385 ACS - BEING 50' X 150' TRACT & 19' X 150' STRIP ON SOUTH SIDE

Lot Size: 50x150 Zoning: CG

Section 2: Site Specific Details

*Use attachment if necessary.

Existing Use of Property: House

Proposed Use/Size: one car garage

Proposed Conditional Use (from Section 300): _____

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: The main part of this plan is visual
 The house is being built with a side yard in section garage will help hide the house off. I have look in the subdivision plans and have spend a lot of time and money trying to help the visual look of the house.

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: _____
it will only help the surrounding area

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: _____
By building a one unit garage I will be able to put up tools and lawn equipment much needed.

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: _____

Please see site plan

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: _____

Please see site plan

Section 3: Applicant(s) Acknowledgement

Please initial the following:

MC

If approved, a Conditional Use is applied to the property, not the property owner.

MC

The Planning Commission makes the final decision on Conditional Use requests, appeals may be directed to City Council

MC

Approval of this Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

MC

If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application

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

Signature of licensee or authorized representative

Mike Carter

Printed name of licensee or authorized representative

Mike Carter

Name of business/Entity of representative

7-10-2018

Date

FOR OFFICE USE ONLY:

Case No.: CU: 18-15

Planning Commission date: 8, 20, 18

Nonrefundable application fee: \$ 385

Receipt #: 293835

Date paid: 7, 10, 18

Reviewed/Accepted by: H. Buckner

Date: 7, 10, 18

MEMO



Meeting

Dates: August 20 2018

To: Planning Commission

From: Jon James, AICP
Director

Request: Text Amendment to Article 3, Section 315.H.4.d of the Zoning Ordinance

Background:

The attached is an amendment to Article 3, Section 315.H.4.d of the Zoning Ordinance, to remove the last reference to the Use Category of "Game Hall" from the Zoning Ordinance.

At the City Council meeting on April 17, 2018, the Use Category of "Game Hall" was removed from Article 3, Section 310.E & Section 315.H.3.c, and Article 4, Section 411 of the Zoning Ordinance. The decision was made to reclassify all Game Hall uses under the "Indoor Entertainment, Retail Sales & Services," Use Category.

It was discovered however that "Game Halls" was also listed under the exceptions outlined in Article 3, Section 315.H.4.d of the Zoning Ordinance, which relates to the "Retail Sales & Services" Use Category. This text amendment will clean up the final remnants of "Game Hall" and remove it completely from our Zoning Ordinance.

Attachment: Proposed Text Amendment

ARTICLE 3 USE REGULATION

Section 315.H.4.d Retail Sales and Services - Exceptions

4. Exceptions

- a. Repair and service of household consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.
- b. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Trade.
- c. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See "Community Services."
- ~~d. Game arcades, billiard and pool halls are not classified as Retail Sales and Services. Game halls are classified as a separate use category.~~
- e. Auto and boat dealers are not classified as Retail Sales and Services. Auto and boat dealers are classified as a separate use category.
- f. Sales of farm and ranch supplies and/or equipment are classified as Wholesale Trade.

**PLANNING COMMISSION – August 20, 2018
STAFF REPORT**



APPLICATION TYPE:	CASE:
Conditional Use	CU18-16: Carter, Forbes

SYNOPSIS:

This is an application for a Conditional Use to allow a Short-Term Rental (STR) in the General Commercial (CG) Zoning District. The home the STR will be utilizing is located on a large, 3 acre lot that also has a small office building on the southern part of the property. The single-family home that will be utilized as an STR is located on the northern part of the lot. There is an adjacent single-family to the north, however this property is also owned by the applicant and has applied for a Conditional Use to allow Household Living in the General Commercial/Heavy Commercial (CG/CH) Zoning District.

LOCATION:	LEGAL DESCRIPTION:
4003 North Chadbourne Street, generally located on the west side of the intersection of North Chadbourne Street and East 40 th Street	Being 3.08 acres in the Carter Addition, Section 1, Block 1, Lot 1

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Riverside Neighborhood	General Commercial (CG)	Neighborhood Center & Rural	3.08 acres

THOROUGHFARE PLAN:

North Chadbourne Street –Urban Minor Arterial, Required 80’ min. ROW, 64’ min. pavement width.
Actual 135’ ROW, 52’ pavement without sidewalk

NOTIFICATIONS:

13 notifications were mailed on August 3, 2018 to property owners with 200 feet. Staff has received two responses in favor and one response in opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed Conditional Use to allow for a Short-Term Rental in the General Commercial (CG) Zoning District, subject to six Conditions of Approval.

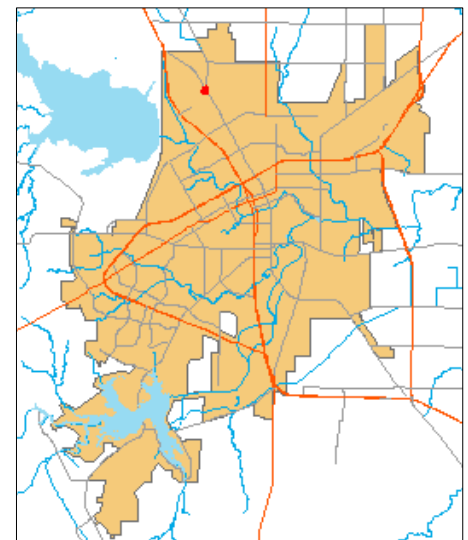
PROPERTY OWNER/PETITIONER:

Property Owner:
Michael Carter

Operator:
Chrys Forbes

STAFF CONTACT:

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



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

1. **Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The property directly adjacent to the north of the subject property is currently owned by the applicant and the location of the current house to be utilized for the short-term rental (STR) is located in a northern portion of the lot. There are no additional surrounding neighbors that could potentially be disturbed by the granting of this STR. Furthermore, the ordinance for STRs restricts hours of operation between 10:30 pm and 7:00 am, which should mitigate most noise concerns. Therefore, Planning Staff believes any impacts would be minimal in nature.
2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The Zoning Ordinance allows for STRs if they can meet specific criteria. The adjacent street must be over 30 feet in width and North Chadbourne has a paving width of 52'. There also cannot be another STR within 500 feet, and there are no currently registered STR's on North Chadbourne, nor the surrounding streets. Based on the criteria in Section 406 of the Zoning Ordinance, this address meets the minimum requirements necessary to apply for a Conditional Use for a short-term rental.
3. **Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject property.** North Chadbourne is a commercial corridor, and this section is of a lower density than what is found to the south. Foster Communications Coliseum is about ¼ mile to the northwest and having an STR near the coliseum could potentially provide rodeo guests additional lodging options.
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.** Staff does not foresee any adverse impacts on the natural environment given that the proposed use will utilize the existing building on the property. The required parking area has already been paved as required, and the applicant received an Administrative Adjustment, based on Section 203.B.4 of the Zoning Ordinance, to allow an all-weather surface for the current driveway and street connection.
5. **Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** Short-term rentals are an attractive option for our out of town guests, and this location would be ideal given the proximity to the coliseum and the absent of current STRs in the area.

6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* North Chadbourne is an arterial street that has the potential to develop to a higher intensity. The street has sufficient paving width and right-of-way to allow for growth in the area. Allowing this Conditional Use appears to follow a logical development pattern compatible with the area.

Recommendation:

Staff's recommendation is for the Planning Commission to approve a Conditional Use to allow for Household Living in the General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to the following six Conditions of Approval:**

1. The applicant shall acquire a building permit approval from the Permits and Inspections Division for a Change of Occupancy from the existing single-detached dwelling to a short-term rental.
2. The property owner shall either maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance, or seek a Variance.
3. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, initial permit acquisition and subsequent permit renewals.
4. No commercial outdoor storage shall be allowed on the premises.
5. The number of bedrooms on the premises shall not exceed three bedrooms, nor shall any existing living spaces or great rooms within the primary residence be converted to additional bedroom space.
6. The Conditional Use is non-transferable, and the Conditional Use shall be considered null and void upon the transfer of, or change in ownership of the property that contains the short-term rental.

Attachments:


Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs



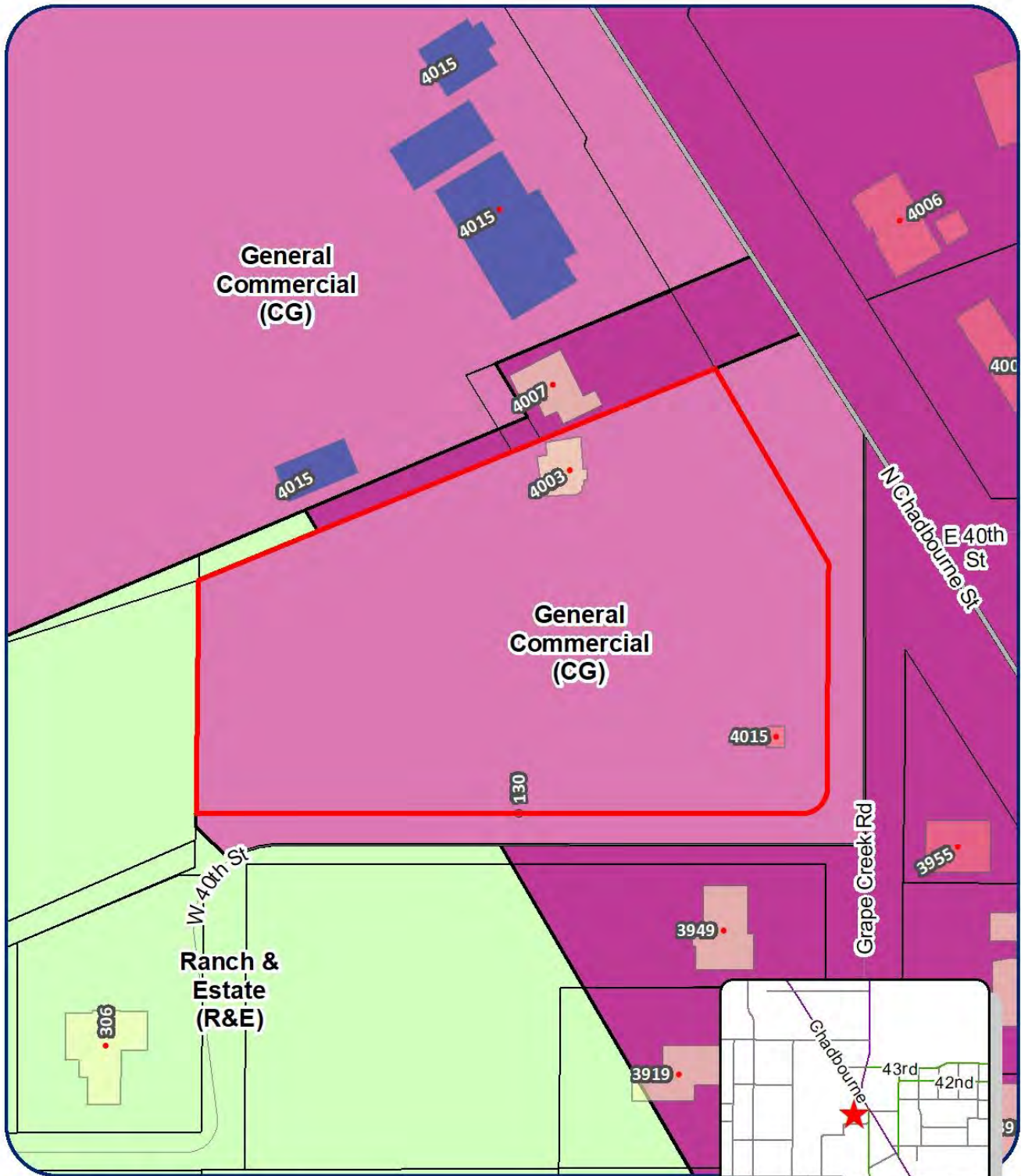
CU18-16: Forbes & Carter
4003 North Chadbourne Street

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

Legend

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





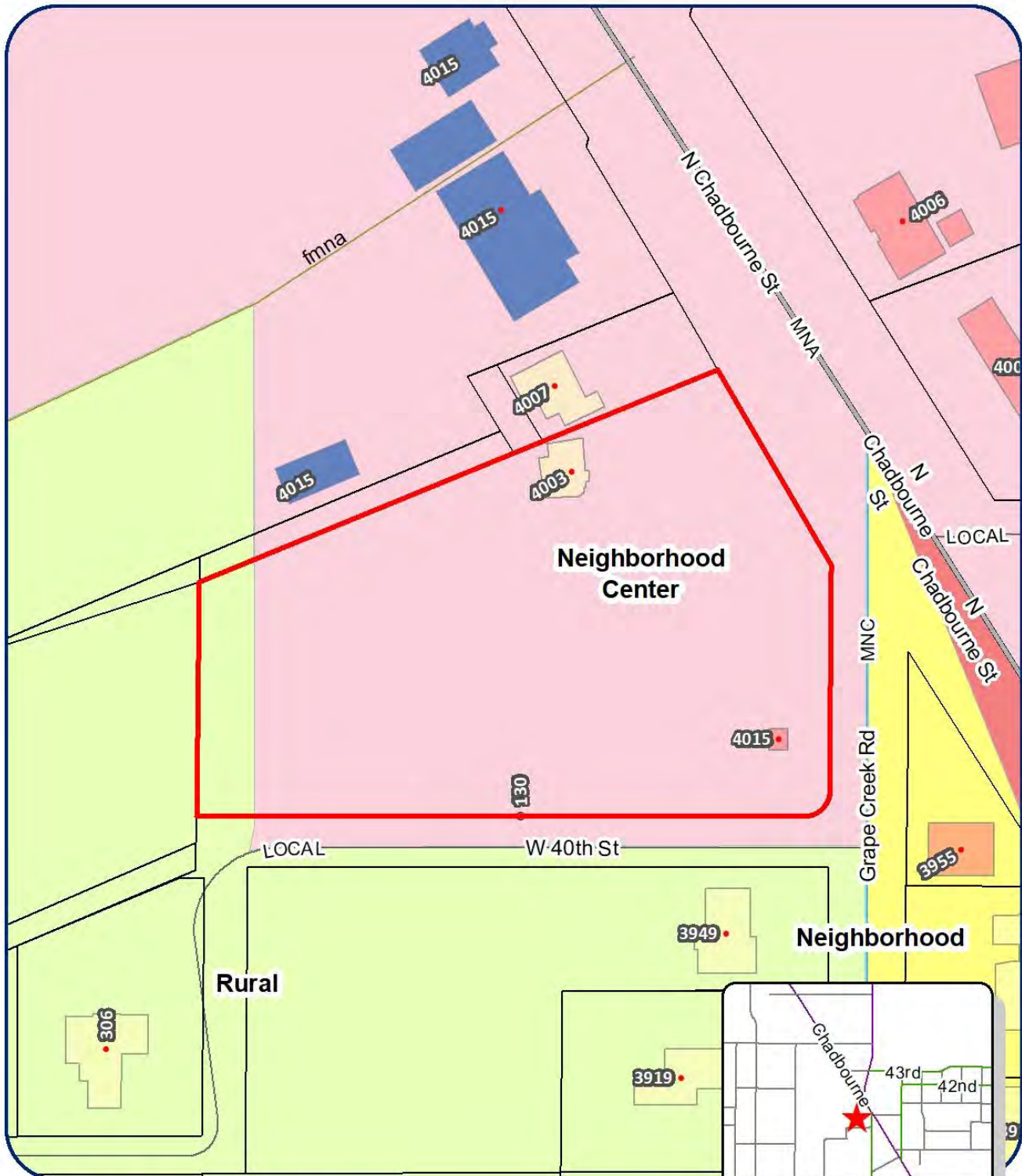
CU18-16: Forbes & Carter
4003 North Chadbourne Street

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

Legend

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





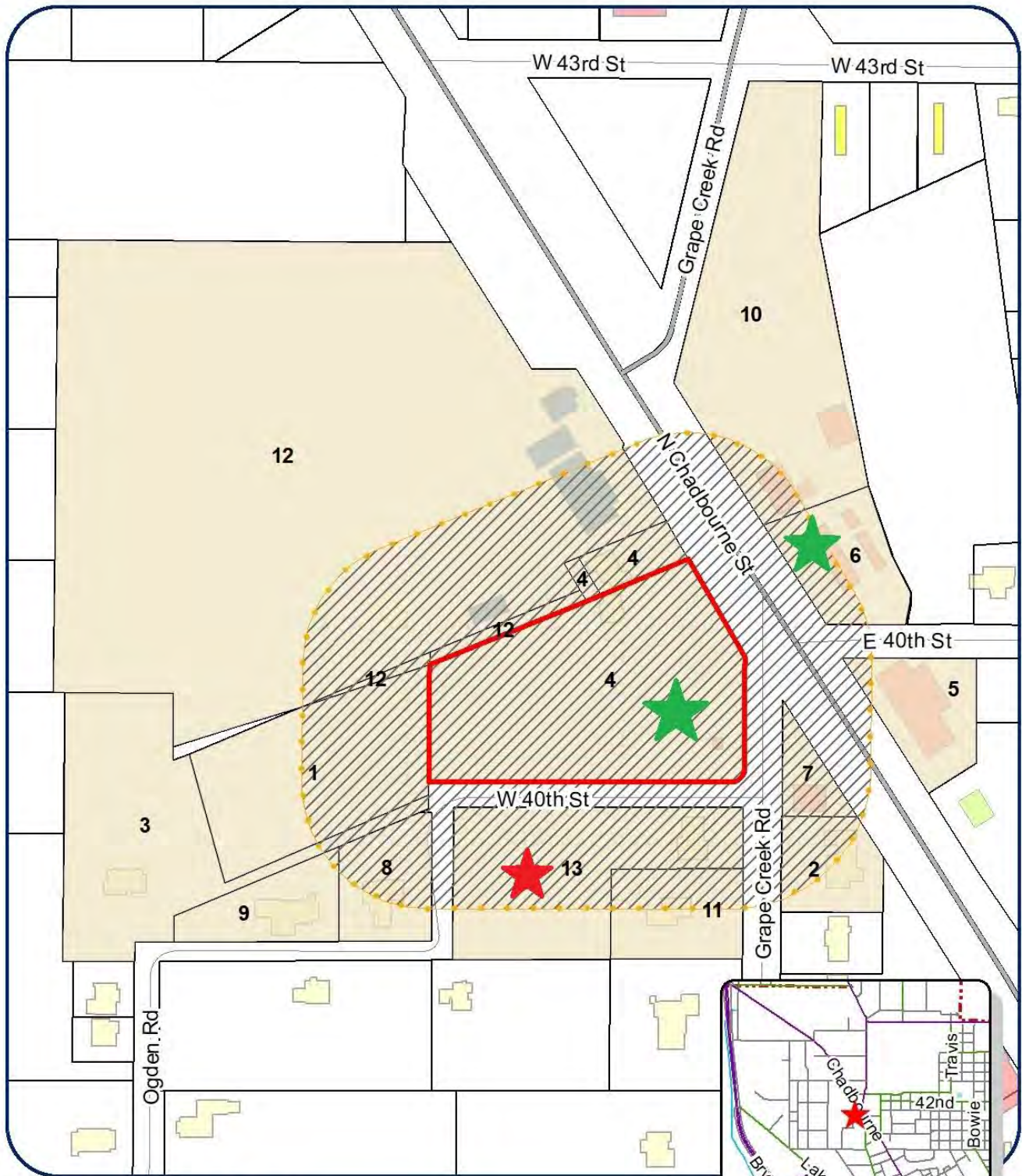
CU18-16: Forbes & Carter
4003 North Chadbourne Street

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

Legend

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






CU18-16: Forbes & Carter
4003 North Chadbourne Street

Council District: SMD #2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 200 ft

Legend

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



SITE PHOTOS

Front of property where STR is located



Front of property where office building is located



Adjacent residential property to the north



View looking north towards Cowboy Church



MEMO



Meeting

Dates: August 20 2018

To: Planning Commission

From: Jon James, AICP
Director

Request: Text Amendments to Article 2, Section 208.G and Article 2, Section 209.I of the Zoning Ordinance

Background:

Article 2, Section 208. & 209 of the Zoning Ordinance relates to Conditional Uses and Special Uses, respectively. Currently both Conditional Uses and Special uses expire after one year, if no building permit has been acquired within 12 months of the approval of the Conditional or Special Use.

There are many instances where Conditional Uses and/or Special Uses are approved solely to bring a property into compliance. One of the most common reasons would be to bring a legal non-conforming residence that is located in a commercial zone into compliance with a Conditional Use. Frequently under this approval, no additional building permit is needed, and thus, under our current ordinance, the approved Conditional or Special Use would be null and void after 12 months.

Planning Staff is proposing to amend the expiration sections of both Conditional Uses and Special Uses to revise the requirement of receiving a building permit to only those approvals that require a permit.

Attachment: Proposed Text Amendments

ARTICLE 2 DEVELOPMENT REVIEW

Section 208.G Conditional Use Review – Expiration of Conditional Use Approval

G. Expiration of Conditional Use Approval

1. **All Conditional Use approvals that require a permit from the City must acquire the permit within 12 months from the granting of the conditional use.** ~~All Conditional use approvals, issued, shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that.~~ The Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
2. If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be canceled and revoked and be of no effect.

Section 209.I Conditional Use Review – Expiration of Special Use Approval

I. Expiration of Special Use Approval

1. **All Special Use approvals that require a permit from the City must acquire the permit within 12 months from the granting of the special use.** ~~All Special use approvals, issued, shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that~~ The Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
2. If the designated use is not made of the property within the time limitation granted, the special use approval shall be canceled and revoked and be of no effect.