

**PLANNING COMMISSION – September 17, 2018**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Replat		Replat of Lots 1 thru 5 and 22 thru 27, Block 4, Monterrey Addition	
<b>SYNOPSIS:</b>			
On September 4, 2018, City Council approved the applicants’ request for abandonment and vacation of the westerly 15 feet of the Ben Ficklin Road right-of-way and a 10-foot alley between South Bryant Boulevard, West Avenue Z, Ben Ficklin Road and San Jacinto Street in Block 4 of the Monterrey Addition. As a condition of approval, a replat was required to consolidate the abandoned right-of-way and alley into a single lot. The applicants’ have submitted the proposed replat request and a partial variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow 5 feet of additional paving width in lieu of the required 7 feet for San Jacinto Street (See Additional Information).			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
Between South Bryant Boulevard, West Avenue Z, Ben Ficklin Road, and San Jacinto Street.		Being all of Lots 1-5 and 22-27 and a 10-foot alley in Block 4 of the Monterrey Addition, and an adjacent 15-foot wide strip of the west side of Ben Ficklin Road, comprising a total of 1.840 acres.	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District: Harry Thomas (SMD#3) Neighborhood: Rio Vista		Lots 4, 5, 22, 23: CN Lots 1-3 and 24-27: CG/CH	NC – Neighborhood Center
<b>SIZE:</b> 1.840 acres			
<b>THOROUGHFARE PLAN:</b>			
<ul style="list-style-type: none"> <li>• <b>South Bryant Boulevard</b> – Urban Arterial Street (TXDOT); Required 80’ ROW, 64’ pavement; Provided: 150’ ROW, 106’ pavement and existing 4-foot sidewalk;</li> <li>• <b>Ben Ficklin Road</b> - Urban Local Street; Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk; Provided: 85’ right-of-way (<b>after abandonment</b>), maintain 50’ pavement and <b>construct a 4-foot sidewalk</b>;</li> <li>• <b>West Avenue Z</b> - Urban Local Street; Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk; Provided: 40’ right-of-way (<b>will dedicate additional 5 feet as required</b>), 26’ pavement (<b>will construct additional 5 feet as required</b>) and <b>construct a 4-foot sidewalk as required</b>;</li> <li>• <b>San Jacinto Street</b> - Urban Local Street; Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk; Provided: 30’ right-of-way (<b>will dedicate additional 10 feet as required</b>), 26’ pavement (<b>will construct additional 5 feet, variance requested from full 7 feet</b>), and <b>construct a 4-foot sidewalk as required</b></li> </ul>			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the Replat of Lots 1 thru 5 and 22 thru 27, Block 4, Monterrey Addition			
<b>PROPERTY OWNER/PETITIONER:</b>			
<i>Property Owners and Applicants: Bowman; Conn; Contreras; and Frontier Real Estate Investments, Inc.</i> <i>Agent: Mr. Herb Hooker, SKG Engineering, LLC</i>			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP (325) 657-4210, X. 1550 Senior Planner <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			

**Additional Information:** The applicants have agreed to dedicate all required right-of-ways, and install additional street paving and sidewalks. This includes a right-of-way dedication of 5 feet, additional 7 feet of paving, and a new 4-foot sidewalk along West Avenue Z; a new 4-foot sidewalk along Ben Ficklin Road; and a right-of-way dedication of 10 feet, additional 5 feet (of the required 7 feet) of paving, and a new 4-foot sidewalk along San Jacinto Street. The applicant has applied for a variance for the reduced paving width of 2 feet on San Jacinto Street. The requested variance is due to the location of two existing utility poles along this portion of San Jacinto Street between 5.6 and 6.1 feet of the current edge of payment, preventing the full pavement dedication (see attached utility pole sketch). Frontier Communications has indicated that this area includes both above ground and underground fiber optic cable lines and that the applicants will be required to locate the underground lines to determine if any easements are required. Any existing facilities in the public right-of-way will not require easements, but if determined they are on private property, an unobstructed easement would be required. Buildings, structures, and fences would not be allowed in this easement area, although sidewalks and pavement may be.

**Variations:** As indicated above, the applicant has submitted a request for a partial variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow 5 feet of additional paving width in lieu of the required 7 feet for San Jacinto Street. 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.** A partial variance to reduce the required paving width on San Jacinto Street by 2 feet would not be detrimental. The additional 5 feet would bring the total paving width to 31 feet and future development on the other side of San Jacinto would be required to install an additional 7 feet, or 3 feet with a 4-foot sidewalk. This would increase the minimum street width to at least 34 feet which is close to the minimum required of 36 feet for this local street.
- 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 location of the utility poles between 5.6' and 6.1' from the current edge of pavement restrict the full extension of pavement. The applicants are installing as much pavement as possible while maintaining separation from the utility poles. The Planning and Engineering Divisions believe that the applicants' request is reasonable under the logistical constraints of the utility pole locations.
- 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.** If the applicants' had to relocate the existing utility poles and lines, there would be substantial costs and may also reduce the applicants' physical property area to build in future. Both the Planning and Engineering Divisions believes a variance in this case is justified.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** The applicants' are not varying any other provision of this ordinance or others. They have agreed to make all other dedications and improvements, including installing a sidewalk along Ben Ficklin Road at the request of the Planning Division. The total lot area, lot frontage and lot width well exceeds the minimums of the CN and CG/CH zoning districts of 6,000 square feet of lot area, 50 feet of frontage, and 80 feet of lot depth respectively.

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

**APPROVE** the "Replat of Lots 1-5 and 22-27, Block 4, Monterrey Addition" and,

**APPROVE** a Partial Variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to allow 5 feet in lieu of the required 7 feet of additional paving width and no sidewalk for San Jacinto Street, an Urban Local Street.

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

1. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 7.II.A., provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, per *Code of Ordinances, Section A9.008*, remit payment for assessment formula outlined in fee schedule for the associated Street and Alley Right-of-way Abandonments approved by City Council on September 4, 2018.
3. Prior to plat recordation, the applicant shall reserve and designate on the plat nonexclusive easements for overhead and underground telecommunications lines and facilities in the vacated rights-of-way. The applicants shall obtain a letter of approval from Frontier Communications allowing paving for parking or a sidewalk over the easements and provide the letter of approval to Planning Staff as part of the future subdivision plat.
4. Prior to plat recordation, illustrate the reservation of necessary easement(s) to encompass proposed sewer main(s) crossing the property, if any.
5. Prior to plat recordation and building permit issuance, *per Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1*, install necessary water and wastewater service lines to each new lot.
6. Prior to plat recordation, 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.

7. Prior to plat recordation and building permit issuance, per the *Land Development and Subdivision Ordinance, Chapter 11.I.A*, and the *2009 International Fire Code, Sec. 507.5.1, Exception 1*, prepare and submit plans for approval, illustrating the proposed installation of a water main and required service connections and hydrants, and as per the *Land Development and Subdivision Ordinance, Chapter 11.I.B*, and complete the installation in accordance with the approved version of these plans.
  - Alternatively, per *Land Development and Subdivision Ordinance, Chapter 6*, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.
8. Prior to plat recordation and building permit issuance, per *Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications*, prepare and submit plans for approval, illustrating the proposed installation and relocation of sewer mains and required service connections, and as per *Land Development and Subdivision Ordinance, Chapter 12.I.B*, complete the installation in accordance with the approved version of these plans.
  - Alternatively, per *Land Development and Subdivision Ordinance, Chapter 6*, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.
9. Prior to plat recordation prepare and submit plans for required improvements to the streets listed below by half the additional increment necessary to comprise the minimum paving widths [*Land Development and Subdivision Ordinance, Chapter 10*].
  - For W. Avenue Z, a local road, the minimum width is 40 feet with no sidewalk or 36 feet with a 4 foot sidewalk along one side (in this case, requiring 7 additional feet, or 5 additional feet and installation of a 4 foot sidewalk).
  - For San Jacinto Street, the minimum width is 40 feet with no sidewalk or 36 feet with a 4 foot sidewalk along one side (in this case, requiring 7 additional feet, or 5 additional feet and installation of a 4 foot sidewalk).
  - Alternatively, 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.
10. Per *Land Development and Subdivision Ordinance, Chapters 9.V and 10.III.A.2, 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 West Avenue Z and Ben Ficklin Road 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.
11. Prior to building permit issuance, per the *Stormwater Ordinance, Sec 12.05.001 and Stormwater Design Manual, Sec 2.13*], a drainage study shall be submitted if the impervious area changes by 5% and development\* of a site exceeds 1 acre. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval.
12. Prior to plat recordation, provide a copy of the recorded quit claim deed, formally abandoning this section of alley right-of-way.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Proposed Replat  
Survey Sketch showing Utility Poles  
Application



**Replat of Lots 1-5 & 22-27, Block 4  
 Monterrey Addition**

Council District: Harry Thomas (SMD#3)  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1.840 acres SE of S. Bryant Blvd/W Ave Z

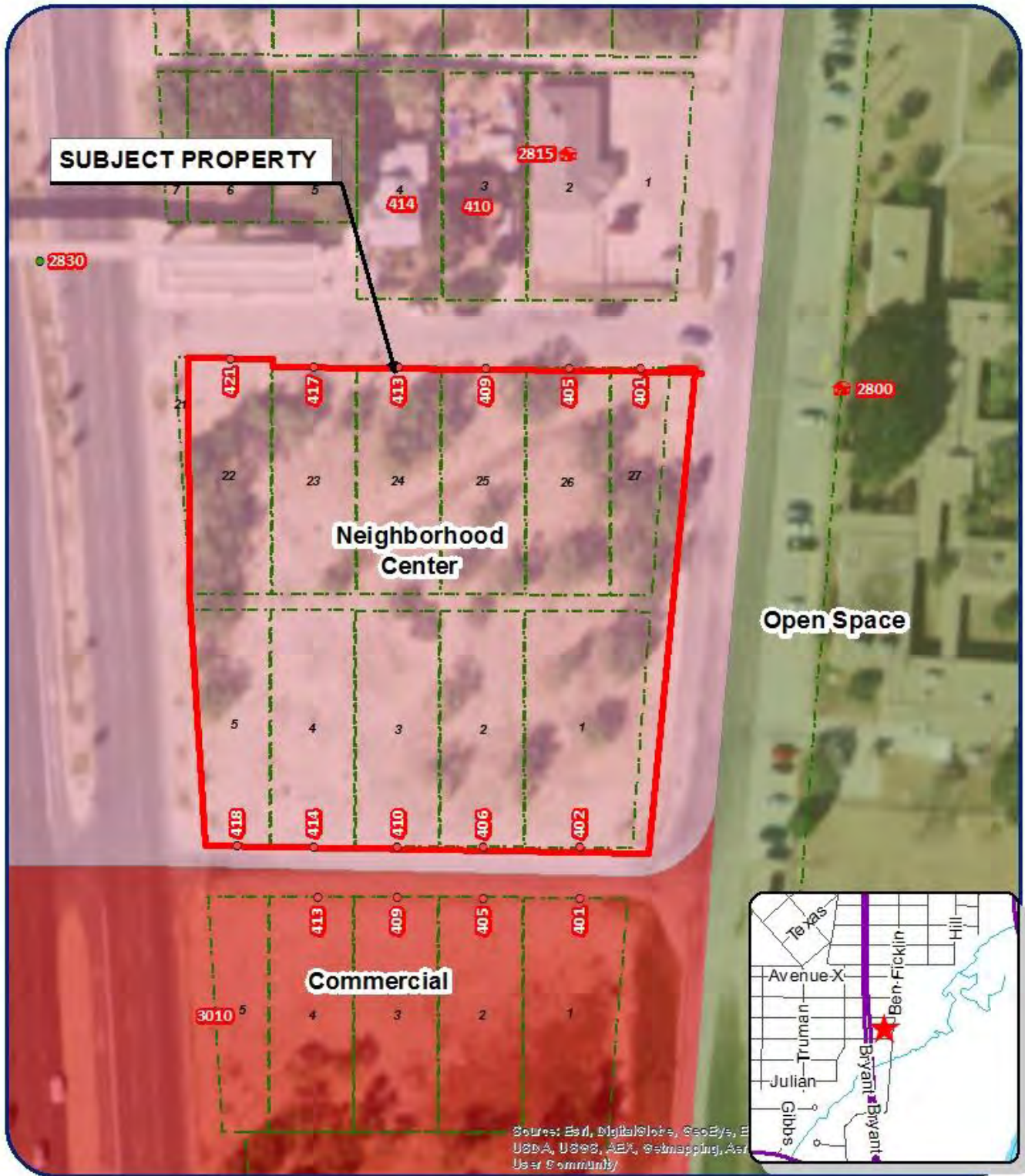
**Legend**

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



Sources: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, AeroGRID, IGN, Sina, AeroGRID, IGN, Sina, User Community





**Replat of Lots 1-5 & 22-27, Block 4  
 Monterrey Addition**

Council District: Harry Thomas (SMD#3)  
 Neighborhood: Rio Vista  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1.840 acres SE of S. Bryant Blvd/W Ave Z

**Legend**

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

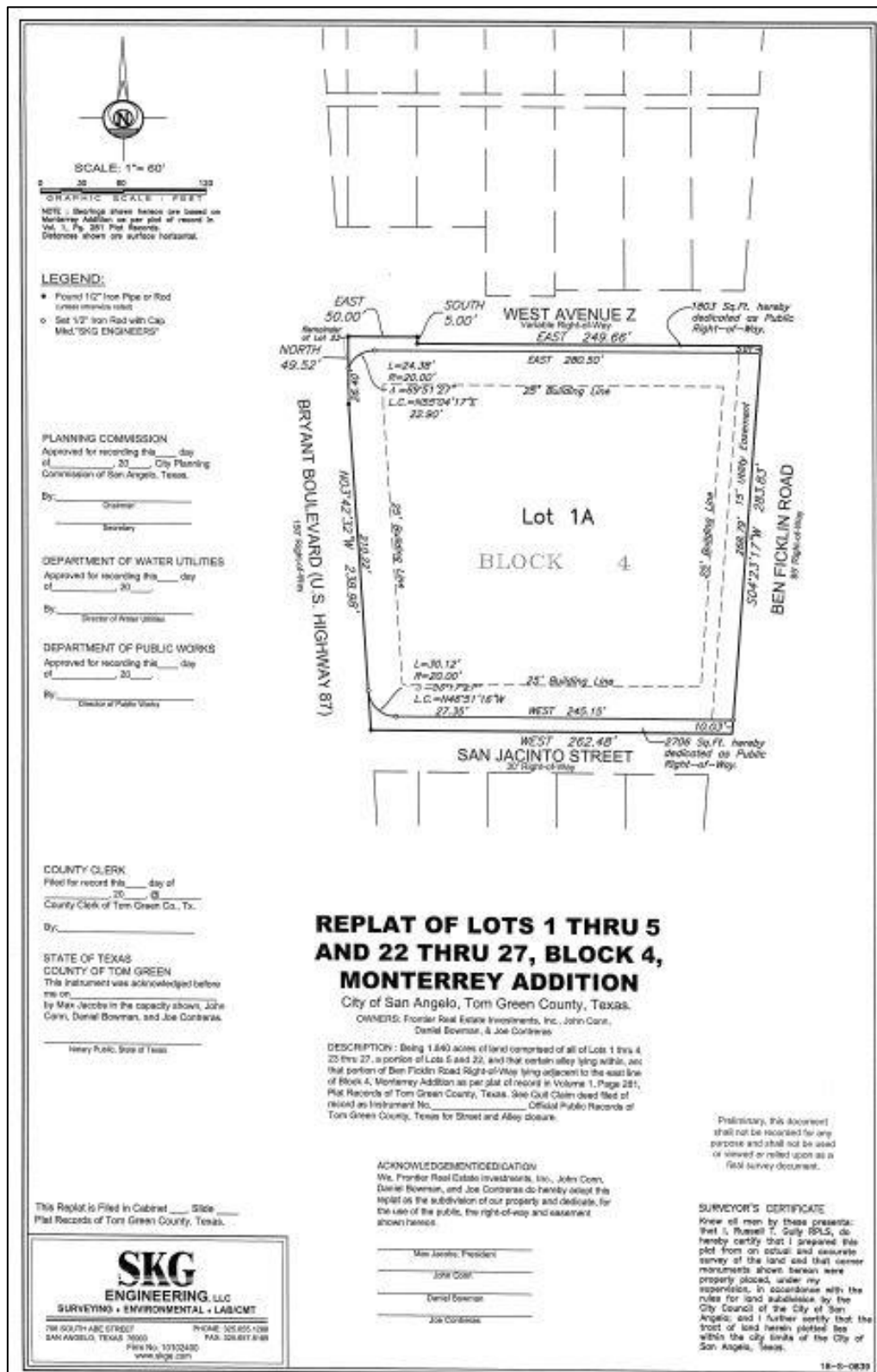


Sources: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, AeroGRID, IGN, Sina, AeroGRID, IGN, Sina, User Contributed

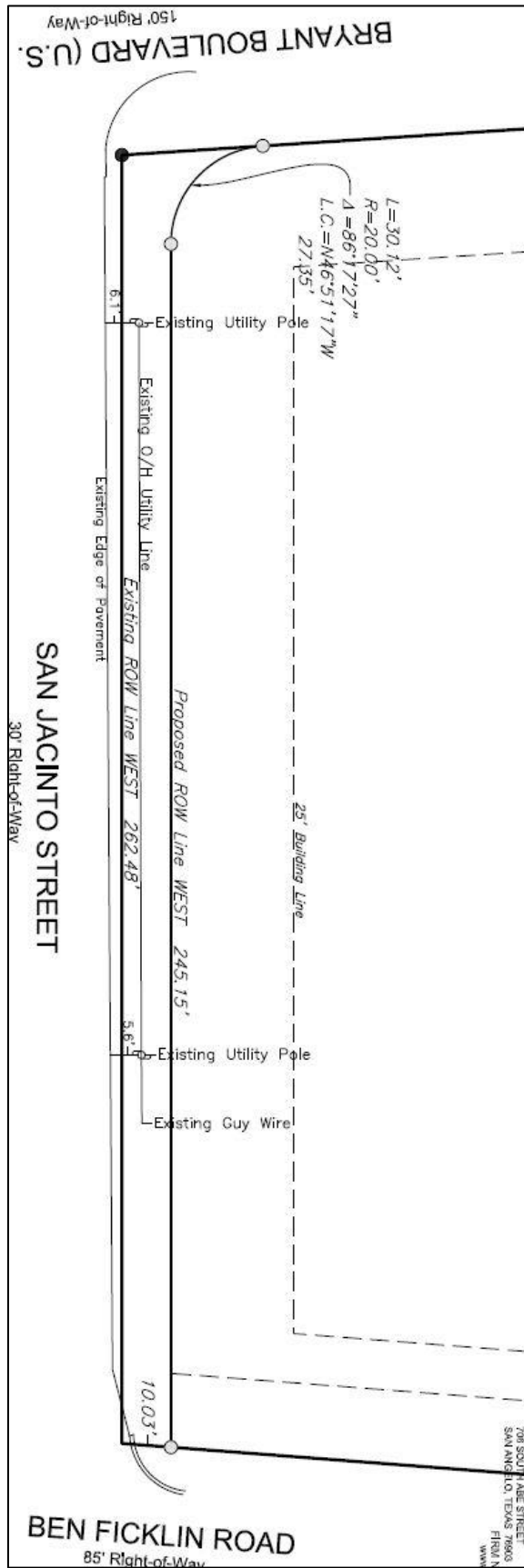




## Proposed Replat



### Sketch showing Utility Poles





City of San Angelo, Texas - Planning  
**Land Subdivision Application**

Revised



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**

Replat of Lots 1 - 5 and 22 - 27, Block 4, Monterrey Addn.

Proposed Subdivision Name:

All or portions of Lots 1 - 5 and 22 - 27, Block 4, Monterrey Addition, City of San Angelo, Tom Green County, Texas

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

R102096, R11098, R11099, R11100, R11101, R11102, R11145, R11146, R11147, R11148, R11149

Tax ID Number(s) (can be found on property tax statement or at [www.tomgreencad.com](http://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
Frontier Real Estate Investments, Inc. John Conn, Daniel Bowman, & Joe Contreras		

Property Owner:

Name	Phone Number	Email Address
SKG Engineering		

Architect/Engineer/Design Professional:

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

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

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

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

**Section 2: Utility & Easement Information**

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

Sewer:  City - requesting new services Proposed size? 4" \_\_\_\_\_  
 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: \_\_\_\_\_

**Section 3: Property Characteristics**

22.166 18

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 \_\_\_\_\_

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

Vacant \_\_\_\_\_  Single-Family Residential 22.166  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail \_\_\_\_\_

Are there existing structures on the property?  Yes  No

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

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

Are there existing deed restrictions?  Yes  No

If yes, provide deed reference information: Instrument No. 201612647

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 See attached additional sheets

If yes, provide all of the following information:

**Request 1:** Section & subsection from Subdivision Ordinance 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 3: Property Characteristics**

1.840 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 1.840  Single-Family Residential \_\_\_\_\_  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail \_\_\_\_\_

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

Vacant \_\_\_\_\_  Single-Family Residential \_\_\_\_\_  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail 1.736

Are there existing structures on the property?  Yes  No

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

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

Are there existing deed restrictions?  Yes  No

If yes, provide deed reference information: \_\_\_\_\_

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

**Section 4: Variance Requests**

Are any variances for this application being requested?  Yes  No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: 10.III.A.2 for San Jacinto paving width

Full variance requested  Partial variance requested (proposed variation from standard): 2' Variance from Standard Req.

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.  
 This requested variance would be to accommodate the existing utility poles on San Jacinto St. and would only amount to an approximate 2' reduction in the required incremental widening (26' exist, 40' reqd. 1/2 of 14'=7'-2'=5')  
 This would certainly not be detrimental or 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.  
 The utility pole locations are typically located further from the roadway which makes this unique to this property.

\_\_\_\_\_  
 \_\_\_\_\_

(Section 4 continues on next page)

**PLANNING COMMISSION – September 17, 2018**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Final Plat	11 <sup>th</sup> Replat in Block B, Section One, Southland Park Addition

**SYNOPSIS:**  
 The applicant has submitted a Replat application for the remaining 9.058 acres in Block B of the Southland Park Addition, Section One. The original 28.501-acre Block B was approved as part of the Southland Park, Section One subdivision, filed for record with the County Clerk on December 18, 1967. Since then, smaller lots have been created from the original block, leaving the subject remainder. The proposed replat would create a new 5.328-acre “Lot 2L” containing an existing day care facility, and a new 0.976-acre “Lot 2K” and 2.036-acre “Lot 2M” fronting onto Blue Ridge Trail. As part of the replat, Briarcliff Trail which dead-ends north of Southland Boulevard would be extended through the property to Blue Ridge Trail.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
4424 and 4520 Blue Ridge Trail; located southeast of Blue Ridge Trail and East Loop 306 Frontage Road	Being 9.058 acres out of Lot 2D, 4 <sup>th</sup> Replat in Block B, Southland Park Addition.

<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District: Tommy Hiebert (SMD#1) Neighborhood: Southland	CG/CH – General Commercial / Heavy Commercial	C – Commercial	9.058 acres

**THOROUGHFARE PLAN:**  
**Blue Ridge Trail** – Urban Local Street  
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk  
 Provided: 60’ right-of-way, 50’ pavement and no sidewalk  
**Briarcliff Trail** – Urban Local Street  
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk  
 Current and extension: 60’ right-of-way, 40’ pavement and no sidewalk

**NOTIFICATIONS:**  
 N/A

**STAFF RECOMMENDATION:**  
 Staff recommends **APPROVAL** of the 11<sup>th</sup> Replat in Block B, Section One, Southland Park Addition

**PROPERTY OWNER/PETITIONER:**

*Property Owner: George Alexander for Southland Park of Angelo, L.P.*

*Agent: Mr. Herb Hooker  
 SKG Engineering, LLC*

**STAFF CONTACT:**

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



**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 (or repat), 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 replat will be generally consistent with these policies. The replat is located within a commercial cluster of office buildings, banks, and a hotel, gas station and restaurant. Although previous replats to the north prevent direct access to East Loop 306, the lots remain in close proximity to East Loop 306 through Blue Ridge Trail and the extension of Briarcliff Trail. The property is zoned General Commercial/Heavy Commercial which would allow a wide range of retail, office, and commercial uses in future. All new lots will exceed the minimum lot frontage of 50 feet, minimum lot depth of 80 feet, and minimum lot area of 6,000 square feet for CG/CH lots.

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 Blue Ridge Trail and Briarcliff Trail have sufficient right-of-ways of 60 feet and 50 feet, and paving widths of 50 feet and 40 feet respectively. The extension of Briarcliff Trail will continue its current 50-foot right-of-way. The applicant has agreed to maintain and extend the existing 40-foot paving width to Blue Ridge Trail. After the extension of Briarcliff Trail, both streets will have the minimum paving widths and no sidewalks will be required.

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

**APPROVE** the “11<sup>th</sup> Replat in Block B, Section One, Southland Park Addition”.

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

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

- a. Alternatively, request from the Planning Commission a deferral, allowing the installation of service lines to each new lot to be satisfied at building permit issuance.
3. Prior to building permit issuance, per the *Stormwater Ordinance, Sec 12.05.001 and Stormwater Design Manual, Sec 2.13*], a drainage study shall be submitted if the impervious area changes by 5% and development\* of a site exceeds 1 acre. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. *\*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."*
4. Prior to plat recordation, 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.
5. Prior to plat recordation, per the *Land Development and Subdivision Ordinance, Chapter 11.1.A*, and the *2009 International Fire Code, Sec. 507.5.1, Exception 1*, prepare and submit plans for approval, illustrating the proposed installation of a water main and required service connections and hydrants, and as per the *Land Development and Subdivision Ordinance, Chapter 11.1.B*, and complete the installation in accordance with the approved version of these plans.
  - a. 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, per the *Land Development and Subdivision Ordinance, Chapter 10*, prepare and submit plans for approval, illustrating the required construction of "Briarcliff Trail" meeting the requirements for an "urban" local road with a minimum 40' of pavement with no sidewalk, or 36' with a 4' sidewalk on one side, curb-and-gutter required. Once plans are approved, construct street to City specifications.
  - a. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [*Land Development and Subdivision Ordinance, Chapter 6*].

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Proposed Replat  
Application





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

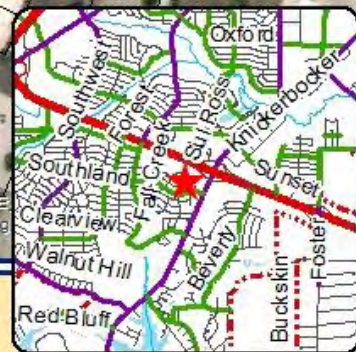
**11th Replat in Block B**

**Southland Park Add'n, S. 1**

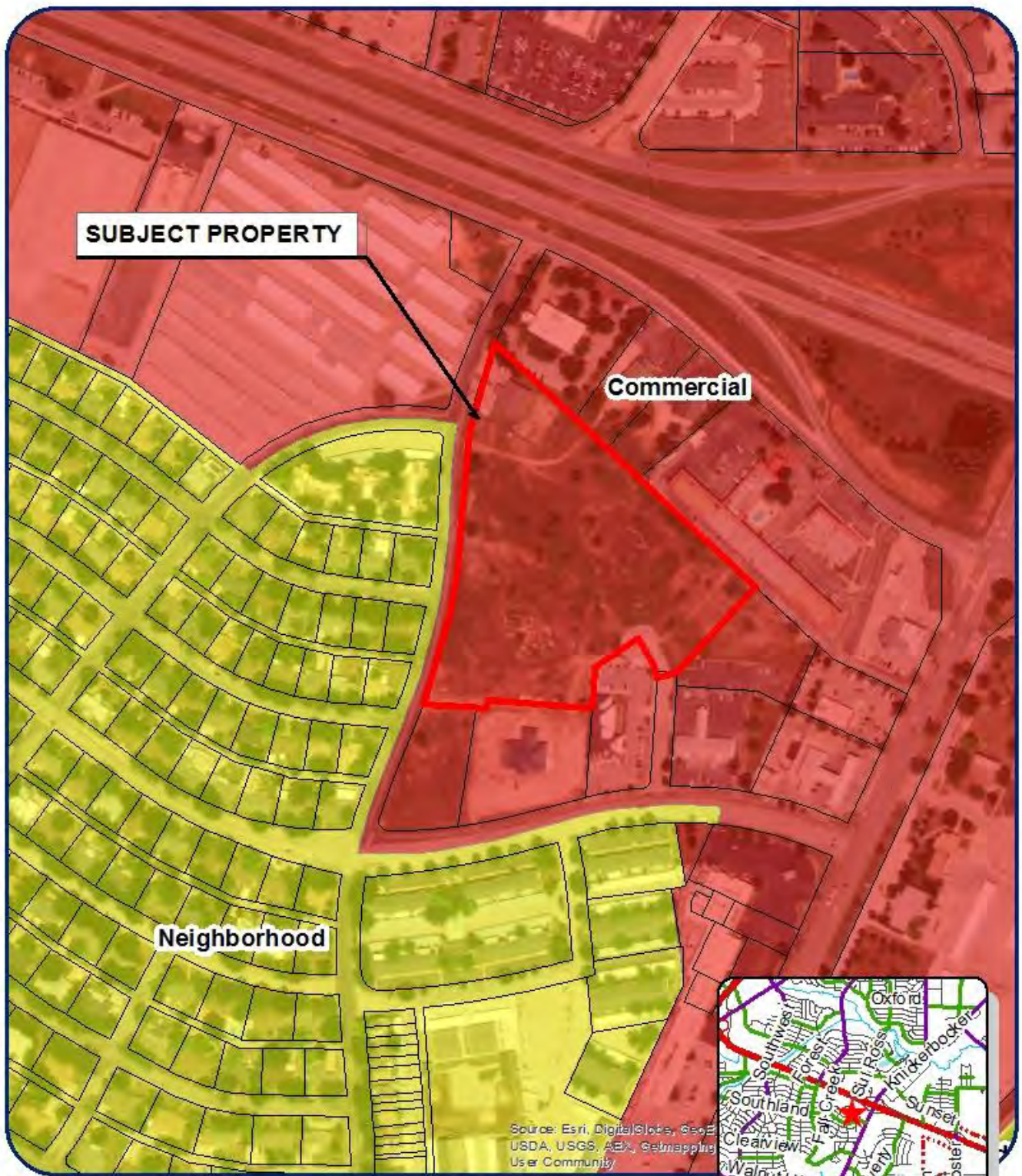
Council District: Tommy Hiebert (SMD#1)  
 Neighborhood: Southland  
 Scale: 1" approx. = 312 ft  
 Subject Property: 4424 and 4520 Blue Ridge Trail

**Legend**

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







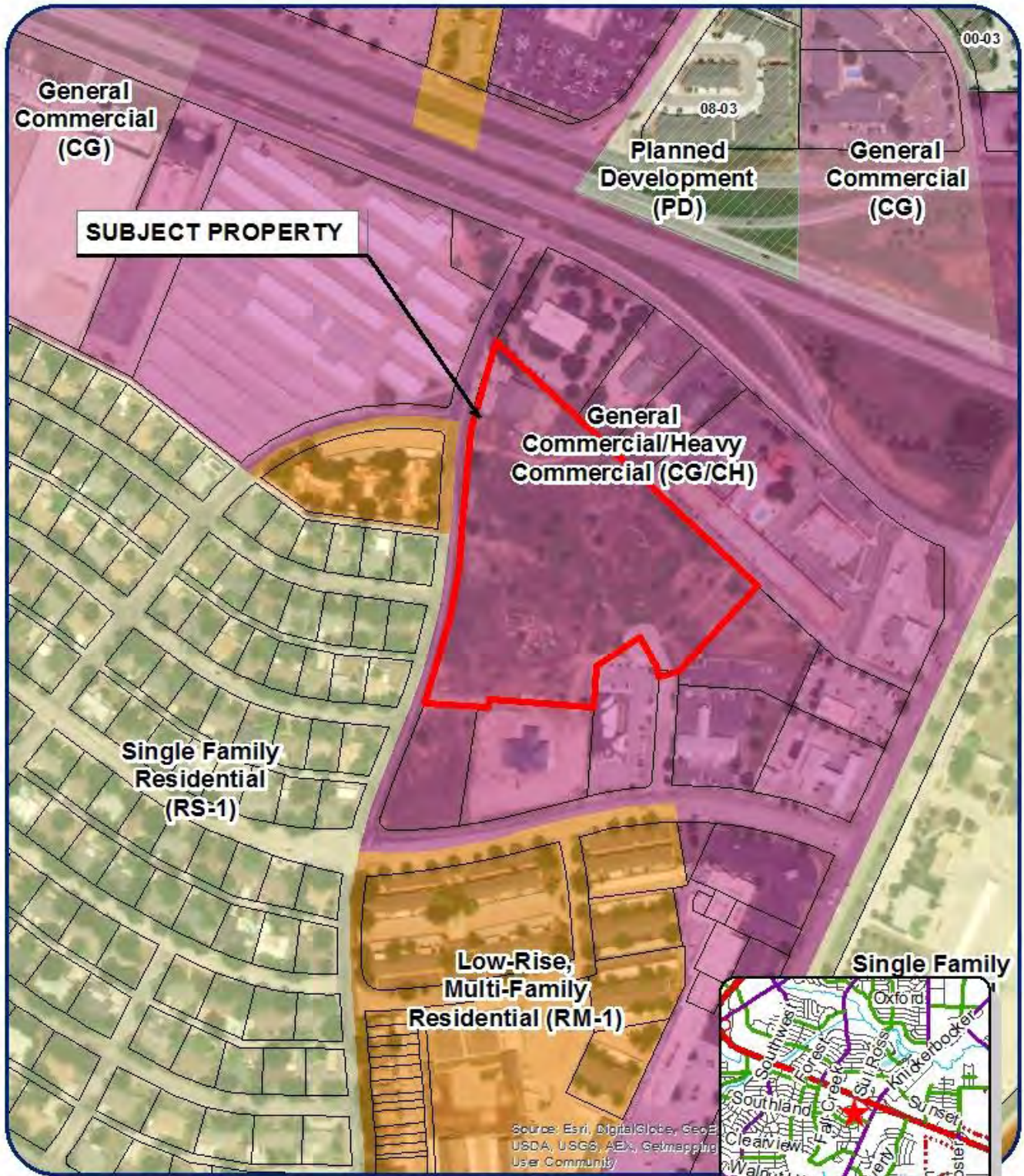
**11th Replat in Block B**  
**Southland Park Add'n, S. 1**

Council District: Tommy Hiebert (SMD#1)  
Neighborhood: Southland  
Scale: 1" approx. = 312 ft  
Subject Property: 4424 and 4520 Blue Ridge Trail

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







**11th Replat in Block B**  
**Southland Park Add'n, S. 1**  
 Council District: Tommy Hiebert (SMD#1)  
 Neighborhood: Southland  
 Scale: 1" approx. = 312 ft  
 Subject Property: 4424 and 4520 Blue Ridge Trail

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





# Proposed Replat







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**

11th Replat in Block B, Section One, Southland Park

Proposed Subdivision Name

Blk: B, Subd: SOUTHLAND PARK ADDITION, PART OF LOT 2D SEC 1 4TH R/P BLK B BEING 8.458 ACRES

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

24-44600-0000-002-45

Tax ID Number(s) (can be found on property tax statement or at [www.tomgreencad.com](http://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: Southland Park of Angelo, L.P.	325-949-2811	alexanderconstruction@wcc.net

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

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

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

- includes no more than four new lots or tracts;
- no dedication of land (including right-of-way, right-of-way expansion, corner cline 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? 2"  
 City - utilizing existing services Existing size? \_\_\_\_\_  
 Other Please specify: \_\_\_\_\_

Sewer:  City - requesting new services Proposed size? 4"  
 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:

**Section 3: Property Characteristics**

9.058 3

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  CW  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 9.058  Single-Family Residential \_\_\_\_\_  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail \_\_\_\_\_

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

Vacant \_\_\_\_\_  Single-Family Residential \_\_\_\_\_  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail 8.323

Are there existing structures on the property?  Yes  No

If yes, how many structures exist? 1 What type of structures exist currently? day care bldg.

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: \_\_\_\_\_

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 agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.ii of the Subdivision Ordinance.

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

[Signature]  
 Owner's Signature

[Signature]  
 Representative's Signature

8-14-18  
 Date

8/22/2018  
 Date

**FOR OFFICE USE ONLY:**

Submitted to front desk: 8/22/2018 Date Deemed preliminary complete: 4:41pm 8/22/18 Date Time af Initials

Received by Development Services Technician for completeness review: 8/22/18 Date 4:41pm Time af Initials

Completeness review passed?  Yes 8/22/18 Date  No \_\_\_\_\_ Date

If yes, when was application scheduled for staff review, if applicable? 8/29/18 Date af Initials

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

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

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

Yes \_\_\_\_\_ Date  No \_\_\_\_\_ Date

Approvals required for this application:

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

Date of Approval Expiration: \_\_\_\_\_

Date Recorded: \_\_\_\_\_



**PLANNING COMMISSION –SEPTEMBER 17, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Replat		Replat of Lot 1, Block 3, S.B. Ratliff Subdivision	
<b>SYNOPSIS:</b>			
This is an application to replat one previously platted lot into two lots located in the north central San Angelo. As part of the plat, the applicant is also requesting a variance from the paving width on Lake Drive. The lots comply with the minimum lot standards of the CG/CH Zoning District.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
3210 Lake Drive		Being Lot 1, Block 3, S.B. Ratliff Subdivision, Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD #2 – Tom Thompson Riverside Neighborhood		General Commercial/Heavy Commercial (CG/CH)	Neighborhood
			<b>SIZE:</b> 1.201 acres
<b>THOROUGHFARE PLAN:</b>			
<u>Lake Drive</u> –Urban Minor Collector Street, Required 60’ min. ROW (70’ Existing), 50’ min. pavement width (30’ Existing).			
<b>NOTIFICATIONS:</b>			
N/A			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the Replat of Lot 1, Block 3, S.B. Ratliff Subdivision subject to <b>Four Conditions of Approval</b> , and <b>APPROVAL</b> the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Lake Drive, an Urban Minor Collector Street, to maintain a 30’ pavement width in lieu of the required 50 feet.			
<b>PROPERTY OWNER/PETITIONER:</b>			
<u>Property Owner</u> Angelica Flores and Juvenal Duran  <u>Representative</u> Herb Hooker, SKG Engineering			
<b>STAFF CONTACT:</b>			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			



**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 “Neighborhood” in the City’s Comprehensive Plan which intends to “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” With the proposed plat, two new lots would be created and the proposed rezoning to RS-1 would allow the addition of two new single family homes. This would fit into the adjacent residential neighborhood. The proposed plat and rezoning, if approved, 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) 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 RS-1 zoning district.

**Variance:** As indicated above, the applicant has submitted a variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Lake Drive, an Urban Minor Collector Street, to maintain a 30’ pavement width in lieu of the required 50 feet. 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 Lake Drive will continue functions in its current condition. Engineering Services and the Planning Division support the variance from any the additional improvements to Lake Drive. 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 this is an existing developed area and this is a small in-fill project. As indicated above, Engineering Services and the Planning Division support the variance from any street improvements along this portion of Lake Drive 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 Lake Drive will service the surrounding area satisfactorily. Based on traffic counts in 2008, this street services a similar number of trips to other local roads in the area, as opposed to the adjacent Grape Creek Road, Urban Minor Collector Street, that serves almost 4 times the number of trips.

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 road (Lake Drive) was, at one time U.S. Highway 87 (San Angelo - Sterling City Highway) and was fully functional as a highway and is now very adequate and functional in its present state. Planning and Engineering agree that the existing street is currently sufficient and pose no safety risks to the public. This plat will not drastically increase the development or add new street traffic along Lake Drive.

**Recommendation:** Staff recommends that the Planning Commission **APPROVE** the Replat of Lot 1, Block 3, S.B. Ratliff Subdivision, subject to **Four Conditions of Approval**, and **APPROVE** the variance from Chapters 10.III.A.2 of the Subdivision Ordinance to allow Lake Drive, an Urban Minor Collector Street, to maintain a 30' pavement width in lieu of the required 50 feet.

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, install necessary water and wastewater service lines to each new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1]
3. Prior to plat recordation, 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.
4. Prior to plat recordation, prepare and submit plans for required improvements to Lake Drive by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10].
  - a. For Lake Drive, the minimum width is 50 feet (in this case, requiring 10 additional feet).

- b. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].
- c. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

**Attachments:**

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





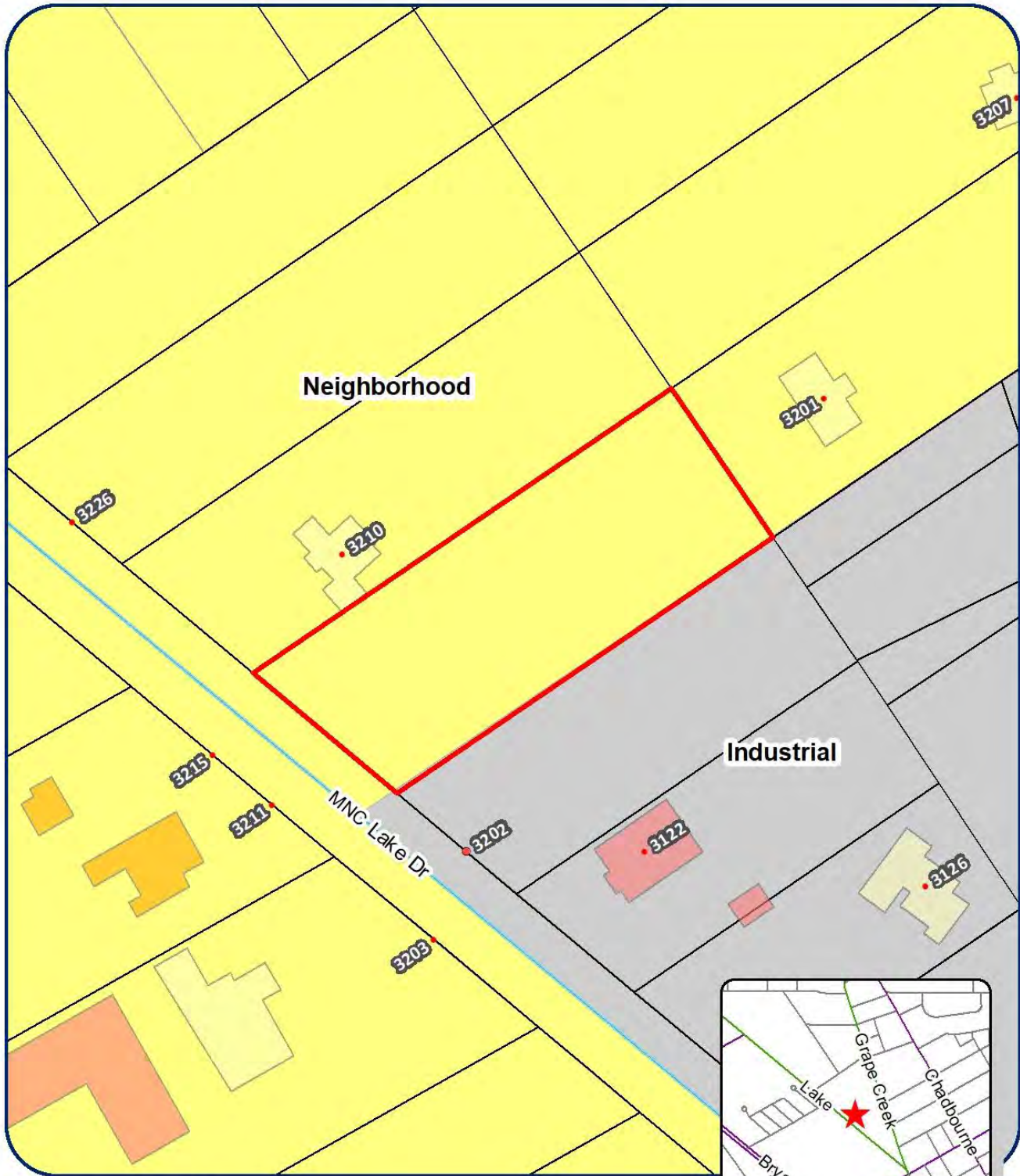
**Subdivision Plat**  
**S.B. RATLIFF SUBDIVISION**

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

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





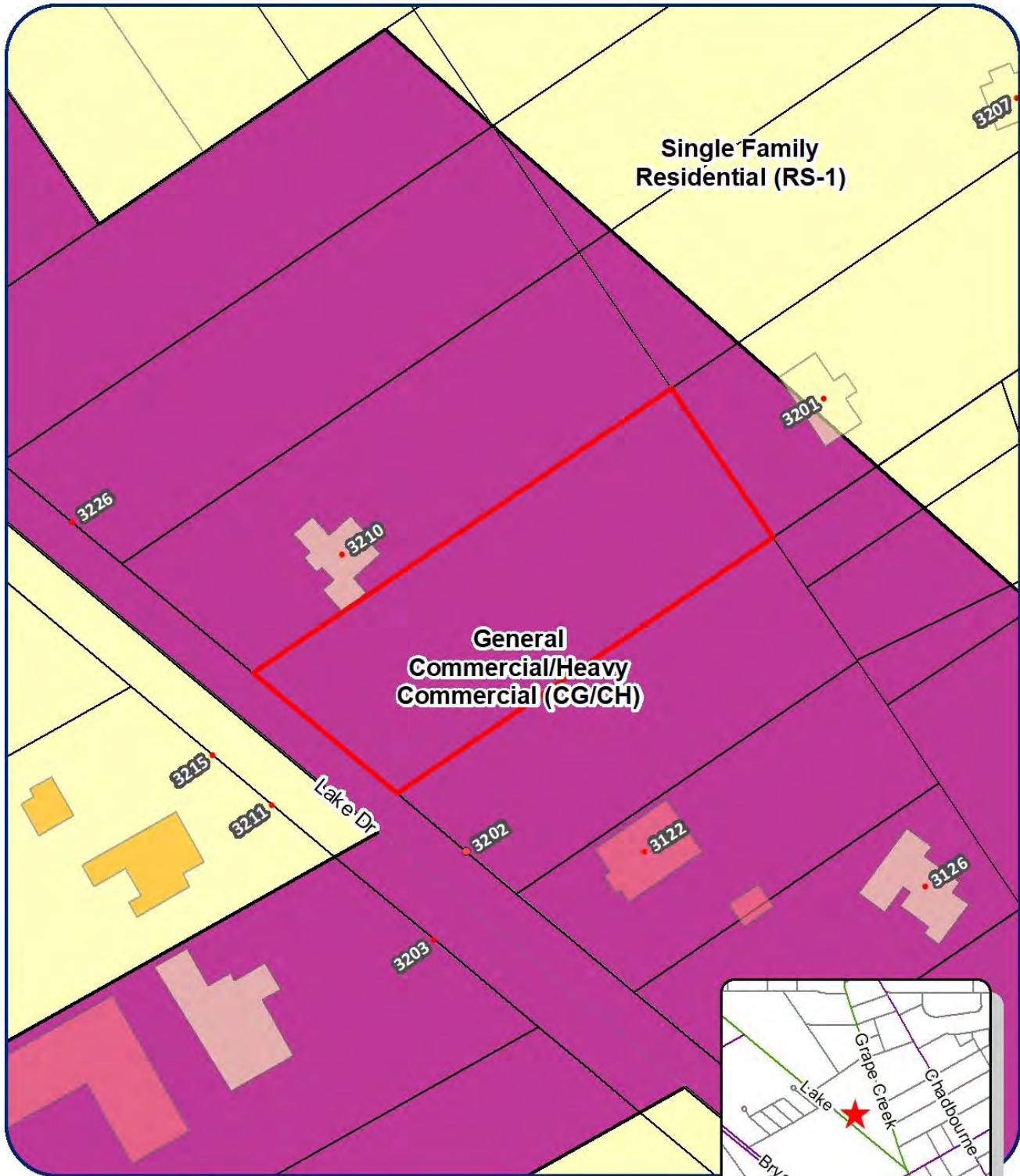


**Subdivision Plat**  
**S.B. RATLIFF SUBDIVISION**

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

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






**Subdivision Plat**  
**S.B. RATLIFF SUBDIVISION**

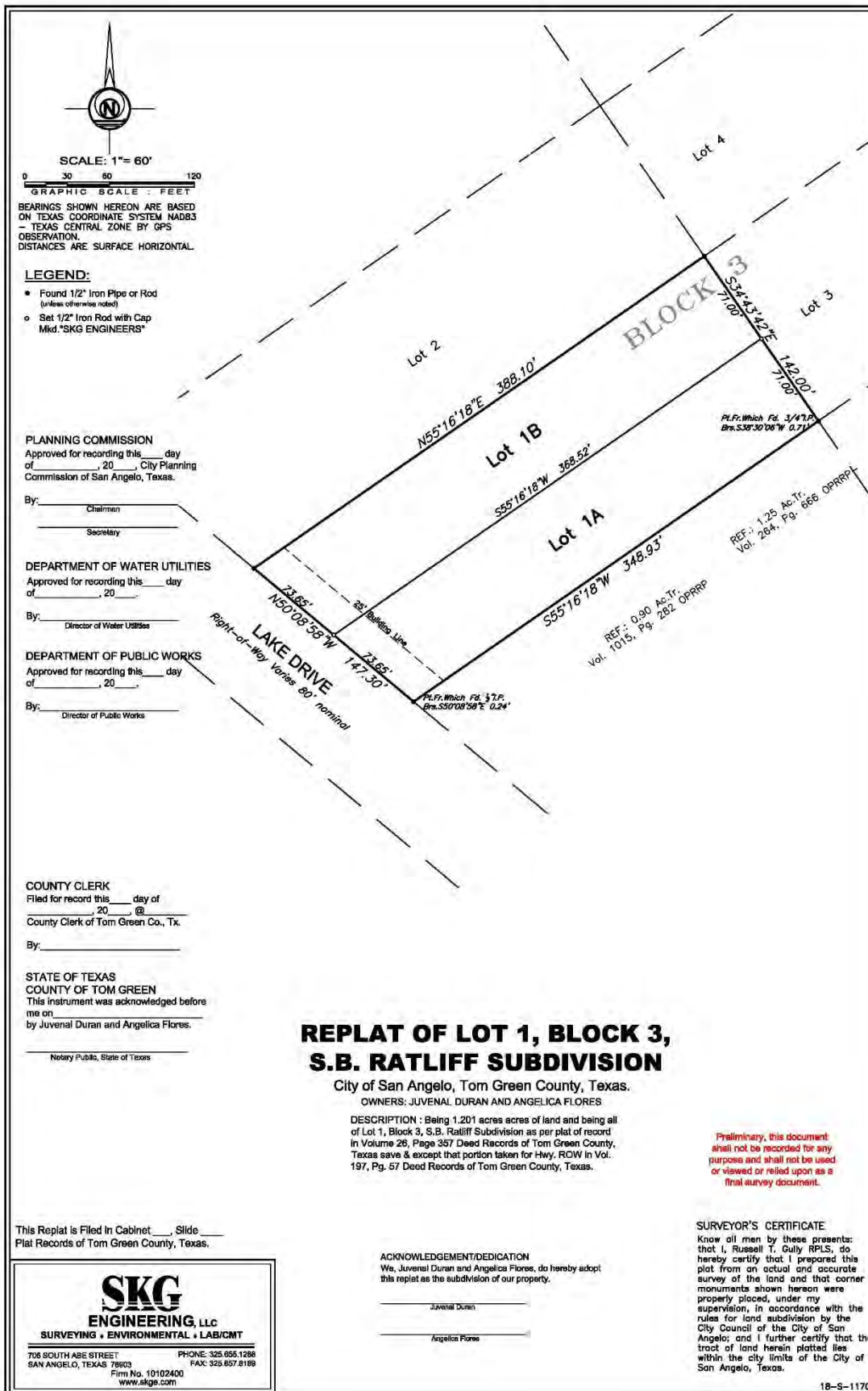
Council District: SMD #2 - Tom Thompson  
Neighborhood: Riverside  
Scale: 1" approx. = 100 ft

**Legend**

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







SCALE: 1" = 60'  
 GRAPHIC SCALE: FEET  
 BEARINGS SHOWN HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 - TEXAS CENTRAL ZONE BY GPS OBSERVATION. DISTANCES ARE SURFACE HORIZONTAL.

- LEGEND:**
- Found 1/2" Iron Pipe or Rod (unless otherwise noted)
  - Set 1/2" Iron Rod with Cap Mkd "SKG ENGINEERS"

PLANNING COMMISSION  
 Approved for recording this \_\_\_ day of \_\_\_, 20\_\_\_, City Planning Commission of San Angelo, Texas.

By: \_\_\_\_\_  
 Chairman  
 \_\_\_\_\_  
 Secretary

DEPARTMENT OF WATER UTILITIES  
 Approved for recording this \_\_\_ day of \_\_\_, 20\_\_\_.

By: \_\_\_\_\_  
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS  
 Approved for recording this \_\_\_ day of \_\_\_, 20\_\_\_.

By: \_\_\_\_\_  
 Director of Public Works

COUNTY CLERK  
 Filed for record this \_\_\_ day of \_\_\_, 20\_\_\_ @ \_\_\_\_\_  
 County Clerk of Tom Green Co., Tx.

By: \_\_\_\_\_

STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on \_\_\_\_\_  
 by Juvenal Duran and Angelica Flores.

Notary Public, State of Texas

**REPLAT OF LOT 1, BLOCK 3, S.B. RATLIFF SUBDIVISION**

City of San Angelo, Tom Green County, Texas.

OWNERS: JUVENAL DURAN AND ANGELICA FLORES

DESCRIPTION : Being 1.201 acres of land and being all of Lot 1, Block 3, S.B. Ratliff Subdivision as per plat of record in Volume 28, Page 357 Deed Records of Tom Green County, Texas save & except that portion taken for Hwy, RCW in Vol. 197, Pg. 57 Deed Records of Tom Green County, Texas.

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

This Replat is Filed in Cabinet \_\_\_ Slide \_\_\_  
 Plat Records of Tom Green County, Texas.

**SKG ENGINEERING, LLC**  
 SURVEYING + ENVIRONMENTAL + LAB/CMT  
 706 SOUTH ABE STREET SAN ANGELO, TEXAS 76903  
 PHONE: 325.655.1288 FAX: 325.657.8189  
 Firm No. 10102400 www.skgc.com

ACKNOWLEDGEMENT/DEDICATION  
 We, Juvenal Duran and Angelica Flores, do hereby adopt this replat as the subdivision of our property.

\_\_\_\_\_  
 Juvenal Duran  
 \_\_\_\_\_  
 Angelica Flores

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



## 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**

Replat of Lot 1, Block 3, S.B. Ratliff Subdivision

Proposed Subdivision Name

Lot 1, Block 3, S.B. Ratliff Subdivision

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

R8126

Tax ID Number(s) (can be found on property tax statement or at [www.tomgreencad.com](http://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:	Juvenal Duran & Angelica Flores	661.478.9964	anflorestrn@yahoo.com

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

	Name	Phone Number	Email Address
--	------	--------------	---------------

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

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

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

**Section 2: Utility & Easement Information**

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

Sewer:             City - requesting new services        Proposed size? 4"  
                           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: \_\_\_\_\_



**Section 3: Property Characteristics**

1.201 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 1.201    Single-Family Residential \_\_\_\_\_    Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_    Industrial/Manufacturing \_\_\_\_\_    Commercial/Retail \_\_\_\_\_

---

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

Vacant \_\_\_\_\_    Single-Family Residential 1.201    Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_    Industrial/Manufacturing \_\_\_\_\_    Commercial/Retail \_\_\_\_\_

Are there existing structures on the property?    Yes    No

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

\_\_\_\_\_

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

Are there existing deed restrictions?    Yes    No

If yes, provide deed reference information: \_\_\_\_\_

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

**Section 4: Variance Requests**

Are any variances for this application being requested?    Yes    No

If yes, provide all of the following information:

**Request 1:** Section & subsection from Subdivision Ordinance from which variance is requested: Section III, A

Full variance requested    Partial variance requested (proposed variation from standard): Additional paving width

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

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

\_\_\_\_\_

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.  
The conditions upon which this request for variance is based are not generally applicable to other property as this is an existing developed area and this is a small in-fill project.

\_\_\_\_\_

\_\_\_\_\_

(Section 4 continues on next page)

Section 4, continued

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

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

---

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

Approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as this road (Lake Drive) was, at one time U.S. Highway 87 (San Angelo - Sterling City Highway) and was fully functional as a highway and is now very adequate and functional in it's present state.

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.

Angeli Flores Juarez  
 Owner's Signature

8/20/18  
 Date

Shelby Clark  
 Representative's Signature

8/20/18  
 Date

**FOR OFFICE USE ONLY:**

Submitted to front desk: 8/20/18 Date Deemed preliminary complete: \_\_\_\_\_ Date Time Initials

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

Completeness review passed?  Yes \_\_\_\_\_ Date  No \_\_\_\_\_ Date

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

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

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

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

Yes \_\_\_\_\_ Date  No \_\_\_\_\_ Date

Approvals required for this application:

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

Date of Approval Expiration: \_\_\_\_\_

Date Recorded: \_\_\_\_\_



**PLANNING COMMISSION – SEPTEMBER 17, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASES:</b>	
Rezoning		Z18-20: Flores-Duran/COSA	
<b>SYNOPSIS:</b>			
A request for approval of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Single Family Residential (RS-1) Zoning District on the subject properties. The applicant is intending to legalize an existing home and add additional residential homes. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. City Staff has also included three adjacent properties as part of this request to clean up the Zoning District Lines. The properties located along Grape Creek Road are currently residential homes with only a small portion of their properties zoned commercial.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
3210 Lake Drive and 3201, 3207, and 3211 Grape Creek Road		Being Lots 1, 2, 3 and 4, Block 3, and Lot 3, Block 4, Ratliff Subdivision, Tom Green County, Texas.	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #2 – Tom Thompson Riverside Neighborhood	CG/CH – General Commercial/Heavy Commercial	Neighborhood	2.93 acres
<b>THOROUGHFARE PLAN:</b>			
<u>Lake Drive</u> –Urban Minor Collector Street, Required 60’ min. ROW (70’ Existing), 50’ min. pavement width (30’ Existing).			
<b>NOTIFICATIONS:</b>			
25 notifications were mailed within a 200-foot radius on August 31, 2018. Zero responses has been received in support and One received in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Single Family Residential (RS-1) Zoning District.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Angelica Flores Juvenal Duran			
<b>STAFF CONTACT:</b>			
Hillary Bueker Senior Planner (325) 657-4210, Extension 1547 <a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The subject properties are designated “Neighborhood” in the City’s Comprehensive Plan which intends to “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” The proposed rezoning would allow the addition of new single family homes, legalize the current residential uses, and fit into the adjacent residential zoning and uses. The proposed rezoning, if approved, would allow the property owners to make improvements to their land consistent with approved planning policies.
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 and existing homes will comply with the Single-Family Residential development standards. The existing approximately 1 acre lots exceed the minimum lot area of 5,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the RS-1 zoning district. Any future buildings will be required to comply with all required setbacks including 25-foot front yard setbacks from Lake Drive and Grape Creek Road, as well as the side yard and rear yard setbacks.
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 properties are located within an area with mixed uses, but is comprised of mostly residential with one commercial property directly north of 3210 Lake Drive. The subject parcels will be adjacent to residential lots on most sides and remain at a similar neighborhood scale in the proposed RS-1 zoning district.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The properties have been zoned Commercial since the 1954 Zoning Ordinance. Since Lake Drive was at one time related to U.S. Highway 87 (San Angelo - Sterling City Highway,) the Zoning Ordinance may have initially anticipated more commercial development which did not materialize. Allowing this 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 rezoning is 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.



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 sites to be commercial. These sites have been used for residential purposes for some time and the new potential homes would not be allowed in the current CG/CH Zoning District. Allowing these sites to rezone to Single Family Residential would be reflective of the continuing need for residential homes in the city, 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 this area along Lake Drive and Grape Creek Road is predominately residential. This rezoning to RS-1 will keep continuity with the majority of adjoining lots directly adjacent to the subject properties.

**Recommendation:**

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

**Attachments:**

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



**Z18-20: Flores-Duran/COSA**

**3210 Lake Drive**


**3201, 3207, 3211 Grape Creek Road**

Council District: SMD #2 - Tom Thompson

Neighborhood: Riverside

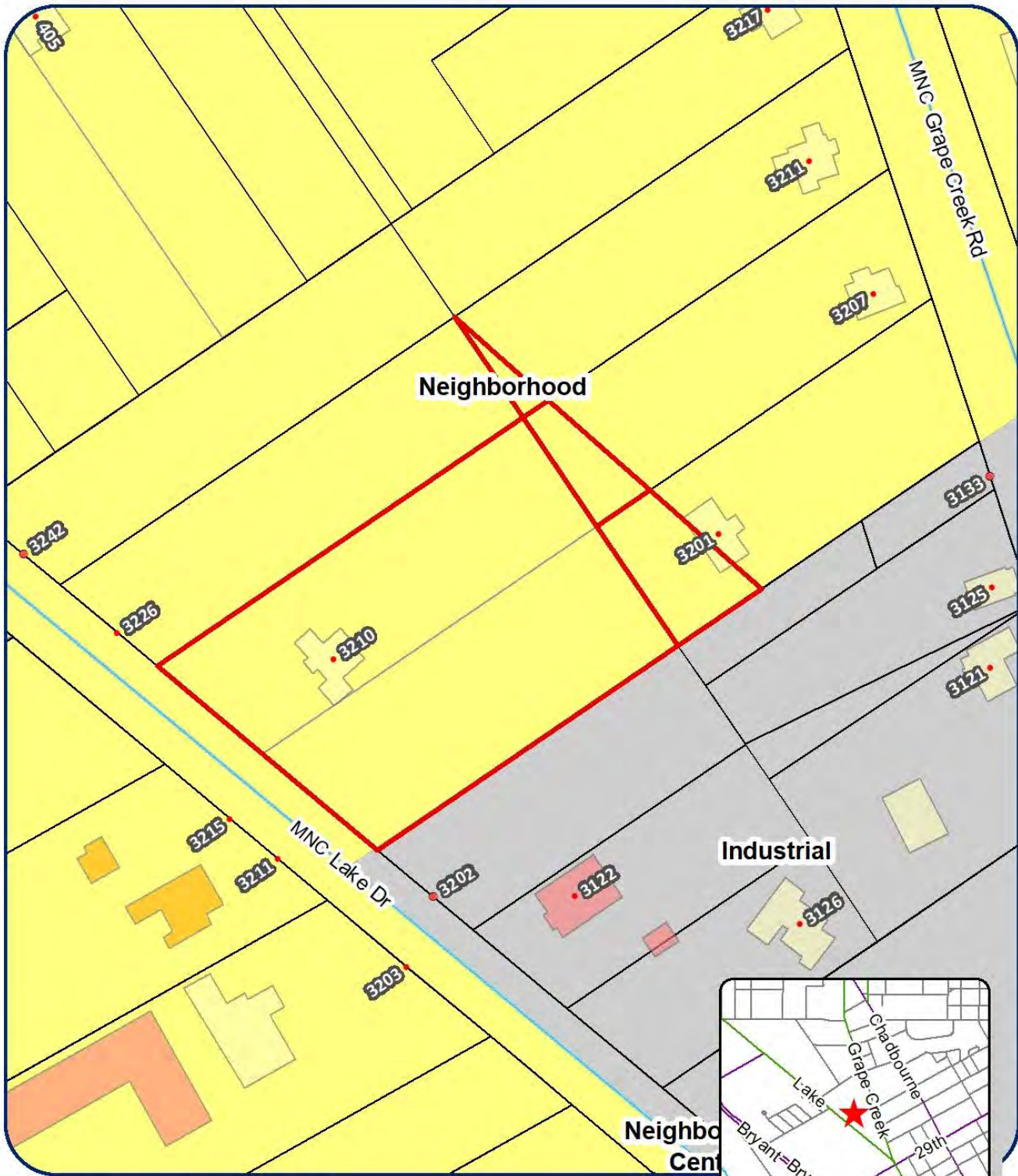
Scale: 1" approx. = 125 ft

**Legend**

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







**Z18-20: Flores-Duran/COSA**

**3210 Lake Drive**

**3201, 3207, 3211 Grape Creek Road**

Council District: SMD #2 - Tom Thompson

Neighborhood: Riverside

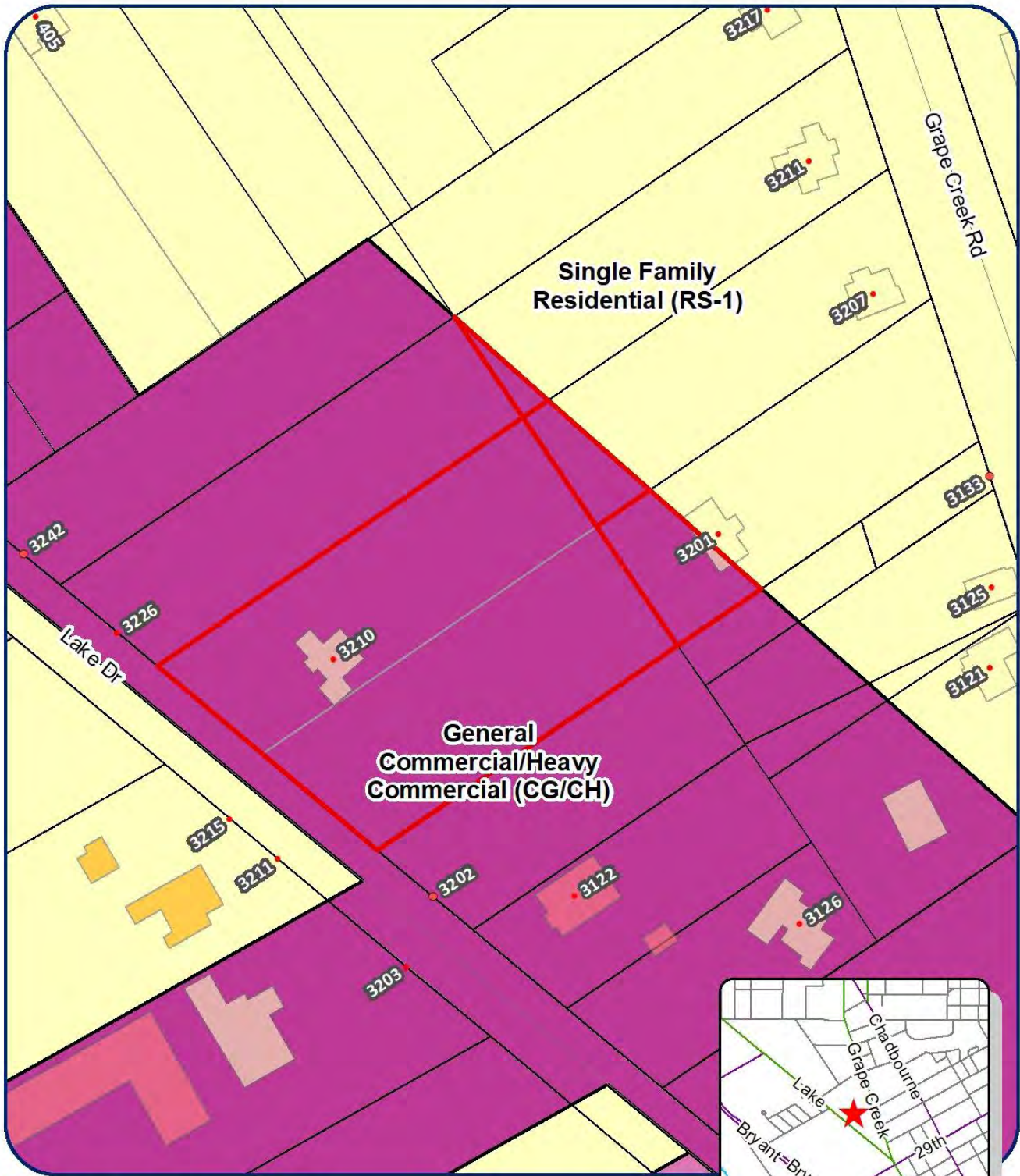
Scale: 1" approx. = 125 ft

**Legend**

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







**Z18-20: Flores-Duran/COSA**

**3210 Lake Drive**

**3201, 3207, 3211 Grape Creek Road**

Council District: SMD #2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 125 ft

**Legend**

- Subject Properties:
- Current Zoning: **CG/CH**
- Requested Zoning Change: **RS-1**
- 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): Angelica Flores and Juvenal Duran

Owner                       Representative (Notarized Affidavit Required)

4626 Armstrong St.                      San Angelo                      TX                      76903  
 Mailing Address                      City                      State                      Zip Code  
661.478.9964                      anfloresdrn@yahoo.com

Contact Phone Number                      Contact E-mail Address  
3210 Lake Dr.                      San Angelo                      TX                      76901  
 Subject Property Address                      City                      State                      Zip Code  
Lot 1, Block 3, S.B. Ratliff Sbdn.

Legal Description (*can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com)*)  
R8126

Existing Zoning: CG/CH                      Proposed Zoning: Conditional for RS-1                      Lot size: 1.201 ac.

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

**Section 2: Site Specific Details**

Existing Use of Property: Residential

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\*Proposed Use of Property: Residential - proposed replat into 2 lots has been submitted

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\*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.

<u>Angelica Flores Juvenal Duran</u>	<u>Angelica Flores Juvenal Duran</u>		<u>8/20/18</u>
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
<u>[Signature]</u>	<u>[Signature]</u>		<u>8/20/18</u>
Representative Name (Print)	Signature	Company/Organization	Date

**FOR OFFICE USE ONLY:**

Verified Complete  Verified Incomplete Date of Application: 8 / 20 / 18

Case No.: Z 18 - 20 Fully-dimensional site plan:

Nonrefundable fee: \$ 625.00 Receipt #: 336266 Date paid: \_\_\_/\_\_\_/\_\_\_

Sign Deposit \$37.50 Receipt #: 336271 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: 9 / 17 / 18 Date notifications due: \_\_\_/\_\_\_/\_\_\_

City Council hearing date: 10 / 23 / 18 Packets due date: \_\_\_/\_\_\_/\_\_\_

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

Reviewed/Accepted by: H. Buelcor Date: 8 / 20 / 18

**Site Photos**



Looking East at Subject Property from Lake Drive



Existing Home on Lot 2, Block 3, S.B. Ratliff Subdivision



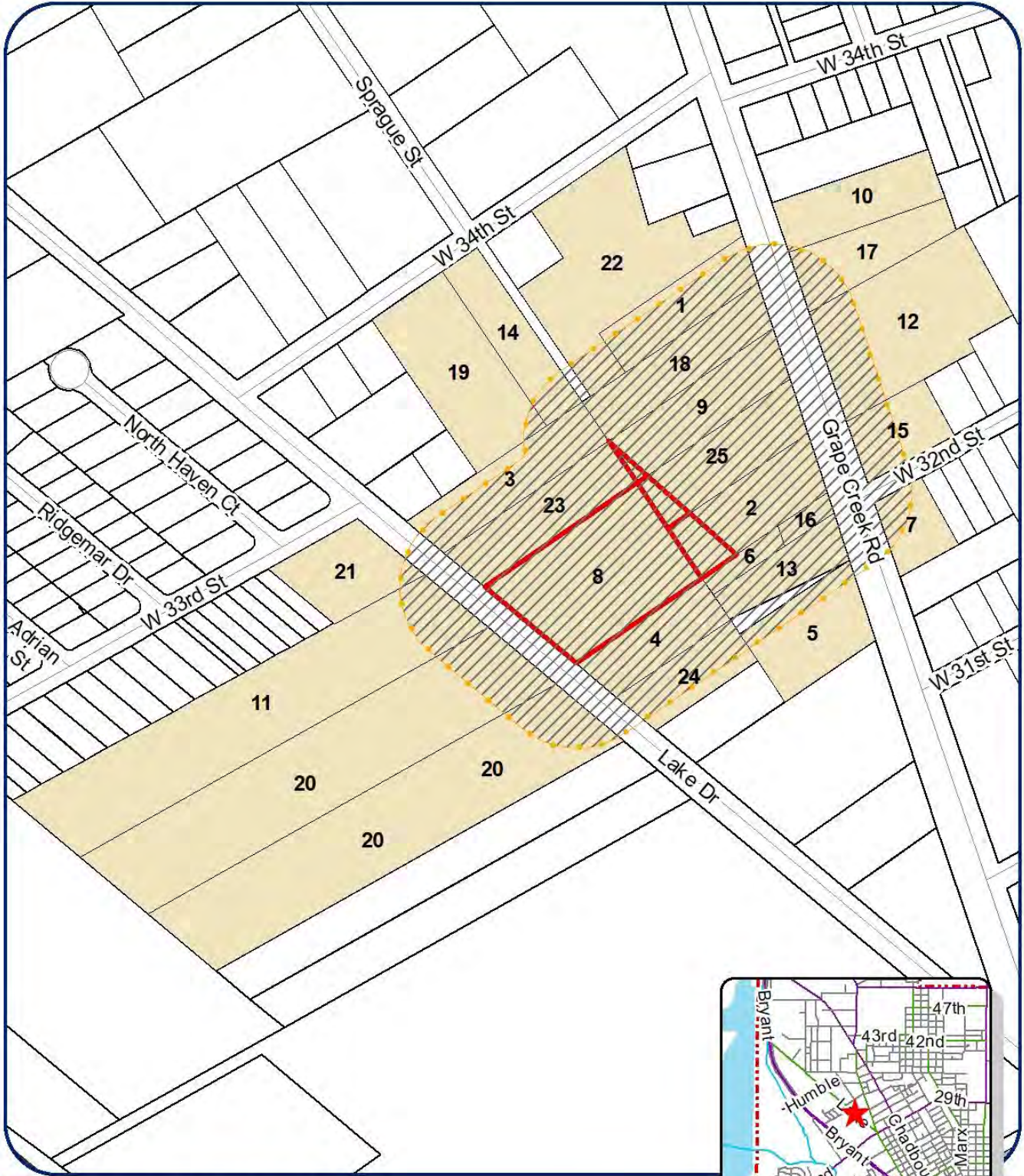


Vacant Lot 1, Block 3, S.B. Ratliff Subdivision



Surrounding Residential






**Z18-20: Flores-Duran/COSA**

**3210 Lake Drive**

**3201, 3207, 3211 Grape Creek Road**

Council District: SMD #2 - Tom Thompson  
 Neighborhood: Riverside  
 Scale: 1" approx. = 300 ft

**Legend**

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



TO BE FORMALY 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) \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_ 

Z18-20: Flores-Duran/COSA

Property owner number: 4

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



**PLANNING COMMISSION – September 17, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Rezoning	Z18-17: Brewer / City of San Angelo

**SYNOPSIS:**

The applicant has applied for a rezoning from the Light Manufacturing (ML) Zoning District to the Two-Family Residential (RS-2) Zoning District on his property at 606 Rust Street to facilitate construction of a new single family home. The owner has applied for an affordable tax credit for this new home. After further research and a site investigation on August 31, 2018, the Planning Division is also recommending a City-initiated rezoning on the other properties zoned ML in this block that have existing single-family homes. The combined rezoning to RS-2 for most of the block, except for 630 Rust Street containing an existing plumbing business, will recognize the existing homes. The Appraisal District shows the existing homes were built between 1900 and 1963. There was no Zoning Ordinance until 1940 and the previous “M” and “M-1” industrial districts included cumulative zoning that also allowed single-family dwellings. Therefore, all of the existing homes are legal non-conforming. The rezoning would allow these homes to expand or for their owners to erect new single-family dwellings and structures without having to obtain other planning approvals.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>		
501 East Avenue A and 606, 612, 616, and 618 Rust Street; located at the southeast corner of Rust Street and East Avenue A	Being Lots 1-6 in Block 87 of the Fort Concho Addition		
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FLU:</b>	<b>SIZE:</b>
SMD District #3 – Harry Thomas Fort Concho Neighborhood	Light Manufacturing (ML)	N - Neighborhood	1.308 ac.

**THOROUGHFARE PLAN:**

**Rust Street** – Urban Local Street  
 Required: 50’ right-of-way, 40’ pavement or 36’ with a 4-foot sidewalk  
 Provided: 80’ right-of-way, 36’ pavement and no sidewalk (complied with subdivision standards at time of platting)

**East Avenue A** – Urban Local Street  
 Required: 50’ right-of-way, 40’ pavement or 36’ with a 4-foot sidewalk  
 Provided: 80’ right-of-way, 36’ pavement and no sidewalk (complied with subdivision standards at time of platting)

**NOTIFICATIONS:**

19 notifications mailed within 200-foot radius on September 4, 2018. One was received in support. 0 in opposition.

**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the rezoning from the Light Manufacturing (ML) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties.

**PROPERTY OWNER/PETITIONER:**

*Property Owner:* Terry Shaner, Galilee Community Development Corp.  
*Applicant:* Mr. Robby Brewer

**STAFF CONTACT:**

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





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

- 1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has a Future Land Use designation of “Neighborhood” since the City’s original 2003 Comprehensive Plan. The Neighborhood designation is for predominantly residential housing. As outlined in the 2009 Strategic Plan update to the Comprehensive Plan, “Neighborhoods, in order to be sustainable, should have a diversity of residential products and affordable levels.” The current Light Manufacturing (ML) zoning is an industrial classification not consistent with these Neighborhood policies and the single-family homes built on the property. Previous City Councils and Planning administrations since at least 2003 have recommended this neighborhood be residential, likely to reflect the existing homes which have existed since at least the mid-1960s. A rezoning to RS-2 would be consistent and compatible with the Neighborhood designation in the Comprehensive Plan, also support a diversity of housing choices including single-family homes and two-family homes.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** All of the subject lots were already platted and each lot has a lot frontage of 50 feet, a lot depth of 190 feet, and a lot area of 9,500 square feet well exceeding the RS-2 zoning standards of 50 feet frontage, 100 feet depth and 5,000-square feet of lot area for the single-family dwellings. They also exceed the minimum 6,500 square foot lot area for two-family dwellings in case any of the properties wanted to add a second dwelling unit in future. The subject block between East Avenue A and East Avenue C on the east side of Rust Street is the last ML-zoned group of properties on this side of Rust Street. The entire remainder of the surrounding 0.35-mile area east of Rust Street between Baker Street, Spencer Street and East Highland Boulevard is almost entirely zoned RS-2 and all of the properties are designated “Neighborhood” with almost entirely residential uses. Therefore, a rezoning to RS-2 would be appropriate given the existing uses and future land uses of the area.
- 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 proposed RS-2 zoning will be compatible with the surrounding area. As indicated above, the entire 0.35-mile surrounding area is already zoned RS-2 with one and two-family residential structures and designated “Neighborhood” in the Comprehensive Plan which supports residential development. The property at 618 Rust Street is adjacent to an existing commercial plumbing facility zoned ML but the house has existed since 1900 according to the Appraisal District. The commercial structure was built in 1985 according to the Permits and Inspections Division after the house. The Planning Division believes that

although the two uses are different, a rezoning to RS-2 is appropriate to recognize the existing single-family home and the long term residential “Neighborhood” designation in the Comprehensive Plan.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The existing ML zoning, formerly the M-1 district, had allowed single-family homes prior to 2000, but this is no longer the case. The entire 0.35-mile area east of Rust Street is now exclusively zoned RS-2 and designated “Neighborhood” in the Comprehensive Plan supporting residential, not industrial development. These changed conditions are also reflected in the existing single-family homes along the subject block. Therefore, the Planning Division believes that an RS-2 zone change would be appropriate.
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 Planning Division does not anticipate any negative effects on the natural environment. A review of grading, drainage, and stormwater would take place at the permit stage for the applicant’s property at 606 Rust Street. All other residential properties in this block contain existing single-family homes with paved driveways.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes there is a community need for the proposed rezoning to RS-2. As indicated, the applicant for 606 Rust Street plans to erect a single-detached dwelling on this property in future, with a possible affordable housing tax credit. Given that the 0.35-mile surrounding area is fully occupied with residential housing and zoned accordingly, the Planning Division believes there is a community need for more housing in this location.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. The existing lots were previously platted and exceed the minimum lot dimensions for RS-2 zoning. Rust Street and West Avenue C are both local residential streets consistent with the future residential zoning.

**Recommendation:**

Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed rezoning from the Light Manufacturing (ML) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties.

**Attachments:**

Aerial Map

Future Land Use Map

Zoning Map

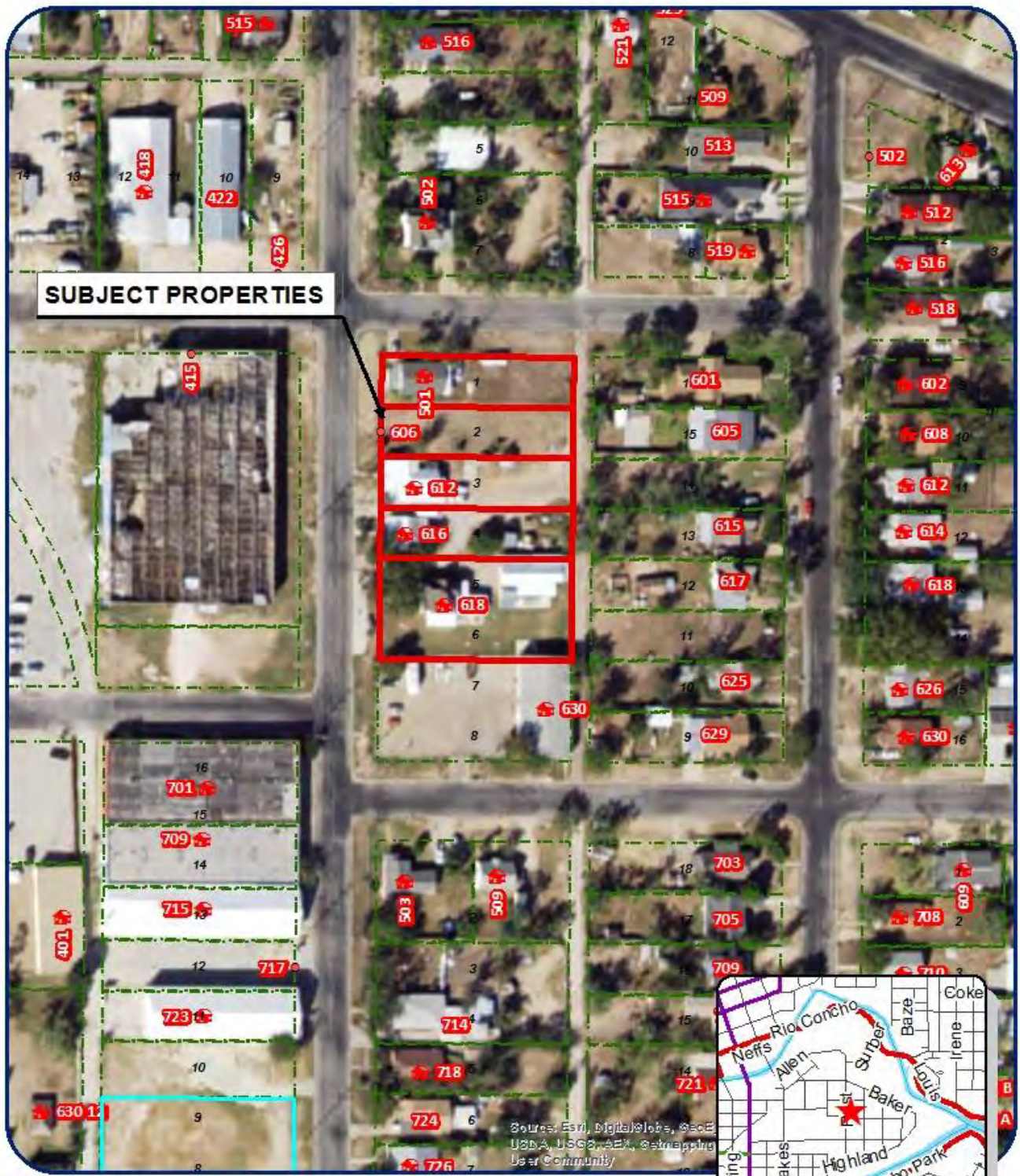
Photographs

Response Letter

Applicant's Response to Zoning Criteria

Application





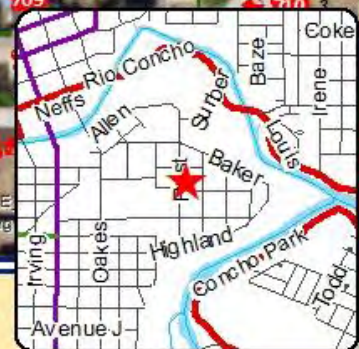
**Zoning Case File**

**Z18-17: Brewer/COSA**

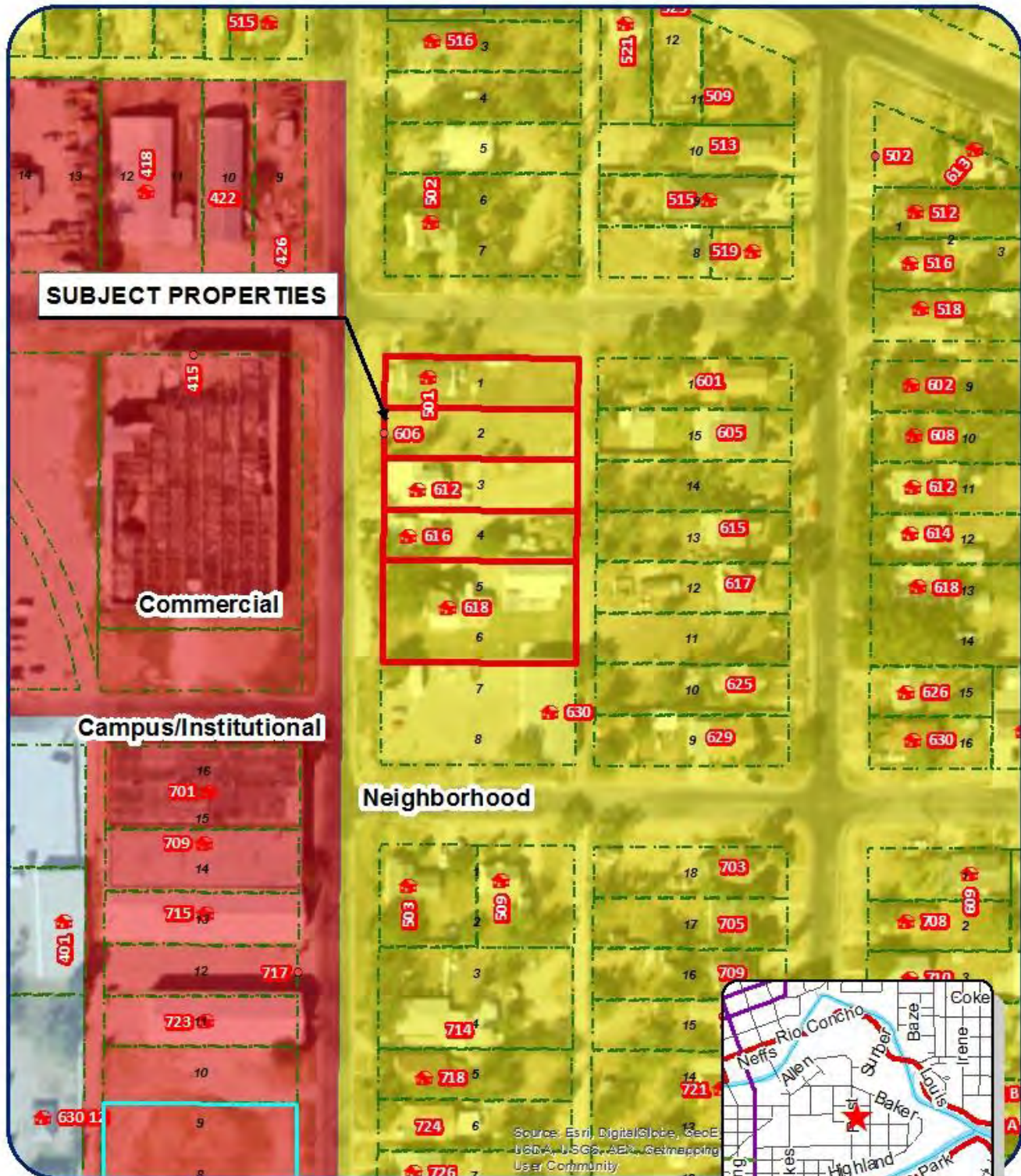
Council District: Harry Thomas (SMD #3)  
 Neighborhood: Fort Concho  
 Scale: 1" approx. = 125 ft  
 Subject Properties: 501 E. Ave A, 606, 612, 616 & 618 Rust St.

**Legend**

- Subject Properties: —
- Current Zoning: **ML**
- Requested Zoning Change: **RS-2**
- Vision: **Neighborhood**







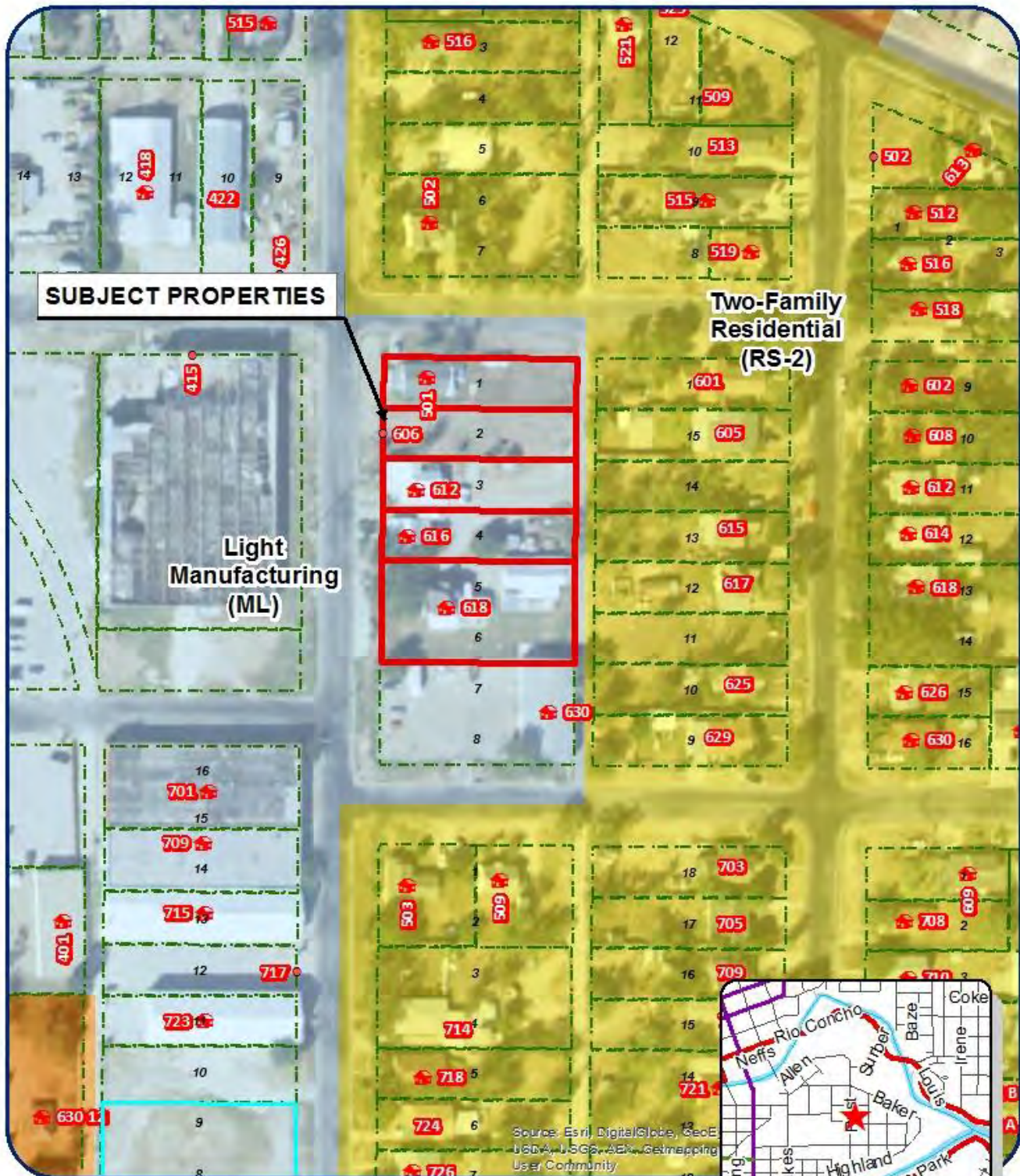
**Zoning Case File**  
**Z18-17: Brewer/COSA**

Council District: Harry Thomas (SMD #3)  
 Neighborhood: Fort Concho  
 Scale: 1" approx. = 125 ft  
 Subject Properties: 501 E. Ave A, 606, 612, 616 & 618 Rust St.

**Legend**  
 Subject Properties:   
 Current Zoning: **ML**  
 Requested Zoning Change: **RS-2**  
 Vision: **Neighborhood**







**Zoning Case File**

**Z18-17: Brewer/COSA**

Council District: Harry Thomas (SMD #3)

Neighborhood: Fort Concho

Scale: 1" approx. = 125 ft

Subject Properties: 501 E. Ave A, 606, 612, 616 & 618 Rust St.

**Legend**

- Subject Properties:
- Current Zoning: **ML**
- Requested Zoning Change: **RS-2**
- Vision: **Neighborhood**





**Photos of Site and Surrounding Area**

**NORTH**



**SOUTH**



**WEST**



**EAST AT SUBJECT PROPERTIES  
501 W. AVE A, 606 AND 612 RUST STREET**



**Photos of Site and Surrounding Area**

**EAST AT SUBJECT PROPERTIES  
606, 612 AND 618 RUST STREET**



**SOUTHEAST - EXISTING PLUMBING BUSINESS  
630 RUST ST**



**LOOKING SOUTHWEST – RUST STREET**





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

(X)

IN FAVOR

~~(X)~~

Change

IN OPPOSITION

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

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: STEVE HAMPTON

ADDRESS: 5126 Saddle Ridge Trail  
SAN ANGELO TX 76904

SIGNATURE: 

Z18-17: Brewer / City of San Angelo  
property owner number: 12

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

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

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

1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.

Yes. The proposed amendment is compatible with the Comprehensive Plan.

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

Yes. The proposed amendment is consistent with the zoning ordinance.

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.

Yes. The proposed amendment is compatible with the surrounding area.



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

n/a

5. Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment

No. The proposed amendment would not result in significant adverse impacts on the natural environment

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

Yes. The proposed amendment will be used for community development.

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

Yes. The proposed amendment meets the existing pattern of urban development in this area.


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Effective January 3, 2017



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



**Application for Approval of a Zone Change**

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**Section 1: Basic Information**

Name of Applicant(s): Robby Brewer  
 Owner       Representative (Notarized Affidavit Required)

Mailing Address: 1404 S. DAKES ST      San Angelo      TX      76903  
City      State      Zip Code

Contact Phone Number: (325) 450-4279      Contact E-mail Address: Brewer.Built@yahoo.com

Subject Property Address: 606 Rust Street      San Angelo      TX      \_\_\_\_\_  
City      State      Zip Code

Legal Description (can be found on property tax statement or at [www.texasland.com](http://www.texasland.com)):  
Acres: 0.218, Lot 2, Blk 87, Subd. Fort Camino Addition

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Existing Zoning: L/M      Proposed Zoning: Residential      Lot size: < 1 acre

(Zoning Map available on City Maps)

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**Section 2: Site Specific Details**

Existing Use of Property: Vacant

\*Proposed Use of Property: Residential - Single family home

\*Use separate attachment if necessary

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**Section 3: Applicant(s) Acknowledgement**  
 (By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner.

No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.

If approved, a zone change is applied to the property, not the property owner.

The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.

If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.

Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit into 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. This 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.

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Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 [www.cosatx.us/planning](http://www.cosatx.us/planning)

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.

<u>Galileo CDC</u> Owner Name (Print)	<u>Terry Juarez</u> Signature	<u>Galileo CDC</u> Company/Organization (if Applicable)	<u>7/30/18</u> Date
<u>Robby Brewer</u> Representative Name (Print)	<u>Robby Brewer</u> Signature	<u>Galileo CDC</u> Company/Organization	<u>7/27/18</u> Date

**FOR OFFICE USE ONLY:**

Verified Complete  Verified Incomplete

Date of Application: 7,30,18

Case No.: 2 18 -17

Fully-dimensioned site plan:

Nonrefundable fee: \$ 500.00  
125.00

Receipt #: \_\_\_\_\_ Date paid: 7,30,18

Sign Deposit \$37.50

Receipt #: \_\_\_\_\_ Date paid: 7,30,18

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: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date notifications due: \_\_\_\_/\_\_\_\_/\_\_\_\_

City Council hearing date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Packets due date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

Reviewed/Accepted by: KMH Date: 7,30,18

**PLANNING COMMISSION – September 17, 2018  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Conditional Use		CU18-17: McClure	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a Conditional Use for a new Short-Term Rental on the subject property. The property is zoned Two-Family Residential (RS-2) and contains an existing single-detached dwelling built in 1958 according to the Tom Green County Appraisal District. A Short-Term Rental is allowed in the RS-2 with an approved Conditional Use, subject to the development standards of Section 406 of the Zoning Ordinance (see Additional Information below).</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1009 Rio Grande Street; generally located southwest of Rio Grande Street and North Park Street.		Being the west 37.25 feet of Lots 1 and 2 and an adjacent 50' x 100' abandoned alley in Block 54 of the Angelo Heights Addition, comprising a total of 0.131 acres.	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #5 – Lane Carter Central Neighborhood	RS-2 – Two-Family Residential	N – Neighborhood	0.131 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>Rio Grande Street</b> – 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 and no sidewalk (lots already platted, complied with standards at that time)</p>			
<b>NOTIFICATIONS:</b>			
19 notifications mailed within 200-foot radius on September 5, 2018. Zero received in support or opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of a Conditional Use for a Short-Term Rental as defined in Section 406 of the Zoning Ordinance, in the Two-Family Residential (RS-2) Zoning District, on the subject property, <b>subject to seven Conditions of Approval.</b>			
<b>PROPERTY OWNER/PETITIONER:</b>			
<p><i>Property Owner:</i> Shae McClure</p> <p><i>Operator:</i> Bianca McClure</p>			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			



**Additional Information:**

**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.** There does not appear to be any adverse impacts on surrounding properties if the proposed Short-Term Rental was approved. The Short-Term rental occupancy would be located within the existing single-detached dwelling built in the late 1950s. The property's rear yard faces a large rear yard of the adjacent property to the south and is screened by a 6-foot high privacy fence. The Planning Division believes a Short Rental in this location would be compatible with the surrounding area.
2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The subject property zoned RS-2 allows a Short-Term Rental with an approved Conditional Use, subject to the development standards of Section 501 of the Zoning Ordinance for single-detached dwellings, and Section 406 for Short-Term Rentals. The Short-Term Rental will be located within the existing single-detached dwelling and complies with all setbacks. The front unenclosed porch is 17 feet from the front property line, less than the 25-foot front yard setback requirement. However, the property is within the Open Structure Overlay Zone and the porch is allowed up to 5 feet from the front property line because its roof material and appearance is consistent with the main dwelling. The applicant has agreed to pave the two required parking spaces along the west side of the home. There is also a caliche area to the rear where the applicant can park an additional two vehicles. The Short-Term Rental will comply with all requirements of Section 406 of the Ordinance. There are no other Short Term Rentals within 500 feet of the subject property as required. Rio Grande Street, a local street, is 36 feet wide, greater than the minimum 30 feet required for new Short Term Rentals.
3. **Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.** The Short-Term rental property is compatible with the surrounding area. It is within walking distance of Civic League Park with a waterlily collection, Sante Fe Park, the Riverwalk, and many historically designated buildings. As indicated, the Short Term Rental will be located within the existing single-detached dwelling and will therefore blend into the existing residential neighborhood.
4. **Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use will be located within an existing residential structure and will maintain the existing building footprint on the property. The additional two parking spaces to be installed should not cause significant runoff.

5. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. Staff believes there is a demonstrated community need for a Short Term Rental in this location given close proximity to local amenities including several parks and the River Walk. It will not change the residential character of the area, and there will be adequate on-site parking.
6. **Development Patterns.** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. The existing short-term rental should not have any adverse effect on existing development patterns. As indicated, the rental will utilize the existing single-detached dwelling and the applicant has agreed to install two parking spaces.

**Recommendation:**

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a Short Term Rental in the Two-Family Residential (RS-2) Zoning District, **subject to the following seven Conditions of Approval:**

1. The owner shall install the required two (2) off-street parking spaces and maintain them in a manner consistent with Section 511 of the Zoning Ordinance.
2. The applicant shall register with the State of Texas and City of San Angelo for the purpose of Hotel Occupancy Tax and forward copies of the tax registration documents to the Planning Division.
3. No exterior evidence of the Short Term Rental shall be allowed.
4. The owner shall obtain a Certificate of Occupancy for the Short Term Rental from the Permits and Inspections Division.
5. The owner shall obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
6. 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, and any subsequent permit renewals.
7. No commercial outdoor storage shall be allowed on the premises.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Photographs  
Site Plan  
Applicant's Letter of Intent  
Application



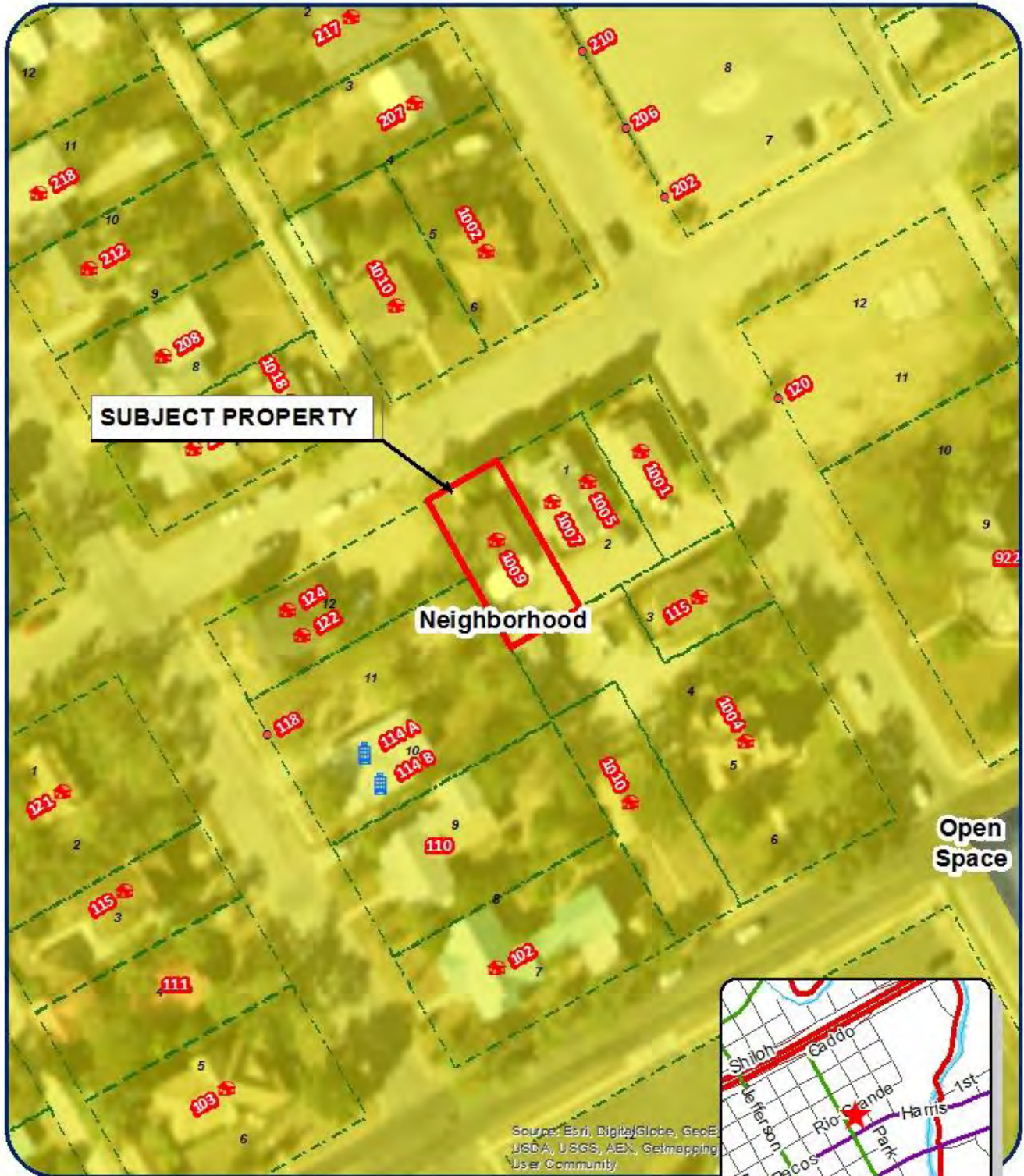


**Zoning Case File**  
**CU18-17: McClure**  
Council District: Lane Carter (SMD#5)  
Neighborhood: Central  
Scale: 1" approx. = 75 ft  
Subject Property: 1009 Rio Grande Street

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







**Zoning Case File**

**CU18-17: McClure**

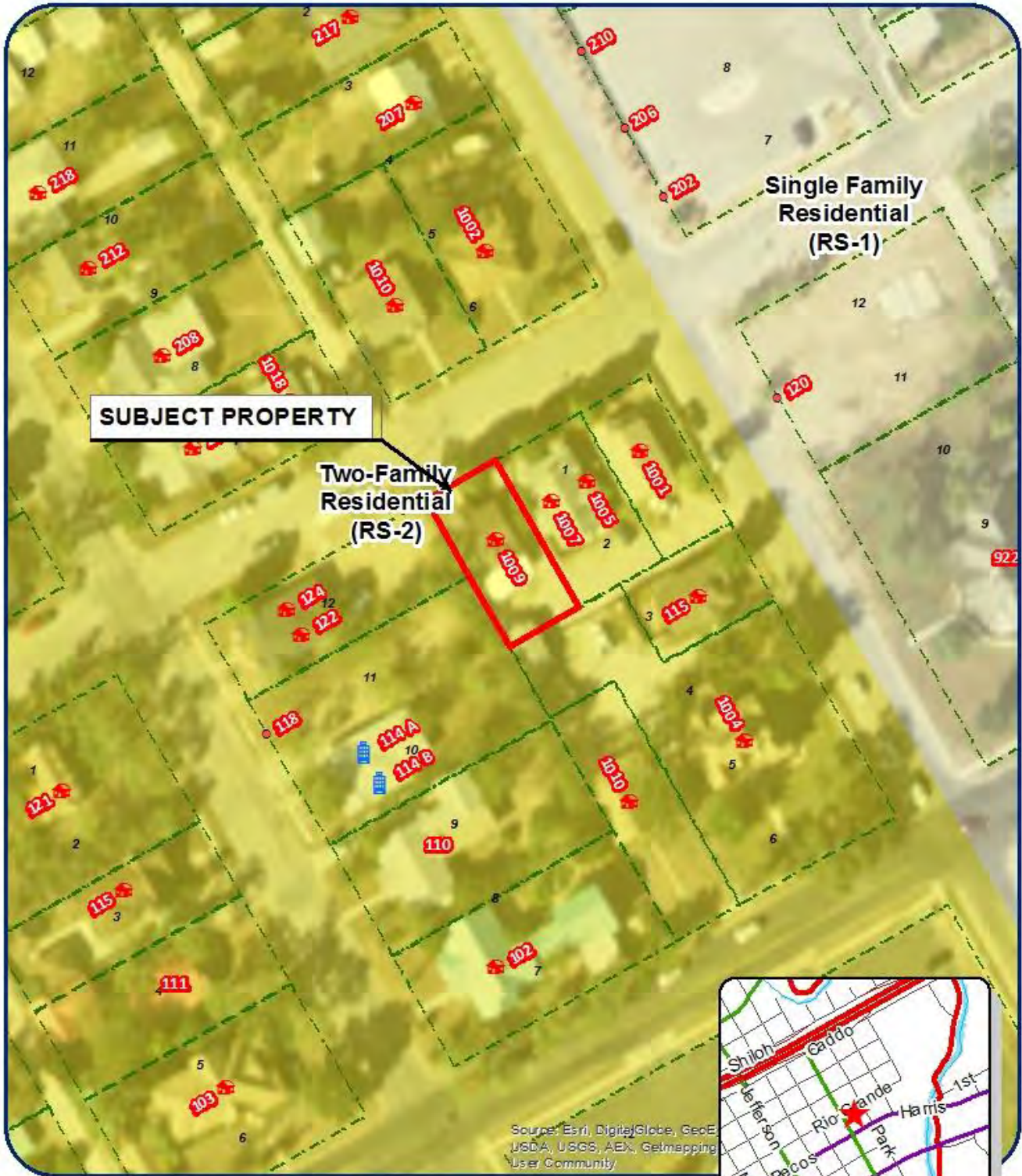
Council District: Lane Carter (SMD#5)  
 Neighborhood: Central  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1009 Rio Grande Street

**Legend**

- Subject Properties: —
- Current Zoning: RS-2
- Requested Zoning Change: N/A
- Vision: Neighborhood







**Zoning Case File**

**CU18-17: McClure**


Council District: Lane Carter (SMD#5)

Neighborhood: Central

Scale: 1" approx. = 75 ft

Subject Property: 1009 Rio Grande Street

**Legend**

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





Photos of Site and Surrounding Area

WEST



EAST



NORTH



SOUTH AT PROPERTY





**Photos of Site and Surrounding Area**

**PROPOSED 2 PAVED PARKING SPACES**



**LOOKING AT HOUSE FROM REAR YARD**



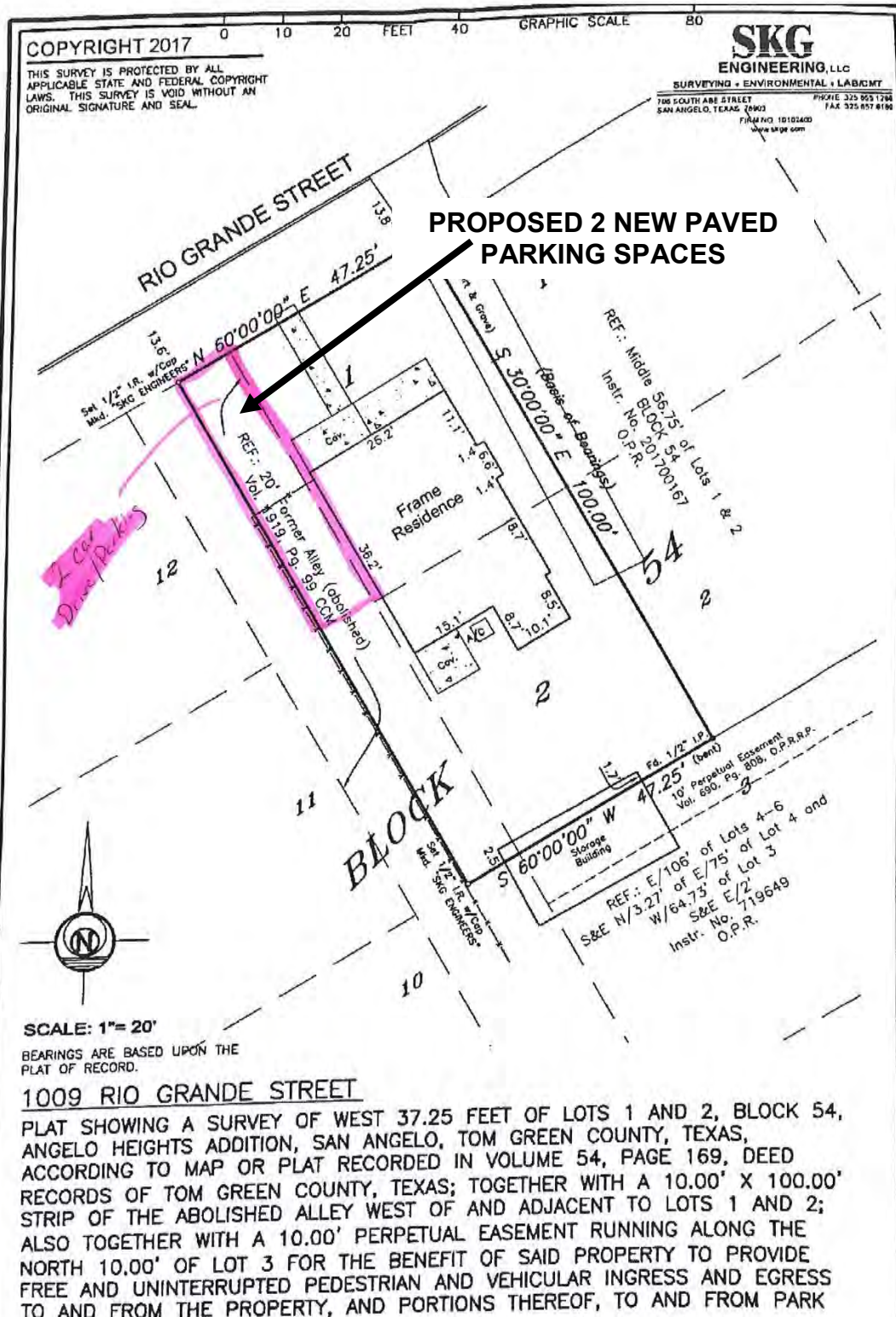
**REAR YARD LOOKING SOUTH**



**REAR YARD LOOKING EAST**



Site Plan





Shae McClure



Mailing: PO Box 62828 San Angelo, TX 76906  
204 N Washington St, TX 76901  
(325) 277-9742  
shaemcclure@gmail.com

9/6/18

Dear City of San Angelo,

We would like to thank you for considering our application for Short Term Rental at 1009 Rio Grande St. This property my wife and I purchased as an investment property partially because of it being located just diagonally across the street from our home. In considering how to use it, we have noted other rental properties in the area. This has brought us to the conclusion that using it as a short term rental will better maintain and preserve both the house, and the neighborhood. Additionally, we would like to donate a few weeks a year to our church ministry by allowing visiting full-time volunteer ministers to stay for free.

The property will be a good avenue for local attractions. It is two blocks (walking distance) from San Angelo's unique International Waterlily Collection. And only minutes away from both beautiful downtown San Angelo, and the Riverwalk. If you approve 1009 Rio Grande for short term rentals a visitor will have the opportunity to see the sites our community has to offer from the perspective of someone who has the privilege of being a part of this friendly, beautiful town. This just can't be done staying at a hotel.

As far as the property goes, we fully intend on following all city requirements. We have plans to pave the parking drive so that at least two cars will fit nicely. We will be sure to complete this as a condition of approval. The house can be ready for an inspection whenever scheduled.

Warm regards,  
Shae McClure

A handwritten signature in black ink, appearing to read 'Shae McClure', written over a horizontal line.





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



**Application for Conditional Use:  
 Short-Term Rental Property**

Office Use Only - Date Accepted:

**Section 1: Basic Information**

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

Shane McClure Name of Property Owner (s) Bianca McClure Name of Operator (s)

PO Box 62828 Property Owner Mailing Address San Angelo TX 76906 City State Zip Code

325-277-9742 Property Owner Contact Phone Number pwoutfitters@gmail.com Property Owner Contact E-mail Address

(above) PO Box 62828 Designated Operator Mailing Address San Angelo TX 76906 City State Zip Code

325-277-9561 Designated Operator Contact Phone Number Bemccclure@gmail.com Designated Operator Contact E-mail Address

1009 Rio Grande Short Term Property Address San Angelo TX 76901 City State Zip Code

Number of bedrooms: 2 Number of Off-street Parking Spaces: 2 zoning RS-2

**Section 2: Site Specific Details**

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

Please initial and provide explanations for the following:

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

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

Explanation: A short term residency on 1009 Rio Grande will have no adverse effects visually or otherwise. It is and will remain a single story dwelling.

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

Explanation: This is a single family dwelling that has been in the neighborhood since the 1950s. The exterior is unaltered and is and will remain well maintained.

**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: There will be no adverse impact on the natural environment.

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

Explanation: 1009 Rio Grande is located just a walk away (2 blocks) from the local International

Water Lily Collection and walking distance from the Riverwalk and Historic Downtown, encouraging visitors.

**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: The property is located in a well established area, there will be no impact on any development patterns.



Effective February 8, 2017

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

Please read and initial each of the following:

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

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

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

Shae McClure   
Printed name and Signature of Property Owner or Authorized Representative

8/17/18  
Date

Bianca McClure   
Printed name and Signature of Designated Operator

8/14/2018  
Date

FOR OFFICE USE ONLY:

Case No.: CU: 18-17 Planning Commission date: 9, 17, 18

Nonrefundable application Fee: \$ 385.00 Receipt #: 334930 Date paid: 8, 17, 18

Planning Commission:  Approve  Disapprove Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Appeal to City Council:  YES  NO Date and time of Appeal: \_\_\_\_/\_\_\_\_/\_\_\_\_ am/pm

City Council  Approve  Disapprove Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

State Hotel Occupancy Tax Number: \_\_\_\_\_ City Hotel Occupancy Tax Number: \_\_\_\_\_

Date Forwarded to Building Permits & Inspections: \_\_\_\_/\_\_\_\_/\_\_\_\_