

PLANNING COMMISSION – March 18, 2019

STAFF REPORT



APPLICATION TYPE:	CASE:
Final Plat	Final Plat of Blocks 3, 4 & 5, San Angelo Gateway Addition, Section Two

SYNOPSIS:

On February 15, 2019, the applicant submitted the subject request for a final plat of the remaining blocks 3, 4, and 5 in Section 2 of the San Angelo Gateway Addition, consistent with the Revised Preliminary Plat approved by the Planning Commission on November 19, 2018. A final plat of Block 2 was previously approved in 2017 (AEP property). The 153.007-acre plat includes five lots, consistent in size and shape with the Revised Preliminary Plat. The applicant, COSADC, will enter into a Memorandum of Understanding (MOU) with the City for the responsibility of installation of all required utilities, streets, drainage, and all other improvements (see Additional Information).

LOCATION:	LEGAL DESCRIPTION:		
Unaddressed tracts located north of Gateway Drive and Venture Drive	Being a remainder of 153.007 acres located in the C.C.S.D. & R.G.N.G.R.R Co. Survey No. 1111.		
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Lucy Gonzales (SMD#4) Neighborhood: Paulann	ML – Light Manufacturing	I – Industrial, C – Commercial & Campus/Institutional C/I	153.007 acres

THOROUGHFARE PLAN:

North Loop 306 (TXDOT) – Urban Major Arterial Street
 Required: 80’ right-of-way, 64’ pavement
 Provided: 300’ right-of-way, 280’ pavement

Gateway Drive (proposed extension), Monument Drive – Urban Local Streets
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk
 Provided: 80’ right-of-way, pavement to be provided at time of final platting

NOTIFICATIONS:

N/A

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of a Final Plat of Blocks 3, 4 & 5, San Angelo Gateway Addition, Section 2”, subject to **four Conditions of Approval**.

PROPERTY OWNER/PETITIONER:

Property Owner: City of San Angelo Development Corporation (COSADC)
Agent: Mr. Robert A. Schneeman, COSADC
Engineer: Mr. Josh Wallander - Parkhill, Smith & Cooper Inc.

STAFF CONTACT:

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



Additional Information: A final draft of the MOU is being prepared by the City Attorney's Office. It will be presented to City Council for final ratification ensuring the required improvements will be made. The MOU will apply to any future developers should COSADC decide to sell any of the subdivision lots. As a condition of approval, the Planning Division is recommending that the plat is not recorded until the MOU is approved by the COSADC Board and City Council, and that prior to the sale of any land to a future developer, that developer shall enter into a Development Agreement with COSADC ensuring any remaining infrastructure and improvements are completed.

Conformity with the Governing Preliminary Plat: Chapter 5.III.A.3 of the Subdivision Ordinance states that "the final plat shall generally conform to the preliminary subdivision plat as approved by the City Planning Commission". The proposed final plat is identical to the governing preliminary plat for San Angelo Gateway Addition, Section 2, approved by the Planning Commission on November 19, 2018. It has the same five lots within three blocks, with Block 4 to be used as a future drainage easement. The street configurations are also identical. If approved, Gateway Drive would extend north and then west and connect with North Loop 306. The east-west street Monument Drive would extend west to Loop 306 and east to the edge of the plat, allowing this street to eventually be extend through a separate plat southeast to Venture Drive.

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 preliminary plat, if the Commission finds the preliminary plat does not comply with requirements of this or other applicable municipal ordinances, or if in the Commission's opinion, the proposal would not be in conformance with the City's Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance."

Comprehensive Plan

The majority of the subject land is designated "Industrial" with a small westerly portion designated "Commercial" and easterly portion designated "Campus/Institutional" in the City's Comprehensive Plan. The Industrial designation supports industrial and related uses: "These areas are dedicated to aspects of supporting the local economy while mitigating some of their potentially undesirable secondary effects on nearby residences." The Campus/Institutional designation supports "multi-purpose, mixed-use facilities that provide a wide variety of businesses, housing and office space." Future industrial/office related uses would be supported under all of these designations. The Commercial designation supports "single-use centers consisting of large retail and office clusters that seek visibility and convenient access by frontage on the major street network." Two of the proposed lots have frontage onto North Loop 306 Frontage Road, which can accommodate large volumes of commercial traffic. The subject land is located immediately north of the existing San Angelo Industrial Park which contains a wide range of industrial and office related businesses. The proposed final plat boundary is at least $\frac{3}{4}$ miles from the nearest residential subdivision to the northwest, opposite North Loop 306, minimizing any effects on residential land uses.

Intent of Purpose Statements

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). The proposed street network will provide connections to the future lots and to North Loop 306, a major arterial street which can accommodate extensive commercial traffic. The proposed streets will have extensive 80-foot right-of-ways to accommodate larger commercial vehicles entering and existing the future industrial lots. The extension of Gateway Drive will provide a smooth transition and connection to the existing industrial park to the south. The new MOU between the City and COSAC will provide assurance that all future roads and utility extensions will be constructed as required.

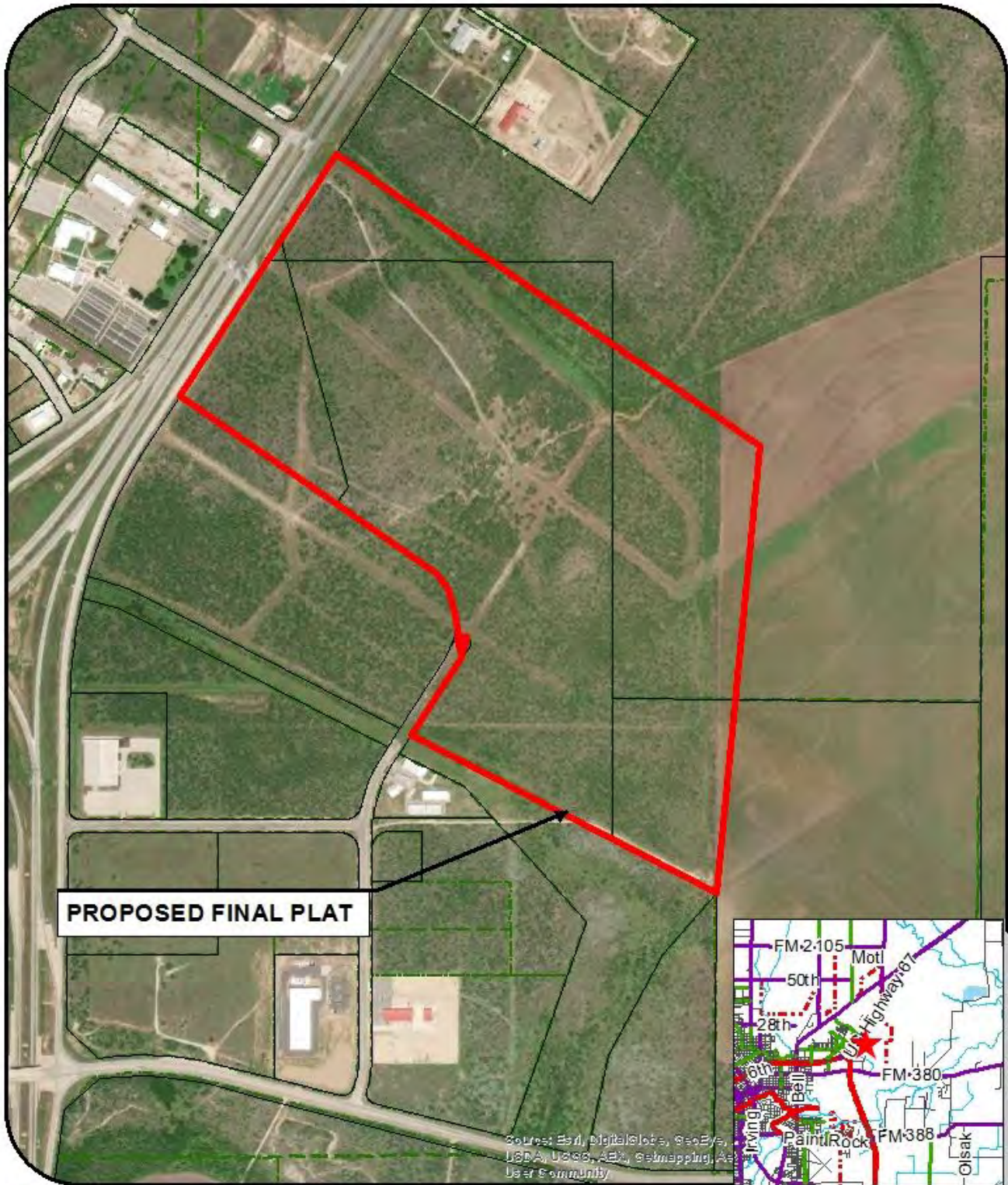
Recommendations: Staff recommends that the Planning Commission do the following:

APPROVE the “Final Plat of Blocks 3, 4 & 5, San Angelo Gateway Addition, Section 2”, subject to following **four Conditions of Approval:**

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, a Memorandum of Understanding (MOU) is approved by the COSADC Board and City Council, filed with the County Clerk, and referenced on the recorded plat, for all required infrastructure and improvements, and that prior to the sale of any land to a future developer, said developer shall enter into a Development Agreement with COSADC ensuring any remaining infrastructure and improvements are installed and completed to the satisfaction of the City.
3. Prior to plat recordation, per Chapter 7 of the Land Division and Subdivision Ordinance, record the adjacent Amended Plat "Final Plat of Block 2, Lot 3, San Angelo Gateway Addition, Section 2" for the land immediately southwest of the subject plat area, label this information on the subject plat drawing, and remove the incorrect name “Block 2, Section 2, San Angelo Gateway Addition from the drawing.
4. Prior to issuance of a building permit, per the 2015 International Fire Code, Section 507.5, and Appendix D, fire hydrants and fire department access may need to be provided, depending upon the proposed layout of buildings, and should be addressed as part of the site plan review process.

Attachments:

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



Final Plat, San Angelo Gateway Addition

Blocks 3, 4, and 5

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 750 ft

Subject Property: Unaddressed Tracts, Gateway/Venture Drive, 153.114 acres

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

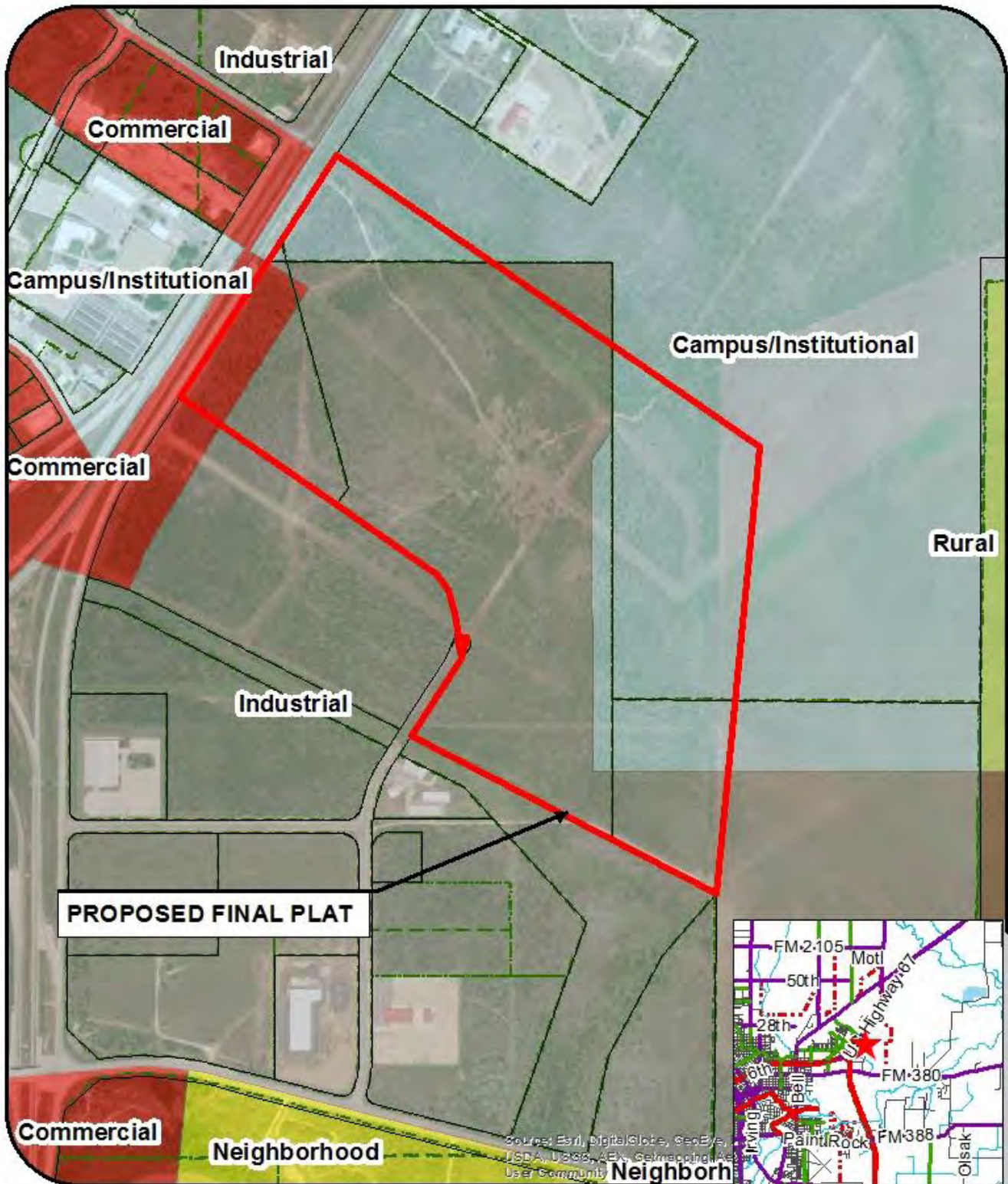
ML

N/A

Industrial,

Commercial, Campus / Institutional





Final Plat, San Angelo Gateway Addition

Blocks 3, 4, and 5

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 750 ft

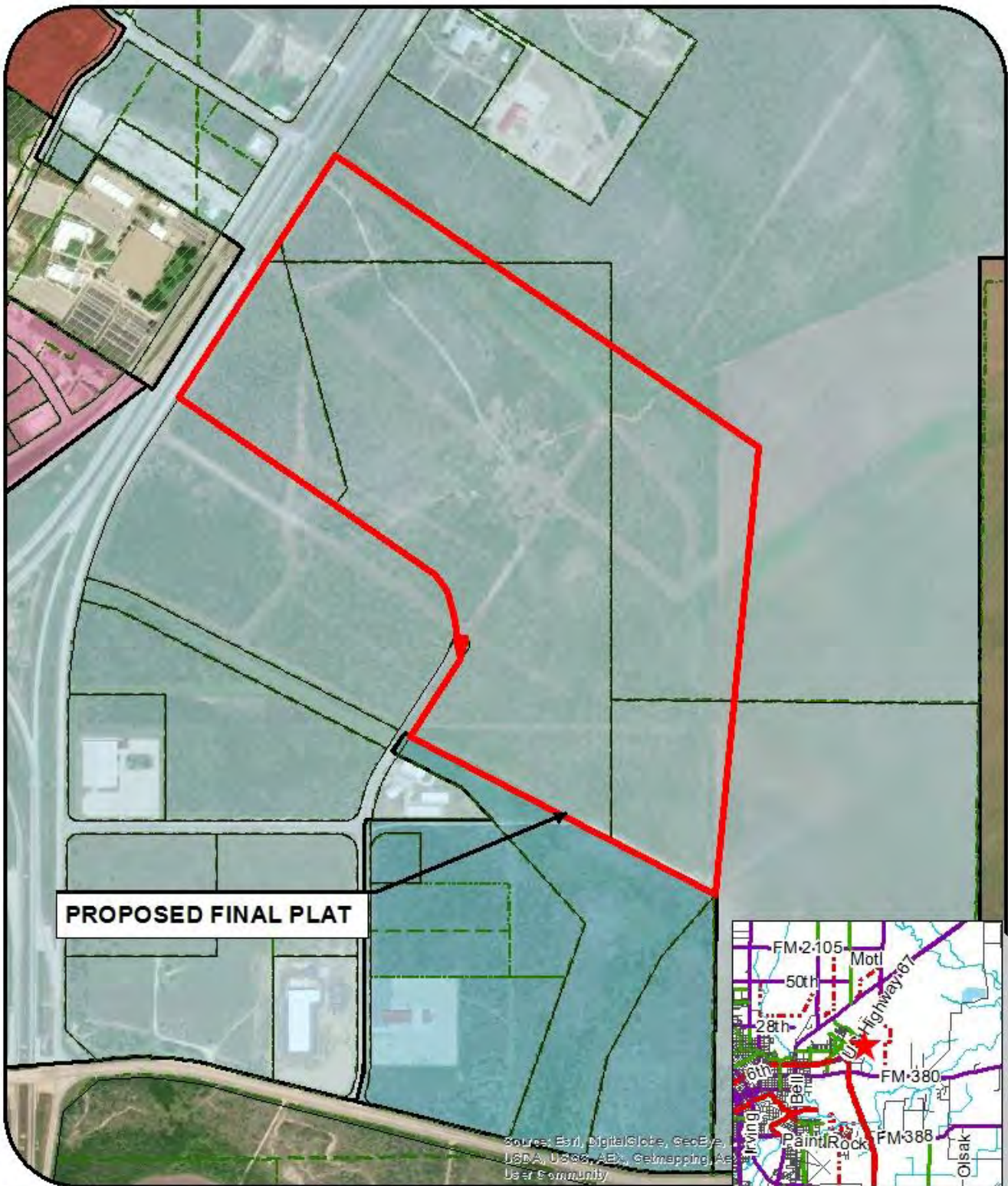
Subject Property: Unaddressed Tracts, Gateway/Venture Drive, 153.114 acres

Legend:

Subject Properties:
 Current Zoning:
 Requested Zoning:
 Vision:

ML
 N/A
 Industrial,
 Commercial, Campus/Institutional

The legend includes a north arrow pointing upwards and the official seal of the City of San Angelo, Texas, which features a sun, a star, and the city name.



Final Plat, San Angelo Gateway Addition

Blocks 3, 4, and 5

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 750 ft

Subject Property: Unaddressed Tracts, Gateway/Venture Drive, 153.114 acres

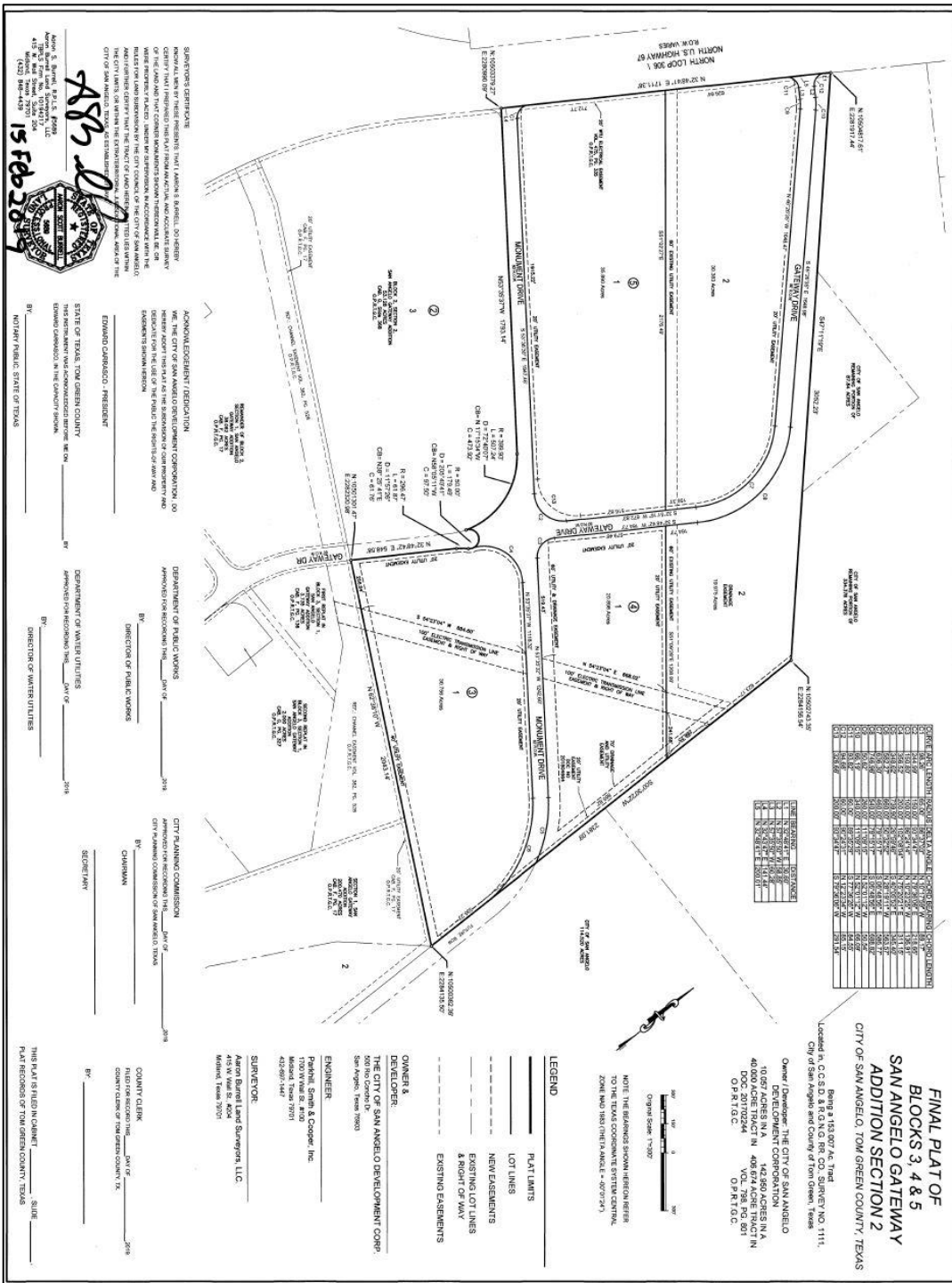
Legend:

Subject Properties:
 Current Zoning:
 Requested Zoning:
 Vision:

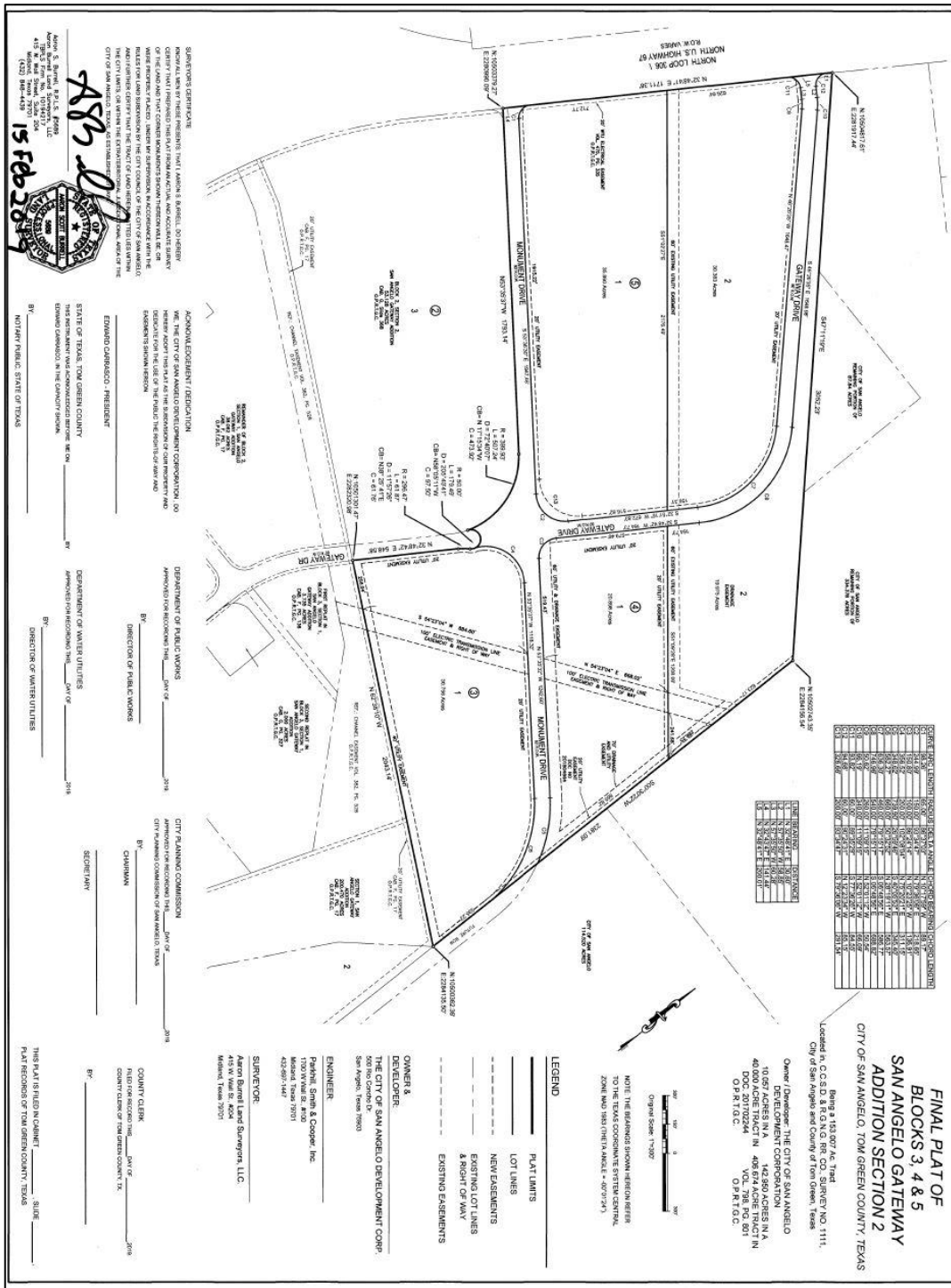
 ML
 N/A
 Industrial,
 Commercial, Campus / Institutional

 N
 THE CITY OF SAN ANGELO TEXAS

Proposed Final Plat



Governing Preliminary Plat (approved November 19, 2018 by Planning Commission)





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

Final Plat of Blocks 3, 4, & 5 San Angelo Gateway Addition Section 2

Proposed Subdivision Name

Abst: A-4985 S-0001, Survey: J FENNER

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

R72128, R71654, R52398

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner:

Name	Phone Number	Email Address
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Architect/Engineer/Design Professional:	Parkhill, Smith, & Cooper	432.697.1447
Name	Phone Number	Email Address
		jwallender@team-psc.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 cllp 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? 8", 10", 12"
 City - utilizing existing services Existing size? 8"
 Other Please specify: _____

Sewer: City - requesting new services Proposed size? 8", 10", 12"
 City - utilizing existing services Existing size? 15"
 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

153.007 5
 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 _____ Office _____
 Multi-Family Residential _____ Industrial/Manufacturing 132.907 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: Vol. 923, Pg 821

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

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

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

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

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

(Section 4 continues on next page)

Section 4, continued

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

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

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

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


 Owner's Signature

2/18/2019
 Date

Josh Wallender

2/14/2019

Representative's Signature

Date

FOR OFFICE USE ONLY:

Submitted to front desk: 2/15/2019 Deemed preliminary complete: 2/15/19 4:35pm [Signature]
 Date Date Time Initials

Received by Development Services Technician for completeness review: 2/15/19 4:30pm [Signature]
 Date Time Initials

Completeness review passed? Yes 2/18/19 No _____
 Date Date

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

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

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

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

Yes _____ No _____
 Date Date

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

**PLANNING COMMISSION – MARCH 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Final Plat		Final Plat Bentwood Country Club Estates, Section Sixteen F	
SYNOPSIS:			
This is an application to final plat a portion of a surveyed land and previously platted lots into 30 platted lots located in south San Angelo. The applicant has also applied for two variances: (a) a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance (LDSO) to all King Mill Drive, Wedgewood Court, and the connecting street to function as a private street, and (b) a partial variance from Chapter 10.III.A.2 of the LDSO to allow Beaty Road to be widened by a portion of the full required incremental half width.			
LOCATION:		LEGAL DESCRIPTION:	
King Mill Drive & Wedgewood Court		Abstract: A-4210 S-0178, Survey: H Zerbach, 9.031 Acres In Ab 231 & Ab 4210****Ru_03; Block: 101, Subd: Bentwood Country Club Est, Lot 1 Sec 16-B; Block: 101, Subd: Bentwood Country Club Est, Lot 3 Sec 16-B; Block: 101, Subd: Bentwood Country Club Est, Lot 4 Sec 16-B; Lot 8 Thru Lot 12 And Lot 18 Thru Lot 24, Block: 101, Subd: Bentwood Country Club Est, Sec 16-C	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #1 – Tommy Hiebert Country Club Neighborhood	Low Rise Multifamily Residential (RM-1)	Neighborhood	8.782 acres
THOROUGHFARE PLAN:			
<u>King Mill Drive</u> –Urban Local Street, Required 50’ min. ROW (50’ Provided), 36’ with a 4’ sidewalk or 40’ min. pavement width (40’ Provided).			
<u>Wedgewood Court</u> –Urban Local Street, Required 50’ min. ROW (50’ Provided), 36’ with a 4’ sidewalk or 40’ min. pavement width (40’ Provided).			
<u>Overhill Drive</u> –Urban Minor Collector Street, Required 60’ min. ROW (60’ Provided), 50’ min. pavement width (50’ Provided).			
<u>Beaty Road</u> –Urban Local Street, Required 50’ min. ROW (80’ Provided), 36’ with a 4’ sidewalk or 40’ min. pavement width (20’ Provided).			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Final Plat Bentwood Country Club Estates, Section Sixteen F, and DENIAL of a variance from Chapter 9.III.A.1, and APPROVAL of a partial variance from Chapter 10.III.A.2 of the LDSO; subject to Eleven Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Property Owner Bentwood Development, LLC			
Representative Russell Gully, SKG Engineering			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			

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

The subject property is designated “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, 30 new lot would be created within the existing RM-1 zoning, which would allow the addition of new single family homes. This addition would fit into the adjacent residential neighborhood and allow for a continuation of the existing development pattern. The proposed plat, 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 RM-1 zoning district.

Variance: As indicated above, the applicant has submitted a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance (LDSO) to all King Mill Drive, Wedgewood Court, and the connecting street to function as a private street, and a partial variance from Chapter 10.III.A.2 of the LDSO to allow an Beaty Road to be widen by a portion of the full required incremental half width. 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 connector street will be built to City standards and emergency vehicles/personnel will have access through the gated entries, and the variance on Beaty Road is an extension of a previously granted variance. Engineering Services and the Planning Division do not support the variance to allow the private street as it is in conflict with currently approved ordinances. Conversely, City Staff does support the variance to allow Beaty Road to be widened by a portion of the full half width. Most of the adjacent properties are fully developed and this area will function with the proposed configuration of Beaty Road.

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. The applicant stated that the developers seek to create a unique environment with a gated community and the existing alignment of Beaty Road within the right-of-way is unique as it sits to one side of the right-of-way. As indicated above, Engineering Services and the Planning Division do not support the variance from Chapter 9 as this condition is not unique to the property but City staff does support the Chapter 10 variance as Beaty Road is currently situated closer to one side than they other.

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 physical surroundings and shape of the subject property including the alignment of the Beaty Road, a particular hardship to the owners would result. There is no hardship related to the application for a private street. On the contrary, for the Chapter 10 variance, City staff believes since the existing street sits closer to one side of the right-of-way, a hardship would result as there would not be enough room to construct the developer's incremental half.

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 Beaty Road is adequate and functional in its present state and having a gated entry/private street doesn't drastically change the ordinance. Planning and Engineering agree that the Beaty Road is currently sufficient and pose no safety risks to the public. However, City Staff believes a private street does not meet the provisions of the currently adopted ordinances, which were adopted to specifically preclude private, gated streets such as this.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the Final Plat Bentwood Country Club Estates, Section Sixteen F, **DENY** a variance from Chapter 9.III.A.1 and **APPROVE** a partial variance from Chapter 10.III.A.2 of the LDSO; subject to **Eleven Conditions of Approval**.

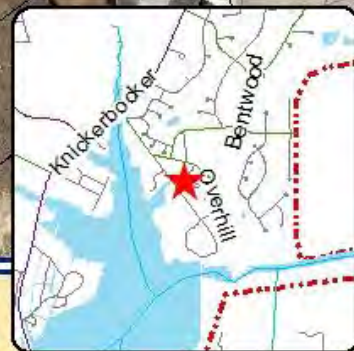
1. Prior to plat recordation, per Subdivision Ordinance, Chapter 7.II.A provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, the connection between King Mill Drive and Wedgewood Court shall be constructed, per City of San Angelo standards, as an approved, accepted, and publicly dedicated street right-of-way. Alternatively, obtain approval of a Variance from the Planning Commission, allowing King Mill Drive and Wedgewood Court to function as a private street.
3. Prior to plat recordation, correct the street names to King Mill Drive and Wedgewood Court or alternatively seek a street name change to King Mill Circle.
4. Prior to plat recordation, if a variance is approved to allow a private street, seek abandonment

of previously dedicated right-of-way for King Mill Drive and Wedgewood Court.

5. Prior to plat recordation, revise plat to show previously recorded drainage easements or alternatively seek easement releases from City Council.
6. Prior to plat recordation Prepare and submit plans for approval, illustrating the proposed installation of a water main and required service connections and hydrants [Land Development and Subdivision Ordinance, Chapter 11.I.A, 2009 International Fire Code, Sec. 507.5.1, Exception 1] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]
7. Prior to plat recordation Prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 12.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18-month period [Land Development and Subdivision Ordinance, Chapter 6]
8. 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]
9. Prior to plat recordation a drainage study shall be submitted. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13]
10. If the private street variance is approved, all gates limiting access to this area shall be controlled by an OptiCom compatible control system. [IFC Section 503.6]
11. Prior to plat recordation, Prepare and submit plans for required improvements to Beaty Rd. by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10]. For Beaty Road, the minimum width is 40 feet (in this case, requiring 12 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

Attachments:

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

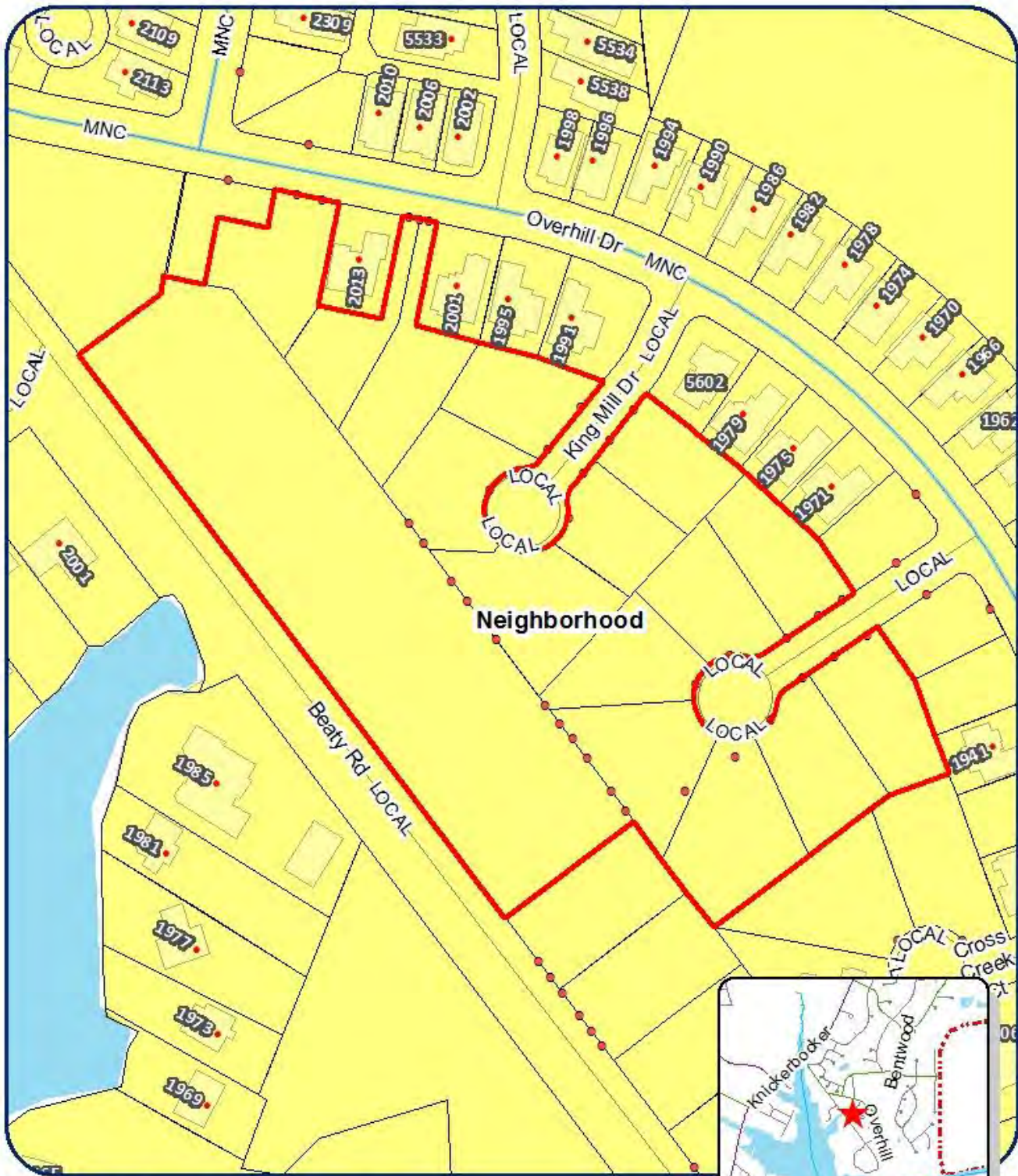


Bentwood Country Club Estates
Section 16F

Council District: SMD #1 - Tommy Hiebert
 Neighborhood: Country Club
 Scale: 1" approx. = 150 ft

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



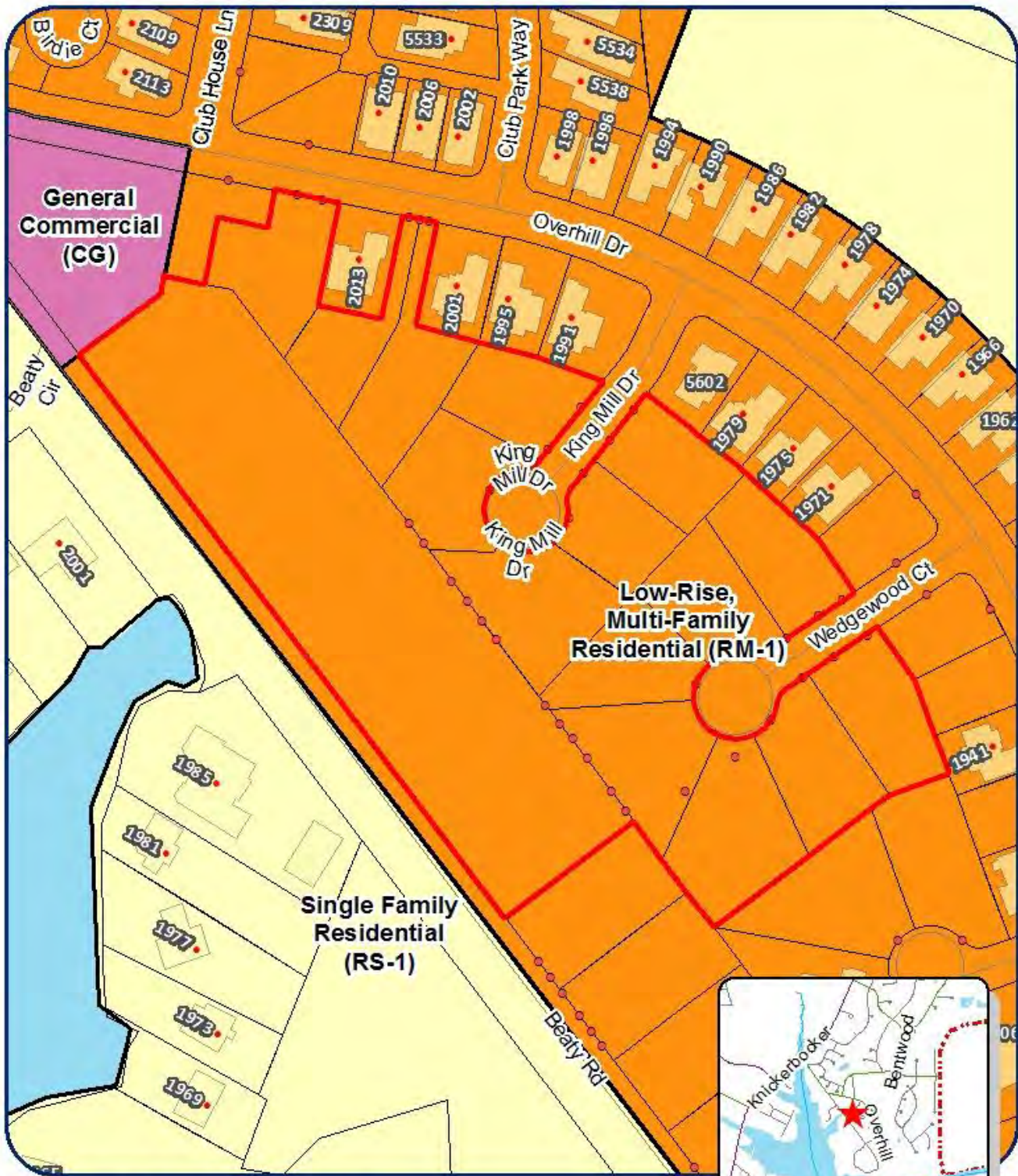


Bentwood Country Club Estates
Section 16F

Council District: SMD #1 - Tommy Hiebert
 Neighborhood: Country Club
 Scale: 1" approx. = 150 ft

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





Bentwood Country Club Estates
Section 16F

Council District: SMD #1 - Tommy Hiebert
 Neighborhood: Country Club
 Scale: 1" approx. = 150 ft

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





City of San Angelo, Texas - Plann
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

Bentwood Country Club Estates, Section Sixteen-F

Proposed Subdivision Name

See Attached

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

See Attached

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner:	Bentwood Development, LLC	325-315-7112	ken@klsenterprises.com
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Name	Phone Number	Email Address
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Architect/Engineer/Design Professional:	SKG Engineering	325-655-1288	rg@skge.com
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Name	Phone Number	Email Address
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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? 1" - 2"
 City - utilizing existing services Existing size? 1" - 2"
 Other Please specify: _____

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

8.782 30

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 8.782 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 8.782 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 See attached 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 4 continues on next page)

Section 4, continued

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

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

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

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

[Signature]
 Owner's Signature

[Signature]
 Representative's Signature

26-19
 Date

2.19.19
 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 2-19-19 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: _____

Current Legal Description:

Abst: A-4210 S-0178, Survey: H ZERBACH, 9.031 ACRES IN AB 231 & AB 4210****RU_03; Blk: 101, Subd: BENTWOOD COUNTRY CLUB EST, LOT 1 SEC 16-B; Blk: 101, Subd: BENTWOOD COUNTRY CLUB EST, LOT 3 SEC 16-B; Blk: 101, Subd: BENTWOOD COUNTRY CLUB EST, LOT 4 SEC 16-B; Lot 8 THRU Lot 12 and Lot 18 thru Lot 24, Blk: 101, Subd: BENTWOOD COUNTRY CLUB EST, SEC 16-C

Current Tax ID Numbers:

38-04210-0001-000-60; 03-14050-0101-001-00; 03-14050-0101-003-00; 03-14050-0101-004-00; 03-14050-0101-008-00; 03-14050-0101-009-00; 03-14050-0101-010-00; 03-14050-0101-011-00; 03-14050-0101-012-00; 03-14050-0101-018-00; 03-14050-0101-019-00; 03-14050-0101-020-00; 03-14050-0101-021-00; 03-14050-0101-022-00; 03-14050-0101-023-00; 03-14050-0101-024-00;

SHEET FOR ADDITIONAL VARIANCE RE ST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____
For King Mill Circle to function as a private drive

Full variance requested Partial variance requested (*proposed variation from standard*): 9. III. A. 1.

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.
Allowing King Mill Circle to function as a private drive will not be detrimental as it will be built to City standards and emergency vehicles and personnel will have access through the gated entries.

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.
Developers seek to create a unique environment with a gated community.

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.
Does not pertain.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
The provisions of applicable ordinances will not vary in a significant way because other than having a gated entry and private street nothing else changes.

SHEET FOR ADDITIONAL VARIANCE RE ST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____
To widen Beaty Road by a portion of the full required incremental half width

Full variance requested Partial variance requested (*proposed variation from standard*): 10. III. A. 2.

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 variance is a continuation of previous approved variance request for a partial width improvement
and is not detrimental to the public safety 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 existing alignment of Beaty Road within the right-of-way is unique.

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 alignment of the Beaty Road
a particular hardship to the owner would result.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
As other conditions are met, the provisions of applicable ordinances would not vary in a significant way.

PLANNING COMMISSION – March 18, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Replat		Mallena Heights Addition	
SYNOPSIS:			
This is an application for the first replat of Lots 37-38, and Lots 40 – 48, Blk. 1, Mallena Heights Addition, City of San Angelo, Tom Green County, Texas. The applicant has also requested two variances; (a) a variance from Section 9.111.A.5(3) allowing East 39 th St. to have no curb or gutter, and (b) a variance from Section 10.III.A.2 to vary from the required paving width. The applicant is wanting to replat the existing lots into smaller single family lots with the minimum frontage required in the Single Family Residential (RS-1) Zoning District. This is the south side of 39 th St. east of Crockett St. and west of Ada St.			
LOCATION:		LEGAL DESCRIPTION:	
South side of 39 th St. east of Crockett St.		First Replat of Lots 37 – 38 and Lots 40 – 48, Blk. 1, Mallena Heights Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #2 – Tom Thompson Lake View Neighborhood	Single Family Residential (RS-1)	Neighborhood	3.23 acres
THOROUGHFARE PLAN:			
<u>East 39th St.</u> – “Urban” Local Required: 50’ right-of-way; 36’ pavement with sidewalk or 40’ pavement with no sidewalk; curb & gutter Existing: 60’ right-of-way; 26’ pavement; no curb & gutter Requesting: Keep existing 26’ pavement width with no curb and gutter			
NOTIFICATIONS:			
28 notices were sent out. 0 notices returned.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the replat of Lots 38-Blk. 1 Mallena Heights Addition subject to Five Conditions of Approval , and Denial of a variance from Section 9.111.A.5(3) and Section 10.III.B of the LDSO.			
PROPERTY OWNER/PETITIONER:			
<u>Owner</u> – Chad Decker <u>Representative</u> Darrin Fentress			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 sherry.bailey@cosatx.us			

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

The subject property is designated Neighborhood in the City’s Comprehensive Plan. The future land use as identified in the City of San Angelo Comprehensive Plan for the Lakeview area is residential neighborhood in character. Low Density residential extends from the commercial area along N. Chadbourne to State Highway 208. The land use provides the guidelines for a secure, livable area to nurture families in a neighborhood environment.

The proposed replat complies with the Intent of Purpose Statements of Chapter 2 of the Subdivision Ordinance. The plat will provide for the orderly, safe and efficient development (Statement C) and will insure that future growth and development of the city is done in accordance with City plans and requirements.

The existing lots in this area are already platted and could be developed today with no requirement for street improvements. However, by proposing to replat the existing 11 lots into 17 lots to achieve more development, the requirement to bring the street up to the current standard is triggered. The developer has the choice either to develop 11 lots without a requirement to upgrade the street or get the additional lots but with the requirement to upgrade.

Variance: As indicated above, the applicant has submitted a variance from both Section 9.III.A.5 the requirement for curbs and gutters and Section 10.III.B of the Subdivision Ordinance to allow E. 39th Street to maintain its present use of a 26 ft. wide paving surface rather than meeting the City of San Angelo Paving Standards. 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 road is existing and seven individual homes were allowed in the 80’s to be constructed without having to improve the road. Engineering Services and the Planning Division do not support the variance from the City’s road construction standard for E. 39th St. since the roads in this entire area both to the north and to the west have between 30 and 40 feet of pavement. Both the east/west residential streets and the collector north/south streets have both development pavement area and curb and gutter. Most of this area was constructed at the time of the original development, but small additional areas have met development standards except for this small area along east 39th St. This small section would be the only area that does not meet development standards.

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 none of the subdivided property in this area was required to widen the

pavement at the time of platting/replatting. However, in staff's research all we were able to identify were these seven homes at the end of east 39th St. and two homes on Ada St., a north/south street that ties 39th St. and 40th St.. The homes that developed along the street were individual homes built one at a time and they were not required to meet development standards. The remainder of this development area, the 17 lots of the applicant and then the land available for development on north 39th St. have the potential to correct that situation for this area and would then provide a strong argument for the city to correct the small area where the seven homes have been built and build out the remaining half street and curb and gutter. If we allow this development to be built without meeting development standards the city will have lost its chance for this neighborhood to be built out with street development that meets city standards. It will be the only area in this developed portion of the city that does not meet city standards.

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 did not address this area of the ordinance. Staff believes there are no physical conditions that would meet this criteria.

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

The applicant believes that in a development meeting with City Staff it was agreed that they could develop without meeting development standards. The meeting took place on June 22, 2018, with both Planning and Engineering staff present. In talking with those that were at the meeting they believed that this was a conceptual review and that nothing was agreed to at the meeting, though variances from the street standards was one of the items discussed. Staff did not believe that they had agreed to a specific proposal or to support a variance. They did indicate that they would review the application and variance requests when an application was submitted.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the replat of Mallena Heights Addition with the following conditions, but Staff recommends **DENIAL** of the requested variance for no street improvements, but recommends **APPROVAL** of a partial variance to allow for a 34' street width in lieu of the required 40', with the applicant responsible for an additional 4 feet of width and a partial variance to allow a header (flat) curb instead of the standard raised curb.

1. Prior to plat recordation, prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 12.I.B].

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18-month period [Land Development and Subdivision Ordinance, Chapter 6]

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, prepare and submit plans for approval, illustrating the proposed installation of a water main and required service connections and hydrants [Land Development and Subdivision Ordinance, Chapter 11.I.A, 2009 International Fire Code, Sec. 507.5.1, Exception 1] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B].

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].

4. Prior to plat recordation, prepare and submit plans for approval, illustrating the required widening of E. 39th St., meeting the requirements for a "urban" local roadway with a minimum 7' of additional pavement width, standard curb and gutter required. [Land Development and Subdivision Ordinance, Chapter 10]. Once plans are approved, construct street to City specifications [Land Development and Subdivision Ordinance, Chapter 10].

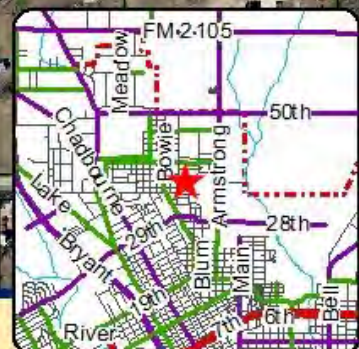
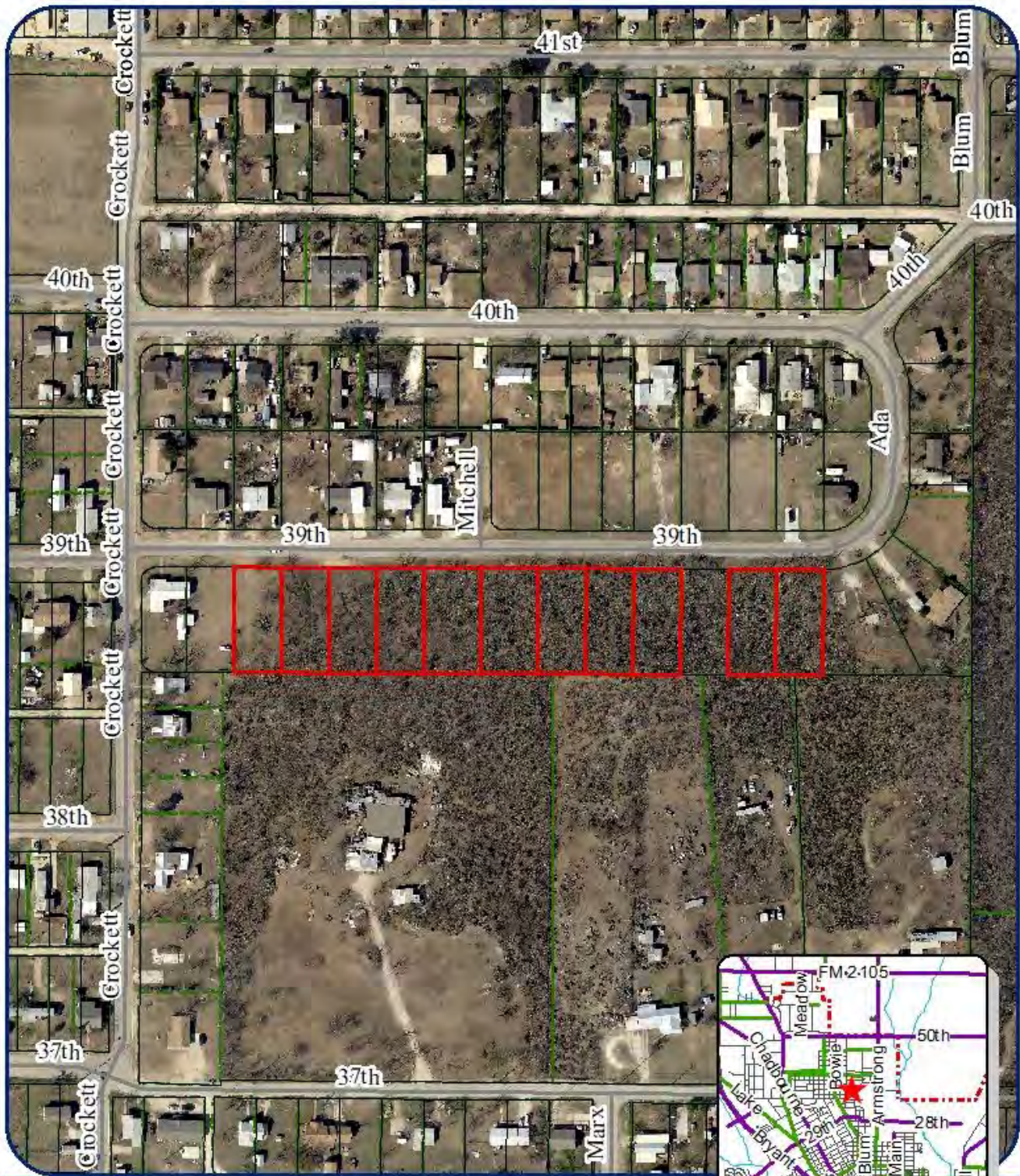
Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].

A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

5. Prior to plat recordation, submit a drainage study. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13

Attachments:

Aerial Map
Future Land Use Map
Proposed Replat
Application



Replat of Lots 40-48 and 37-38 Blk. 1

Mallena Heights Replat

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

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**



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

SCALE: 1"=100'
 BEARINGS ARE BASED UPON
 THE PLAT OF RECORD

ROBERT H. BRIDWELL
 126 KJS TRAIL
 TUSCOLA, TEXAS 79562
 325.650.2387

FIRST REPLAT OF LOTS 37-38 AND LOTS 40-48, MALLENA HEIGHTS ADDITION CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS

OWNER/DEVELOPER: NuHome Constructors, LLC.

Description:
 We, Nu-Home Constructors, LLC, do hereby adopt this plat as the subdivision of our
 property and dedicate for the use of the public the easements show hereon.

Michael Biggerstaff
 Notary Public, State of Texas

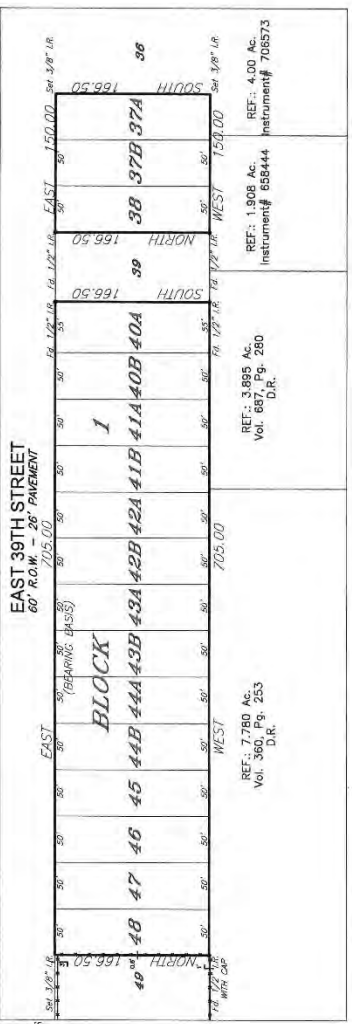
Chad Decker
 Notary Public, State of Texas

**PRELIMINARY
 NOT FOR FILING**

NOTARY SEAL SIZE

This Plat is Filed in Cabinet _____, Slide _____, Plan _____
 Records of Tom Green County, Texas.

Field Notes are filed as Instrument No. _____
 Official Public Records, Tom Green County, Texas.



REF.: 3,895 Ac.
 Vol. 687, Pg. 280
 D.R.

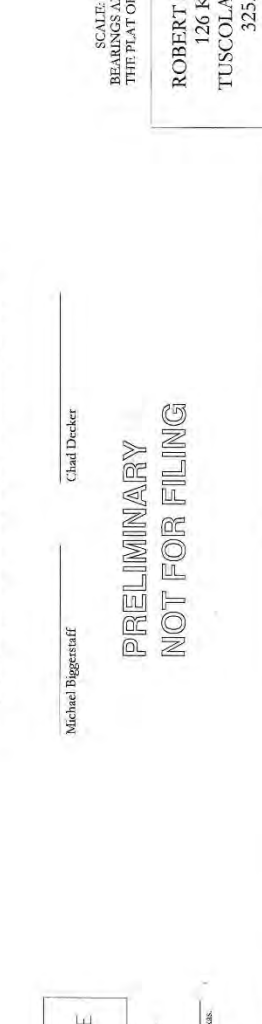
REF.: 1,908 Ac.
 Instrument # 656444

REF.: 4.00 Ac.
 Instrument # 708573

REF.: 7,780 Ac.
 Vol. 360, Pg. 253
 D.R.

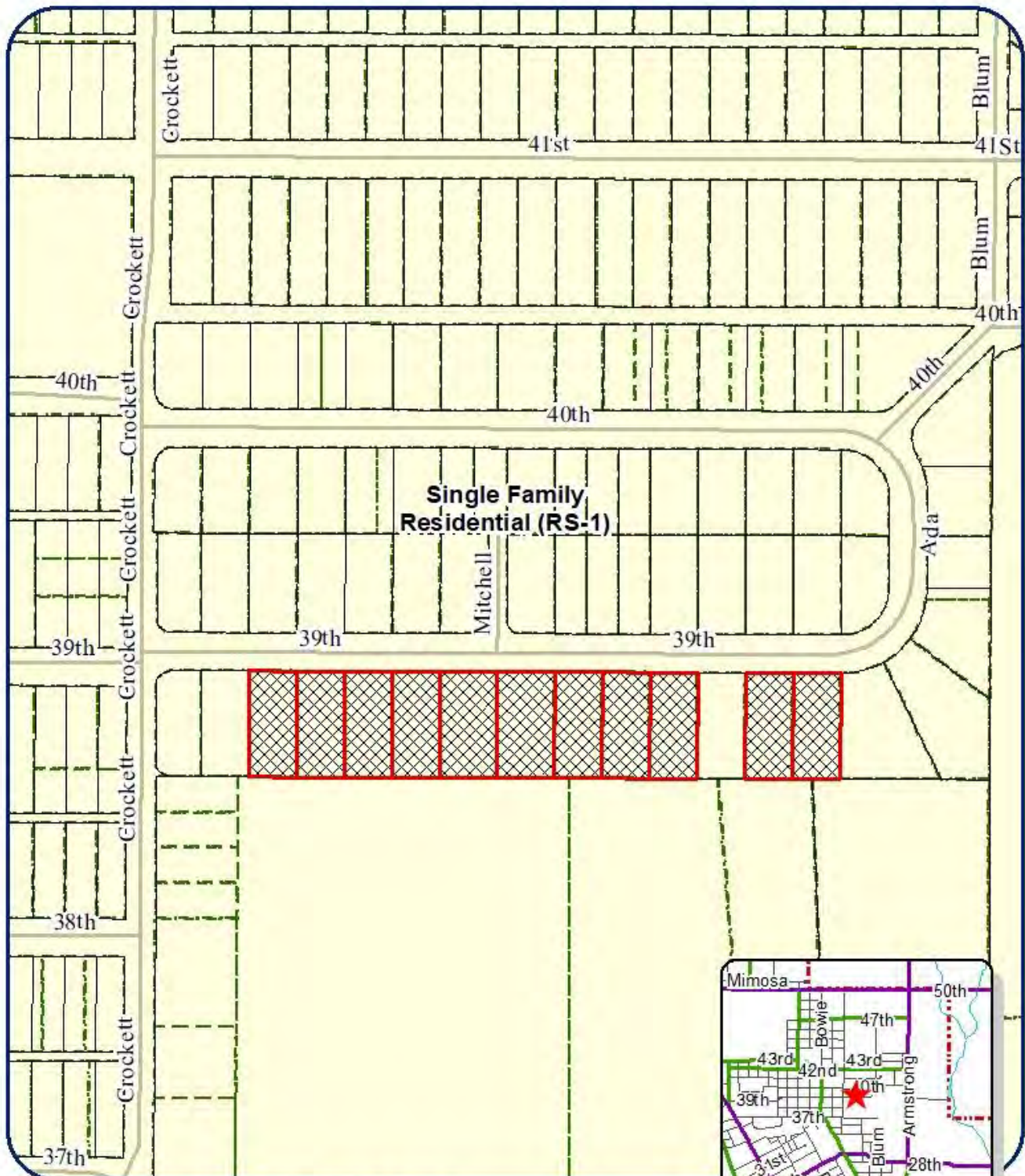
REF.: 1,908 Ac.
 Instrument # 656444

REF.: 4.00 Ac.
 Instrument # 708573



REF.: 1,908 Ac.
 Instrument # 656444

REF.: 4.00 Ac.
 Instrument # 708573



Replat of Lots 40-48 and 37-38 Bk. 1

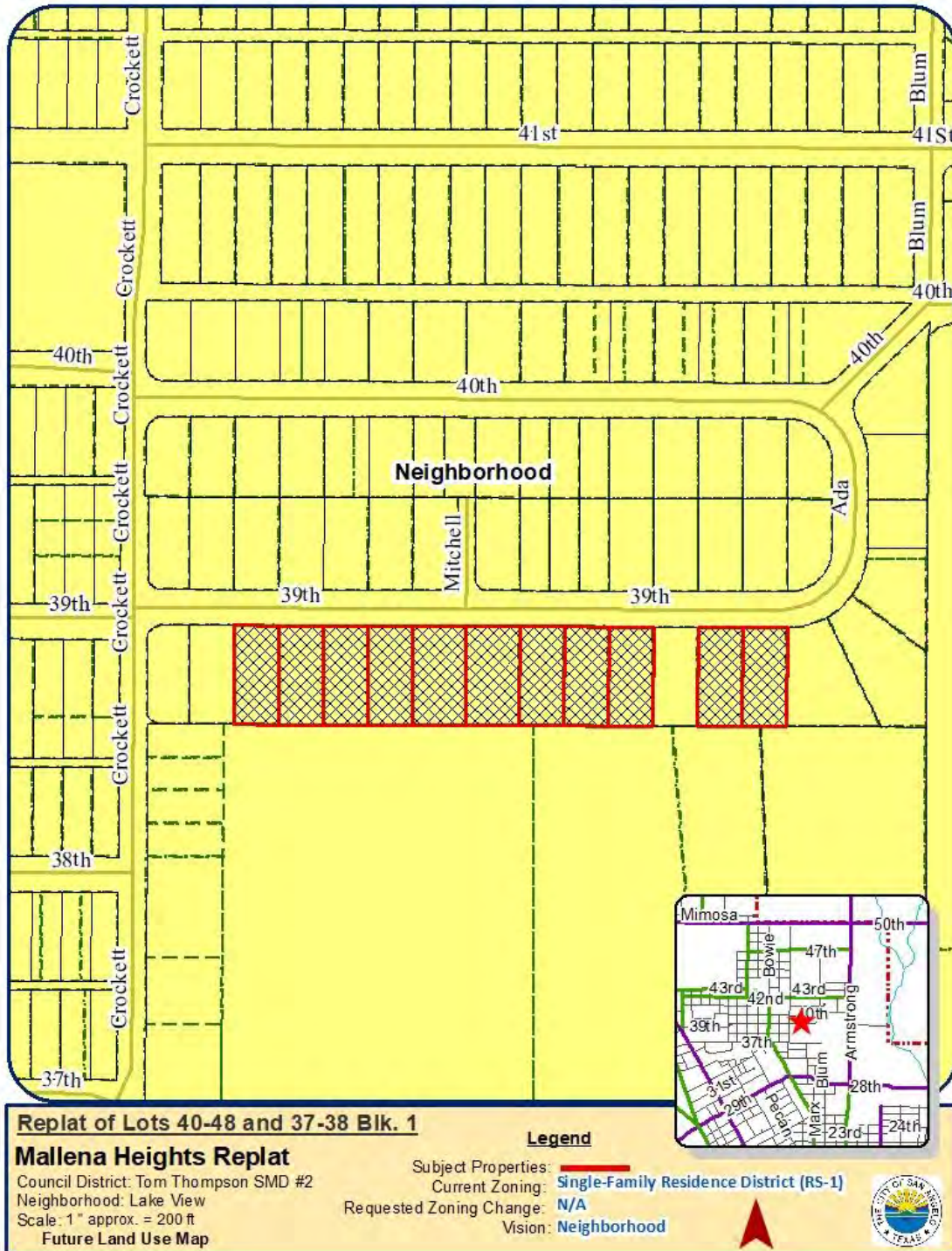
Mallena Heights Replat

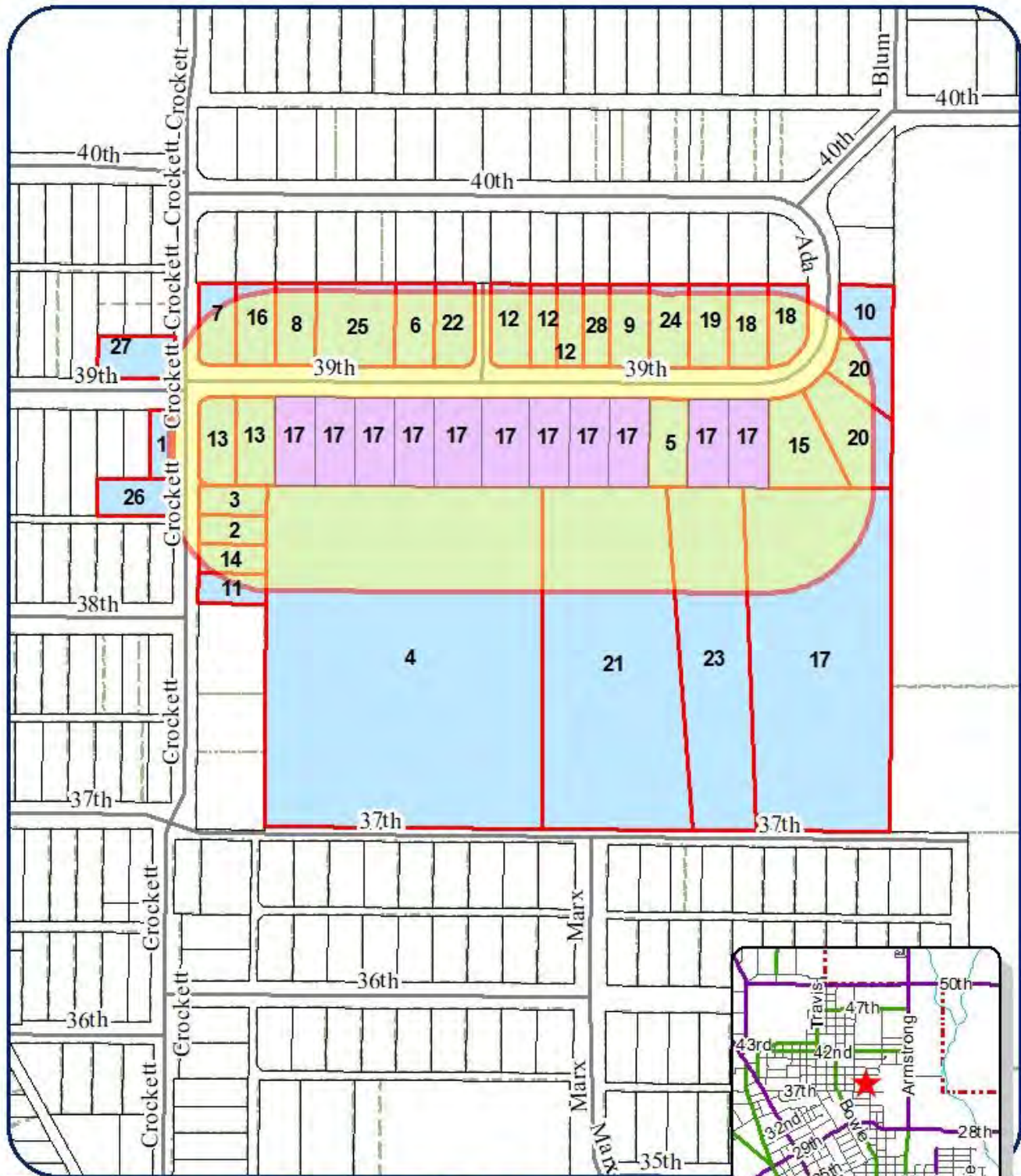
Council District: Tom Thompson SMD #2
 Neighborhood: Lake View
 Scale: 1" approx. = 200 ft

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**







First Replat of Lots 37-38 and Lot 40-48, Blk. 1, Mallena Heights Addition

Replat: Carter-Fentress Eng.

Council District: Tom Thompson SMD#2
 Neighborhood: Lake View
 Scale: 1" approx. = 240 ft

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





The intersection of E. 39th St. and Crockett St. Curb and gutter on all four corners.



E. 39th looking at the houses on the left side of the street and the applicant's property on the right.

39th St. one block down heading west.





E. 38th St. one block down.



City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

FIRST REPLAT OF LOTS 37-38 AND LOTS 40-48, MALLENA HEIGHTS ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS

Proposed Subdivision Name

Blk: 1, Subd: MALLENA HEIGHTS ADDITION

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

R14326, R14325, R14324, R14323, R14322, R14321, R14320, R14319, R14318, R14316, R14315

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner: Mr. Chad Decker 325.223.0300 chad.nuhome@gmail.com

Name	Phone Number	Email Address
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Architect/Engineer/Design Professional: Darrin M. Fentress, P.E. 832.797.9910 dfentress@fentresseng.com

Name	Phone Number	Email Address
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Subdivision Type: Final Plat Replat - requiring Planning Commission approval Plat Vacation

Preliminary Plat Replat - administratively eligible* Amended Plat

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? 8-inch Water Main
 Other Please specify: _____
Public water supplied by Concho Rural Water Corp. These properties are located out of COSA city limits but are in the ETJ.

Sewer: City - requesting new services Proposed size? 8-inch San Sew
 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

3.27 ACRES 17 Lots

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 _____ 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: Mallena Heights Subdivision: COSA Ordinances

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____
 Chapter 10, Section III, A.2 & B; and Chapter 9, Section V

Full variance requested Partial variance requested (proposed variation from standard): _____
 39th Street: Request variance from the Collector Street Pavement width, sidewalks and curbing requirements.

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.
 39th Street currently does not meet existing pavement width requirements, sidewalks or curb & gutters.

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.
 None of the subdivided property in this area was required to widen the pavement at the time of platting/replatting.

(Section 4 continues on next page)

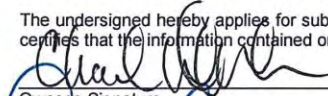
Section 4, continued

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.

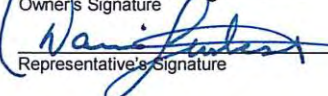
The variance will not, in any significant way, vary the provisions of applicable ordinances.
 City Staff as agreed to not require pavement width modifications or the addition of sidewalks & curb/gutters in preliminary development meetings.

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

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



 Owner's Signature



 Representative's Signature

2/25/2019

 Date

2/18/2019

 Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
 Date Date

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

- Sufficient relocation data, in order to reproduce the subdivision on the ground, shall be shown.
- Approved name and right-of-way width of each proposed street within the subdivision.
- The location, dimensions and purposes of any easements or other rights-of-way within or adjoining the proposed subdivision.
- Identification of each lot and block by letter or number.
- Building setback lines from street-side boundaries, where applicable, and shown by dotted or dashed lines.
- Boundary lines and identity of open spaces shall be shown.
- The description of all corners/monuments found or set to mark the lot or block corners or curve points, preferably in legend form.
- A statement as to the origin of the bearings.
- A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to be dedicated for public use forever, signed and acknowledged before a notary public, by the owner of land.
- A complete and accurate description of the land being subdivided, including the name and survey number.
- Existing structures on the property (that are to remain) shall be shown on a separate copy of the plat or on a separate scale drawing, so that compliance with minimum required building setbacks can be assessed.
- Certificate of the Registered Public Surveyor who surveyed the subdivision and created the plat and who monumented the required corners shall be on the face of the plat. The signature and seal of said Registered Public Surveyor must be affixed to all plats and descriptions for which he/she is responsible.
- Location for filing information of plat and all related field notes or instrument numbers.
- Signature blocks shall be provided on said plat as shown on the following page(s).

I certify that all items checked above have been provided. I understand that not providing all of this information may result in an incomplete application and delay the consideration of my project for approval.

Applicant

Date

FINAL PLAT CHECKLIST

General Requirements

- Must be prepared in a clear and readable manner.
- All figures and letters shown must be plain, distinct, and of sufficient size.
- The paper copies submitted must be of sufficient quality so that all features are easily read.
- Shall generally conform to the preliminary plat, as approved by the City Planning Commission.
- A scale of one inch (1") to one hundred feet (100') shall be used, with a maximum sheet size of 18" x 24".
- Completed application & applicable fee.

Recording Requirements

- After approved, the Planning Division shall be furnished at least four positive copies of the approved plat;
 - two made of Mylar film .003" thick and with a matte finish on the front side, with the print on at least one film being a "black line" suitable for permanent recording, and
 - two made of paper.
- A certificate (not a tax receipt) from the Tom Green County Appraisal District will be provided, showing there to be no delinquent taxes upon the property to be subdivided.
- The applicant or a representative shall notify the Planning Division within seven calendar days of the date of recording, providing all appropriate recording data.

Each final plat shall contain the following information:

- The proposed name of the subdivision, which must not replicate or be similar to an existing subdivision.
- The names of the owners of all property being subdivided, all of which must appear beneath the proposed name or title of the subdivision.
- Orientation with north toward the top of the sheet, with a north arrow.
- Numerical or written scale and graphic scale.
- Location of subdivision by city, county and state.
- Location of the subdivision with respect to an original survey corner, together with reference to a corner in a recorded subdivision, if applicable, or satisfactory locatable title data, all by courses and distances.
- The boundaries of each adjoining street, alley, easement, lot or tract, shown by dotted or dashed lines.

DEPARTMENT OF WATER UTILITIES

Approved for recording this ____ day of _____, 20____.

By: _____
Director of Public Works

For All Plat Documents:

COUNTY CLERK

Approved for recording this ____ day of _____, 20____.

County Clerk of Tom Green County, Texas.

By: _____

SURVEYOR'S CERTIFICATE

Know all men by these presents: that I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown thereon will be, or 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, or within the extraterritorial jurisdictional area of the City of San Angelo, Texas, as established by law.

(Surveyor's Seal)

Sample certificate of ownership and dedication, with acknowledgment by notary:

I (we), _____, do hereby adopt this plat as the subdivision of my (our) property and dedicate for the use of the public the streets, alleys and easements as shown.

STATE OF TEXAS
COUNTY OF TOM GREEN

This instrument was acknowledged before me on the ____ day of _____, 20____.

BY: _____
Notary Public in and for the State of Texas

My Commission expires

Effective January 3, 2017



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



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Mr. Chad Decker, make this affidavit and hereby on oath state the following:
Print Property Owner Name

I, being the sole partial owner of the following property:

<u>N/A</u>	<u>San Angelo</u>	<u>Texas</u>		<u>(325) 223-0300; chad.nuhome@gmail.com</u>
<small>Property Address</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>Contact Number E-mail Address</small>

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

Subd: FIRST REPLAT OF LOTS 37-38 AND LOTS 40-48, MALLENA HEIGHTS ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

Carter-Fentress Engineering

(Please print) Representative's Organization or Entity

Signed this the 25 day of FEBRUARY, 20 19.

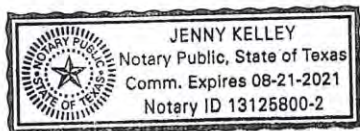
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Chad Decker and
Name

on oath stated that the facts hereinabove stated are true to the best of his knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 25th day of February 20 19.


Notary Public, State of Texas

**PLANNING COMMISSION – March 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Rezoning		Z19-03: Garcia	
SYNOPSIS:			
<p>The applicant has requested approval of a rezoning request from the existing General Commercial/Heavy Commercial Zoning District (CG/CH) and Two Family Resident District (RS-2) to General Commercial (CG), in order to provide for a restaurant, bakery and parking lot at the following property: 918 N. Chadbourne Street. The property in question is the El Primo Tortilla Factory.</p>			
LOCATION:		LEGAL DESCRIPTION:	
The southeast corner of N. Chadbourne St. and 10 th Ave.		Being Lots 7, 8, 9, 10; Blk. 36, Miles Addition to the City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Neighborhood: Reagan	RS-2 Two Family Residential	Commercial	.460 acres
THOROUGHFARE PLAN:			
<p>N. Chadbourne St. – Minor Arterial Street Required: 90’ right-of-way, 60’ pavement Provided: 80’ right-of-way, 55’ pavement</p> <p>E. 10th Ave. Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk Provided: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk required</p>			
NOTIFICATIONS:			
33 notifications mailed within 200-foot radius on March 4, 2019. One received in opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from General Commercial/Heavy Commercial (CG/CH) and Two Family Residential (RS-2) Zoning District to General Commercial (CG) Zoning District, on the subject property.			
PROPERTY OWNER/PETITIONER:			
Nick Garcia - <u>Representative</u>			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: Originally the applicant came in to get a building permit to remodel the existing building for the Tortilla Factory and to upgrade the restaurant. In the site plan process it was discovered that the area where the applicant wanted to develop parking was zoned residential. As part of moving the project forward Mr. Garcia needed to request rezoning.

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 as commercial. Commercial has multiple meanings, but in all of them retail and sales figured prominently. The applicant's request is consistent with the intended future land use.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing zoning is General Commercial/Heavy Commercial which allows for a far greater range of uses than this area is migrating toward. The property to the east is presently zoned Two Family Residential (RS-2). The applicant is asking to zone this area to General Commercial also to accommodate his parking. This area will then act as a transition zone for the residential to the east.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As stated above, this area will act as a transition zone between the residential to the east and the commercial to the west.
- 4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.** The parking area has been used for this purpose without the zoning being changed to provide for the parking as a land use. This rezoning action will correct that oversight and bring everything into compliance.
- 5. Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There are no anticipated environmental impacts as a result of this zone change. The use is essentially the same and it is anticipated that there will not be any residual effects from the zone change.
- 6. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.** There are a number of restaurants along this stretch of Chadbourne. Parking is at a premium and any new parking will relieve part of the stress on the overall parking needs.

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 requested zone change is anticipated to have no impact on the pattern of urban development in this area.

Recommendation:

Staff is recommending that the Planning Commission vote to recommend **APPROVAL** of the proposed rezoning from the General Commercial/Heavy Commercial and Two Family Residential Zoning Districts to the General Commercial Zoning District, on the subject property.

Attachments:

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



Aerial Map

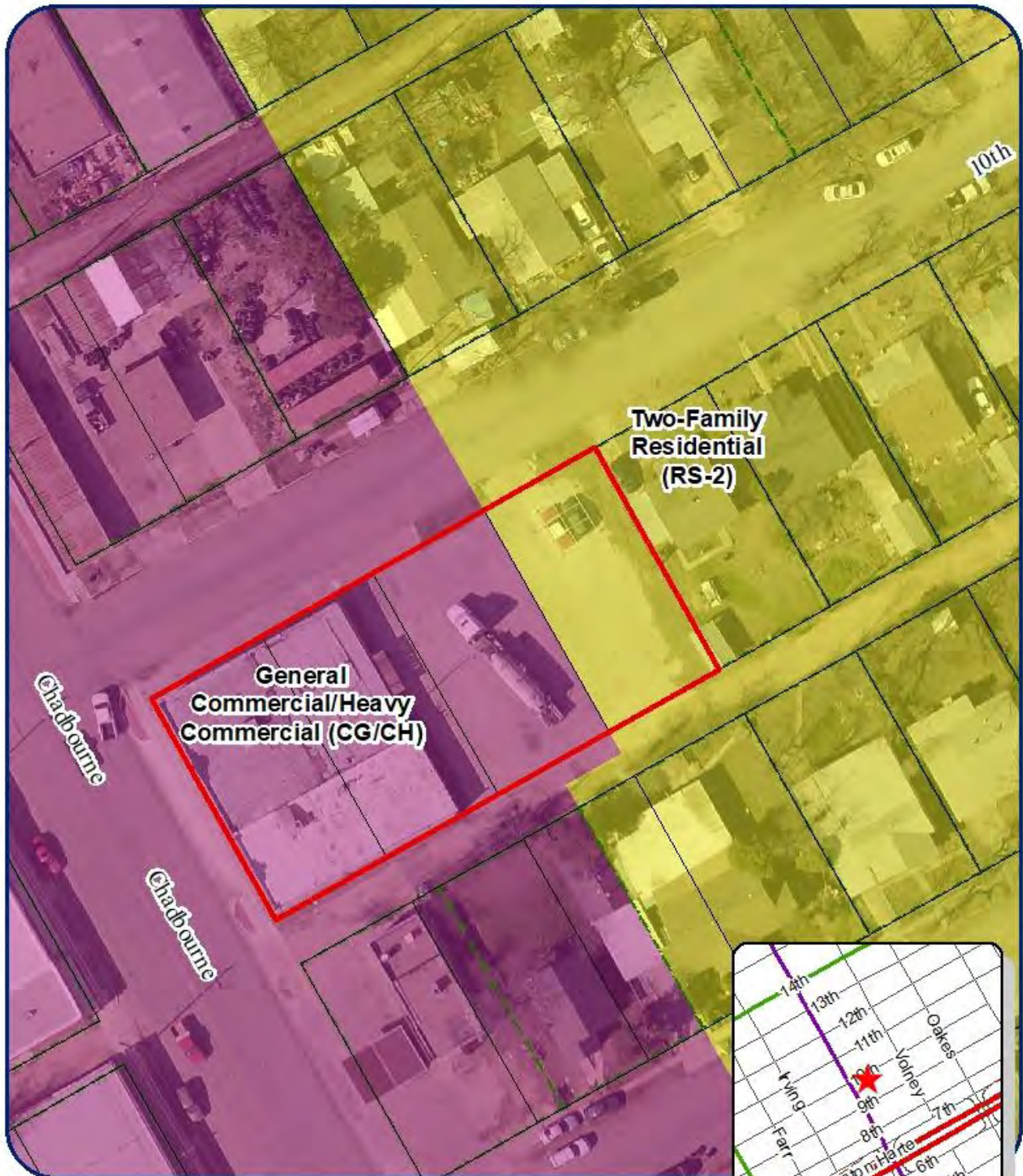
Z19-03: Garcia

Council District: Harry Thomas District #3
Neighborhood: Reagan
Scale: 1" approx. = 100 ft
918 N. Chadbourne St.

Legend

Subject Properties: 
Current Zoning: **CG/CH & RS-2 to GC**
Requested Zoning Change: **N/A**
Vision: **Commercial**





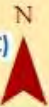
Existing Zoning

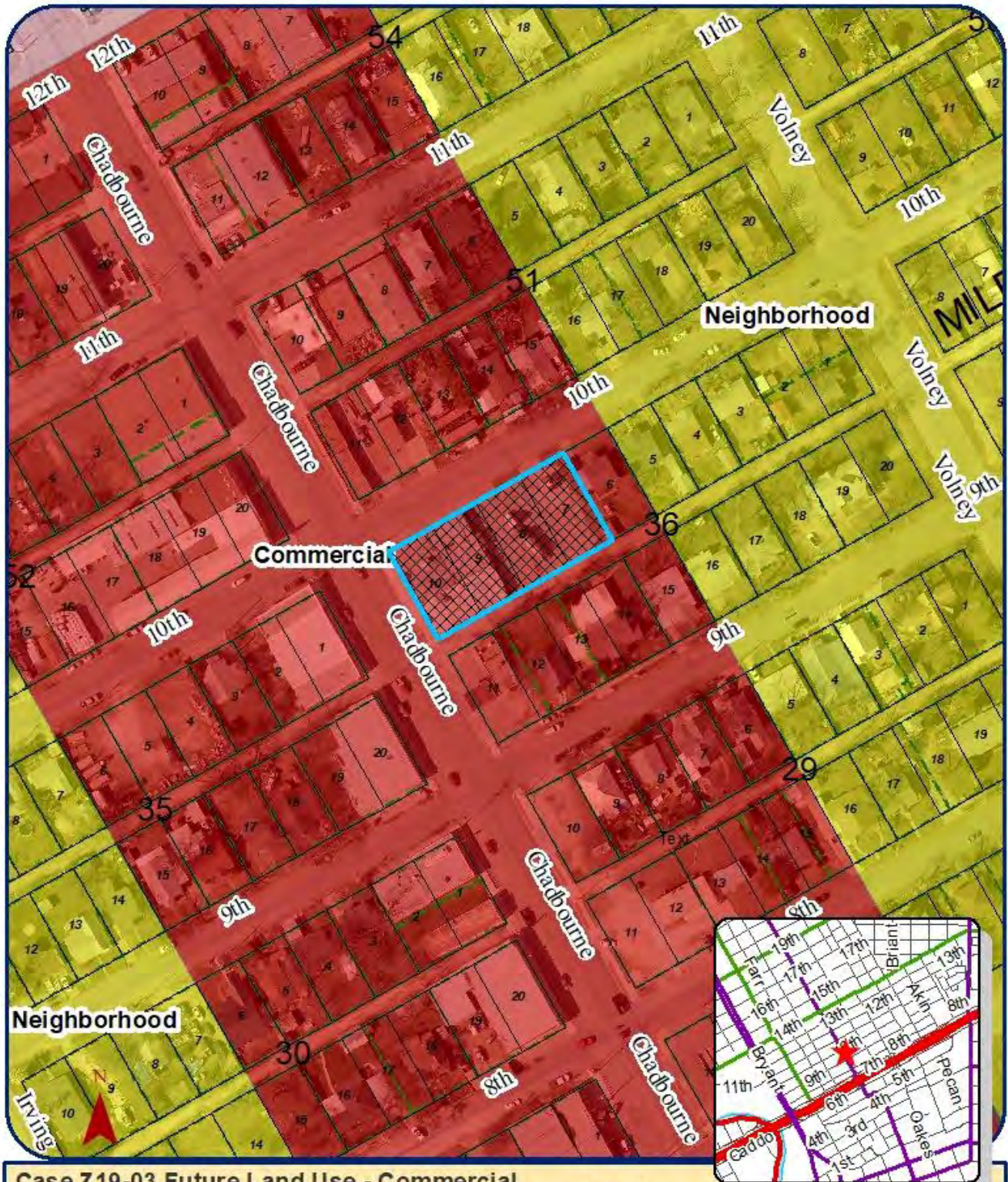
Z19 - 03: Garcia

Council District: Harry Thomas District 3
Neighborhood: Reagan
Scale: 1" approx. = 50 ft
918 N. Chadbourne St.

Legend

Subject Properties: 
Current Zoning: **RS-2, CG/CH**
Requested Zoning Change: **General Commercial (GC)**
Vision: **Commercial**





Case Z19-03 Future Land Use - Commercial

918 N. Chadbourne

Council District: Harry Thomas District 3
 Neighborhood: Reagan
 Scale: 1" approx. = 125 ft

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1) and General Commercial-Heavy Commercial**
 Requested Zoning Change: **General Commercial**
 Vision: **Neighborhood**





Building at the corner of 10th Ave. and N. Chadbourne St.



Commercial buildings across N. Chadbourne across the street from the Tortilla Factory

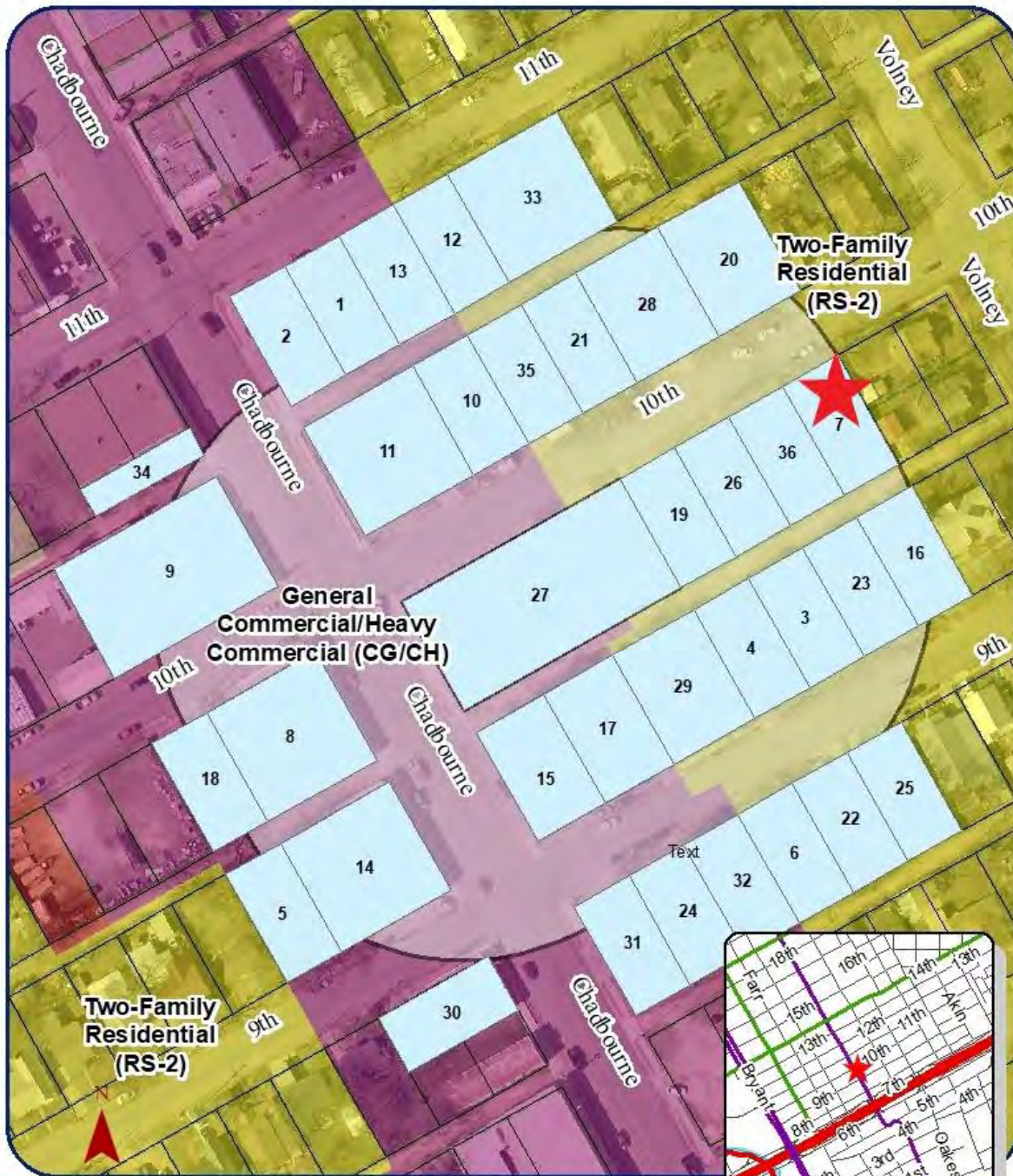


Looking east down 10th Ave. at the proposed parking area on the right for the Tortilla Factor



Parking lot area on the left as we are looking west

Notification Map of Property Owners



Case Z19-03 Notification Map 200 Ft.

918 N. Chadbourne

Council District: Harry Thomas District 3
 Neighborhood: Reagan
 Scale: 1" approx. = 102 ft

Legend

Subject Properties: Single-Family Residence District (RS-1) and
 Current Zoning: General Commercial-Heavy Commercial
 Requested Zoning Change: General Commercial
 Vision: Neighborhood



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

() IN FAVOR () IN OPPOSITION

REASON(S) ● Traffic Congestion

● Kids that play (ride their bikes)
on ^{under} 100 block East are at higher risk
of danger (traffic)

● Authorities have put a marker
8 to 10 feet over the neighbors property
line

● We believe that vandalism on our block
will escalate on this block due to
high volume of customers (in vehicle or on foot)
if restaurant opens ● This neighborhood is known
for a high volume of drug

NAME: Paul Castillo ^{theft - burglary} _{dealing}

ADDRESS: please anonymous for our safety.

29 E 10 San Angelo, TX 76903

SIGNATURE: Paul Castillo 656 3260

Case Number: Z19-03

Property owner number: 7

If you have any questions about these proceedings, please call Ms. Sherry Bailey, Senior Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, Extension 1546. The Planning Division staff may also be reached by email at sherry.bailey@cosatx.us.

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): Nick Garcia
 Owner Representative (Notarized Affidavit Required)
 Mailing Address: 1636 S. Chadbourne San Angelo Tx. 76903
City State Zip Code
 Contact Phone Number: 325. 374. 4398 Contact E-mail Address: Ng3 construction@gmail.com
 Subject Property Address: 918 N. Chadbourne San Angelo Tx. 76903
City State Zip Code
 Legal Description (can be found on property tax statement or at www.tamarencad.com):
Lots 7, 8, 9, 10 Block 36 Miles Addition

Existing Zoning: CG-CH Proposed Zoning: CN Lot size: 0.46 acres
 (Zoning Map available on [City Maps](#))
Note: Phone call to Mr. Garcia to change requested zoning to CG not CN; 2/22/19 SLB 2:56 p.m.

Section 2: Site Specific Details

Existing Use of Property: Restaurant, Bakery, Parking Lot
 *Proposed Use of Property: Restaurant, Bakery, Parking Lot
 *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.

Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:
 Verified Complete Verified Incomplete Date of Application: ____/____/____

Case No.: Z ____-____ Fully-dimensional site plan:

Nonrefundable fee: \$ ____ Receipt #: ____ Date paid: ____/____/____

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

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

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

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

Planning Commission hearing date: ____/____/____ Date notifications due: ____/____/____

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

Publication date: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

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.

Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
<u>Nick Garcia</u>	<u>[Signature]</u>	<u>Sophisticated Homes</u>	<u>2.14.19</u>
Representative Name (Print)	Signature	Company/Organization	Date
<u>Nick Garcia</u>	<u>[Signature]</u>	<u>Sophisticated Homes</u>	<u>2.14.19</u>

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: 2 / 19 / 2019

Case No.: Z 19 03 Fully-dimensional site plan:

Nonrefundable fee: \$ 625.00 Receipt #: 142648 Date paid: 2 / 19 / 2019

Sign Deposit \$37.50 Receipt #: _____ Date paid: 2 / 14 / 2019

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: 3 / 18 / 2019 Date notifications due: 3 / 7 / 2019

City Council hearing date: 4 / 16 / 2019 Packets due date: _____/_____/_____

Publication date: 4 / 1 / 2019

Reviewed/Accepted by: J. Fisher Date: 2 / 14 / 2019

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.

Future land use is commercial,
and rezoning to CN is consistent.

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

the existing building and parking
complies with the CN standards.

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.

Commercial uses already on N.
Chadbourne.

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

Parking lot already exists.
Rezoning would legalize the parking lot.

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

N/A.

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

Owners need additional parking.

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.

No change

**PLANNING COMMISSION – March 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Rezoning		Z19-04: Angelo Christian Ministries	
SYNOPSIS:			
<p>The applicant has applied to rezone several blocks of land they own between Howe Street and Millspaugh Street, south of Houston Harte Expressway, from predominantly Single-Family Residential (RS-1) to General Commercial (CG) and Office Commercial (CO). There are a total of 54 lots. All Blocks north of Dallas Street would be rezoned CG, including Lots 15 and 16 in Block 78 currently zoned Neighborhood Center (CN). Block 86 south of Dallas Street would be rezoned to CO (see Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
54 lots; generally located south of Houston Harte Expressway between Howe Street and Millspaugh Street		A total of 7.04 acres in the Hatcher Addition, being Lots 15 and 16 in Block 78, all of Blocks 77, 79 and 86, and being Lots 3-6 and 9-14 in Block 78	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #5 – Lane Carter Bluffs Neighborhood		CN and RS-1	T – Commercial and N - Neighborhood
SIZE:			
7.04 ac.			
THOROUGHFARE PLAN:			
<p>Howe Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement and no sidewalk or 36’ pavement with a 4-foot wide sidewalk Provided: 60’ right-of-way, 40’ pavement Alexander Street and Freeland Street – Urban Local Streets Required: 50’ right-of-way, 40’ pavement and no sidewalk or 36’ pavement with a 4-foot wide sidewalk Provided: 60’ right-of-way, 32’ pavement (complied at the time of platting)</p>			
NOTIFICATIONS:			
8 notifications mailed within 200-foot radius on March 5, 2019. Two received in support (one of these from the applicant) and none in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District and Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District for the properties within Blocks 69, 77, 78 and 79 and to the Office Commercial (CO) Zoning District for all of Block 86.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant: Angelo Christian Ministries Inc., Mr. Don Crabtree</i>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The applicant owns the TLC Church property immediately west of the subject request. They indicate on their application that the rezoning would allow accessory uses, parking, and a maintenance building for the church. In a related request, on February 18, 2019, the applicant received a sign variance approval from the Planning Commission. The variance approval allows a 50-foot tall, 250-square foot on-premise freestanding sign on the CN-zoned properties in Block 78 (SV19-01). If the proposed rezoning is approved, the sign area and height would be allowed by right with the new CG zoning. However, the required 100-foot setback from a residential lot would continue to apply, unless the sign is erected further to the west.

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.*** All lands north of Dallas Street have a future land use designation of “Transitional”. Transitional areas “provide for a scaling back of activity from more intense areas to neighborhoods which should be more passive in character”. A rezoning to CG for these lands would achieve this objective and be consistent with current development patterns along Houston Harte Expressway. There is a large number of commercial properties north of the Expressway including a carpet and flooring center and auto repair facilities. A CG Zoning would provide a transition between these more intense commercial uses north of the Expressway, and a future Office Commercial (CO) zoning immediately south in Block 86. It would also be consistent with the rezoning to CG adopted by Council in 2001 for Lots 7 and 8 in Block 78 (Z01-07). The future CO zoning in Block 86 is located in a Future Land Use designation “Neighborhood” which calls for “an appropriate balance of use within each neighborhood”. Planning Staff recommended that the applicant maintain a CO – but not a CG – on these lands as a transition from the residential homes to the south. Staff believes the CO would provide an appropriate buffer from these residential properties, allowing office uses but not retail uses that typically generate more traffic.
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 lots were platted as part of The Hatcher Addition recorded in 1909. With the exception of the small triangular lots reduced in size for the Expressway, all lots are 50 feet by 140 feet, and comply with the CG and CO minimum lot area requirement of 6,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 80 feet. The smaller lots would be exempt from these requirements as per Section 608 of the Zoning Ordinance as they were platted before 1940.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** As indicated, the Office Commercial (CO) zoning on Block 86 will provide a transition to the residential lots to the south. The existing TLC church and school at 3301 TLC Way, and the two existing CN lots extend south to Dallas Street.

Therefore, a rezoning to CG for all the lots north of Dallas Street would provide a continuous and consistent line of CG properties. Staff does not support any CG zoning south of Dallas Street at this time in order to preserve the residential neighborhood.

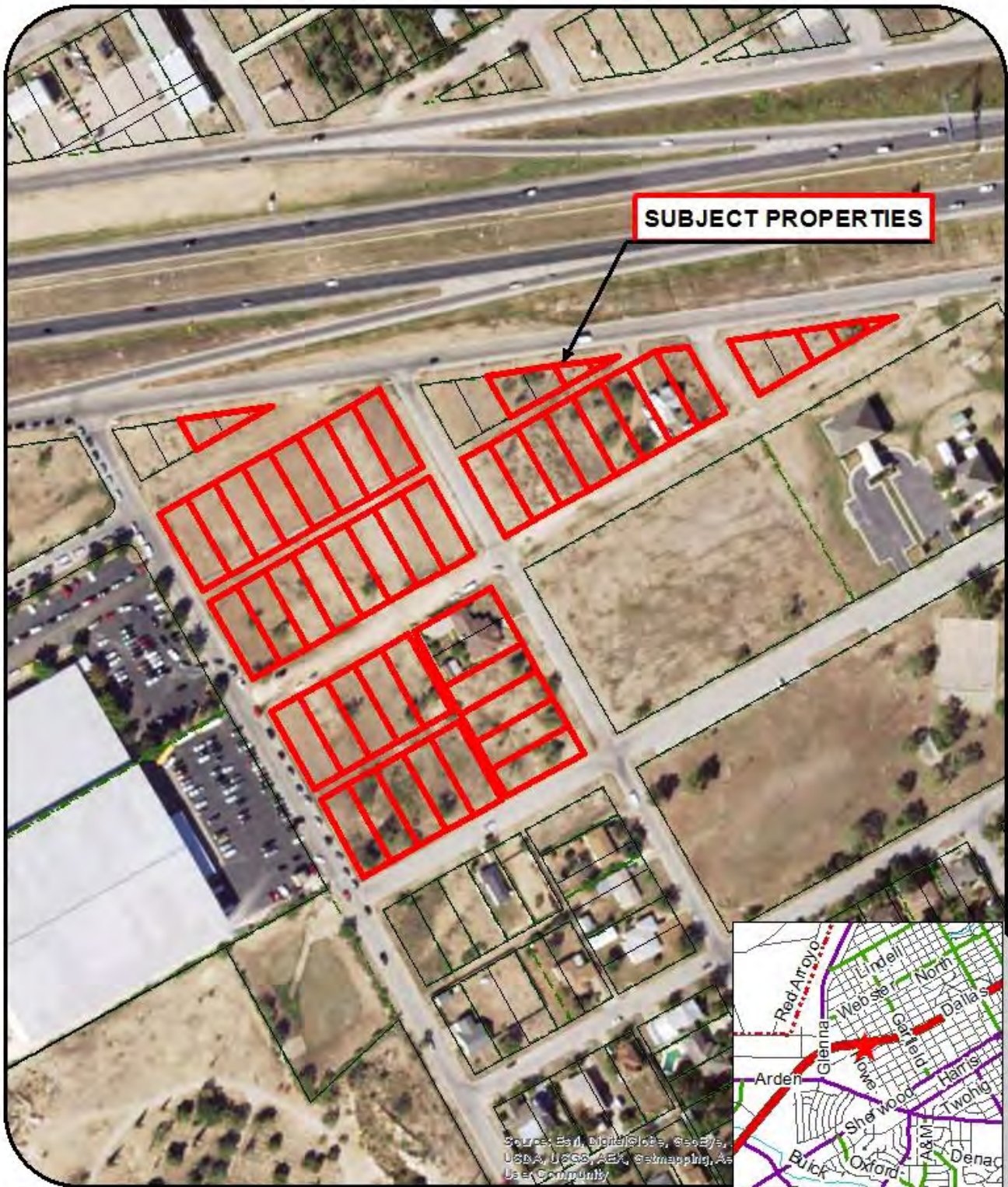
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* Historical aerials show that the majority of the properties have remained vacant since at least 1996. With the exception of the two CN properties and a house on 617 Alexander Street, all of the other properties have remained vacant and zoned for single-family residential use only. Therefore, Planning Staff agrees with the applicant that a rezoning to CG and CO would be appropriate given these lands have remained vacant for decades. The rezoning would allow the additional uses for church-related activities in future.
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. Any future construction for buildings and associated parking areas would require a review of grading, drainage, and stormwater at the permitting stage.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The applicant believes that the rezoning will allow the church to expand to better serve the community. The Planning Division agrees that the CG and CO rezoning would serve this purpose. In addition to the TLC church, there is already a presence of churches and community uses in the area, with Parkside Community Church and a park to the east.
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 lots were previously platted and the existing street network provides direct access to Houston Harte Expressway. The applicant indicates that the rezoned land would be an extension of existing church activity, parking and maintenance, and therefore, should not dramatically increase traffic. Should the lots ever be sold for more retail-oriented commercial uses, Staff anticipates the majority of this traffic would access from Houston Harte Expressway given the properties close proximity to the expressway.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District and Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District for the properties within Blocks 69, 77, 78 and 79 and to the Office Commercial (CO) Zoning District for all of Block 86.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letters
Rezoning Conceptual Plan
Application
Applicant's Response to Zoning Criteria



Source: Esri, DigitalGlobe, GeoEye, USA, USGS, AER, GeoMapping, AeroMap, Community

Rezoning Case

Z19-04: Angelo Christian Ministries

Council District: Lane Carter (SMD#5)

Neighborhood: Bluffs

Scale: 1" approx. = 200 ft

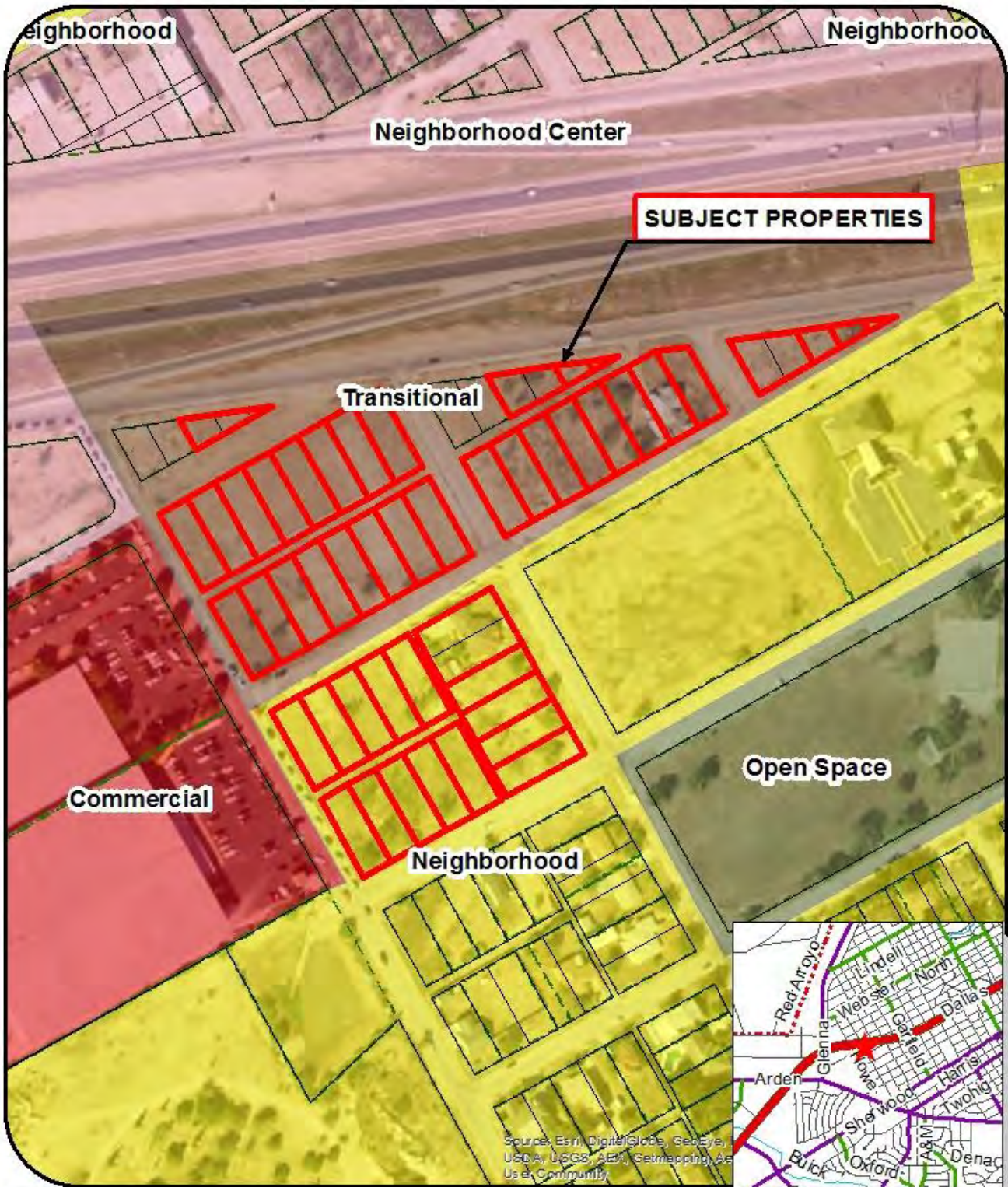
Subject Properties: Blocks 77, 79, 86, Blk 69, Lots 11-13, Blk 78, Lots 3-6, 9-16

Legend:

Subject Properties:
 Current Zoning: **RS-1, CN**

Requested Zoning **All CG except CO on Blk 86**
 Vision **Transitional, Neighborhood**





Rezoning Case

Z19-04: Angelo Christian Ministries

Council District: Lane Carter (SMD#5)

Neighborhood: Bluffs

Scale: 1" approx. = 200 ft

Subject Properties: Blocks 77, 79, 86, Blk 69, Lots 11-13, Blk 78, Lots 3-6, 9-16

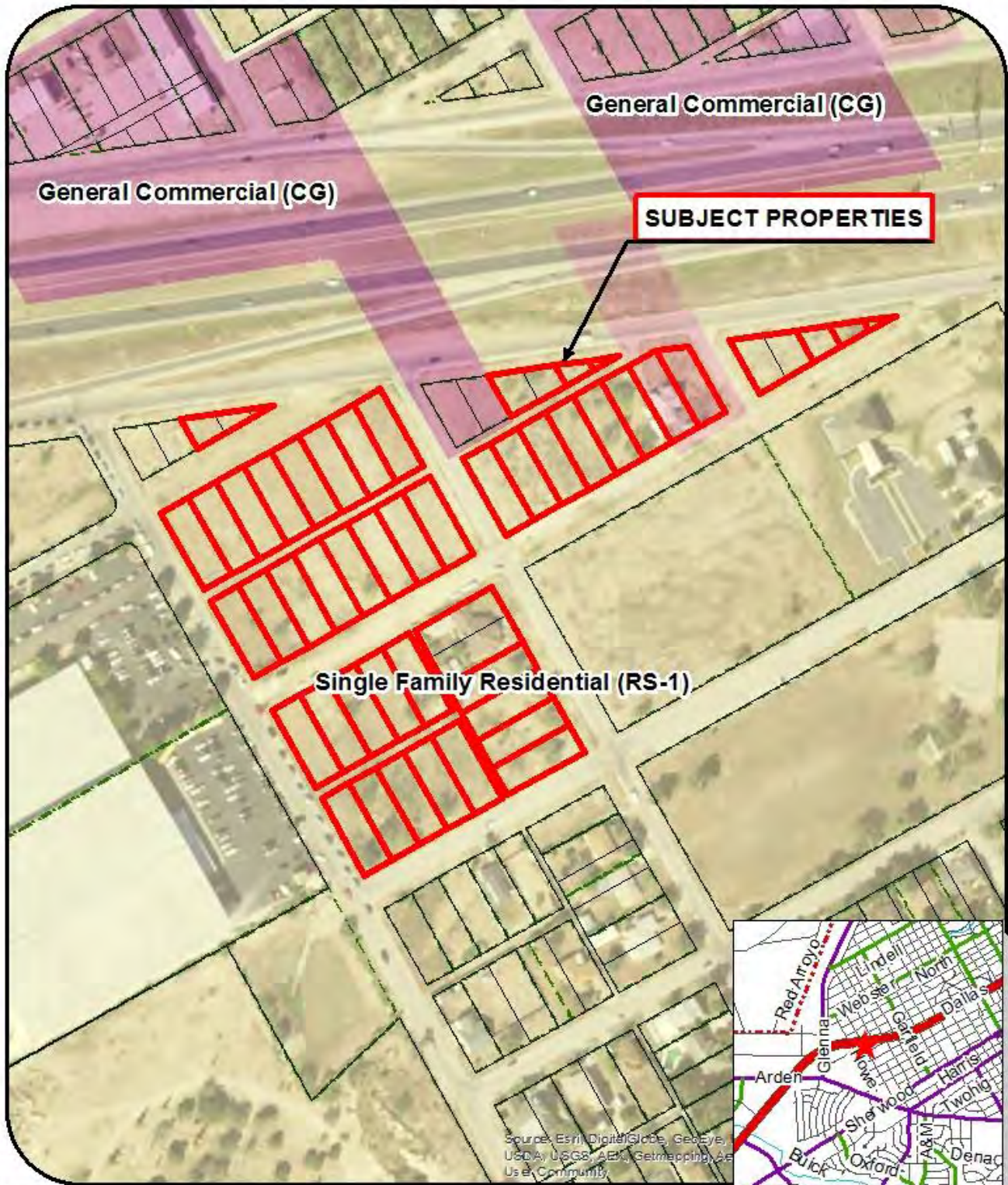
Legend:

Subject Properties:
 Current Zoning: **RS-1, CN**

Requested Zoning **All CG except CO on Blk 86**
 Vision **Transitional, Neighborhood**



Source: Esri, DigitalGlobe, GeoEye, USAF, USGS, AEM, Getmapping, Aer
Us & Community



Rezoning Case

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Legend:

Subject Properties: 
Current Zoning: **RS-1, CN**

Requested Zoning **All CG except CO on Blk 86**
Vision **Transitional, Neighborhood**



Photos of Site and Surrounding Area

NORTH



SOUTH AT CN ZONED PROPERTIES (REZONE TO CG)



EAST AT PARKSIDE CHURCH



EAST AT TLC CHURCH



FUTURE CO ZONING AREA LOOKING SOUTH



FUTURE CG ZONING AREA LOOKING WEST



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

(X) IN FAVOR () IN OPPOSITION

REASON(S) As proper to this application for
re-zoning, it is incumbent upon us to accommodate
our plans for parking and other religious related
activities on this property

NAME: Angelo Christian Ministries

ADDRESS: P.O. Box 61998
San Angelo, TX 76906

SIGNATURE:  Authorized Agent.

Z19-04: Angelo Christian Ministries
property owner number: 1

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

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

() IN FAVOR () IN OPPOSITION

REASON(S) _____
It will be nice to have pretty
New Buildings & Landscapes to view
The Traffic is already a lot because
of the school
Maybe then I won't have to pick up
so much blowing garbage as I do
from the fields

Thank you for taking the time to explain
the map & our location!

NAME: Eugene & Doris Slotthe

ADDRESS: 3217 Freeland Ave

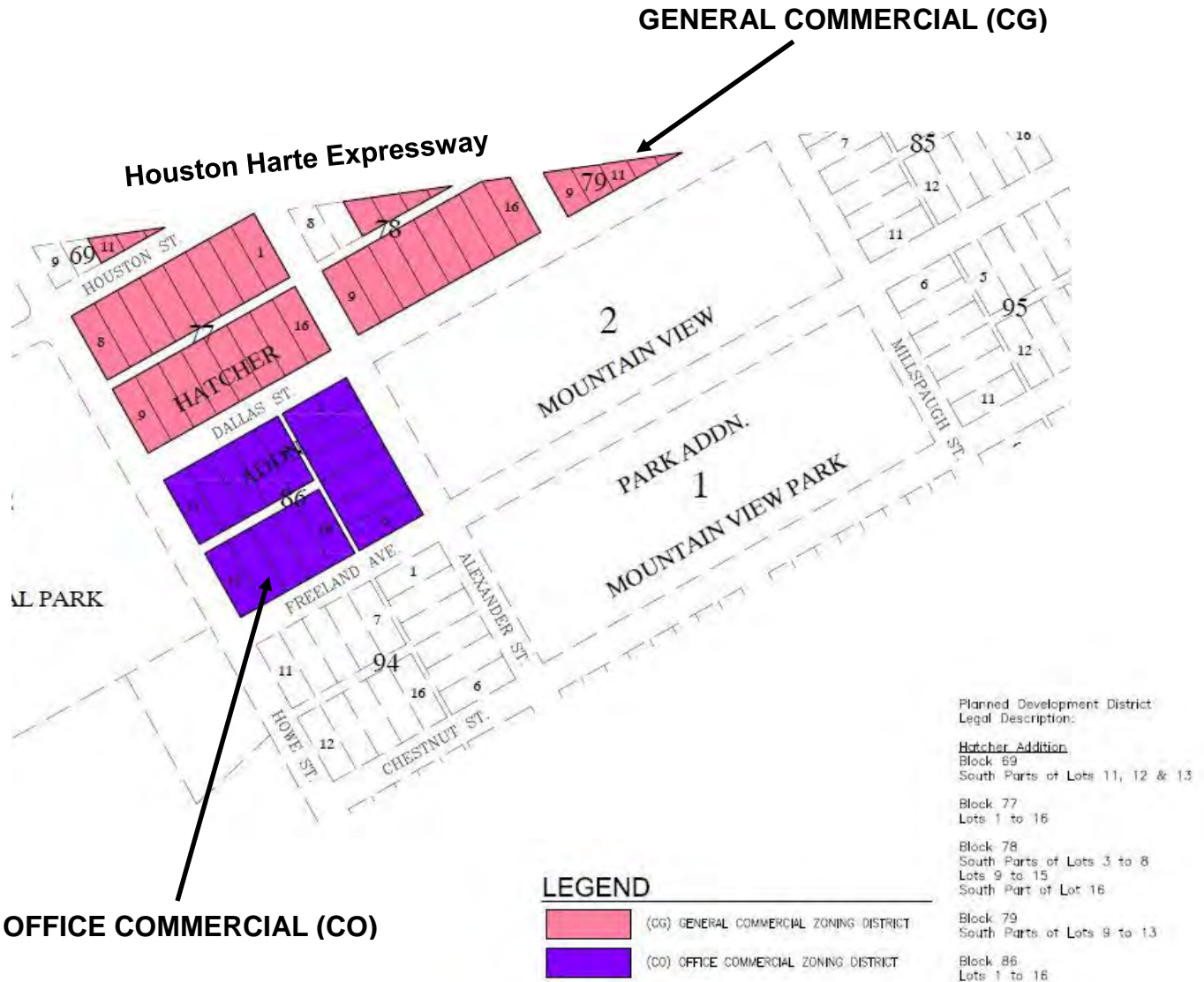
San Angelo TX 76901

SIGNATURE: Doris Anne Slotthe

Z19-04: Angelo Christian Ministries
property owner number: 7

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

Rezoning Conceptual Plan



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) Don Crabtree / ACM, Inc.
 Owner Representative (Notarized Affidavit Required)
 Mailing Address P.O. Box 61998 San Angelo TX 76906
 City State Zip Code
 Contact Phone Number 830-968-2328 Contact E-mail Address dcrabtree@tcfamily.com
 Subject Property Address 3301 TLC Way / City State Zip Code
BKS 12 Subd - Houston Haute CP
 Legal Description (can be found on property tax statement or at www.tamotax.com)

Existing Zoning: CG, CA, RS1 Proposed Zoning: CG/CO Lot size: See attached
BKS 77, 78, 79 and lots 9, 10, 11 of B1K 69
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Existing Church, Maintenance Bldg, Vacant lots
 Proposed Use of Property: Paved Areas, Parking, Sign, Future development area
For Religious Trust Accessories, maint. bldg.
 *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>Angelo Christian Ministries</u> Owner Name (Print)	<u>[Signature]</u> Signature	<u>ACM</u> Company/Organization (if Applicable)	<u>1-10-19</u> Date
<u>Don Crabtree</u> Representative Name (Print)	<u>[Signature]</u> Signature	<u>Angelo Christian Min.</u> Company/Organization	<u>1-10-19</u> Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete
 Date of Application: 2, 15, 2019

Case No.: Z 19 -04 Fully-dimensional site plan:

Nonrefundable fee: \$625.00 Receipt #: 144201 Date paid: 2, 15, 2019

Sign Deposit \$37.50 Receipt #: _____ Date paid: 2, 15, 2019

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: 3, 18, 2019 Date notifications due: 3, 7, 2019

City Council hearing date: 4, 15, 2019 Packets due date: 4, 1, 2019

Publication date: _____

Reviewed/Accepted by: J. Fisher Date: 2, 15, 2019

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.

Transitional future land use supports church/school related activities/uses as transition between commercial toward the North and Residential toward the South. Neighborhood Future land use supports CO zoning

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

Proposed uses of Church buildings and parking lots, playground areas and accessory parking lots are permitted uses in both C60 & CO zones

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.

Proposed uses are compatible with existing Church/school buildings in the area.

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

Lots have remained vacant as RS1 zone and we seek to maximize our usage for Church / school activities and usage

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

N/A - will be addressed at time of development

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

The neighborhood + community will benefit greatly by the impact of this entities presence. The Church / school will benefit by continued development

to take us toward goals of
community betterment.

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.

No impedence is expected to the
development of the community or the
surrounding neighborhood. To the contrary
we expect to increase the urban image
so as to better our surrounding area.

**PLANNING COMMISSION –MARCH 18, 2019
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Street Name Change		King Mill Drive & Wedgewood Court	
SYNOPSIS:			
A request for approval of a Street Name Change for King Mill Drive & Wedgewood Court to “King Mill Circle.” The request is to rename the entirety of both street’s right-of-way. The applicant’s intent is to reconfigure this section of Bentwood to allow additional homes. The streets are identified as a “Local Street” in the City’s Master Thoroughfare Plan.			
LOCATION:		LEGAL DESCRIPTION:	
King Mill Drive & Wedgewood Court		Being approximately 340 linear feet of King Mill Drive and 345 linear feet of Wedgewood Court public right-of-ways; generally located west of Overhill Drive and Club Park Way.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Country Club Neighborhood	RM-1 – Low Rise Multifamily Residential	Neighborhood	340 & 345 Ln. Ft.
THOROUGHFARE PLAN:			
King Mill Drive – Urban Local Street, 50’ ROW required (50’ Existing), 36’ with a 4’ sidewalk or 40’ pavement required (40’ Existing)			
Wedgewood Court – Urban Local Street, 50’ ROW required (50’ Existing), 36’ with a 4’ sidewalk or 40’ pavement required (40’ Existing)			
NOTIFICATIONS:			
4 notifications mailed directly adjacent the proposed street rename on February 26, 2019. Zero have been received in support and zero in opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Name Change for King Mill Drive & Wedgewood Court to “ King Mill Circle, ” subject to Two Conditions of Approval			
PROPERTY OWNER/PETITIONER:			
Bentwood Development, LLC			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			

Street Name Change: King Mill Drive & Wedgewood Court are located in the South San Angelo. The developer is in the process of seeking approval for a final plat for the area that encompasses a portion of previously platted land which dedicated these two public street cul-de-sacs. The proposed new plat looks to connect the two existing cul-de-sac to create a loop street configuration. For these reasons, the developer is seeking a street name change to reflect the new street configuration.

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

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

The proposed street name change appears unlikely to confuse motorists and emergency vehicles. Since the proposed street acts more as a loop street configuration, this change would help relieve confusion by giving the perception of a circular street design. The configuration of King Mill Drive & Wedgewood Court is currently a short cul-de-sac Local Street and there is one home addressed using King Mill Drive. From an emergency response standpoint, city staff stand ready to make any necessary data changes to ensure a minimal disruption in response times, should the Ordinance authorizing the name designation be adopted.

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

There are no existing streets in San Angelo with the same or similar name. This change would remove King Mill Drive and replace it with King Mill Circle.

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

Since the road now acts more as a loop street configuration, Staff believes renaming the street would clarify the use of the road as well as avoid confusion.

Recommendation:

Staff's recommendation is to Recommend **APPROVAL** of the proposed Street Name Change for King Mill Drive & Wedgewood Court to "**King Mill Circle,**" **subject to two Conditions of Approval:**

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

Attachments:


Aerial Maps
Future Land Use Map
Zoning Map
Street Abandonment Exhibit
Easement Release Exhibits
Notification Map
Applications



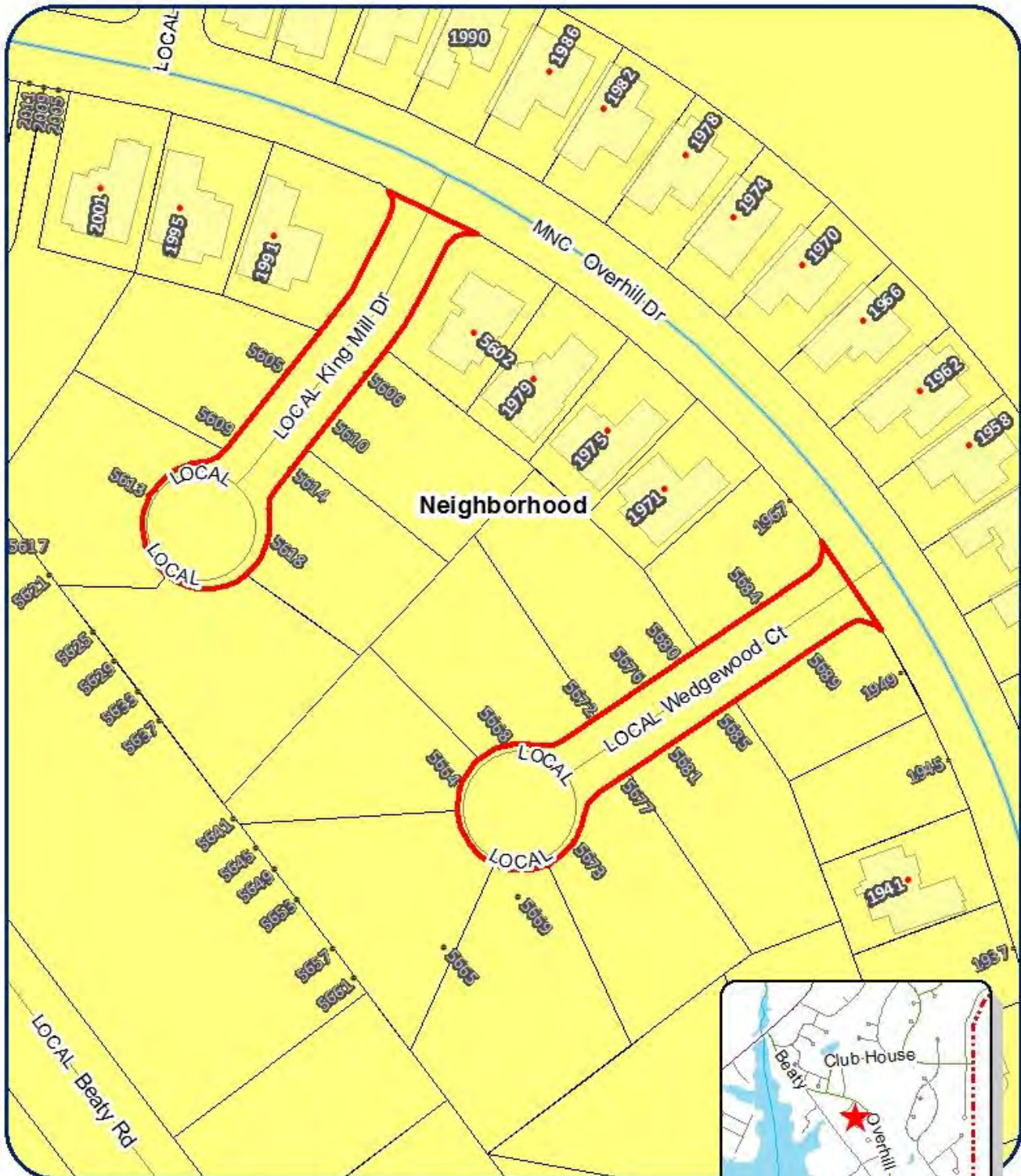
Street Name Change
King Mill Dr & Wedgewood Ct

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

Legend

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





Street Name Change

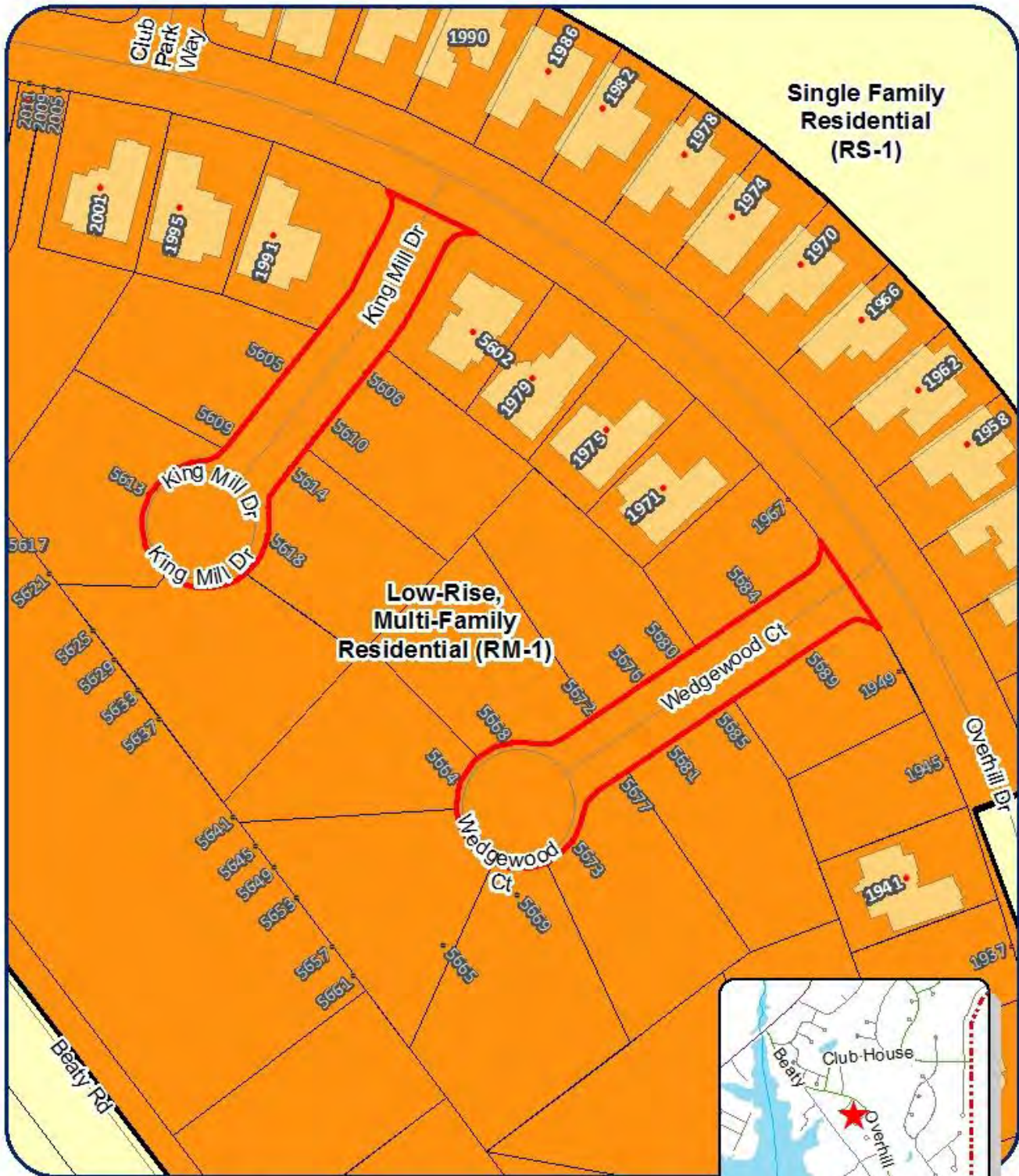
King Mill Dr & Wedgewood Ct

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

Legend

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





Street Name Change

King Mill Dr & Wedgewood Ct

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

Legend

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





Lot #	Area (sq. ft.)	Area (sq. m.)	Area (sq. ft.)	Area (sq. m.)
01	4,200	389.6	4,200	389.6
02	4,200	389.6	4,200	389.6
03	4,200	389.6	4,200	389.6
04	4,200	389.6	4,200	389.6
05	4,200	389.6	4,200	389.6
06	4,200	389.6	4,200	389.6
07	4,200	389.6	4,200	389.6
08	4,200	389.6	4,200	389.6
09	4,200	389.6	4,200	389.6
10	4,200	389.6	4,200	389.6
11	4,200	389.6	4,200	389.6
12	4,200	389.6	4,200	389.6
13	4,200	389.6	4,200	389.6
14	4,200	389.6	4,200	389.6
15	4,200	389.6	4,200	389.6
16	4,200	389.6	4,200	389.6
17	4,200	389.6	4,200	389.6
18	4,200	389.6	4,200	389.6
19	4,200	389.6	4,200	389.6
20	4,200	389.6	4,200	389.6
21	4,200	389.6	4,200	389.6
22	4,200	389.6	4,200	389.6
23	4,200	389.6	4,200	389.6
24	4,200	389.6	4,200	389.6
25	4,200	389.6	4,200	389.6
26	4,200	389.6	4,200	389.6
27	4,200	389.6	4,200	389.6
28	4,200	389.6	4,200	389.6
29	4,200	389.6	4,200	389.6
30	4,200	389.6	4,200	389.6
31	4,200	389.6	4,200	389.6
32	4,200	389.6	4,200	389.6
33	4,200	389.6	4,200	389.6
34	4,200	389.6	4,200	389.6
35	4,200	389.6	4,200	389.6
36	4,200	389.6	4,200	389.6
37	4,200	389.6	4,200	389.6
38	4,200	389.6	4,200	389.6
39	4,200	389.6	4,200	389.6
40	4,200	389.6	4,200	389.6
41	4,200	389.6	4,200	389.6
42	4,200	389.6	4,200	389.6
43	4,200	389.6	4,200	389.6
44	4,200	389.6	4,200	389.6
45	4,200	389.6	4,200	389.6
46	4,200	389.6	4,200	389.6
47	4,200	389.6	4,200	389.6
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51	4,200	389.6	4,200	389.6
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69	4,200	389.6	4,200	389.6
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71	4,200	389.6	4,200	389.6
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96	4,200	389.6	4,200	389.6
97	4,200	389.6	4,200	389.6
98	4,200	389.6	4,200	389.6
99	4,200	389.6	4,200	389.6
100	4,200	389.6	4,200	389.6
101	4,200	389.6	4,200	389.6

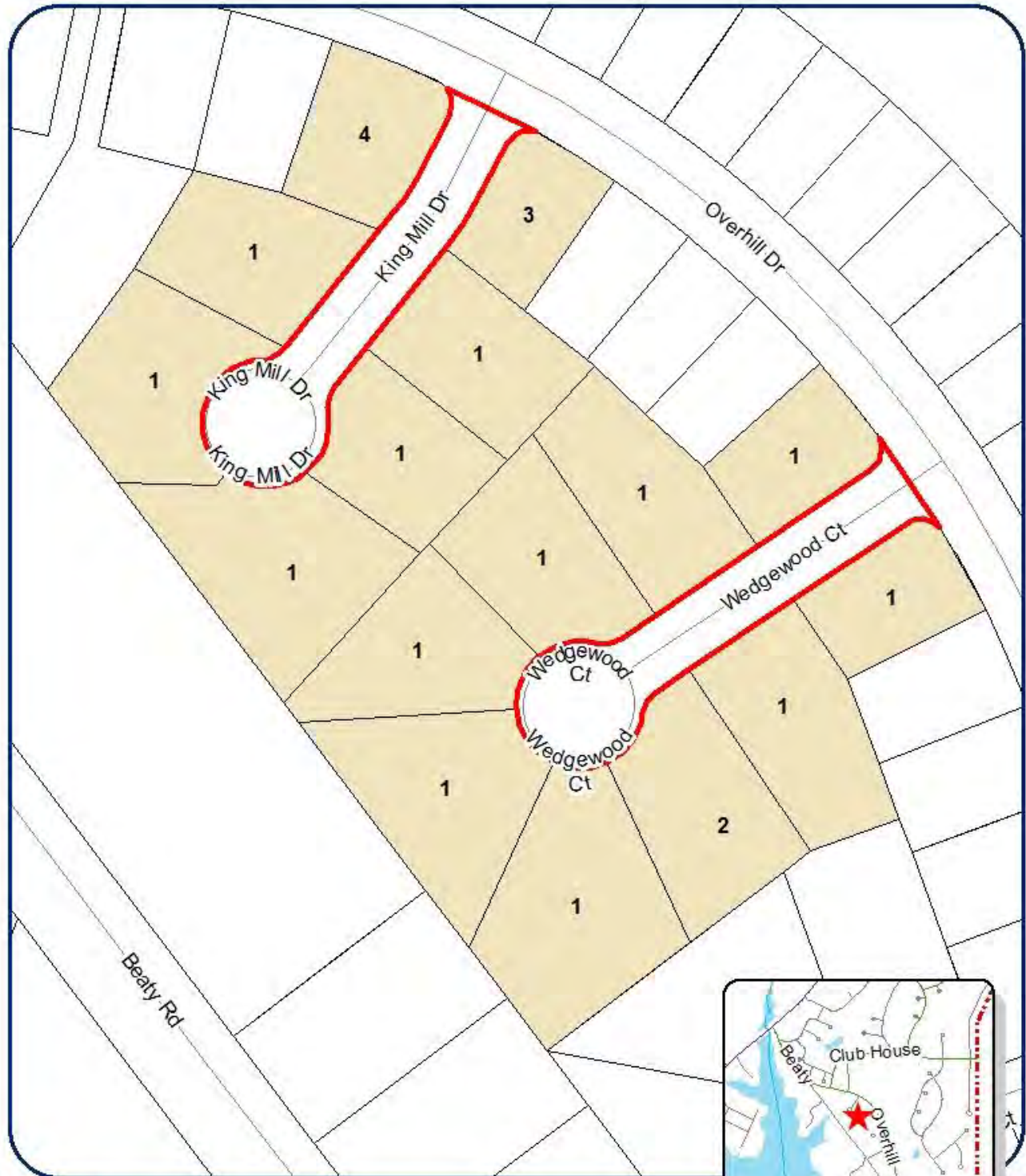
BENTWOOD COUNTRY CLUB ESTATES
 Section Sixteen-F
 City of San Diego, San Diego County, California
 The City of San Diego, California, hereby certifies that the information contained herein is true and correct to the best of its knowledge and belief. This information is provided for informational purposes only and does not constitute a guarantee or warranty of any kind. The City of San Diego, California, is not responsible for any errors or omissions in this information. This information is provided as a public service and is subject to change without notice. The City of San Diego, California, is not responsible for any damages, including consequential damages, arising from the use of this information. This information is provided as a public service and is subject to change without notice. The City of San Diego, California, is not responsible for any damages, including consequential damages, arising from the use of this information.

LEGEND
 1. Lot Lines
 2. Easements
 3. Right-of-Way Lines
 4. Utility Lines
 5. Other Features

SCALE: 1/4" = 10'
 1/4" = 10'
 1/2" = 20'
 3/4" = 30'
 1" = 40'

DATE: 03/15/19
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SKG
 SURVEYING & CONSULTING, LLC
 10000 SAN DIEGO AVENUE, SUITE 100
 SAN DIEGO, CALIFORNIA 92131
 TEL: 619-594-8888
 FAX: 619-594-8889
 WWW.SKGSURVEYING.COM




Street Name Change

King Mill Dr & Wedgewood Ct

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

Legend

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



PLANNING COMMISSION –MARCH 18, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Street Right-of-way Abandonment		North Chadbourne Street	
SYNOPSIS:			
The City of San Angelo is seeking abandonment of a portion of North Chadbourne Street public right-of-way. City Staff’s intent is to align a portion of North Chadbourne Street ROW to match a previous alignment reconfiguration from 1946. This street is identified as a “Major Arterial” in the City’s Master Thoroughfare Plan.			
LOCATION:		LEGAL DESCRIPTION:	
50 North Chadbourne Street		Being Lot: 8 & 9, Block: 43, San Angelo Addition; South & East West 10' of Lot 8 & 20' x 140' of the South Part of 6 & 7, Miles Acre Lots Addition; South Part Of Acre Lot 7, Miles Acre Lots Addition; Lot 7, Block 43, San Angelo Addition, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
District #3 – Harry Thomas Downtown Neighborhood		CBD – Central Business District	Downtown
			SIZE:
			0.12 acre
THOROUGHFARE PLAN:			
<u>North Chadbourne Street</u> – Urban Major Arterial Street, 80’ ROW required (100’ Existing), 64’ pavement required (67’ Provided)			
<u>East College Avenue</u> – Urban Local Street, 50’ ROW required (100’ Existing), 40’ pavement or 36’ pavement with a 4’ sidewalk required (50’ Provided)			
NOTIFICATIONS:			
2 notifications mailed directly adjacent the proposed abandonments on March 6, 2019. Zero received in support and zero in opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Right-of-Way Abandonment request, subject to two Conditions of Approval			
PROPERTY OWNER/PETITIONER:			
COSA			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			



Additional Information:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies, and there were no responses in opposition to the request.

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on March 1, 2019, to determine the appropriateness of abandoning this public street right-of-way. In February 1946, the Roosevelt Hotel had already been built and the adjacent property owners believed that the hotel was not in line with the current North Chadbourne Street right-of-way. The petitioner requested the city to establish a new right-of-way line from the northwest corner of the existing hotel to meet up with the existing right-of-way towards 1st Street. This would allow the new buildings to maintain a continuous façade along North Chadbourne Street. At this time, the right-of-way under the existing hotel was not abandoned, and now City staff wishes to remedy the situation. Planning Staff believes existing and anticipated traffic patterns would not be negatively affected if the subject portions of North Chadbourne Street are abandoned. At present, this portion of North Chadbourne Street is developed as the Roosevelt Hotel. For these reasons, Staff believes abandoning this portion of North Chadbourne Street would not create any detrimental effects as this portion could not be used by any surrounding property owner. Staff believes this portion currently provides no public benefit, and closing it could also remove any additional liability of the City.

Recommendation:

Staff's recommendation is to recommend **APPROVAL** of the proposed abandonment of North Chadbourne Street public right-of-way, **subject to two Conditions of Approval:**

1. Remit payment for assessment formula outlined in fee schedule, if abandonment is approved consistent with the Code of Ordinances, Section A9.008.
2. Provide the final recorded deed to the Tom Green County Appraisal District to include the abandoned right-of-way in the adjacent parcel.

Attachments:


Aerial Maps
Future Land Use Map
Zoning Map
Street Abandonment Exhibit
Notification Map



ROW Abandonment
50 North Chadbourne Street

Council District: SMD #3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 50 ft

Legend

Subject Properties: 
Current Zoning: **CBD**
Requested Zoning Change: **N/A**
Vision: **Downtown**






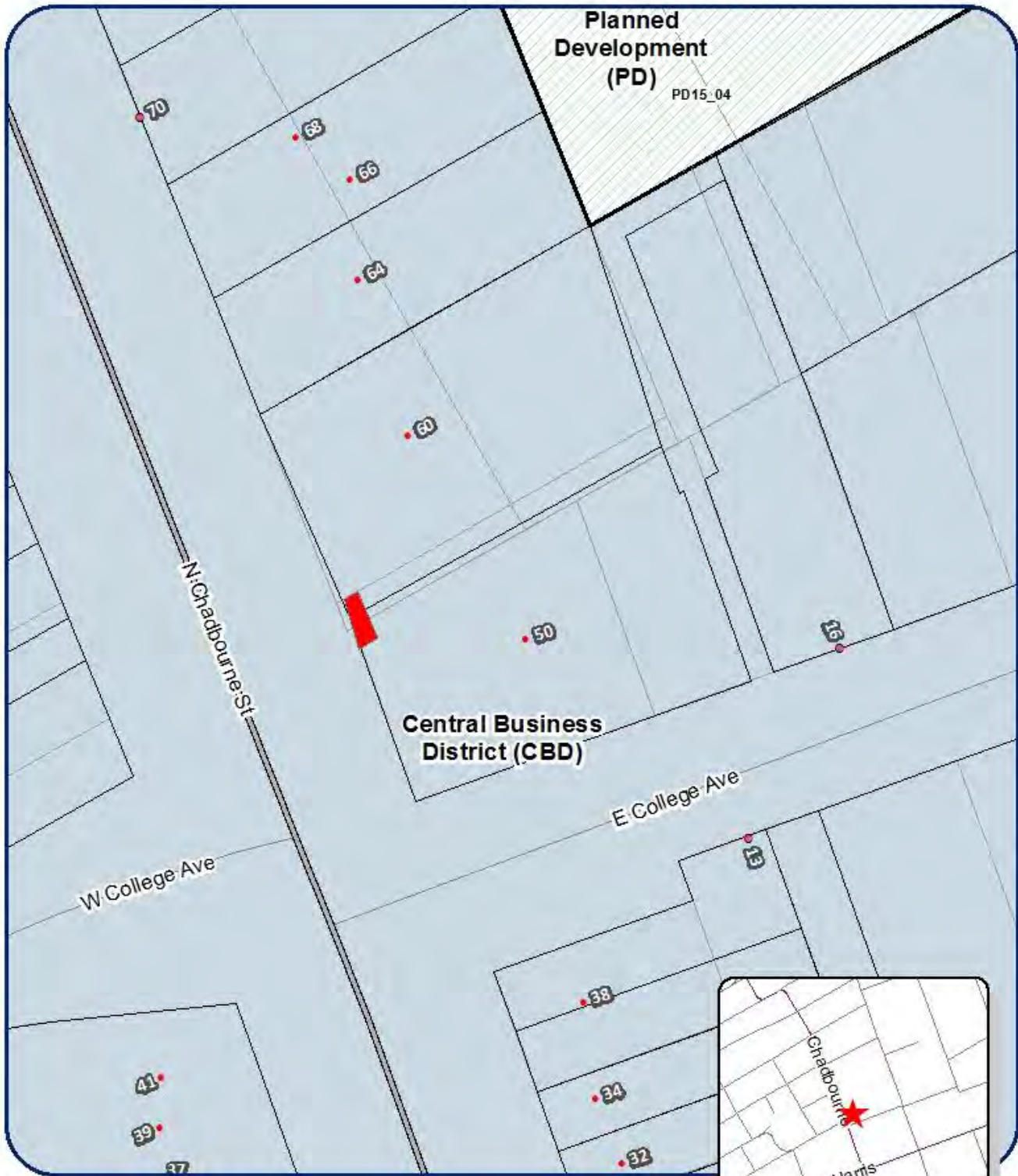
ROW Abandonment
50 North Chadbourne Street

Council District: SMD #3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 50 ft

Legend

Subject Properties: 
Current Zoning: **CBD**
Requested Zoning Change: **N/A**
Vision: **Downtown**






ROW Abandonment

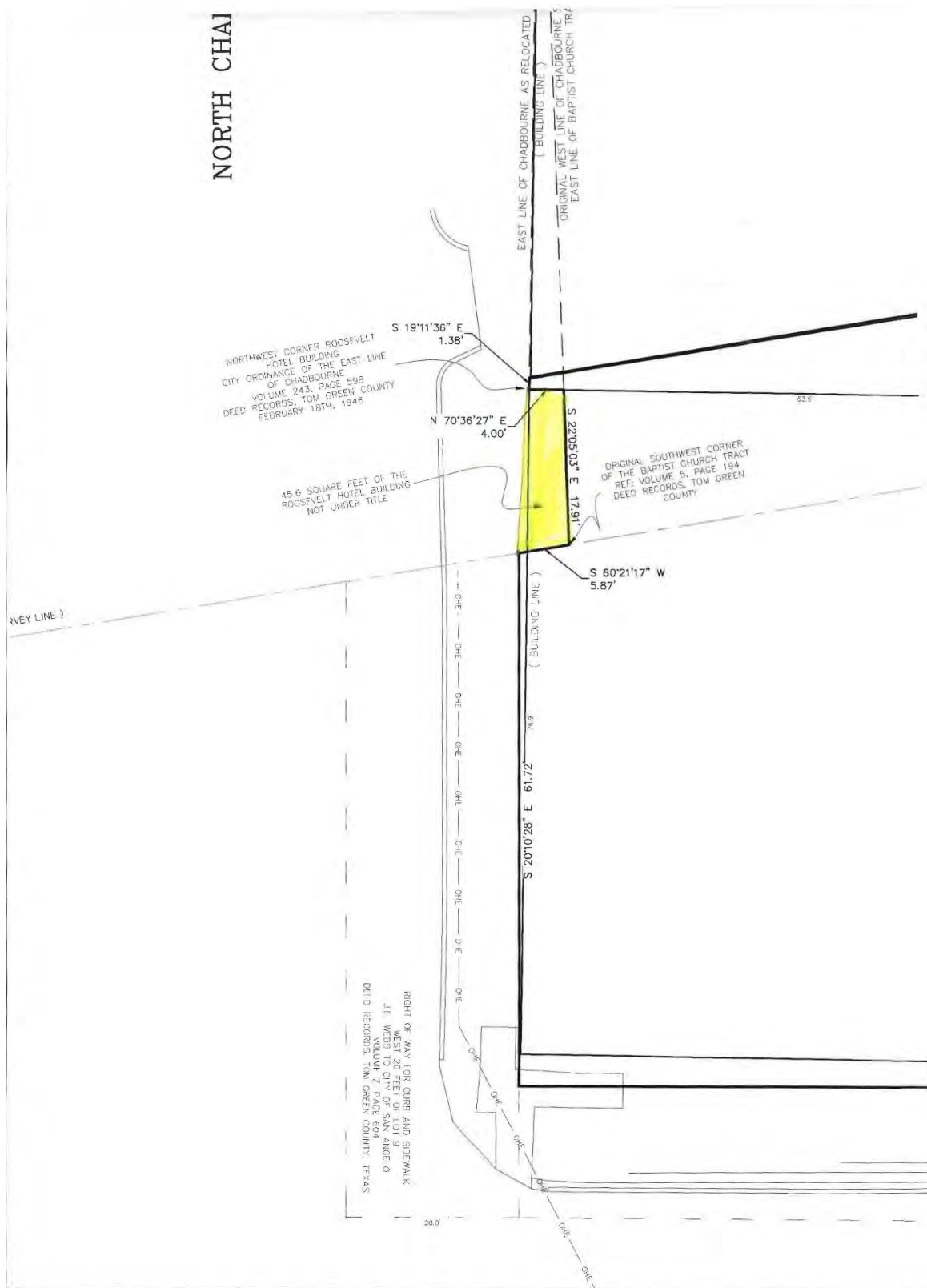
50 North Chadbourne Street

Council District: SMD #3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 50 ft

Legend

Subject Properties: 
Current Zoning: **CBD**
Requested Zoning Change: **N/A**
Vision: **Downtown**








ROW Abandonment
50 North Chadbourne Street

Council District: SMD #3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 50 ft

Legend

Subject Properties: 
Current Zoning: **CBD**
Requested Zoning Change: **N/A**
Vision: **Downtown**



MEMO

**Meeting**

Date: March 18, 2019

To: Planning Commission

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

Request: Consideration of approving restated bylaws of the Planning Commission of the City of San Angelo

Background:

On October 2, 2018, City Council approved an Ordinance revising Chapter 2, Article 2.07 of the City Code of Ordinances to standardize provisions related to City Boards and Commissions, requiring these Board and Commissions revise their By-Laws to conform to these changes within six months of the passage of the Ordinance. These changes included:

1. Creating an overarching rule of thumb for all Boards and Commissions related to terms and limits (this speaks to term limits and lengths of term for all boards and commissions that do not specify different terms and limits in their individual specific board ordinance mandated by State Law);
2. Deleting all sections related terms and limits information for all board ordinances that are not uniquely mandated by a superseding state law; and,
3. Addressing all inconsistencies with State Law and cleaning up Chapter 2 as part of the larger effort to clean up the Code of Ordinances.
4. Removing all redundant sections of By-Laws already stated in Article 2.07 (see attached).

The revised By-Laws will regulate and provide legal authoritative guidelines by which the Planning Commission can conduct its meetings and hear decisions. These By-Laws shall be read in conjunction with the relevant sections of Article 2.07.

The following new sections were added by the Planning Division, to ensure compliance with current procedures and the highest ethical standards of the profession:

- A new Section 11 "Code of Ethics" that requires Planning Commissioners to comply with the City Code of Ethics adopted by City Council and the American Planning Association (APA's) "Ethical Principles in Planning";

- Under Section 12 Criteria, include the Land Division and Subdivision Ordinance, Sign Ordinance and other applicable ordinances, plans, and policies for the Commission to review as necessary;
- Under Section 13 Deadlines, reference the Planning Commission Meeting Schedule which includes up-to-date application deadlines.

Planning Commission February 18, 2019 – Discussion Item:

On February 18, 2019, the Planning Commission reviewed the restated Planning Commission bylaws as a discussion item. Planning Staff agreed to bring the item back to the next Planning Commission Meeting of March 18, 2019 for a final vote.

The following is the complete excerpt of the draft minutes from the February 18, 2019, meeting for this item:

Jeff Fisher, Senior Planner, presented the discussion item. He explained that back in October 2018, City Council amended Article 2.07 which set revised standards for the Planning Commission and other city boards and commissions. As part of this amended article, Planning Staff had six months to remove any duplicated sections in the Planning Commission Bylaws and bring back the revised ByLaws for approval by Planning Commission and City Council. Mr. Fisher summarized the changes including the additional requirements for Commissioners to comply with the American Planning Commission's (APA) Code of Ethics, and for application deadlines to follow those on the Planning Commission webpage. Mr. Fisher also discussed the specific changes of Article 2.07 which now allow Planning Commissioners to serve three terms of two years each, and automatic resignations for members who do not attend at least two-thirds of meetings within a 12-month period.

Jon James, Planning Director, indicated that the ByLaws will be brought back for a formal vote at the March 18, 2019 Planning Commission.

Requested Action:

APPROVE the restated bylaws adopted of the Planning Commission of the City of San Angelo

Attachments:

Proposed Revised Planning Commission By-laws
Excerpt from Article 2.07– General and Planning Commission

BY-LAWS OF THE PLANNING COMMISSION OF THE CITY OF SAN ANGELO

These bylaws restate in their entirety and supersede the bylaws of the Commission in effect upon their adoption and approval by the City Council for the City of San Angelo.

1. General Governing Statutes, Ordinances and Rules. The Planning Commission of the City of San Angelo, ~~hereinafter referred to as the “Planning Commission” or simply the “Commission”~~, shall be governed by the following statutes, ordinances and rules, as amended and supplemented from time to time and to the extent that such statutes, ordinances and rules remain in force and effect these By Laws, subject to ordinances establishing and governing the Planning Commission now in effect or hereinafter adopted, and state law including:

- a. Chapter 211 “Municipal Zoning Authority” in the State of Texas Local Government Code, concerning municipal zoning authority;
- b. Chapter 212 in the State of Texas Local Government Code, concerning municipal regulation of subdivisions and property development;

~~e. Chapter 171 in the State of Texas Local Government Code, concerning conflicts of interest by officers of municipalities;~~

~~d.c.~~ Chapter 551 in the State of Texas Government Code, concerning the open conduct of meetings, recording and notices of meetings;

~~e.d.~~ Divisions 1 and 2, Article ~~2.3100-07~~ in Chapter 2 (Administration) of the Code of Ordinances, 1996, San Angelo, Texas, concerning the Planning Commission;

~~f.e.~~ the Zoning Ordinance of the City of San Angelo, as described in Exhibit “A” of Chapter 12 (Planning and Development) in the Code of Ordinances, 1996, San Angelo, Texas;

~~g.f.~~ the Land Development and Subdivision Ordinance of the City of San Angelo, as described in Exhibit “C” of Chapter 12 (Planning and Development) in the Code of Ordinances, 1996, San Angelo, Texas.

~~1. Duties of the Planning Commission. In addition to duties delegated to the Planning Commission by City ordinances, and statutes of the State of Texas, it shall be the duty of the Planning Commission to prepare, amend and keep current a comprehensive plan for the development of San Angelo, and to make recommendations to City Council relative to long-range planning of all phases of city development that it deems necessary.~~

2. Membership of the Commission.

- a. ~~The Planning Commission shall consist of seven (7) members appointed by City Council. All members shall be residents within the city limits of San Angelo. Number of~~

~~members, maximum number and length of terms is provided in Article 2.07 of the Code of Ordinances. The following additional rules shall apply to the Commission.~~

~~b.—~~

~~c.—The term of each member shall be three (3) years.~~

~~d.—~~

~~e.—The City Council may remove a Commission member for cause, assigned in writing and after a public hearing on the matter.~~

a. Any member proposing to resign, shall give notice of that intent to the chair~~man~~ and secretary. When a member resigns or a position otherwise becomes vacant, the secretary shall promptly indicate to the City Clerk that a vacancy exists.

~~f.—~~

~~g.— Any vacancy occurring on the Commission shall be filled by the appointment of an interim member by the City Council, under such procedures as it prescribes. Such interim appointment shall be for the unexpired term of the member whose position is vacated; provided, however, that a person serving such an interim appointment shall nevertheless be eligible to serve two (2) full consecutive terms after completion of his or her interim appointment.~~

~~h.—~~

~~i.b. No Commission member shall serve more than two (2) consecutive three year terms as a regular member. However, a A member shall continue to serve until his successor is duly appointed and qualified.~~

~~j.c. A member may serve consecutive one-year terms as chairman or vice chairman.~~

~~k.d. Any Commission member who misses five (5) of the regular scheduled meetings in any twelve month period shall be deemed to have automatically resigned from office. The secretary shall make periodic attendance reports to the Commission, which may form the basis for declaration of a vacancy by the Commission. The vacancy shall be filled in the manner provided for herein.~~

3. Meeting Date, Time and Place. Regular meetings of the Commission shall be on the third Monday of each month, at 9:00 a.m. in an appropriate venue made available by the City Manager and located inside the corporate limits of the City of San Angelo, unless otherwise as provided herein.

- a. The number of meetings per month, the schedule of meeting dates, and the place of meetings, may be changed by the Commission at any regularly scheduled meeting or upon call of the chair~~man~~ or secretary.
- b. Additional special meetings may be held at any time, upon the call of the chair~~man~~ or by a majority of voting members of the Commission or upon request of the City Council, following at least a seventy-two hour notice to each member of the Commission. Call of special meeting (at a specified time and place and for specified purposes) at a regular meeting shall be notice thereof to members in attendance at such regular meeting, but other members shall receive written notice thereof. If a special meeting is called on a case or cases subject to notice of hearing, the required notice provisions for the public hearing shall be complied with.

4. Conduct of Meetings.

a. A majority of the members of the Commission entitled to vote shall constitute a quorum for the transaction of business.

b.

~~e.— Each case heard before the Commission must be heard by a quorum as provided in Division 1 of Article 2.07 of the Code of Ordinances. at least four (4) Commission members, that being a quorum.~~

~~e.— The concurring vote of a simple majority of members present (and constituting a quorum) is required to approve any motion on a matter.~~

~~It shall be customary for the chairman to vote on all matters pending before the Commission, except when he or she may otherwise be disqualified from voting.~~

~~d.c.~~ Meetings of the Commission shall be open to the public in compliance with the requirements of the Open Meetings Act, Chapter 551, of the Texas Government Code. The Commission may meet in closed executive session during an open meeting in compliance with the Open Meetings Act.

~~e.d.~~ Order of consideration of each agenda item. The following procedure shall generally be observed for the presentation of relevant evidence and information; however, it may be amended by the ~~chairman~~ chair for individual items, if necessary for the expeditious conduct of business:

- (1) The chair introduces the item to be considered, summarizing the nature of the request and its location, as described on the meeting agenda.
- (2) The City staff describes in more detail the nature of the request and its relation to applicable ordinances and regulations of the City. Other relevant evidence available, including witness testimony, is presented by the staff, and a recommendation is provided.
- (3) The Planning Commission may ask questions of the staff or witnesses, concerning its presentation and report.
- (4) The applicant outlines the nature of the request and presents supporting evidence including witness testimony, if so desired.
- (5) Commission members may ask questions of the applicant and supporting witnesses.
- (6) Members of the public, in attendance at the meeting, are given an opportunity to speak and present evidence in favor of or in opposition to the request.
- (7) Applicant may make rebuttal or add points not previously covered.
- (8) Staff may respond to points of evidence provided by the applicant or other members of the public, or to points not previously covered.
- (9) Commission members may ask any final questions of the applicants, witnesses, supporters, opponents, or staff.
- (10) Commission members shall then deliberate and render a decision, or take the matter under advisement.

~~f.e.~~ Orderly procedure requires that each side shall proceed without interruption by the other.

~~g.f.~~ During the hearing, the ~~chairman~~ chair, Commission members and City staff may ask questions and make appropriate comment pertinent to the case; however, no Commission member should debate or argue an issue with the applicant or any person addressing the Commission.

~~h.g.~~ The chairman and other Commission members may direct questions to the applicant or to any person speaking, in order to bring out all relevant facts, and may call for questions from members of City staff or counsel present representing interested parties.

~~i.h.~~ All deliberations and votes taken by the Commission shall be made at a public meeting by a motion made and seconded, and by a show of hands or voice vote. On conclusion of the presentations at a hearing, the Commission may:

- (1) proceed immediately to deliberation and vote; or
- (2) defer deliberations and vote until later in the same meeting; or
- (3) defer deliberation and vote to another specified regular or special meeting of the Commission, in order to obtain additional information or for other good cause.

~~j.i.~~ On any matter for which the Planning Commission offers a recommendation to City Council, a tie vote by the Planning Commission shall be forwarded without recommendation to the City Council for approval or disapproval by the Council in an open meeting with a quorum present.

~~k.j.~~ Recess. Any regular or special meeting may be recessed or adjourned to the following business day, or to the time of any future regular or special meeting properly convened with notice as required by law.

m. Cancellation. If no business is scheduled before the Commission, or if it is apparent that a quorum will not be available, any meeting may be canceled by the chairman or acting chairman.

56. Minute Record.

a. The Commission shall maintain a minute record book which shall be kept posted to date. In the minute record book shall be recorded the Commission's proceedings, showing attendance, all absences, any disqualifications of members, the subject of each deliberation, each vote, each order, decision or action, and all other official actions.

~~b.~~—The draft minute record of a Commission meeting shall be presented for approval at next subsequent meeting of the Commission after preparation of the draft. The minute record must be approved by a majority of the Commission members who were present at the meeting described in the minutes. If this is not possible due to change in the make-up of the Commission or other cause, then a majority of the members present and voting shall be all that is necessary to approve the minute record.

~~e.~~
~~d.b.~~

~~e.c.~~ The minute record shall be considered filed after each of the following has occurred:

- (1) the minute record has been approved by the Commission;
- (2) the secretary has posted the approved minute record in the record book contained in offices of the Planning Division.

67. Requests to Withdraw

- a. As provided in Section 201 of Chapter 12, Exhibit "A" the "Zoning Ordinance", Once a public hearing has been scheduled in accordance with the Zoning Ordinance, the applicant may request postponement or withdrawal of the application by notifying the Planning Division in writing by 12:00 noon on the Friday preceding the scheduled hearing. If the Planning Division does not receive such notification, the case will be heard as scheduled.
- b. An applicant will be allowed no more than one such postponement of a public hearing. If review of an application is postponed at the request of the applicant and set for hearing on a later date, such application will be reviewed at that time, without recourse to additional requests for postponement by the applicant. However, if public notice and mailed notifications have already been prepared, the applicant shall be responsible for any costs associated with subsequent notices and notifications.
- ~~b.c.~~ After a public hearing on any matter within the scope of the Zoning Ordinance, the Planning Commission may defer action on it, for a period of time necessary to gather additional information.

78. Rules for a Rehearing (withdrawal)

As provided in Section 201 of Chapter 12, Exhibit "A" the "Zoning Ordinance", if an applicant withdraws an application for any of the following matters, such application shall not be heard within (1) one year thereafter, except as specifically directed by a majority vote of the City Council:

- a. amendment to the Official Zoning Map;
- b. Conditional Use approval; and
- c. Special Use approval.

89. Rules for a Rehearing (final decision)

As provided in Section 201 of Chapter 12, Exhibit "A" of the "Zoning Ordinance", The Planning Commission will not hear a request for amendment to the Official Zoning Map, Conditional Use approval or Special Use approval on the same tract of land within one year following the final decision on any previous such request unless:

- a. the Planning Commission is specifically directed by majority vote of the City Council, to hear the subsequent request; or
- b. the subsequent request is for a more restrictive zoning; or
- c. the zoning classification of other nearby properties in the immediate vicinity has changed.

210. Officers of the Planning Commission

- a. Election of Chair and Vice-Chair.

Annually, at its first regular meeting in January, as the first item of new business, the Commission shall elect a chair and vice-chair. The election shall be determined by a majority of those Commission members present and constituting a quorum at said meeting. If such regular meeting is canceled or quorum is lacking, the election shall be held at the next regular or special meeting.

- b. Presiding at Meetings.

If present and able, the chair shall preside at all meetings of the Commission. During the absence or inability of the chair to preside, the vice-chair shall exercise or perform all the duties and be subject to all the responsibilities of the chair. If both are absent or unable to preside, the members present shall appoint an acting chair to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The presiding officer shall, furthermore, vote on all matters and motions pending before the Commission.

- c. Other Duties and Powers of Chair.

In addition to presiding at all meetings and hearings of the Planning Commission, the chair shall have the following additional powers and duties:

- (1) The chair shall appoint such committees as may be found necessary.
- (2) The chair shall call special meetings of the Planning Commission in accordance with the by-laws.
- (3) The chair shall execute official documents as the presiding officer of the Planning Commission.

- d. Succession of vice-chair to chair.

The vice-chair shall succeed the chair if the chair vacates office before the term is completed. The installation of the vice chair as chair, and the election of a new vice chair shall occur at the next regular meeting following vacation of the chair's seat on the Commission.

e. Delegation to vice-chair.

The chair may delegate specific duties generally to the vice-chair or may authorize the vice-chair to perform specific duties, during the chair's absence, so that the necessary Commission functions are performed in a timely manner. The vice-chair shall perform all duties so delegated. In case of absence or incapacity of the chair, and on approval by a majority of the Commission, the vice-chair shall perform any or all duties of the chair, whether or not so delegated.

f. Appointment of secretary; duties.

The Planning ~~Manager~~ Director or his or her designee shall serve as secretary to the Planning Commission. The secretary shall attend to correspondence relating to business of the Commission; serve or publish all notices required; attend meetings of the Commission; prepare staff reports and make recommendations to the Commission on matters under deliberation; scrutinize all matters to ensure compliance with applicable rules, ordinances and statutes; maintain custody of the records of the Commission; and generally perform or supervise all clerical work of the Commission.

101. Conduct of Board Members

a. Conflict of Interest.

~~No member of the Commission shall participate in any case in which he or she has a substantial interest in the business or property concerned, or has any other conflict of interest as defined by applicable law, except as may be otherwise permitted pursuant to Chapter 171 of the Texas Local Government Code. "Substantial interest" and "Business entity" are as defined in Chapter 171 of the Texas Government Code. Any Commission Member which has a conflict of interest as provided in Article 2.07 of the Code of Ordinances, shall comply with all provisions of said Article and the provisions below. To this end, t~~The conflicted Commission member shall execute an appropriate affidavit, as required by statute, and shall furthermore be required to leave the meeting room during discussion and/or deliberation of the case in which the Commission member has a conflict of interest. After all deliberation and voting by the Planning Commission on the matter is complete, the excused member shall rejoin the Commission.

- (1) If any member has a perceived conflict of interest other than as stated above or in Article 2.07 of the Code of Ordinances, for a specific matter from which he or she desires to be excused, then that Commission member may be excused by a majority vote of the remaining commission members. The Commission member excused must leave the meeting room. After all deliberation and voting by the

Planning Commission on that matter is complete, the excluded Commission member shall rejoin the Commission.

b. Required to Vote.

Unless excused or disqualified from voting, for any of the reasons or circumstances itemized herein this Section 140 of these By-Laws, Commission members shall cast a vote on each and every motion duly made and seconded. A failure to cast a vote by a Commission member required and eligible to vote, shall be deemed a vote in the affirmative.

c. Expressions of Bias, Prior to Hearing.

Commission members shall not express any bias, prejudice or individual opinion or judgment on any matter pending before the Commission prior to deliberation on the matter at a scheduled public hearing.

d. Representation.

No member of the Commission shall represent applicants on matters pending or likely to become pending before the Commission. This provision does not limit the right of a Commission member to represent himself on his or her personal application to the Planning Commission.

e. Members Not to Vote Unless Present at Hearing.

No Commission member shall vote on any matter deciding an application pending before the Commission, except after attending the public hearing on that particular matter.

112. Code of Ethics

- a. Planning Commissioners shall comply with the City Code of Ethics as adopted by City Council upon being sworn in as a Commissioner.
- b. Planning Commissioners shall also be guided by the American Planning Association's "Ethical Principles in Planning."

12. Criteria, Required Findings and Other Considerations for Approval from Zoning Regulations

In exercising its power to grant approval of individual requests, the Planning Commission will apply criteria as applicable and referenced in ~~Chapter 2 of~~ the Zoning Ordinance, Land Division and Subdivision Ordinance, Sign Ordinance, and all other applicable ordinances, plans, and policies.

133. Deadline for Applications

In December of each year, the ~~City Secretary of the~~ Planning Commission shall adopt a schedule of regular meetings and appropriate deadline dates therefor, based on guidelines provided by these By-Laws and making allowances for holidays. Applications for presentation of matters to the Planning Commission shall be properly completed and submitted with all attachments and supplementation, and applicable fees paid in full, prior to 5:00 p.m. on ~~the last business day or before the deadline posted on the Planning Commission Meeting Schedule for the meeting at which the matter is to be considered. The Secretary shall publish this Schedule on the Planning Commission webpage and retain copies in the Planning Division Office. at least 21 days prior to the regularly scheduled Commission meeting at which the matter is to be considered.~~

14.4. Miscellaneous

- a. All maps, plats, site plans or photographs, or a copy thereof, submitted to the Planning Commission for presentation purposes shall become the property of the City.
- b. All maps, plats, site plans, photographs or any other exhibits, or a copy thereof, shown to the Planning Commission for presentation by an outside party shall become part of the minute record for that meeting.
- c. Matters referred to the Planning Commission by the City Council shall be placed on the calendar for consideration at the ~~first next available~~ meeting of the Commission after such references, subject to notice and notification requirements and deadlines.

155. Amending These By-Laws.

These rules may be amended at any regular or special meeting of the Planning Commission, by a majority of a quorum of the Commission, provided that notice of said proposed amendment is given to each member in writing at least two weeks prior to said meeting.

DULY ADOPTED by the Planning Commission,
SUBJECT TO APPROVAL of the City Council of the City of San Angelo, Texas,

this 18th day of March, 2019.

Travis Stribling, Chairperson

Date: March 18, 2019

APPROVED AND ADOPTED BY the City Council for the City of San Angelo, Texas,
this 19th day of March, 2019.

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Jon Janes, Planning and Development Services Director

Dan Saluri, Deputy City Attorney

ORDINANCE 2018-121

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS BY DELETING AND REPLACING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.07 "BOARDS, COMMITTEES, AND COMMISSIONS"; DELETING CHAPTER 4 "BUILDING AND CONSTRUCTION"; ARTICLE 4.02 "ADMINISTRATION", SECTION 4.02.01 "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; DELETING SECTION 4.02.002 "APPEALS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) **THAT**, Chapter 2, Article 2.07, is hereby deleted and replaced as shown on Exhibit "A".
- 2) **THAT**, Chapter 4, Article 4.02, Sections 4.02.001 and 4.02.002 be deleted in the entirety.
- 3) **THAT**, all Boards and Commissions of the City of San Angelo are hereby instructed to revise their bylaws to conform with these changes within six months of the passage of this ordinance.
- 4) **THAT** the City Clerk is hereby instructed to create staggered terms for the City of San Angelo Development Corporation Board and to adjust all other boards as necessary to ensure appropriate of members.

5) **THAT**, all remaining provisions not amended by this ordinance remain in full force and effect.

6) **THAT**, the following severability clause is hereby adopted with this amendment:


SEVERABILITY:

That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.


7) **THAT**, this Ordinance shall be effective on, from, and after the date of its passage and publication as required by law.

INTRODUCED on the 18th day of September, 2018, and finally **PASSED, APPROVED and ADOPTED** on this the 2nd day of October, 2018.


THE CITY OF SAN ANGELO:

DocuSigned by:

 65CC121DA4BB40F...
 Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

 EE8995EDA1475...
 Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

 E822428D610A4D4...
 Theresa James, City Attorney

ARTICLE 2.07 BOARDS, COMMITTEES AND COMMISSIONS

Division 1. Generally

Sec. 2.07.001 Organization and Procedure. Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

- (1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council.
- (2) *Attendance.* Any member who fails to attend at least 2/3 of the meetings in a rolling one year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.
- (3) *Number of members.* Boards shall be composed of seven members.
- (4) *Compensation.* All members shall serve without compensation.
- (5) *Conflict of interest.*
 - (A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 in the Texas Local Government Code, as amended.
 - (B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.
 - (C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.
 - 1) The member of the board;
 - 2) A person related to a board member within the second degree by consanguinity or affinity;
 - 3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer, director or member;
 - 4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer, director or member.

(D) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.

(E) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.

- (6) *Election of Officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.
- (7) *Meetings.* Each board shall hold regular monthly meetings on a day to be selected by the commission and on other such occasions as may be called by the chairman. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.
- (8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.
- (9) *Qualifications.* Members shall be at least 18 years of age and a resident of the City.
- (10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.
- (11) *Removal.* Members may be removed at any time by a 2/3 vote of the City Council without cause.
- (12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.
- (13) *Term:* The term of office for each member of the boards shall be two years. For the purposes of this article, the first term of a member shall include the term held as of the date of passage of this Article.
- (14) *Term Limit.* No member may serve more than 3 consecutive terms, not including an unexpired term. Members who term out of a position are eligible for reappointment after one year.
- (15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.

Secs. 7.02.002 through 7.02.010 Reserved

Division 2. Planning Commission

Sec. 2.07.011 Creation; members; terms

- (a) There is hereby created within the city a planning board to be known as the planning commission which shall serve for all purposes as the zoning commission required under Chapter 211 of the Texas Local Government Code, as amended.
- (b) All members of the board shall be representative, insofar as possible, of different businesses, professions or occupations.
- (c) No more than three (3) members of the commission shall be in the same, similar or related business, profession or occupation.

Sec. 2.07.012 Removal or resignation of members. Members of the planning commission may be removed by the mayor with the approval of the city council after a public hearing and for cause assigned in writing.

Sec. 2.07.013 Ex-officio members. The director of planning and the director of public works shall be ex-officio, nonvoting members of the planning commission. The director of planning, assisted by staff, shall furthermore serve as recording secretary for the planning commission.

Sec. 2.07.014 Meetings

If a quorum is not present on any regular meeting day in which there is business to be transacted, the chairman shall call a special meeting in order to transact said business with minimum delay. Said chairman shall continue to call special meetings until a quorum is present.

Sec. 2.07.015 Additional duties

In addition to duties delegated to the planning commission by other laws of the city, it shall be the duty of the planning commission to prepare, amend and keep current a master plan for the development of the city, and to make recommendations to the city council relative to long-range planning of all phases of city development that it deems necessary.

Secs. 2.07.016–2.07.025 Reserved