

PLANNING COMMISSION – November 18, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Final Plat		Lake Park, Final Plat and Request for Extension	
SYNOPSIS:			
<p>The applicant has resubmitted a 32.317-acre final plat of Lake Park which includes a total of 7 lots, the west 3 lots zoned General Commercial (CG) and the east four lots zoned Ranch and Estate (R&E). The same configuration was approved by the Planning Commission on August 25, 2014, but expired after three years because it was not recorded. The Planning Division is recommending denial of this plat due to West 42nd Court being a dead-end street over 750 feet in length in contravention to the City’s Land Development and Subdivision Ordinance (LDSO) and the International Fire Code (IFC). The applicant has submitted a written request for a 30-day extension from the Planning Commission to revise the plat to conform with this provision (See Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
Unaddressed tracts; located east of North Bryant Boulevard between West 48th Street and Lake Drive.		Being 32.317 acres in the S.A & M. G. RR Co. Survey 11, Abstract 1954	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Tom Thompson (SMD#2) Neighborhood: Riverside	CG & R&E	C– Commercial and R- Rural	32.317 acres
THOROUGHFARE PLAN:			
<p>North Bryant Boulevard – Urban Arterial Street (TXDOT) Required: 80’ right-of-way, 64’ pavement Provided: 255’ right-of-way, 110’ pavement</p> <p>Extension of West 42nd Street– Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk To be provided: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk</p> <p>West 42nd Court– Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk To be provided: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of the extension to allow the case to be postponed to the December Planning Commission meeting. In absence of the extension, staff recommends DENIAL of a final plat of Lake Park for having a dead-end street greater than 750 feet in contravention of Chapter 9.III.C.2 of the <i>Land Development and Subdivision Ordinance</i> and Section D103.4 of the <i>2015 International Fire Code</i>.</p>			
PROPERTY OWNER/PETITIONER:			
Property Owner and Applicant: IAQ Land Ltd., Mr. Maurizio Iaquaniello			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The latest final plat and associated preliminary plat approved in August 2014 also showed West 42nd Street Court with a dead-end length greater than 750 feet. An early version of the preliminary plat was approved in February 2014 and associated final plat in April 2014 for a different configuration depicting Warren Street further north which eliminated the dead-end portion of West 42nd Street by less than 750 feet. The earlier plats would comply with Chapter 9.III.C.2 of the LDSO and Section D103.4 of the IFC (**see attachments at end of this report**).

Conformity with Comprehensive Plan and Purpose Statements: Chapter 5.III.A.3(c)(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final plat, if the Planning 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.”

Comprehensive Plan

The east 250-feet of the subject land is designated “Rural” and the remainder to the west is “Commercial” in the City’s Comprehensive Plan. The Rural policies call to “ensure suitability of development in Rural areas, promoting overall compatibility and avoiding overload of rural infrastructure, especially the street”; and the Commercial policies are “often single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network. The proposed lots are all greater than 1 acre in size and could be developed as either Rural or Commercial lots with underlying R&E and CG zoning respectfully. All lots will comply with the minimum zoning standards for both CG and R&E districts.

Purpose Statements

The Planning Division does not believe that the plat in its current configuration with a dead-end street greater than 750 feet in length will comply with the City’s Purpose Statements and therefore is recommending denial. A 2006 Staff Report was presented to City Council which led to the change in the LDSO for a maximum dead-end of 750 feet. The report explained that longer streets have the potential to block fire access during a fire. This would be in contravention of Statement B, to protect and provide for the public health, safety, and welfare of the City of San Angelo; Statement C, to provide for the orderly, safe and efficient development of the City and surrounding area; and Statement D, to provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation. ***The applicant has submitted a written request for a 30-day extension until the December 16, 2019, Planning Commission Meeting. In their letter, they indicated they want to re-submit at this time the original plat configuration that was approved in April of 2014 (see below). This plat had Warren Street located further north leaving the dead-end portion of West 42nd Court approximately 650 feet long in compliance with the IFC and LDSO 750-foot maximum.***

Recommendation: Staff recommends **APPROVAL** of the extension to allow the case to be postponed to the December Planning Commission meeting. In absence of the extension, staff recommends that the Planning Commission **DENY** the final plat of Lake Park for having a dead-end street greater than 750 feet in contravention of Chapter 9.III.C.2 of the *Land Development and Subdivision Ordinance* and Section D103.4 of the *2015 International Fire Code*.

Attachments:

Plat Map

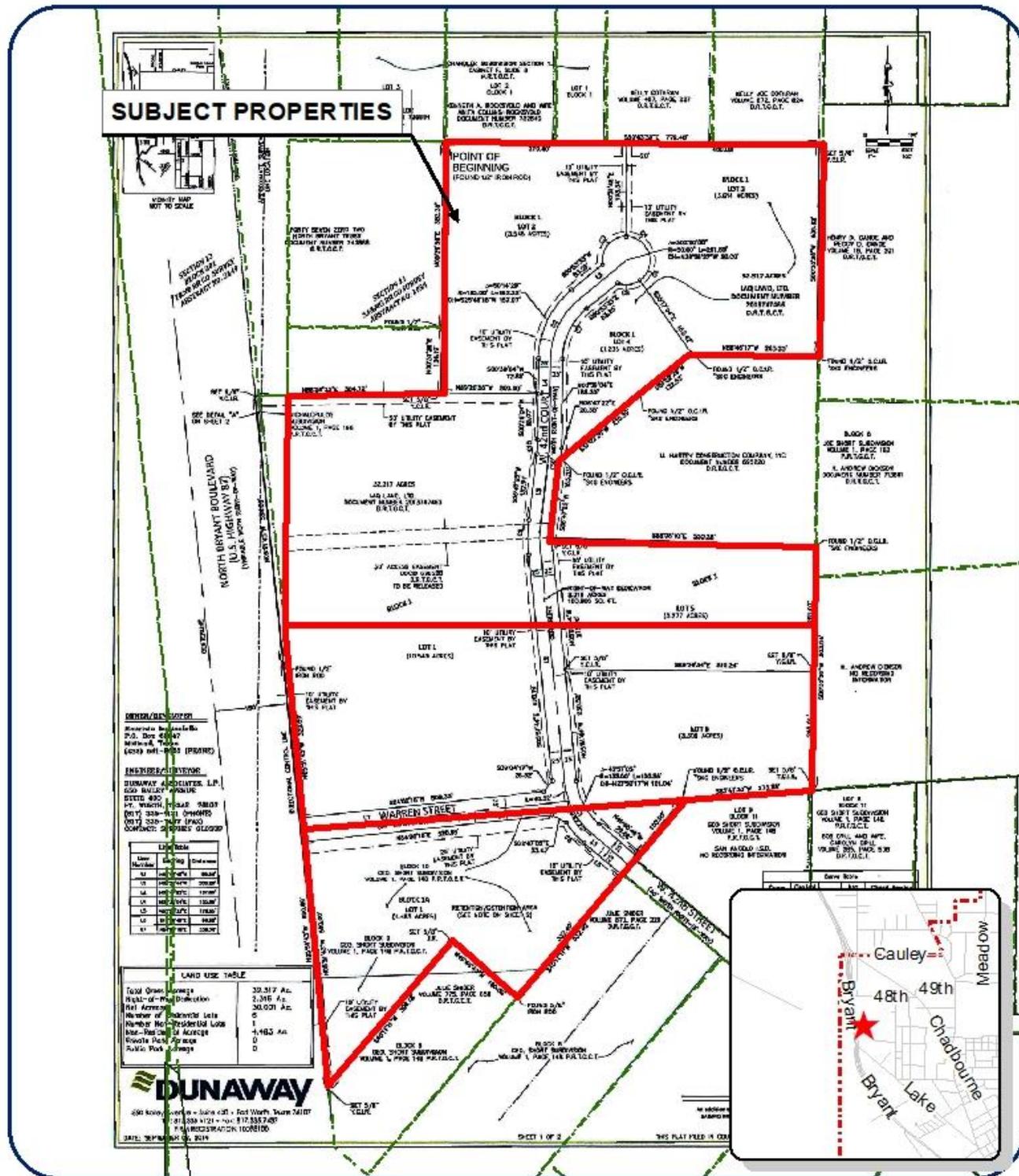
Aerial Map

Future Land Use Map

Zoning Map

Proposed Final Plat

Application

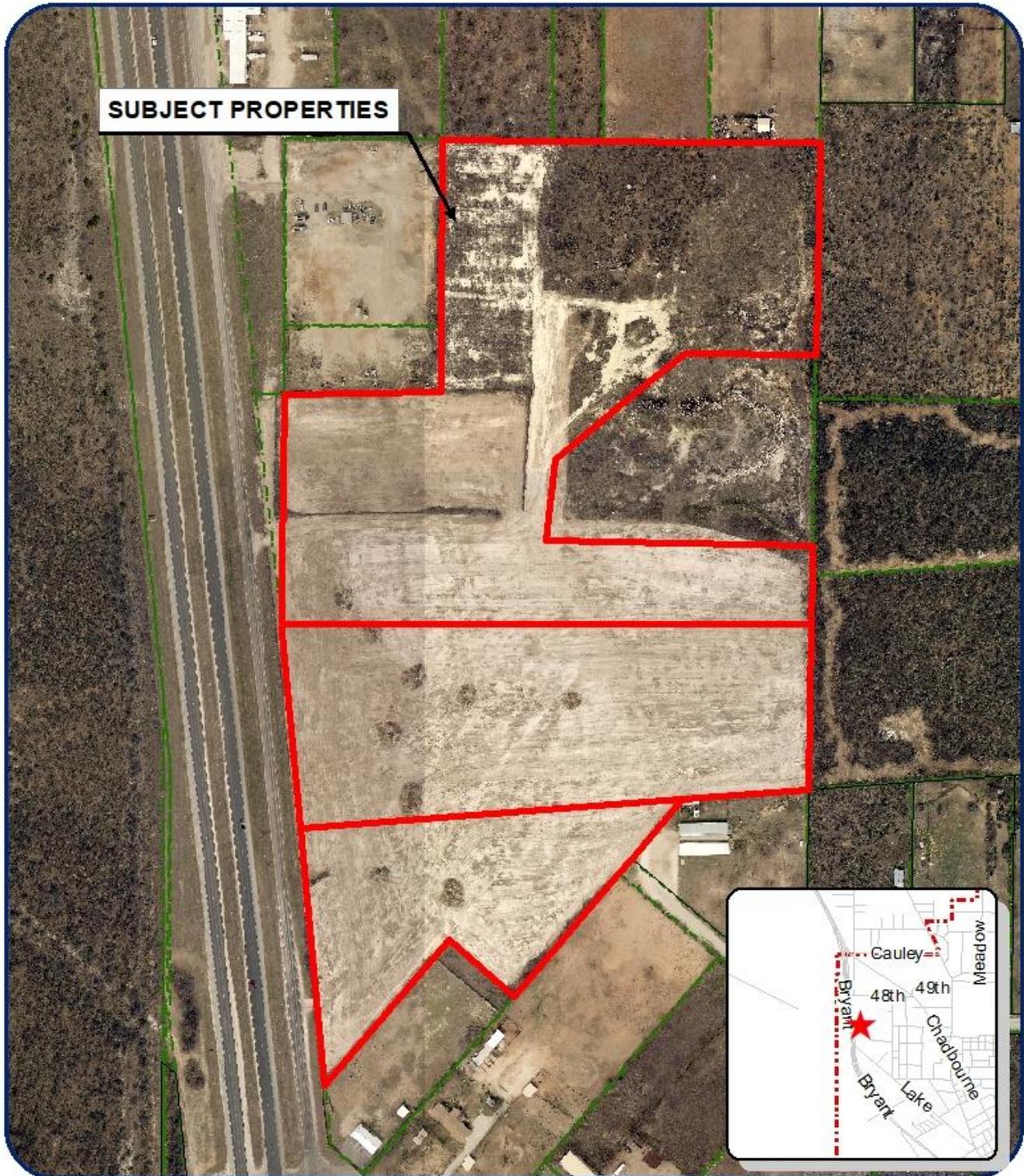


Final Plat
Lake Park (Resubmission)
 Council District: Tom Thompson (SMD#2)
 Neighborhood: Riverside
 Scale: 1" approx. = 263 ft

Legend
 Subject Properties:
 Current Zoning: CG and R&E
 Requested Zoning Change: N/A
 Vision: Commercial and Rural

N

32.317 east of N. Bryant Boulevard and north of Lake Drive



Final Plat

Lake Park (Resubmission)

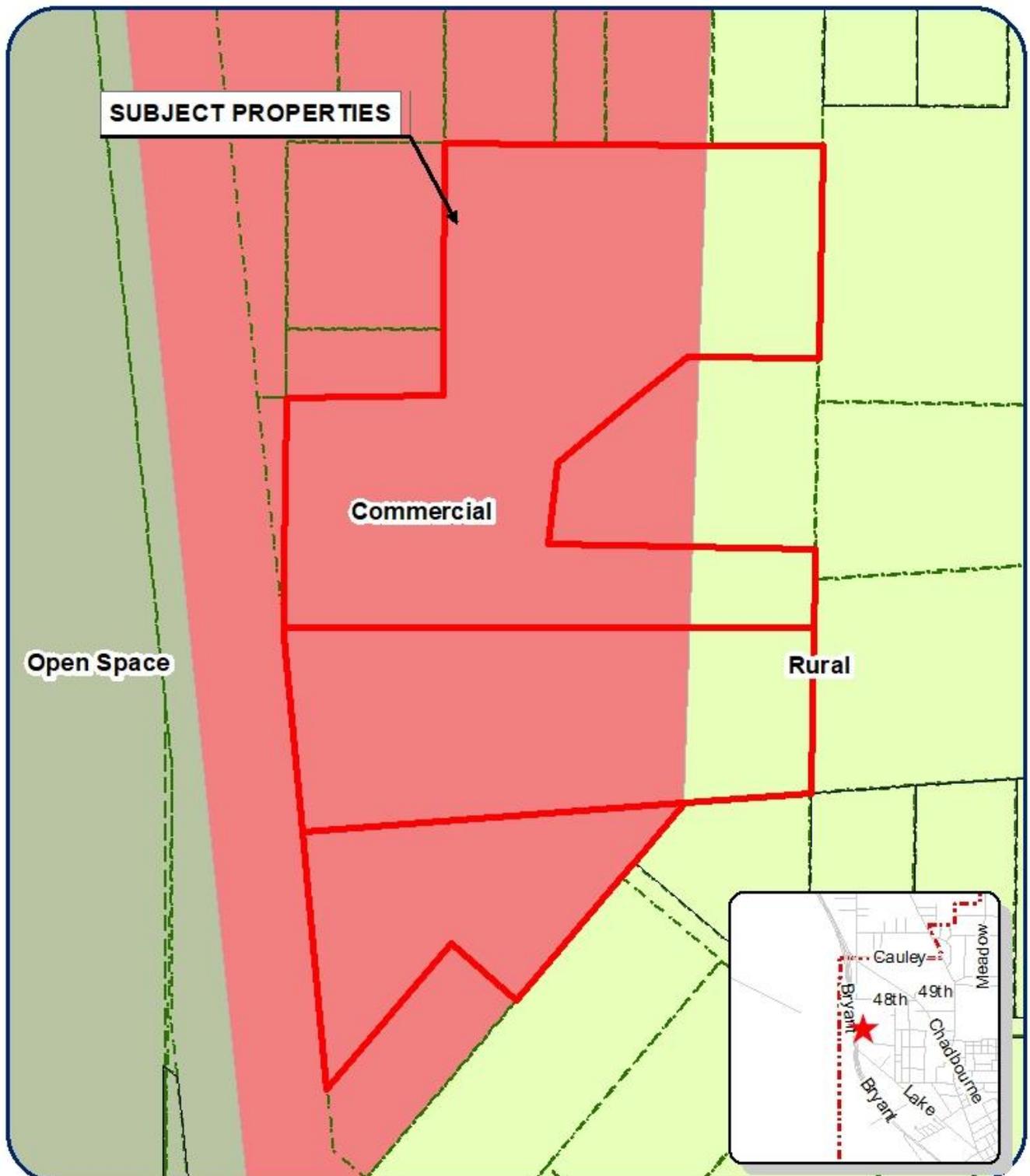
Council District: Tom Thompson (SMD#2)
Neighborhood: Riverside
Scale: 1" approx. = 263 ft

32.317 east of N. Bryant Boulevard and north of Lake Drive

Legend

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





Final Plat

Lake Park (Resubmission)

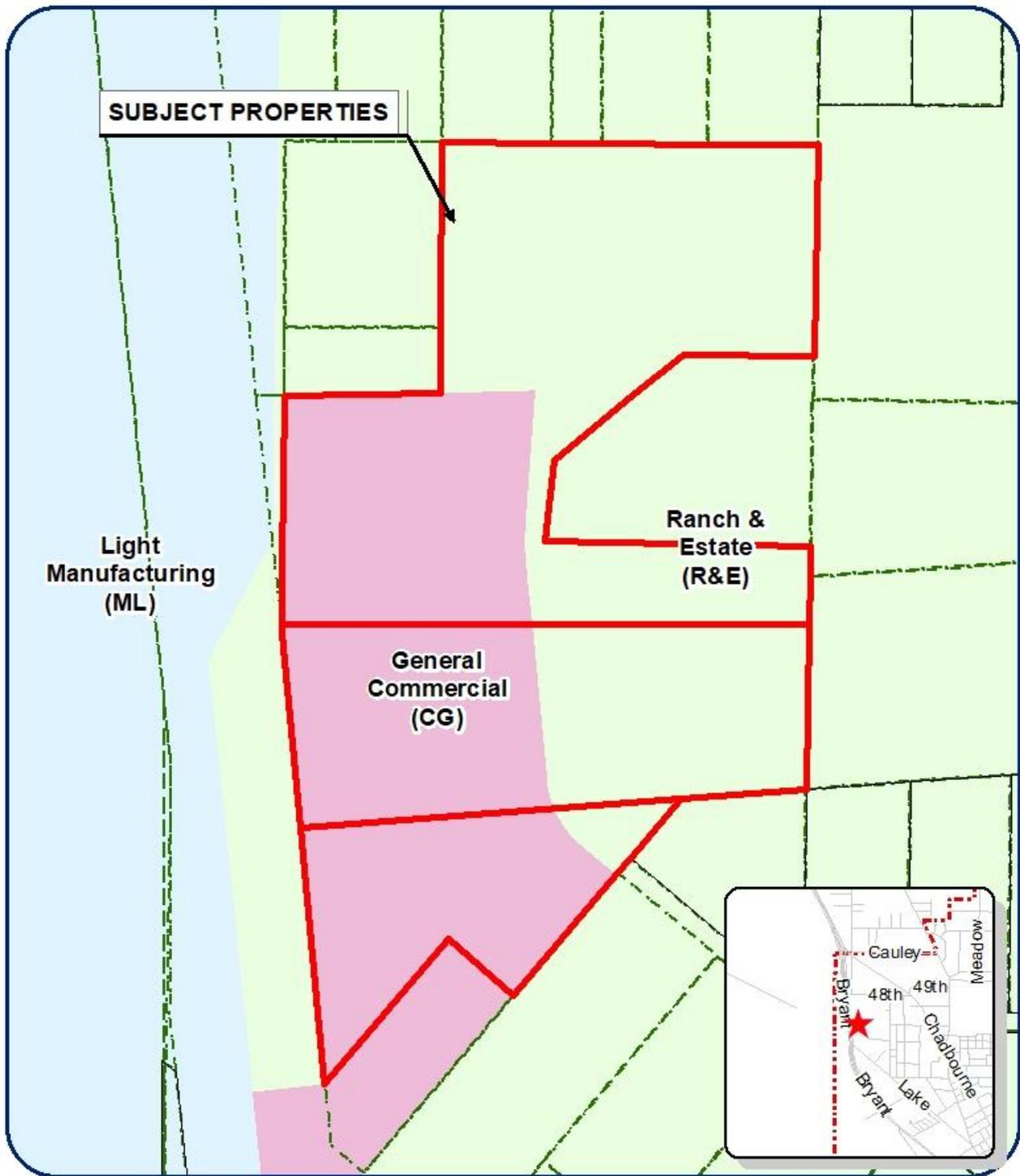
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Legend

Subject Properties: 
Current Zoning: **CG and R&E**
Requested Zoning Change: **N/A**
Vision: **Commercial and Rural**



32.317 east of N. Bryant Boulevard and north of Lake Drive

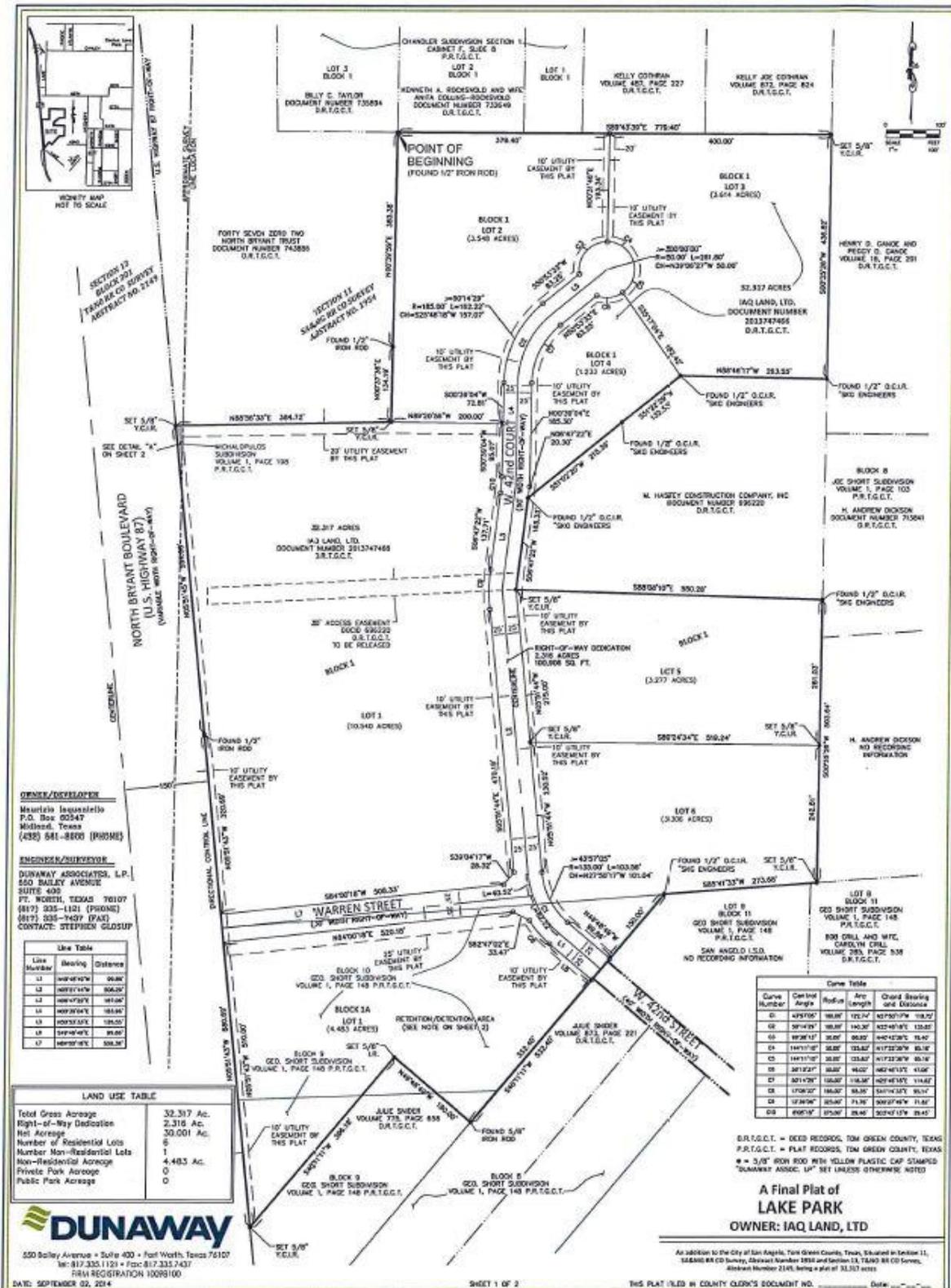


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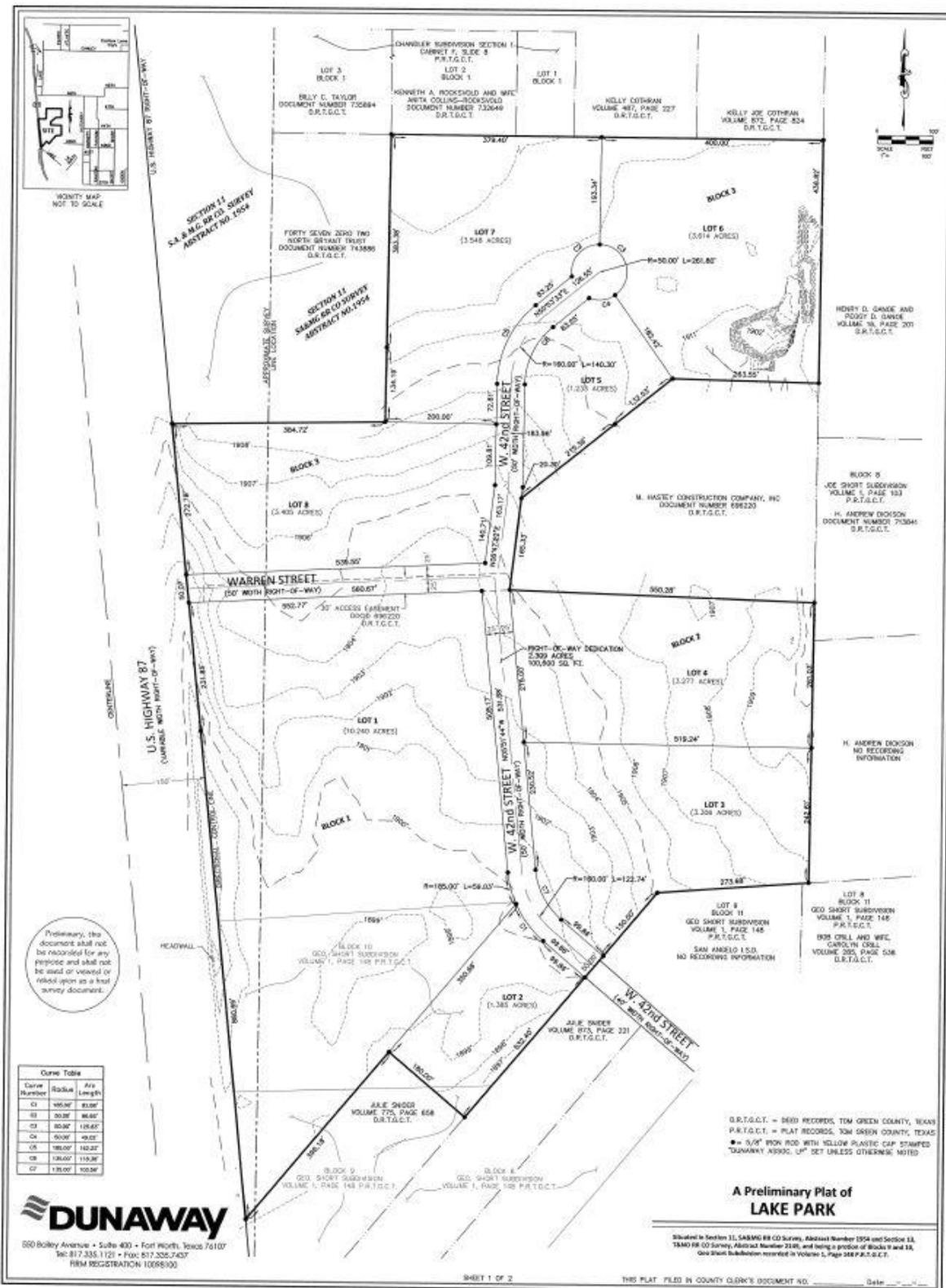
Legend
Subject Properties:
Current Zoning: **CG and R&E**
Requested Zoning Change: **N/A**
Vision: **Commercial and Rural**

N

Final Plat (November 2019)
 (*same as Revised Final Plat approved in August 25, 2014 now expired)



Original Preliminary Plat (Approved February 2014)





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

Lake Park

Proposed Subdivision Name

See Attachment 1

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

R000005385, R000071967, R000072335, R000072336

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: Maurizio Iaquanello	432-561-8900	Maurizio@onyxcontractors.com
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Name	Phone Number	Email Address
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Architect/Engineer/Design Professional: Dunaway	432-699-4889	bstephens@dunawayassociates.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? 10' easement _____
 City - utilizing existing services Existing size? _____
 Other Please specify: _____

Sewer: City - requesting new services Proposed size? 10' easement _____
 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: There will be a 10' sanitary sewer utility easement within a portion of the "M. Haskley Construction Company" property.

Section 3: Property Characteristics

32.317 7
 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 DW 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 32.317 acres 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 25.518 ac

Are there existing structures on the property? Yes No
 If yes, how many structures exist? 0 What type of structures exist currently? n/a

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

Are there existing deed restrictions? Yes No
 If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

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

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

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

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

(Section 4 continues on next page)

Section 4, continued

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

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

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

Maurice Lybba
 Owner's Signature

10-21-19
 Date

Andrew Perry
 Representative's Signature

10-21-19
 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 10-23-19 Date Deemed preliminary complete: 10-23-19 Date 4:48 Time Sy Initials

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

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

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

PLANNING COMMISSION – NOVEMBER 18, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Replat		Final Plat in Block 1, Manning Addition, Section One	
SYNOPSIS:			
<p>The applicant is seeking approval for a Final Plat in Block 1, Manning Addition, Section One. The applicant has also applied for two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 40 feet in lieu of the required 50 feet for Bowie Street, an urban minor collector, and a minimum paving width of 36 feet in lieu of the required 40 feet for Oaklawn Boulevard, an urban local street; and a variance from Chapter 10.III.A.1 of the Land Development and Subdivision Ordinance to maintain a 52 foot right-of-way in lieu of the required 60 feet for Bowie Street, an urban minor collector.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2801 Bowie Street		Being 1.46 acres out of F.E. Cramer Survey 318, Abstract No. 112, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Neighborhood: Reagan	Single-family Residential (RS-1)	Neighborhood Center	1.46 acres
THOROUGHFARE PLAN:			
<p>Bowie Street – Urban Minor Collector, Required 60’ ROW (provided 52’); Required 50’ pavement (provided 40’).</p> <p>Oaklawn Blvd – Urban Local Street, Required 50’ ROW (provided 52’); Required 40’ pavement (provided 36’).</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Final Plat in Block 1, Manning Addition, Section One, subject to Six Conditions of Approval ; and Approval of the three request variances from the LDSO.			
PROPERTY OWNER/PETITIONER:			
<u>Property Owner</u> Tracy Manning			
<u>Representative</u> Russell Gully, SKG Engineering			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final (re) 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 land is designated “Neighborhood Center” in the City’s Comprehensive Plan. Low Density residential is the primary use in this area but there are some commercial uses also. The land use provides the guidelines have a primary use, but should allow for a mix of uses allowing for increased activity, interest, and long-term viability.

The proposed replat will also conform to the 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 ensure 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 replat will provide direct and abutting access onto both Bowie Street and Oaklawn Boulevard ensuring orderly development.

Variance: As indicated above, the applicant has submitted for two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 40 feet in lieu of the required 50 feet for Bowie Street, an urban minor collector, and a minimum paving width of 36 feet in lieu of the required 40 feet for Oaklawn Boulevard, an urban local street; and a variance from Chapter 10.III.A.1 of the Land Development and Subdivision Ordinance to maintain a 52 foot right-of-way in lieu of the required 60 feet for Bowie Street, an urban minor collector. 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 the variance will allow the street to remain in its existing, functional state and will not be detrimental to the public safety, health or welfare, or be injurious to other property. Engineering Services and the Planning Division support the two variances from Chapter 10.III.A.2. and the variance from Chapter 10.III.A.1. This section of both Bowie Street and Oaklawn Boulevard already has curb and gutter and most of the properties within this area are fully developed. The road functions with its current configuration and should not be problematic in the future if not upgraded to current 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 the conditions upon which this request for variances are based are unique to the property in that most other property in the immediate area is develop and would never be subject to the regulation. As indicated above, Engineering Services and the Planning Division support the variances for pavement width along this portion of both Bowie Street and Oaklawn Boulevard as this segment lies within the mostly developed area and the

road shouldn't be problematic if the current configuration remains in place and support the variance for right-of-way for Bowie Street.

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 because of the existing roadway, drainage and right-of-way width a particular hardship would result in the widening of this section of roadway. Applicant noted that the City acquired additional right-of-way and constructed the existing roadway in approximately 1980. City staff believes the existing street configuration along both Bowie Street and Oaklawn Boulevard could serve the surrounding area. This portion of both Bowie Street and Oaklawn Boulevard already has existing curb and gutter.

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, but will allow the existing, functional roadway to remain in its present form, which is more than adequate for the neighborhood it serves. City staff believes the road width and existing right-of-way width is sufficient for this area and adequate for the neighborhood it serves.

Recommendation: Staff recommends **APPROVAL** of the Final Plat in Block 1, Manning Addition, Section One, subject to **Six Conditions of Approval**; and **Approval** of two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 40 feet in lieu of the required 50 feet for Bowie Street, an urban minor collector, and a minimum paving width of 36 feet in lieu of the required 40 feet for Oaklawn Boulevard, an urban local street; and **Approval** of a variance from Chapter 10.III.A.1 of the Land Development and Subdivision Ordinance to maintain a 52 foot right-of-way in lieu of the required 60 feet for Bowie Street, an urban minor collector.:

1. Prior to plat recordation, 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. [Land Division and Subdivision Ordinance, Chapter 7.II.A]
2. Prior to plat recordation, prepare and submit plans for required improvements to Bowie St. by half the additional increment necessary to comprise the minimum paving width [Land Development and Subdivision Ordinance, Chapter 10]. For Bowie St, the minimum width is 50 feet (in this case, requiring 5 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]
3. Prior to plat recordation, prepare and submit plans for required improvements to Oaklawn Blvd. by half the additional increment necessary to comprise the minimum paving width [Land Development and Subdivision Ordinance, Chapter 10]. For Oaklawn Blvd., the minimum width is

40 feet (in this case, requiring 2 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

4. Prior to plat recordation, submit a revised plat, on which is illustrated the dedication of 4' of right-of-way for Bowie St., meeting the requirements for an "urban" minor collector. An alternative would be to obtain approval of a variance from the Planning Commission [[Land Development and Subdivision Ordinance, Chapter 9.III.B, & Chapter 10.III].
5. Prior to plat recordation, submit revised plat correcting "Oaklawn Street" to "Oaklawn Blvd." [Land Development and Subdivision Ordinance, Chapter 9, Section III].
6. Prior to plat recordation, install necessary water and wastewater service lines to new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1]

Note:

1. A drainage study shall be submitted if the impervious area changes by 5% and development* of a site exceeds 1 acre. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] *note development is defined in ordinance as "Any man-made change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, clearing, or removing vegetative cover."

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Proposed Replat
Application
Photos



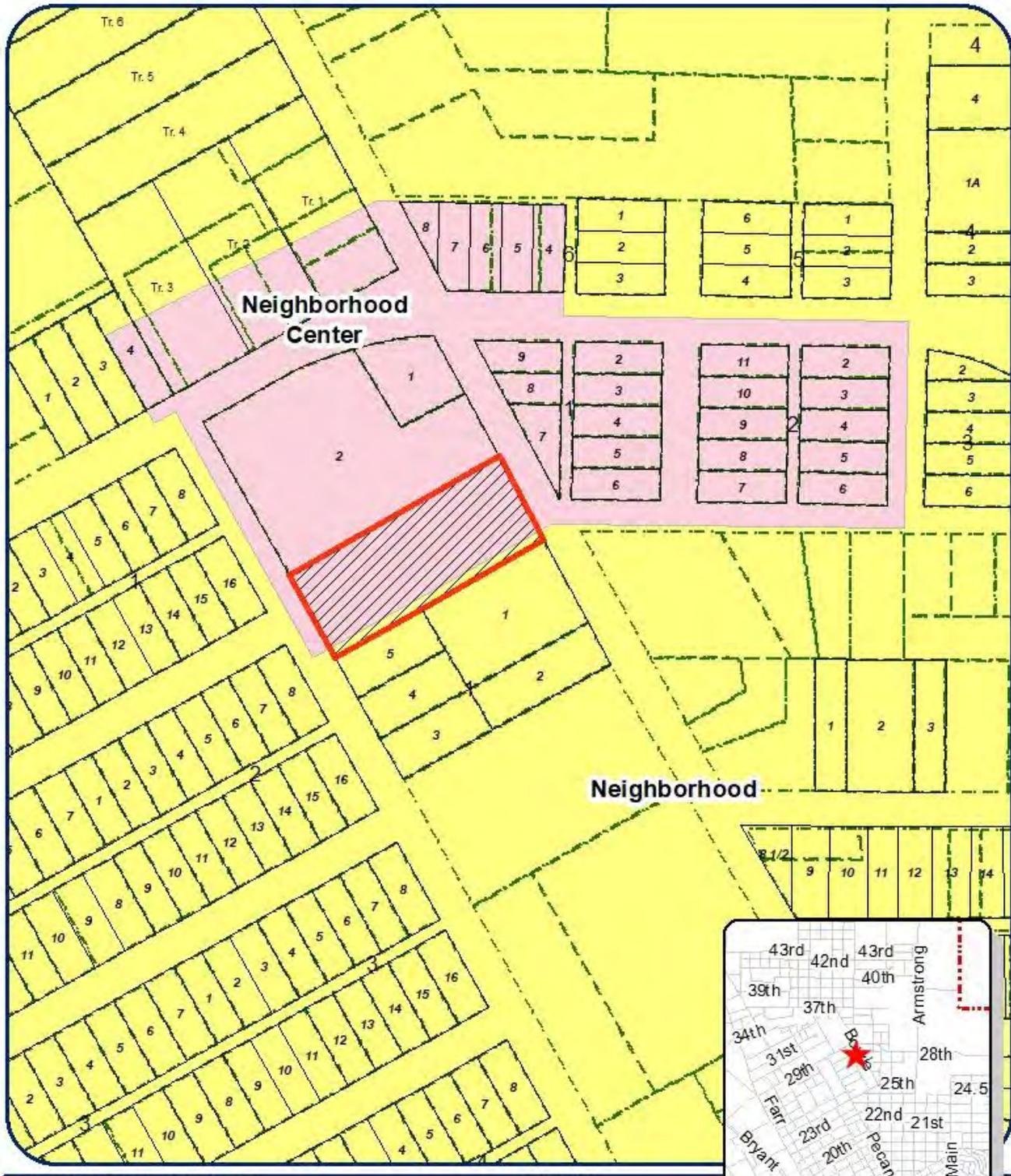
Location Map Final Plat
Manning Addition, Section One
 Council District 4 - Lucy Gonzales
 Neighborhood: Reagan
 Scale: 1" approx. = 200 ft

Legend

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



Being 1.46 acres out of F.E. Cramer Survey 318, Abstract No. 112, City of San Angelo

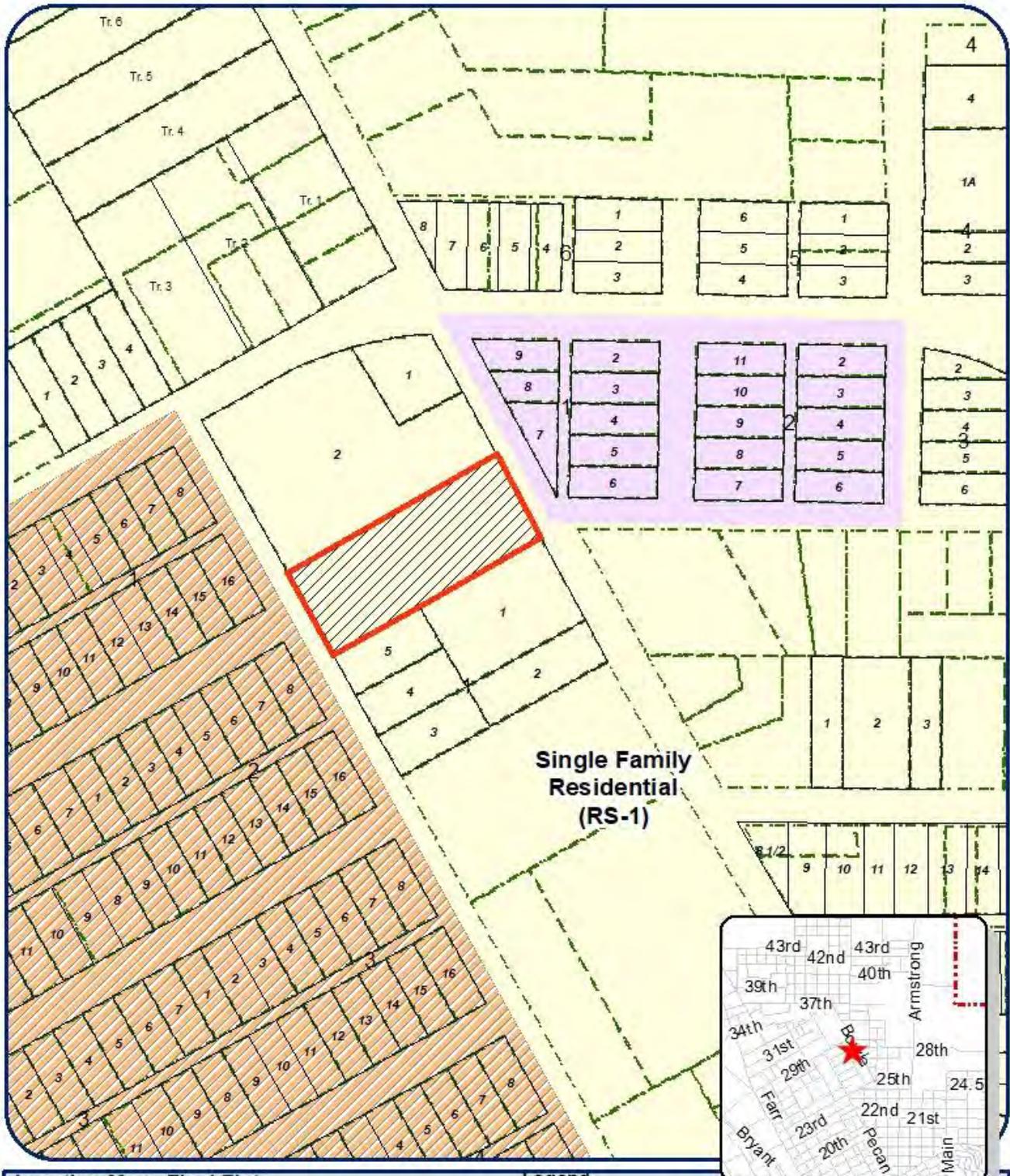


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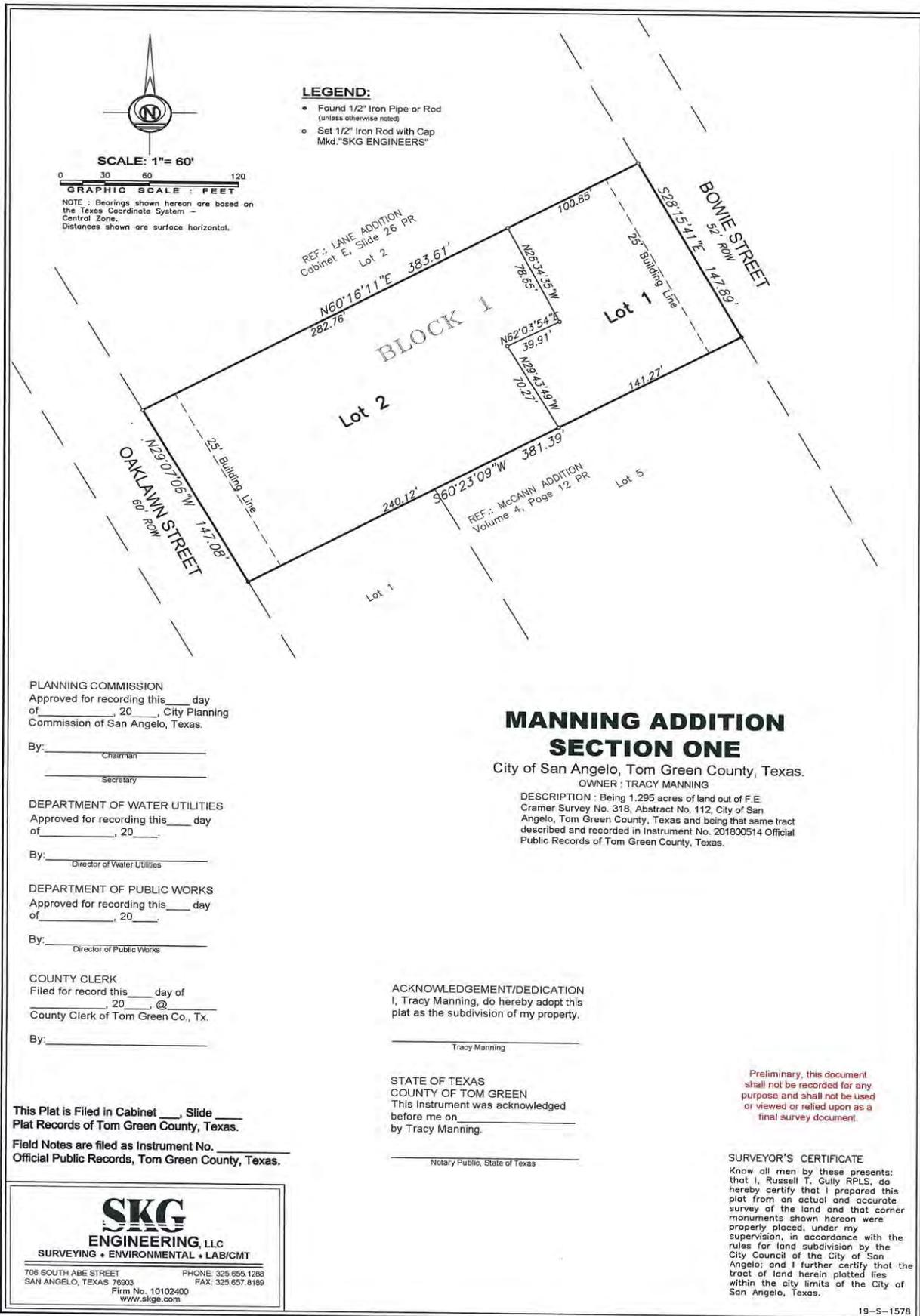


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Being 1.46 acres out of F.E. Cramer Survey 318, Abstract No. 112, City of San Angelo



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

By: _____
Chairman
Secretary

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

By: _____
Director of Water Utilities

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

By: _____
Director of Public Works

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

By: _____

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

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

**MANNING ADDITION
SECTION ONE**
City of San Angelo, Tom Green County, Texas.

OWNER: TRACY MANNING
DESCRIPTION: Being 1.295 acres of land out of F.E.
Cramer Survey No. 318, Abstract No. 112, City of San
Angelo, Tom Green County, Texas and being that same tract
described and recorded in Instrument No. 201800514 Official
Public Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION
I, Tracy Manning, do hereby adopt this
plat as the subdivision of my property.

Tracy Manning

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged
before me on _____
by Tracy Manning.

Notary Public, State of Texas

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

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

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

709 SOUTH ABE STREET PHONE: 325.655.1288
SAN ANGELO, TEXAS 76903 FAX: 325.657.8199
Firm No. 10102400
www.skge.com



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
 Manning Addition, Section One

Proposed Subdivision Name
 called 1.46 acres out of F.E. Cramer Survey 318, Abstract No. 112, City of San Angelo, Tom Green Co., TX

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 R73752

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

	Name	Phone Number	Email Address
Property Owner:	Tracy Manning	325.234.5325	

Architect/Engineer/Design Professional:

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

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

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? 5/8"
 City - utilizing existing services Existing size? 5/8"
 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

1.295 2

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

Existing Zoning:

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

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

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

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

Vacant _____ Single-Family Residential 1.295 Office _____

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

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

Vacant _____ Single-Family Residential 1.295 Office _____

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

Are there existing structures on the property? Yes No

If yes, how many structures exist? 2 What type of structures exist currently? House & Mtl.Bldg.

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

Full variance requested Partial variance requested (proposed variation from standard): no ROW or Street Improvements

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 variance will allow the street to remain in its existing, functional state and 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.
The conditions upon which the request for a variance is based are unique to the property in that most property in the immediate area is developed and would never be subject to the regulation.

(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.
 Because of the existing roadway, drainage, and ROW width a particular hardship would result in the widening of this section of roadway.
 Note that the City acquired additional ROW and constructed the existing roadway in 1980 (approx.).

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 The variance will not, in any significant way, vary the provisions of applicable ordinance but will allow the existing, functional roadway to remain in its present form which is more than adequate for the neighborhood it serves.

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 _____

10.18.19
 Date
 10/21/2019
 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: _____

Bowie Street



Oaklawn Blvd



Subject property



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



APPLICATION TYPE:		CASE:	
Replat		Second Replat in Block 8, E.S. Kirby Subdivision	
SYNOPSIS:			
The applicant is seeking approval for the second replat in Block 8, E.S. Kirby Subdivision. The applicant has also applied for a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance (LDSO) to maintain a minimum paving width of 36 feet for Lillie Street, in lieu of the required 40-feet, an urban local street.			
LOCATION:		LEGAL DESCRIPTION:	
2215 Lillie Street		Being 0.246 acres of land out of Block 8, E.S. Kirby Subdivision, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Neighborhood: Blackshear	Single-family Residential (RS-1)	Neighborhood	0.246 acres
THOROUGHFARE PLAN:			
<i>Lillie Street</i> – Urban Local Street, Required 50' ROW (provided 60'); Required 40' pavement (provided 36').			
NOTIFICATIONS:			
14 notifications were mailed within a 200-foot radius on October 31, 2019. Received 1 in favor; 0 in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the second replat in Block 8, E.S. Kirby Subdivision, subject to Four Conditions of Approval ; and Approval of a variance from Chapter 10.III.A.2 of the LDSO.			
PROPERTY OWNER/PETITIONER:			
<u>Property Owner</u> Galilee Community Development Corp.			
<u>Representative</u> Russell Gully, SKG Engineering			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final (re) 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 land is designated “Neighborhood” in the City’s Comprehensive Plan. The future land use for this property is residential neighborhood in character, and low density residential is the primary use in this area. The land use provides the guidelines for a secure, livable area to nurture families in a neighborhood environment.

The proposed replat will also conform to the 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 replat will provide direct and abutting access onto Lillie Street ensuring orderly development.

Variance: As indicated above, the applicant has submitted a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance (LDSO) to allow Lillie Street to maintain a 36-foot pavement width in lieu of the required 40 feet. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant believes that the existing pavement width in this area is adequate for the residential homes in this area, so granting the variance will not be detrimental to the public safety or injurious to other property. Engineering Services and the Planning Division support the variance from Chapter 10.III.A.2. This section of Lillie Street already has curb and gutter and most of the properties within this area are fully developed. The road functions with its current configuration and should not be problematic in the future if not upgraded to current 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 the conditions upon which this request for variances are based are unique to the property in that most other property in the immediate area is develop and would never be subject to the regulation. As indicated above, Engineering Services and the Planning Division support the variance for pavement width along this portion of Lillie Street as this segment lies within the mostly developed area and the road shouldn’t be problematic if the current configuration remains in place.

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 because of the existing roadway and drainage, a particular hardship would result in the widening of this section of roadway. City staff believes the existing street configuration along Lillie Street could serve the surrounding area. This portion of Lillie Street already had existing curb and gutter.

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, but will allow the existing, functional roadway to remain in its present form, which is more than adequate for the neighborhood it serves. City Staff agrees that this variance will not, in any significant way, vary from the applicable ordinance.

Recommendation: Staff recommends **APPROVAL** of the second replat in Block 8, E.S. Kirby Subdivision, subject to **Four Conditions of Approval**; and **Approval** of a variance from Chapter 10.III.A.2 of the LDSO:

1. Prior to plat recordation, 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. [Land Division and Subdivision Ordinance, Chapter 7.II.A]
2. Prior to plat recordation, prepare and submit plans for required improvements to Lillie Street by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10]. For Lillie St., the minimum width is 40 feet (in this case, requiring 2 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]
3. Prior to plat recordation, correct the street name from "North Lillie Street" to "Lillie Street". [Land Development and Subdivision Ordinance, Chapter 7]
4. 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]

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Proposed Replat
Application
Notification response
Photo



Location Map Kirby Subdivision

Second Replat in Block 8

Council District 4 - Lucy Gonzales
 Neighborhood: Blackshear
 Scale: 1" approx. = 200 ft

Legend

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



S 1/2 of S100' of N150' of S783.7' of Block 8, E.S. Kirby Subdivision



Location Map Kirby Subdivision
Second Replat in Block 8
 Council District 4 - Lucy Gonzales
 Neighborhood: Blackshear
 Scale: 1" approx. = 200 ft

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

S 1/2 of S100' of N150' of S783.7' of Block 8, E.S. Kirby Subdivision






Location Map Kirby Subdivision
Second Replat in Block 8
 Council District 4 - Lucy Gonzales
 Neighborhood: Blackshear
 Scale: 1" approx. = 200 ft

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

S 1/2 of S100' of N150' of S783.7' of Block 8, E. S. Kirby Subdivision

N



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

Second Replat in Block 8, E.S. Kirby Subdivision, City of San Angelo, Tom Green County, Texas

Proposed Subdivision Name

S 1/2 of S100' of N150' of S783.7' of Block 8, E.S. Kirby Sbdn., City of San Angelo, Tom Green County, TX

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

R16977

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: Galilee Community Development Corp.	325.655.6700	stephanie.hamby@galileecdc.org
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Name	Phone Number	Email Address
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Architect/Engineer/Design Professional: SKG Engineering	325-655-1288	herbh@skge.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? 5/8"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____

Sewer: City - requesting new services Proposed size? 4"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? _____

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

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

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

Section 3: Property Characteristics

0.246 1

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

Existing Zoning:

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

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

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

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

Vacant 0.246 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 0.246 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 1/2 miles of it..

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

Full variance requested Partial variance requested (proposed variation from standard): no roadway improvements

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 variance will allow the street to remain in its existing, functional state and 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.
The conditions upon which the request for a variance is based are unique to the property in that most other property in the immediate area is developed and would never be subject to the regulation.

(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.
Because of the existing roadway and drainage, a particular hardship would result in the widening of this section of roadway.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
The variance will not, in any significant way, vary the provisions of applicable ordinance but will allow the existing, functional roadway to remain in its present form which is more than adequate for the neighborhood it serves.

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.

Stephano Hamby
 Owner's Signature
Neal Hahn
 Representative's Signature

10-16-19
 Date
10-21-2019
 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: _____

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

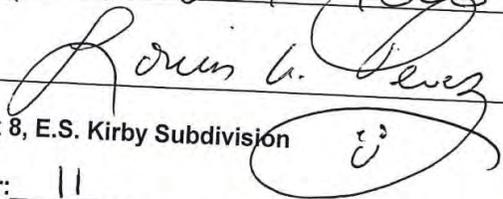
() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Louis A. Perez

ADDRESS: 112 W. College Ave.
San Angelo, TX 76903

PHONE: (325) 659-7000

SIGNATURE: 

Second Replat in Block 8, E.S. Kirby Subdivision

Property owner number: 11

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, 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 shelly.paschal@cosatx.us.

Subject property



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



APPLICATION TYPE:		CASE:	
Replat		Replat of Lot 4, Block 2, G. Tuer's Re-Subdivision	
SYNOPSIS:			
<p>This is an application to replat Lot 4, Block 2, G. Tuer's Re-Subdivision. The applicant has also applied for a partial variance from Chapter 10.III.A.1 & 2 of the <i>Land Development and Subdivision Ordinance</i> to allow the existing pavement width and right of way of North Chadbourne Street to remain at 56 feet (pavement) and 65 feet (ROW). Curb and gutter are existing. The lot has three structures with the middle structure being storage units on one side and an auto repair facility on the other side in the center structure. The intent is to divide and sell the auto repair facility while leaving the storage units and northern building as the second lot.</p>			
LOCATION:		LEGAL DESCRIPTION:	
3402 & 3404 North Chadbourne Street; Northeast corner of North Chadbourne Street and West Garden Road		Lot 4, Block 2, G. Tuer's Resubdivision	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #2 – Tom Thompson Lake View Neighborhood	General Commercial/ Heavy Commercial (CG/CH)	Commercial	0.573 acres
THOROUGHFARE PLAN:			
<p><u>North Chadbourne Street</u> – Minor Arterial Street, Required 80' min. ROW (65' provided), Required 64' min. pavement width (56' existing).</p> <p><u>West Garden Road</u> – Urban local Street, Required 50' min. ROW (60' provided), Required 40' min. pavement width (40' existing).</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Replat of Lot 4, Block 2 G. Tuer's Re-Subdivision, and APPROVAL of two variances from Chapter 10.III.A.1 & 2; subject to Five Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
<u>Property Owner</u> Larry Hill <u>Representative</u> Russell Gully, SKG Engineering			
STAFF CONTACT:			
Sherry L. 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 “Commercial” in the City’s Comprehensive Plan “which often are single use centers consisting of large retail, office clusters or service centers that seek visibility and convenient access offered by frontage on the major street network. With the proposed plat, the existing lot will be divided into two lots based on splitting off the auto repair facility that is immediately adjacent to a small self-storage facility.

The proposed plat will also conform to the 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 commercial zoning district.

Variance: As indicated above, the applicant has submitted two variances from Chapter 10.III.A.1 & 2 of the Subdivision Ordinance to allow the existing pavement width and right of way of N Chadbourne to remain as existing. 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 N Chadbourne St. area is built out at the existing width and ROW dedication. There is existing curb and gutter along the street. Staff concurs with the applicant’s assessment.

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

The applicant has stated that the conditions upon which this request for variances are based are not generally applicable to other property as this is an existing developed area and nothing is changing on this site. The only action occurring is a division of the one large lot into two lots. Both of the new lots are built out. Staff concurs with the applicant’s assessment in that nothing is changing on the site, this is a request that will allow the existing owner to sell the auto repair facility to another person.

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

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

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

The applicant believes approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as N Chadbourne St. functions in its present state. Planning and Engineering agree that the existing street is currently sufficient and poses no safety risks to the public. This plat will not affect or create any development impact along the street.

Recommendation: Staff recommends that the Planning Commission **APPROVE** of the Replat of Lot 4, Block 2, G. Tuer’s Re-Subdivision and **APPROVE** two variances from Chapter 10.III.A.1 & 2 of the *Land Development and Subdivision Ordinance*; subject to **Five Conditions of Approval**.

1. Prior to plat recordation, 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. [Land Division and Subdivision Ordinance, Chapter 7.II.A]
2. Exterior walls of buildings on a property line are required to be fire rated for exposure to fire on the inside and outside of the walls per IBC Tables 601 and 602 and Section 705.5. Openings in walls on the property line are not allowed per IBC Table 705.8. These requirements shall be met before the plat is recorded and the buildings separated by property lines. International Building Code Section 705.5.
3. Prior to plat recordation, submit a revised plat, on which is illustrated the dedication of 5' of right-of-way for N. Chadbourne St, meeting the requirements for an "urban" minor arterial. An alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 9.III.B, & Chapter 10.III].
4. Prior to plat recordation, prepare and submit plans for required improvements to N. Chadbourne Street by half the additional increment necessary to comprise the minimum paving widths [Land Development and Subdivision Ordinance, Chapter 10]. For N. Chadbourne, the minimum width is 64 feet (in this case, requiring 4.5 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]
5. 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]

Attachments:

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



Aerial Map

Lot 4, Block 2 G. Tuer's Resubdivision

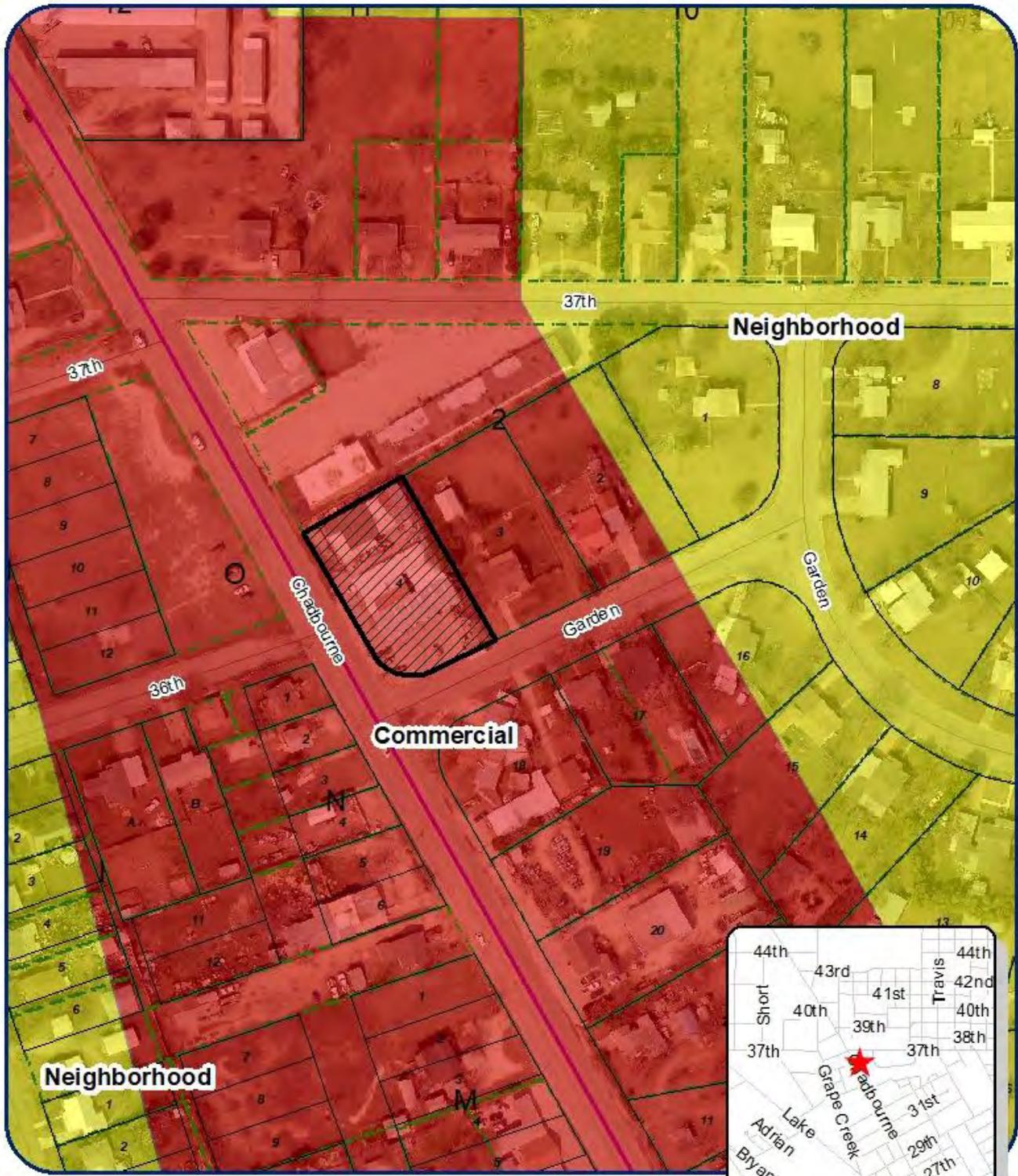
Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 140 ft

0.573 acres Lot 4, Block 2 G. Tuer's Re-Subdivision

Legend

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





Future Land Use

Lot 4, Block 2 G. Tuer's Resubdivision

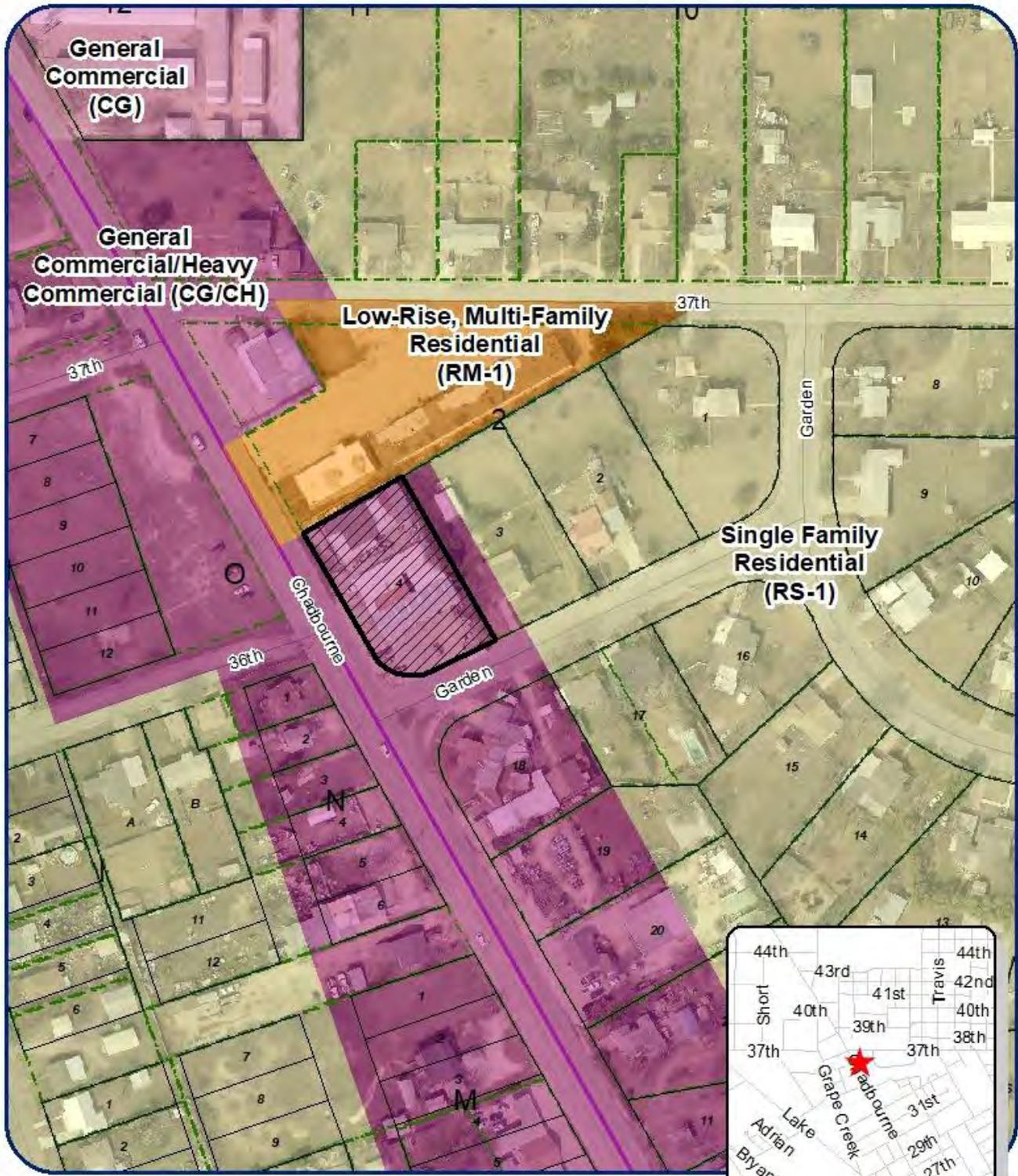
Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 140 ft

0.573 acres Lot 4, Block 2 G. Tuer's Re-Subdivision

Legend

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





Zoning map

Lot 4, Block 2 G. Tuer's Resubdivision

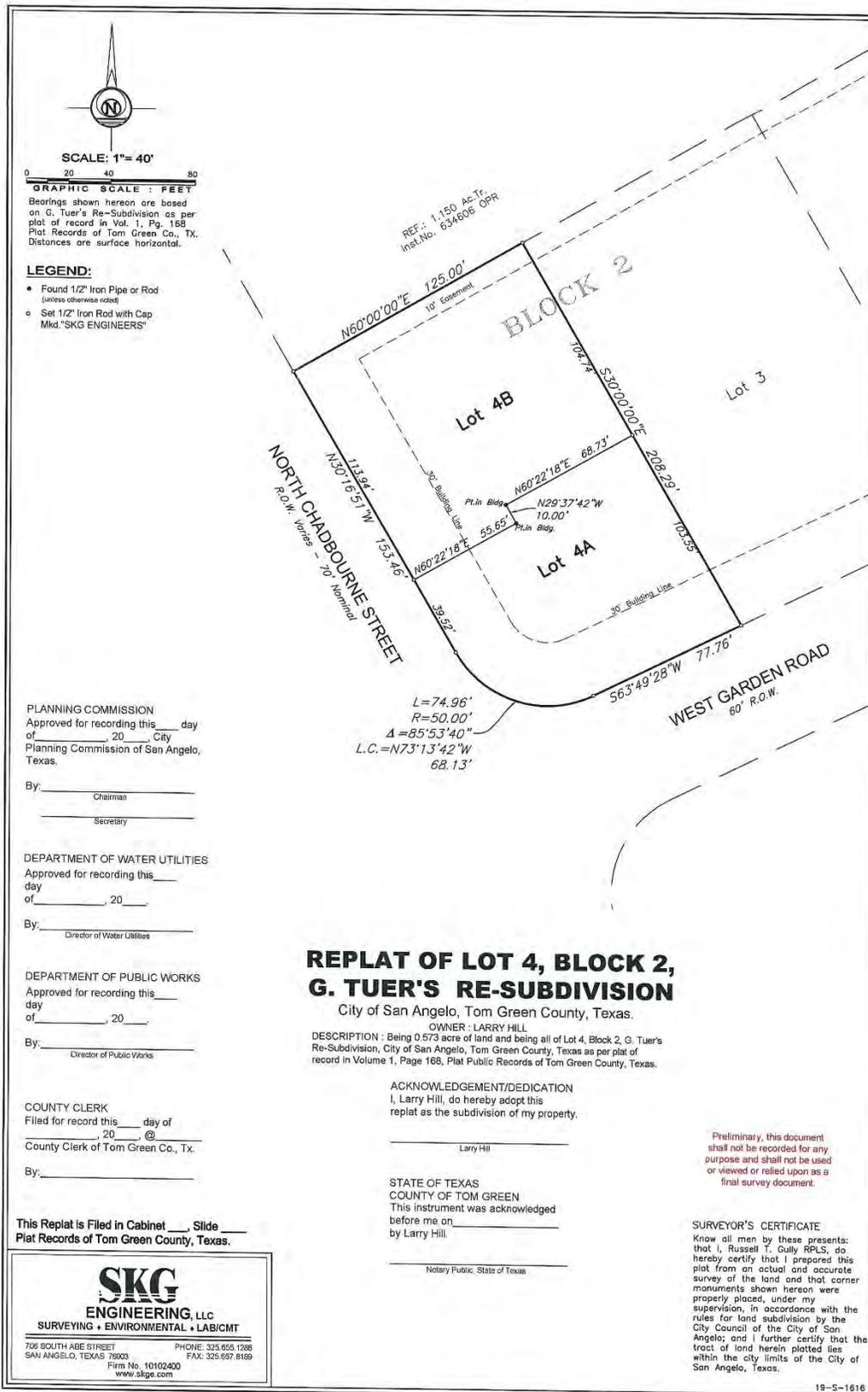
Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 140 ft

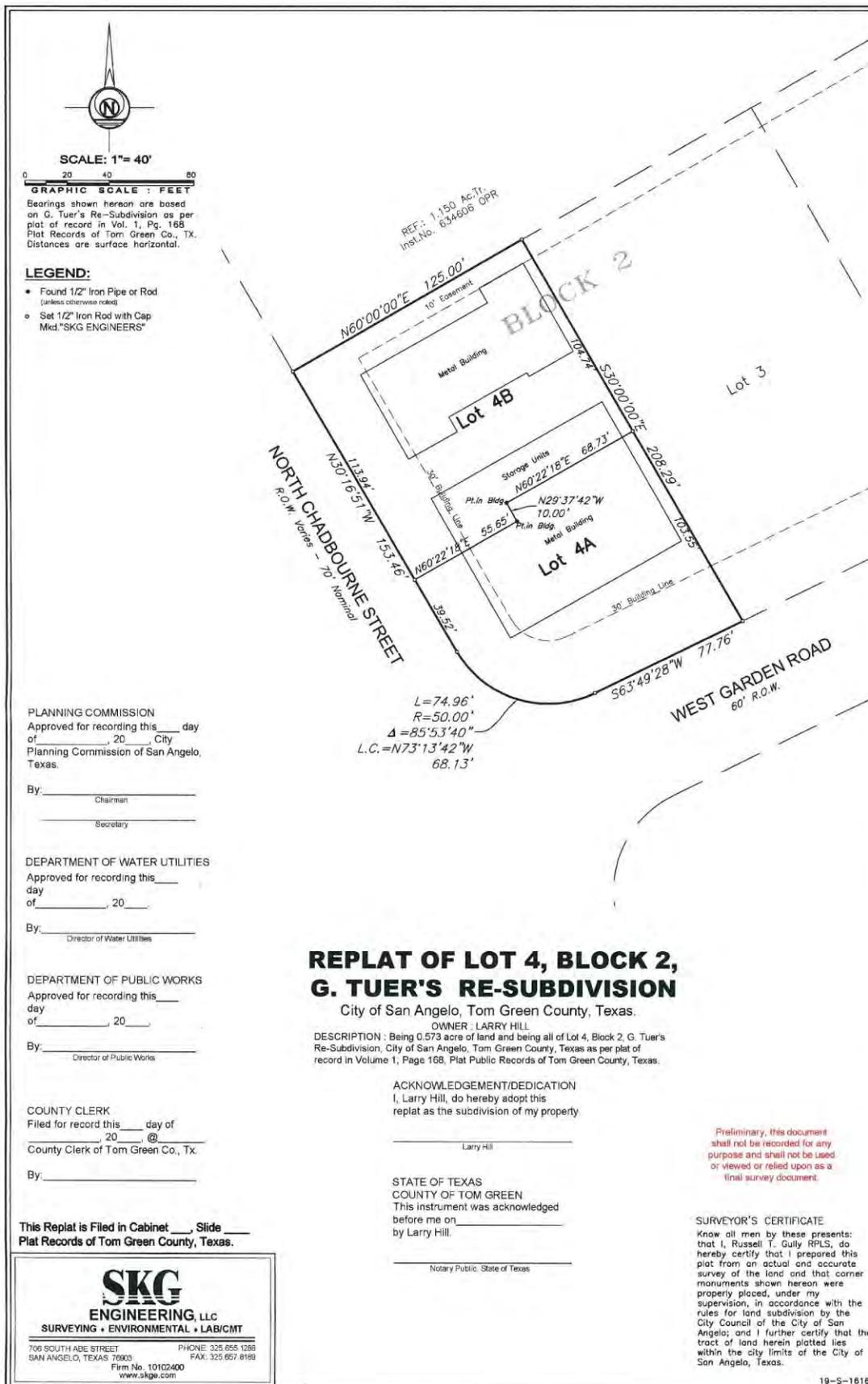
0.573 acres Lot 4, Block 2 G. Tuer's Re-Subdivision

Legend

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









North Chadbourne Street looking north



Area where the lot split will occur – between automotive shop and storage



Remaining portion of lot 4B



City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

Replat of Lot 4, Block 2, G. Tuer's Re-Subdivision, City of San Angelo, Tom Green County, Texas

Proposed Subdivision Name
 Lot 4, Block 2, G. Tuer's Re-Subdivision, City of San Angelo, Tom Green County, Texas

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 R1765

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
Property Owner: Larry Hill	325.234.0563	

Property Owner:

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

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address

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

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

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

Section 2: Utility & Easement Information

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

Sewer: City - requesting new services Proposed size? _____
 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

0.573 2

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

Existing Zoning:

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

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

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

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

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.573

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

Vacant _____ Single-Family Residential _____ Office _____

Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.573

Are there existing structures on the property? Yes No

If yes, how many structures exist? 2+ What type of structures exist currently? Metal Buildings & Storage Units

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Ch10.III.A.1&2

Full variance requested Partial variance requested (proposed variation from standard): No ROW or Pvmt.Improvements

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property in that N. Chadbourne St. was previously a State Highway and is fully developed and functional for its location and use.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
The conditions are unique in that all property in the area is developed with no changes anticipated.

(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.
 A hardship to the owner and the general public would result from the modified alignment of the roadway.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
 N. Chadbourne St. was fully developed as a State Highway and functional as such. It is no longer a State Highway and, as such, is more than adequate for its reduced function and traffic loading.

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.II of the Subdivision Ordinance.

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

Larry Hill
 Owner's Signature
Hub Hoosh
 Representative's Signature

10-16-19
 Date
10/22/2019
 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: _____

PLANNING COMMISSION – November 18, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Replat		First Replat in Lot 28, Block 2, Poulter’s Highland Acres Addition	
SYNOPSIS:			
<p>The applicants have submitted a request to replat the south half of Lot 28 in Block 2 of the Poulter’s Highland Acres Addition in order to construct a new single-family home. The applicants applied for a building permit for their new home and Staff determined that the original lot was divided without platting in contravention to Chapter 1.V.A of the Land Development and Subdivision Ordinance (LDSO). This remainder from the original lot needs to be replatted in order for the permit to proceed. On October 14, 2019, the owners obtained an administrative adjustment from the Planning Director to allow this property to be platted with a lot frontage of 147.90 feet in lieu of the required 150 feet in the Ranch and Estate (R&E) Zoning District (ZBA19-19).</p>			
LOCATION:		LEGAL DESCRIPTION:	
An unaddressed tract; located 275 feet west of the intersection of Townview Lane and Fisher Street		Being the south half of Lot 28, Block 2, Poulter’s Highland Acres Addition, save and except for the south 25 feet	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Billie DeWitt (SMD#6) Neighborhood: Bluffs	Ranch & Estate (R&E)	R – Rural	1.416 acres
THOROUGHFARE PLAN:			
<p>Townview Lane – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk Provided: 50’ right-of-way, 36’ pavement with curb and gutter and no sidewalk (variance requested to maintain 36’ with curb and gutter)</p>			
NOTIFICATIONS:			
19 notifications were mailed within a 200-foot radius on November 1, 2019. Zero received to date in favor or against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the “First Replat in Lot 28, Block 2, Poulter’s Highland Acres Addition”; and APPROVAL of a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 36 feet for Townview Lane, an urban local street; subject to five Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Property Owners: Juan and Lilliana Hernandez Agent: Mr. Russell Gully, SKG Engineering, LLC			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The original Poulter's Highland Acres Addition was filed for record on May 19, 1947 prior to being annexed. All of the lots in Block 2 were originally platted as 3-acre lots with 147.9 feet of frontage which do not meet today's current Ranch and Estate (R&E) lot frontage requirement of 150 feet. With the approved administrative adjustment (ZBA19-19) to allow the reduced lot frontage of 147.9 feet, the new lot will comply with the R&E development standards, exceeding the minimum lot area of one acre, and the minimum lot depth of 150 feet. There is a small metal accessory storage building at the northeast corner of the property. Section 312.C of the Zoning Ordinance allows accessory uses only in conjunction with a principal use. The developer will be required to remove this building or continue to keep active their building permit and complete construction of the new home. In addition, Staff discovered an existing five-foot tall chain link fence located within the public right-of-way approximately two feet in front of the property. The R&E Zoning District allows a fence within the front yard – but fully on private property - up to six feet in height provided it maintains a ratio of four parts open for every one part solid, which it does. Prior to plat recordation, the developer will be required to move this fence entirely out of the public right-of-way.

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final plat, if the Planning 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.”

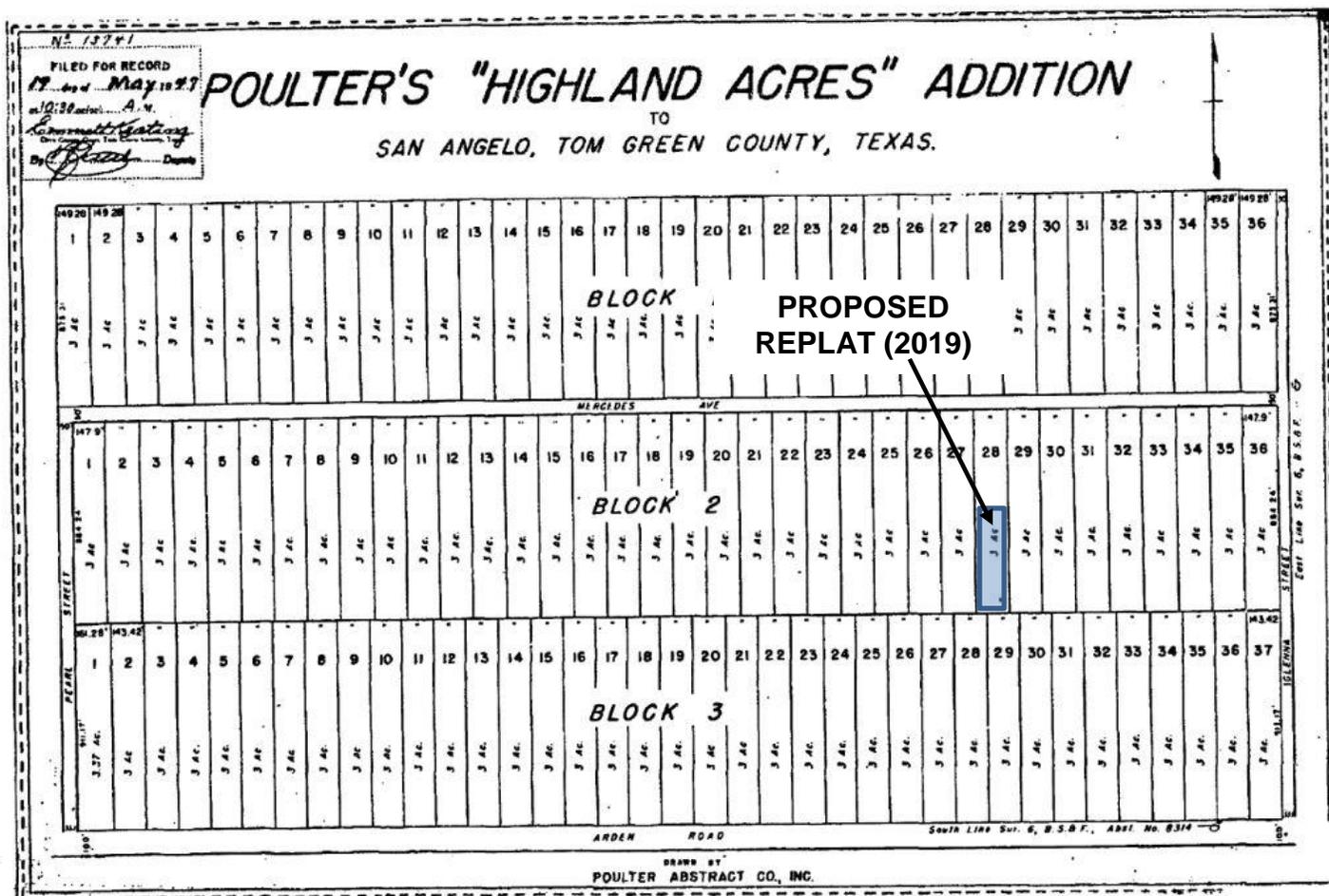
Comprehensive Plan

The subject land has a Future Land Use of “Rural” in the City's Comprehensive Plan and the purpose of these areas are to “ensure suitability of development in Rural areas, promoting overall compatibility and avoiding overload of rural infrastructure, especially the street.” Staff believes that the proposed lot will conform to this policy. The lot is almost one-and-a-half acres in size, exceeding the minimum of one acre in the Ranch and Estate (R&E) Zoning District. A new single-family home in this location will maintain the rural residential character of these large lots along Townview Lane. Staff believes that the existing street which is 36 feet wide can accommodate the one additional home and is in support of the requested variance to maintain the current pavement width as further outlined below.

Intent of Purpose Statements

The proposed replat 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); has an existing street that insures safe, convenient and functional systems for vehicular and pedestrian circulation (Statement D); and will insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development (Statement O). Planning Staff believe that the proposed replat will allow for fulfillment of these purpose statements. The additional lot should not negatively affect traffic patterns as the existing street network can accommodate traffic for one additional home. The replat will legalize an existing remainder in the same configuration and will not alter the existing street network.

Original Plat (filed for record May 19, 1947)



Variations: As indicated above, the applicant has submitted requests for a variance from Chapter 10.III.A.2 of the LDSO to maintain a minimum paving width of 36 feet for Townview Lane, an urban local street. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

1. **The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.** The applicant believes that maintaining the existing street will not be detrimental to public safety, health or welfare, and Staff agrees. The existing street is 36 feet with curb and gutter and adequately serves lots within this block of the Poulter's Highland Acres Addition. Most of the lots on this street have existing homes and the area to the west and north of Mercedes Drive are not within the City limits and are federal land unlikely to develop in the near future nor would require utilization of this local street.

2. **The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.** The applicant believes the variance conditions are unique and that all other property in the immediate area is developed and would not be subject to the regulation. Staff believes that Townview Lane is unique in that it is an existing dead-end street which serves exclusively this block within the Poulter's Highland Acres Addition. Staff also agrees that the surrounding land is unlikely to redevelop as the R&E Zoning District requires a minimum lot size of 1 acre and further replatting of these approximate 1.5-acre lots on the south side of Block 2 would not be permitted.
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.** Staff concurs with the applicant that a hardship would be created due to the existing roadway, drainage, and underground utilities. Without a variance, the applicant would be required to provide an additional two feet of paving width, their incremental half, which would require removal and replacement of existing curbing, create an irregular jog in the street, and not provide any additional benefit to the neighborhood.
4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** The applicant believes the existing street adequately serves the neighborhood and that the variance would not vary any applicable ordinances, and Staff agrees. With the approval of the administrative adjustment for the reduced lot frontage, the lot will comply with all other R&E development standards and utilize the existing street which at 36 feet wide, is close to meeting the City standard and adequately services the surrounding lots.

Recommendation: Staff recommends **APPROVAL** of the "First Replat in Lot 28, Block 2, Poulter's Highland Acres Addition"; and **APPROVAL** of a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 36 feet for Townview Lane, an urban local street; subject to **five Conditions of Approval:**

1. Prior to plat recordation, per Subdivision Ordinance, Chapter 7.II.A., provide a copy of the Tom Green County Appraisal District certification indicating there are no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, per Chapter 4.08.236 of the City Code of Ordinances, the existing chain link fence shall be entirely relocated out of the public right-of-way.
3. Prior to plat recordation, per Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements by half the additional increment necessary to comprise the minimum paving width. For Townview Lane, the minimum width is 40 feet (in this case, requiring 2 additional feet). Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative, per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.

4. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 12.I.A, prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections, and per Land Development and Subdivision Ordinance, Chapter 12.I.B. complete the installation in accordance with the approved version of these plans. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.
5. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 11.I.B.2 and Chapter 12.I.A.1, install necessary water and wastewater service lines to the new lot.

Notes:

1. A drainage study shall be submitted if the impervious area changes by 5% and development* of a site exceeds 1 acre. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13]. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] *note development is defined in ordinance as "Any man-made change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, clearing, or removing vegetative cover."
2. Per Zoning Ordinance, Section 312.C, the developer shall complete construction of a new single-family dwelling or remove the existing accessory metal building to prevent a stand-alone accessory structure without a principal use.
3. The applicants have obtained an administrative adjustment ZBA19-19 to allow a reduced lot frontage of 147.9 feet in lieu of required 150 feet in an R&E Zoning District [Zoning Ordinance, Section 501.A].

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Proposed Replat
Application



First Replat of Lot 28, Blk 2

Poulter's Highland Acres Addition

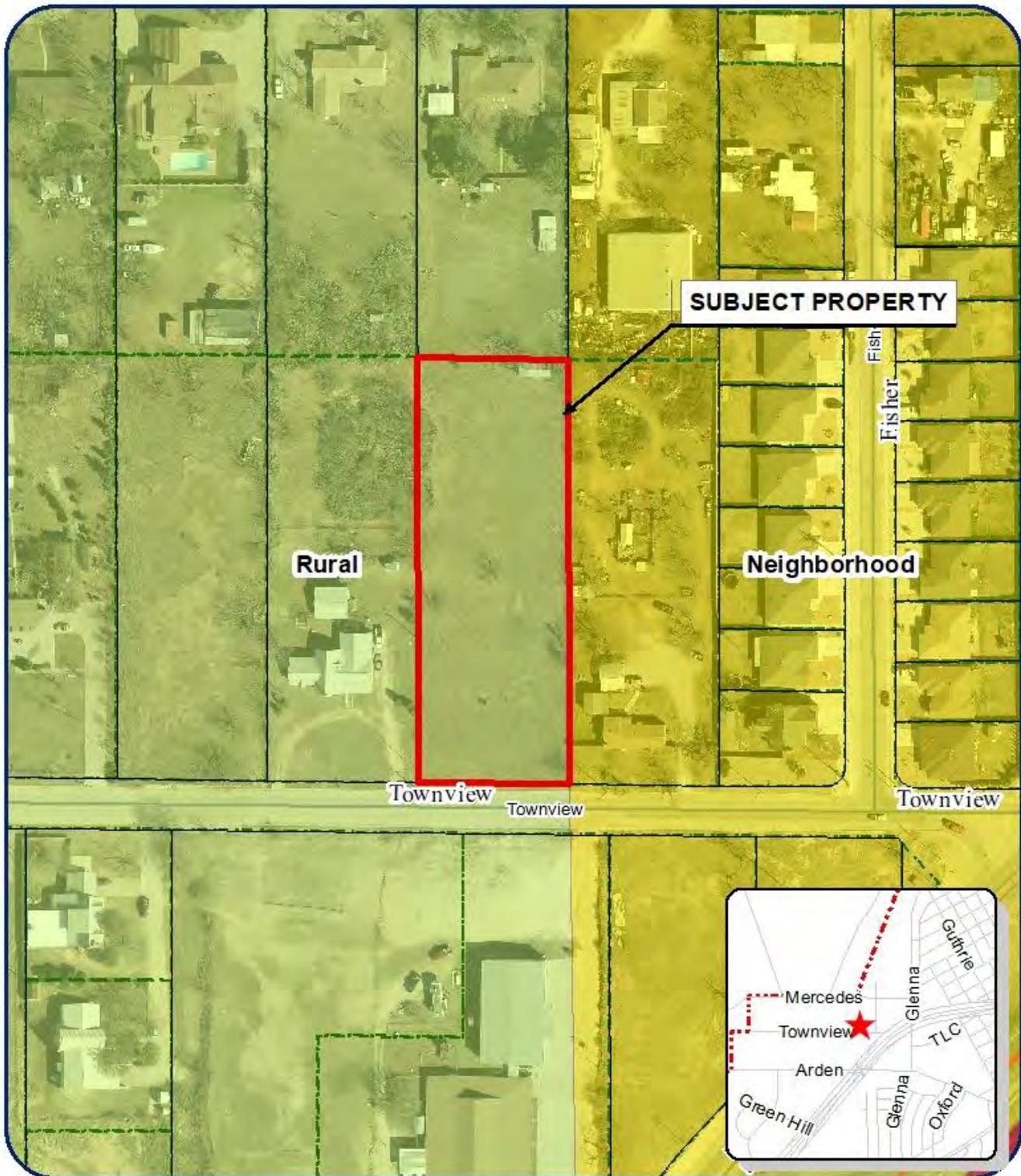
Council District: Billie DeWitt - District 6
Neighborhood: Bluffs
Scale: 1" approx. = 125 ft

1.416 acres west of Townview Ln. and Fisher St.

Legend

Subject Properties: 
Current Zoning: **R&E**
Requested Zoning Change: **N/A**
Vision: **Rural**





First Replat of Lot 28, Blk 2

Poulter's Highland Acres Addition

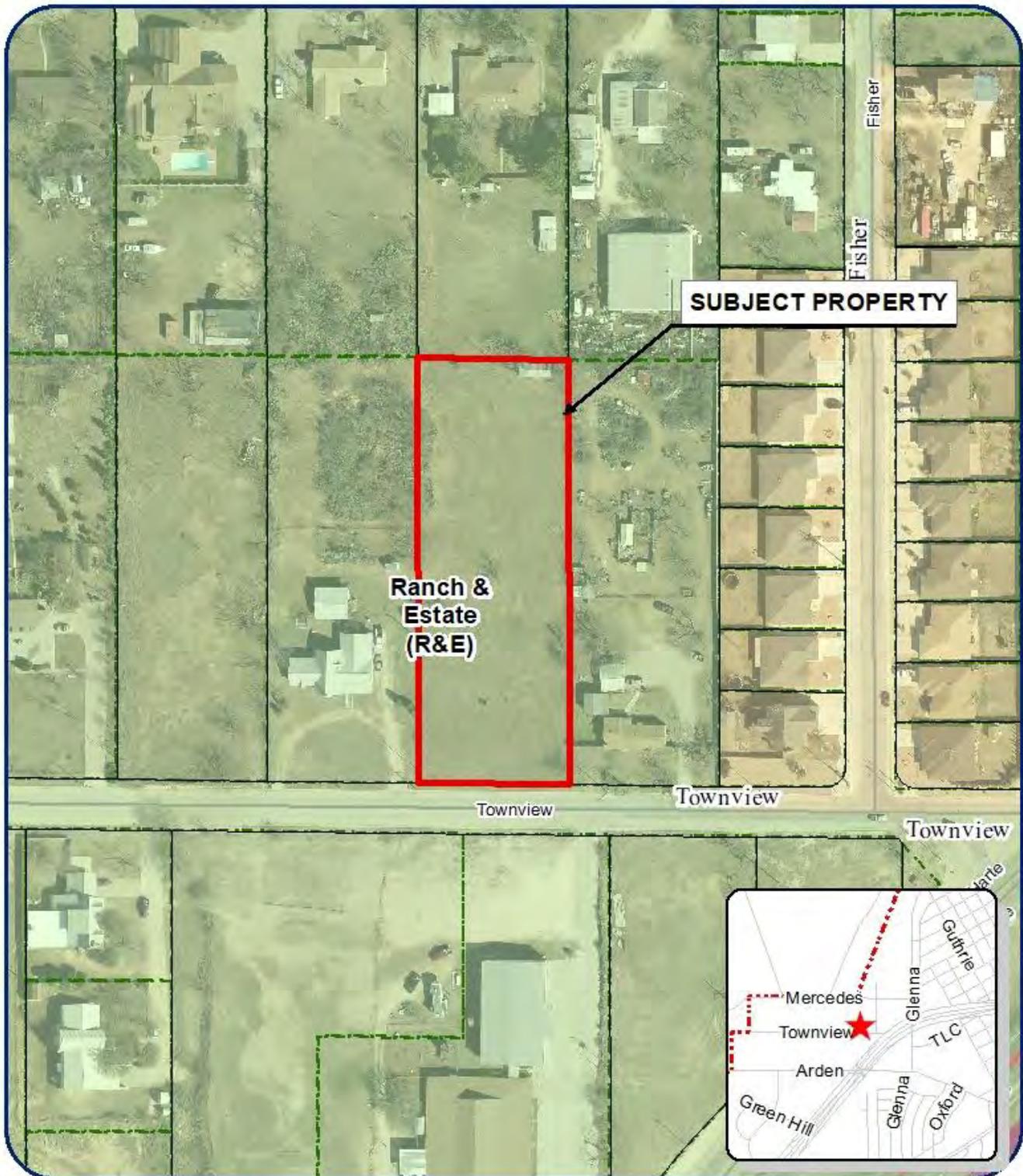
Council District: Billie DeWitt - District 6
 Neighborhood: Bluffs
 Scale: 1" approx. = 125 ft

1.416 acres west of Townview Ln. and Fisher St.

Legend

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





First Replat of Lot 28, Blk 2

Poulter's Highland Acres Addition

Council District: Billie DeWitt - District 6

Neighborhood: Bluffs

Scale: 1" approx. = 125 ft

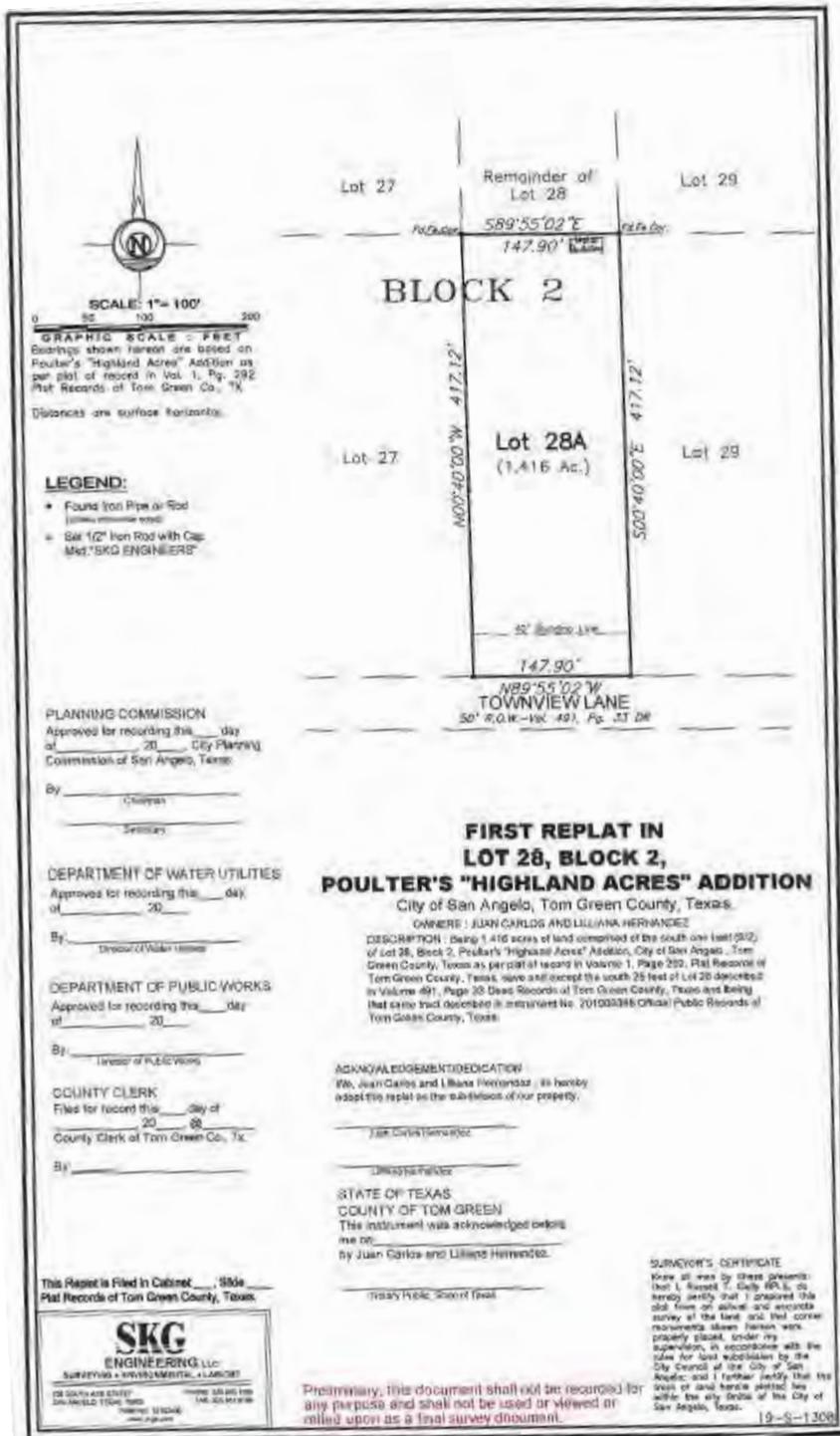
1.416 acres west of Townview Ln. and Fisher St.

Legend

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



Proposed Replat





City of San Angelo, Texas - Planning Land Subdivision Application



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

Section 1: Basic Information

FIRST REPLAT IN LOT 28, BLOCK 2, POULTER'S "HIGHLAND ACRES" ADDITION

Proposed Subdivision Name

South 1/2 of Lot 28, save & except the south 25', Block 2, Poulter's "Highland Acres" Addition, City of San Angelo, Tom Green County, Texas

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

R8375

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
Juan Carlos & Lilliana Hernandez	325.812.3366	lilli_sanchez@ymail.com

Property Owner:

Name	Phone Number	Email Address

Architect/Engineer/Design Professional: SKG Engineering 325-655-1288 herbh@skge.com

Name	Phone Number	Email Address

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

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

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

Section 2: Utility & Easement Information

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

Sewer: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? <1 acre

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

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

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

Section 3: Property Characteristics

1.416 1

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

Existing Zoning:

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

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

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

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

Vacant 1.416 Single-Family Residential _____ Office _____

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

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

Vacant _____ Single-Family Residential 1.416 Office _____

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

Are there existing structures on the property? Yes No

If yes, how many structures exist? 1 What type of structures exist currently? metal shed

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

Full variance requested Partial variance requested (proposed variation from standard): no roadway improvements

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 variance will allow the street to remain in its existing, functional state and 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.
The conditions upon which the request for a variance is based are unique to the property in that all other property in the immediate area is developed and would never be subject to the regulation.

(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.

Because of the existing roadway, drainage, and underground utilities a particular hardship would result in the widening of this short (150') section of roadway.

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

The variance will not, in any significant way, vary the provisions of applicable ordinance but will allow the existing, functional roadway to remain in its present form which is more than adequate for the neighborhood it serves.

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

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

 Owner's Signature

 Date

 Representative's Signature

 Date

FOR OFFICE USE ONLY:

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

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

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

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

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

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

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

Yes _____ Date _____ No _____ Date _____

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

PLANNING COMMISSION – November 18, 2019

STAFF REPORT



APPLICATION TYPE:	CASE:
Replat	First Replat in Block 11, Lakeview Addition

SYNOPSIS:

The applicant has resubmitted a replat in Block 11 in the Lakeview Addition to reorient six lots in an east-west direction for new single-family residential homes. The original submission in September 2019 was for the same configuration that included 15-foot wide east-west and north-south alleys; however, the applicant did not include variance requests to allow the 15-foot wide alleys in lieu of the required 20 feet which would have required denial of the plat. The resubmission maintains the original variance requests – to maintain Bowie Street with a 30-foot paving width and 0’ paving widths for 48th and 49th Streets with no curb and gutter, and to exempt any alley paving, but also adds these two new variances to maintain 15-foot wide alleys (see Additional Information).

LOCATION:	LEGAL DESCRIPTION:		
Unaddressed tracts; located east of Bowie Street between East 48 th and East 49 th Streets	Being Lots 6, 7, 8, 9, 10, and 11 in Block 11, Lakeview Addition		
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Tom Thompson (SMD#2) Neighborhood: Lake View	RS-1	N– Neighborhood	0.74 acres

THOROUGHFARE PLAN:

Bowie Street – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk
 Provided: 60’ right-of-way, 30’ pavement (**variance requested to maintain 30’ with no curb or gutter**)

East 48th Street – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk
 Provided: 60’ right-of-way, 0’ pavement (**variance requested to maintain 0’ with no curb or gutter**)

East 49th Street – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with curb and gutter and a 4’ sidewalk
 Provided: 60’ right-of-way, 0’ pavement (**variance requested to maintain 0’ with no curb or gutter**)

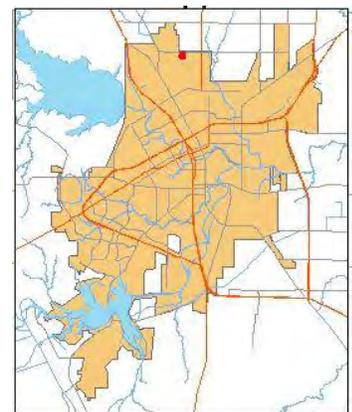
NOTIFICATIONS:

15 notifications were mailed within a 200-foot radius on November 1, 2019. None received in favor or against.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the “First Replat in Block 11, Lakeview Addition”; **DENIAL** of the variances to maintain existing street widths with no curbs and gutters; **DENIAL** of the variances to allow the alleys with no paving; **APPROVAL** of a variance to allow the existing 15-foot east-west alley; and to **SET ASIDE** a variance to allow a 15-foot north-south alley which is no longer required; subject to **ten Conditions of Approval**.

PROPERTY OWNER/PETITIONER:
Property Owner: Nu-Home Constructors, LLC Agent: Ms. Erica Carter, P.E. Carter-Fentress Engineering
STAFF CONTACT:
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us



Revised Version: After submission, the applicant has provided a revised version with the north-south rear alley being 20 feet as required, thereby negating the need for this variance. The revised version also shows the 15-foot east-west alley with 2.5-foot easements on either side to allow for utilities.

Additional Information: The original Lakeview Addition was recorded in 1908 and residential development has continued over time including five previous replats. In July 2019, the Planning Commission approved a replat one block to the west in Block 10 reorienting three lots into four in a north-south direction, which included approving variances on road improvements to maintain existing widths of two streets approximately 26 feet each with no curbing. In that case, Planning and Engineering Staff requested denial of the variances and had recommended paving of at least 30 feet with header curbs for public safety in accordance with the minimum LDSO and Engineering design standards. In this case, two of the three streets would not be paved at all, maintaining 0' and both Planning and Engineering Staff are unanimously against these variances (see below).

Conformity with Comprehensive Plan and Purpose Statements: Chapter 5.III.A.3(c)(3) of the Subdivision Ordinance states that the Planning Commission may “deny approval of the final plat, if the Planning 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.”

Comprehensive Plan

The subject land has a Future Land Use of “Neighborhood” in the City’s Comprehensive Plan. The Neighborhood policies call to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo’s neighborhoods.” The majority of the subdivision which extends north to Lakeview Heroes Drive, west to Goliad Street, south to 37th Street, and east to Crockett Street is zoned RS-1 allows single-family dwellings. While most of the subdivision has existing homes, the subject properties, including land to the east and northeast remain vacant, and this replat will allow additional housing in compliance with the Neighborhood policies. The lots are also within a few blocks of Lincoln Middle School providing a school within walking distance of the future homes.

Purpose Statements

The proposed replat will conform to the Purpose Statements of Chapter 2 of the Subdivision Ordinance, provided full street standards are completed. If variances are granted (see further below) to allow no new street construction, then these statements would not be complied with. The plat, if full standards are applied, will protect and provide for the public health, safety, and welfare of the City of San Angelo (Statement B); will provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation (Statement D); and will provide for the efficient use and extension of municipal utilities (Statement G). Bowie Street, 48th and 49th Streets all have 60-foot right-of-ways which provide adequate widths for full paving improvements. The applicant’s revised plat includes 2.5-foot wide easements on either side of the east-west alley to allow utilities through this area to service the lots.

Variances: As indicated above, the applicant has submitted requests for variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance (LDSO) to allow Bowie Street to remain at 30 feet and 48th and 49th Streets to remain unpaved at 0' with no curb and gutter in lieu of 40' or 36' with a 4' sidewalk; and variances to allow the north-south and east-west alleys to be 15 feet and unpaved in lieu of the required 20 feet and paved. 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 there will be no detrimental effects by exempting paving improvements on 48th and 49th Streets for one additional lot because these streets are not yet developed, and because the lots will now face Bowie Street which is already developed. While it is true that Bowie Street has already been developed, there are 26 lots to the east, as well as 2 lots to the south and north respectively (total of 30) that would be landlocked by not extending 48th and 49th Streets. The LDSO states under Chapter 9.III.A.1 that "no lot shall be created in any subdivision or resubdivision unless the lot has direct and abutting access to an approved, accepted and publicly dedicated street right-of-way." In the past, Planning Commission and Staff have supported minor variances from street standards where a minimum standard has been achieved for public safety (e.g. a variance of 1 or 2 feet). However, the applicant is requesting a variance of 26 feet (their incremental half plus an additional 6-feet for public safety as outlined in the LDSO). Allowing these variances would leave a 150-foot gap in both roads. This would shift the financial burden from the developer to the City or an adjacent developer, thereby circumventing the standards of the LDSO, in particular, purpose statement (M), "to prevent scattered or premature subdivision of land that would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, or other public services; or necessitate an excessive expenditure of public funds for the supply of such services." Staff also is recommending that the applicant provide their incremental half of 5 additional feet on Bowie Street as this road is substandard. In addition, the applicant is requesting no paving of the alleys because other alleys in the area remain unpaved. The original Lakeview Addition was recorded in 1908 prior to subdivision standards. Chapter 9.III.H of the current LDSO requires full paving **only if the alleys are used for rear access to homes**, or the standard for unpaved alleys if not used for rear access. From discussions with the applicant, it is understood that rear access will not be provided for the homes, and therefore paving will not be required. But rather, the alley will only require the unpaved standard of 6" of compacted roadway base (caliche). Given that under the circumstances no paving will be required, Staff is recommending denial of the variance from no alley paving and a condition of approval per Engineering Services that will require the standard unpaved alley construction, assuming there is no rear access to the homes.

Staff is in support of variances to allow the existing 15-foot alley width running east-west because this is an existing alley and because the applicant is now providing 2.5-foot wide easements on either side to allow for a water and sewer main extension through the alley. However, Engineering Services is requiring a minimum 6" compacted roadway base (caliche) to ensure

access to future utilities.

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 believes the variances should be granted because the request is an infill project. Staff does not believe that an infill project is sufficient rationale for the type of variances being requested. As indicated above, a minor variance of a few feet of existing paving width may be warranted when all lots are built out and where streets are already paved to a safe, minimum standard. In this case, the applicant wants to not pave at all, or extend any water or sewer coverage. Minimum requirements for streets and service mains are to ensure basic public safety and provide financial responsibility and equitability for new development. Developers only pay for installation of services adjacent to their developments. The applicant wishes to obtain the benefits of developing and selling the lots but under the current scenario would not have to pay for their associated costs. Staff does not believe this is equitable but more important, is concerned about setting a negative precedent in future subdivision requests. If these variances are approved, then other developers could apply for the same requests and be approved, leading to gaps in existing roads and mains, and increased City costs to fill these gaps.
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.** Planning and Engineering Staff do not see a hardship if minimum construction standards are met. The current right-of-ways are 60 feet wide, allowing ample space to install additional paving width. There are no known topographical constraints that would prohibit this construction. The paving and curbing standards apply to any new plat or replatted subdivision within the San Angelo City Limits. The majority of the Lakeview Addition has existing street widths close to today's road standards with curbing. This area does not simply because it has not been platted yet. The adjacent portions of Lakeview to the west that also do not have curbs were part of the original plat in 1908 prior to current standards designed for public safety and to prevent runoff.
4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** As indicated, allowing substandard streets contravene minimum Engineering design standards and minimum safety and fire standards. Both Planning and Engineering Staff require the minimum 26-foot wide streets (the applicant's incremental halves) with full curbs consistent with the City's minimum construction and safety standards. This includes an additional 5 feet on Bowie Street with full curb and gutter. Staff believes this is necessary given there will be six lots now facing Bowie Street, and also that this will be consistent with Bowie Street south of 44th Street down to its southerly end.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the "First Replat in Block 11, Lakeview Addition"; **DENY** the variance to allow Bowie Street, an urban local street, to maintain an existing street width of 30 feet and no curb and gutter in lieu of the required 40 feet with curb and gutter; **DENY** the variance to allow East 48th Street, an urban local street, to maintain an existing street

width of 0 feet and no curb and gutter in lieu of the required 40 feet with curb and gutter; **DENY** the variance to allow East 49th Street, an urban local street, to maintain an existing street width of 0 feet and no curb and gutter in lieu of the required 40 feet with curb and gutter; **DENY** the variance to allow the 15-foot wide east-west alley with an unpaved surface; **DENY** the variance to allow the 20-foot wide north-south alley with an unpaved surface; **APPROVE** a variance to allow the east-west alley with a 15-foot width in lieu of the required 20 feet; and to **SET ASIDE** a variance to allow a 15-foot north-south alley which is no longer required as the proposed alley will now be 20 feet in width as required; subject to **ten Conditions of Approval:**

1. Prior to plat recordation, per Subdivision Ordinance, Chapter 7.II.A., provide a copy of the Tom Green County Appraisal District certification indicating there are no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, per Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to Bowie Street by half the additional increment necessary to comprise the minimum paving widths. For Bowie Street, the minimum width is 40 feet (in this case, requiring 5 feet of additional pavement construction. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative, per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
3. Prior to plat recordation, per Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to East 48th Street by half the additional increment necessary to comprise the minimum paving widths. For East 48th Street, the minimum width is 40 feet (in this case, requiring 26 feet of pavement construction. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative, per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
4. Prior to plat recordation, per Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to East 49th Street by half the additional increment necessary to comprise the minimum paving widths. For East 49th Street, the minimum width is 40 feet (in this case, requiring 26 feet of pavement construction. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative, per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
5. Prior to plat recordation, submit revised plat illustrating the dedication of ROW for 20' wide alleyways. [Land Development and Subdivision Ordinance, Chapter 10.III.A.1] An alternative, per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
6. Prior to plat recordation, per Subdivision Ordinance, Ch. 9.III.F, illustrate on the plat the

dedication of corner cutoffs at the intersections of each alleyway.

7. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for approval, illustrating the required construction of the alleyways. This includes 6" of compacted roadway base, no pavement, as long as there is no rear access to the homes. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
8. Prior to plat recordation, per Chapter 11.I.A of the Land Development and Subdivision Ordinance/City of San Angelo Design Standards for Water and Sewer, prepare and submit plans for approval, illustrating the proposed installation of water mains to the limits of the platted property and required service connections; and per Land Development and Subdivision Ordinance, Chapter 11.I.B, complete the installation in accordance with the approved version of these plans. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.
9. Prior to plat recordation, per Chapter 12.I.A of the Land Development and Subdivision Ordinance/City of San Angelo Design Standards for Water and Sewer, prepare and submit plans for approval, illustrating the proposed installation of sewer mains to the limits of the platted property and required service connections; and per Land Development and Subdivision Ordinance, Chapter 12.I.B, complete the installation in accordance with the approved version of these plans. Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.
10. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1, install necessary water and wastewater service lines to each new lot.

Attachments:

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



First Replat

Block 11, Lakeview Addition

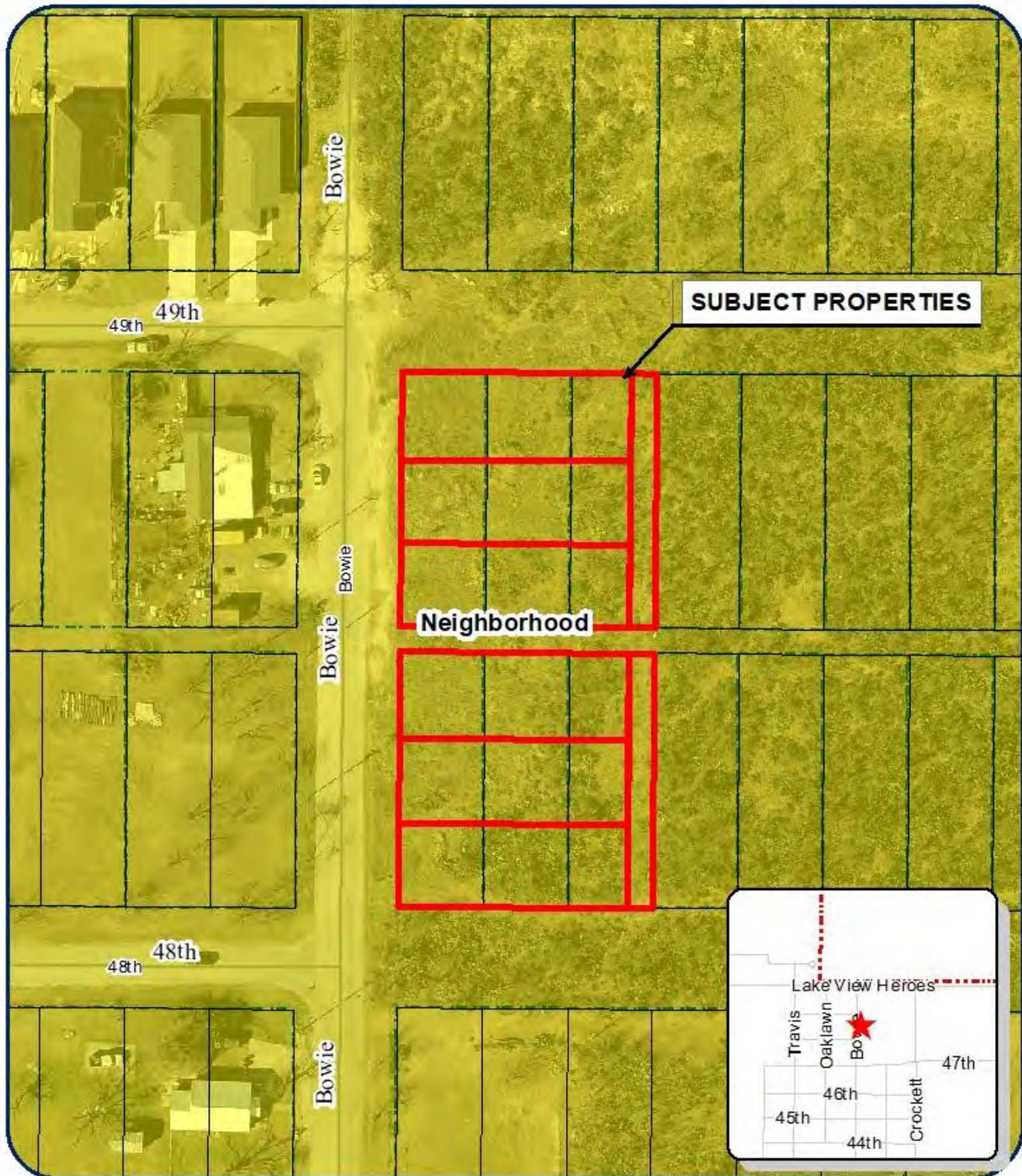
Council District: Tom Thompson - District 2
Neighborhood: Lake View
Scale: 1" approx. = 75 ft

1.033 acres southeast of Bowie St. and 49th St.

Legend

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





First Replat

Block 11, Lakeview Addition

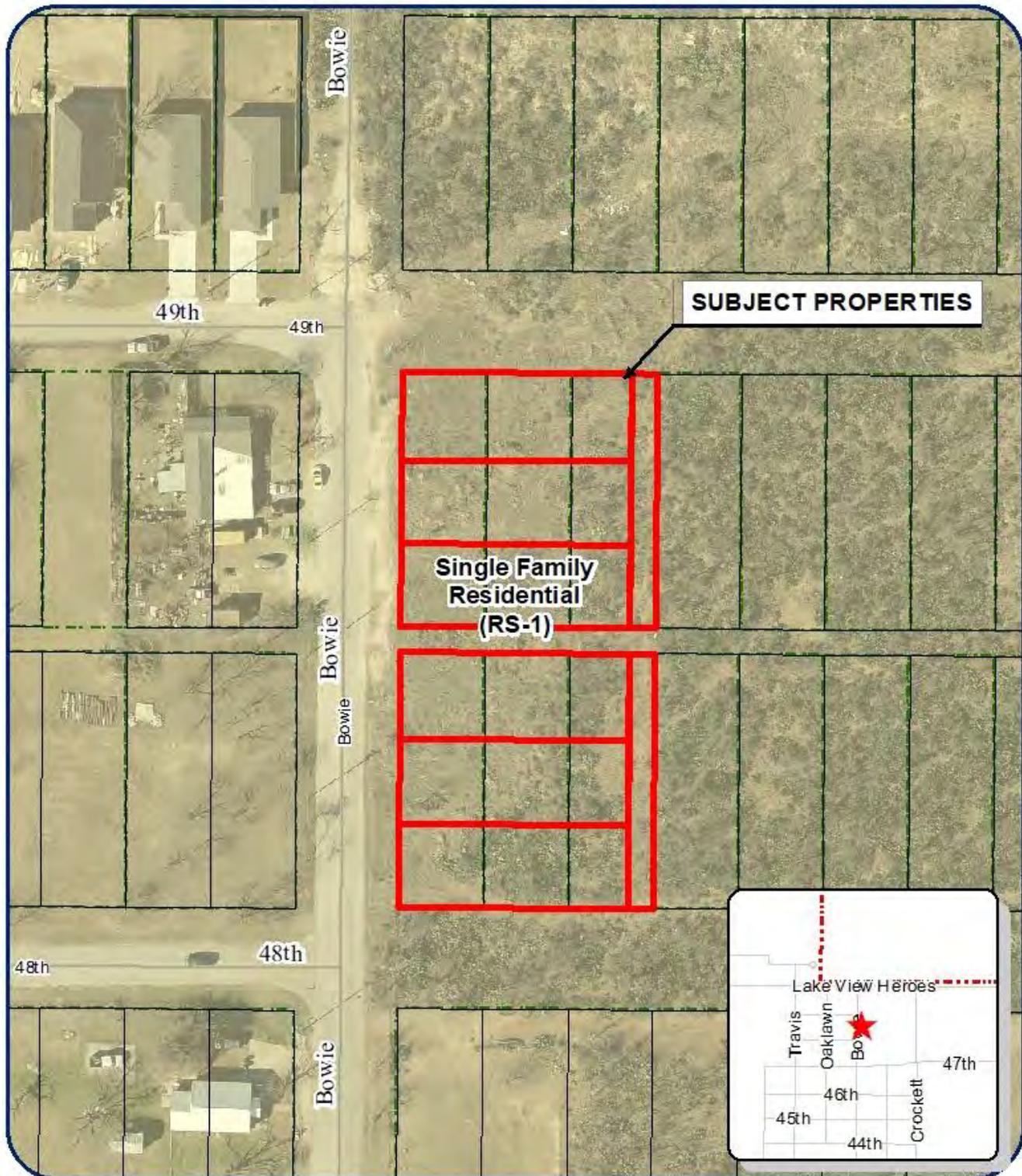
Council District: Tom Thompson - District 2
 Neighborhood: Lake View
 Scale: 1" approx. = 75 ft

1.033 acres southeast of Bowie St. and 49th St.

Legend

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





First Replat

Block 11, Lakeview Addition

Council District: Tom Thompson - District 2
Neighborhood: Lake View
Scale: 1" approx. = 75 ft

1.033 acres southeast of Bowie St. and 49th St.

Legend

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



Proposed Replat

FIRST REPLAT IN BLOCK 11, LAKEVIEW ADDITION

City of San Angelo, Tom Green County, Texas

OWNER: NuHome Constructors, LLC

DESCRIPTION: Being Lots 6, 7, 8, 9, 10, and 11, Block 11, Lakeview Addition, City of San Angelo, Tom Green County, Texas, according to the Plat recorded in Volume 60, Page 614 of the Deed Records of Tom Green County, Texas.



Beatings and distances shown hereon are based on Lakeview Addition, Vol. 60, Pg. 614, Deed Records, Tom Green County, Texas and are related clockwise 00°19'25" from record bearings.

Beatings and distances hereon are of the Texas Coordinate System Central Zone NAD83.

LEGEND:
 ○ - Found 1/2" Iron Rod w/Cap
 ● - Set 5/8" Iron Rod w/Cap

CITY PLANNING COMMISSION
 Approved for recording this ___ day of _____, 20__
 By: _____
 Chairman
 By: _____
 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

ACKNOWLEDGEMENT/DEDICATION
 We, NuHome Constructors, LLC, do hereby accept this plat as a subdivision of our property and dedicate to the use of the public the alley and easements as shown hereon.

Michael Biggenhoff

 Chad Decker

STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before me on _____
 by Michael Biggenhoff and Chad Decker

 Notary Public, State of Texas

COUNTY CLERK
 Filed for record this ___ day of _____, 20__ @ _____
 By: _____

This plat is recorded in Cabinet _____, Slide _____ of the Plat Records of Tom Green County, Texas.

SURVEYOR'S CERTIFICATE
 Know all men by these presents that I, Blake Wilde, S.P.L.S., do hereby certify that I prepared this plat from an actual and accurate survey of land and that corner monuments shown hereon were properly placed under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo; and I further certify that the tract of land herein platted lies within the City Limits of the City of San Angelo, Texas, as established by law.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF SYSTEM REVIEW UNDER THE AUTHORITY OF BLAKE WILDE, R.P.L.S. 0758 ON NOVEMBER 6, 2019. PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

BLAKE WILDE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 8159
 WE Wilde Engineering, LLC 5770 BM 765 San Angelo, Texas 76905 325.277.8652 SPLO Firm # 10195887
www.wildc-eng.com

49th Street - 60' ROW per Vol. 60, Pg. 614, DR



48th Street - 60' ROW per Vol. 60, Pg. 614, DR



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 in Block 11, Lakeview Addition

Proposed Subdivision Name

Lots 6-11, Block 11, Lakeview Addition

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

16-30900-0011-008-00, 16-30900-0011-007-00, 16-30900-0011-006-00, 16-30900-0011-009-00, 16-30900-0011-010-00, 16-30900-0011-011-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
Nu-Home Constructors, LLC.	325.223.0300	chad.nuhome@gmail.com

Property Owner:

Name	Phone Number	Email Address
Erica Carter	325.215.4332	ecarter@fentresseng.com

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address
Erica Carter	325.215.4332	ecarter@fentresseng.com

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

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? 6 inch Main
 Other Please specify: _____

Sewer: City - requesting new services Proposed size? _____
 City - utilizing existing services Existing size? 8 inch main
 Other Please specify: _____
 Septic System Lot size? _____

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

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

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

Section 3: Property Characteristics

9.29 acres 6
 Total Acreage of Proposed Subdivision/Resubdivision Total Number of Lots Proposed

Existing Zoning:

RS-1 RS-2 RS-3 RM-1 RM-2 PD (include case number: _____)
 R&E CN CO CG CG/CH CBD OW ML MH

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

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

Vacant 1.033 Single-Family Residential _____ Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail _____

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

Vacant _____ Single-Family Residential 1.033 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 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: D.111A.2

Full variance requested Partial variance requested (proposed variation from standard): 1) Allow Bowie to remain with existing paving width and with no curb and gutter. 2) Allow 48th Street to remain unimproved with no curb and gutter. 3) Allow 49th to remain unimproved and with no curb and gutter. 4) Allow for 15' unpaved east-west alley 5) Allow 15' unpaved north-south alley.

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
The lots are being replatted to face Bowie Street which is developed. 48th and 49th street going east is not yet developed. By granting a variance by which the contractor will not have to improve 48th & 49th street going east for just the length of one lot, will not have any detrimental affects to the public. Most alleys in the area are unpaved and 15' or less wide, allow for alleys to remain unpaved.

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.
This is an infill project which makes it unique to full subdivisions and should have different requirements.

(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.

Erica Carter

Owner's Signature
 Erica Carter
Digitally signed by Erica Carter
 Date: 2019.09.25 09:47:51 -0500

 Date
 09/25/19

 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 9/25/19 Date Deemed preliminary complete: 9/25/19 1:05pm Date Time Initials *gf*

Received by Development Services Technician for completeness review: 9/25/19 1:05pm Date Time Initials *gf*

Completeness review passed? Yes 9/25/19 Date No _____ Date

If yes, when was application scheduled for staff review, if applicable? 10/2/19 Date Initials *gf*

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

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

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

Yes _____ Date No _____ Date

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

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



APPLICATION TYPE:		CASE:	
Planned Development (Rezoning)		Amendment to PD06-05: Sonrisas Trails	
SYNOPSIS:			
<p>The applicant has applied for approval of a Major Amendment to a Site Plan on a property zoned Planned Development (PD06-05) Zoning District to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility. The operator, Sonrisas Trails, leases the north portion of the property municipally addressed at 5185 South Bryant Boulevard. Approval of the amended site plan will allow the new ropes course to operate in conjunction with the existing therapeutic riding facility to service those who have physical, mental and emotional challenges. The new structures were erected without permits but the applicant is working through the planning and permits process to legalize these structures. The applicant has provided a concept plan of all existing and proposed uses (see Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
5185 and 5191 South Bryant Boulevard; located immediately northwest of the intersection of South Bryant Boulevard and Kimrey Lane		Being 9.474 acres in Part of Blocks 18-22 of the Park View Acres Subdivision	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood		PD06-05	C – Commercial and N- Neighborhood
SIZE:			
9.474 ac.			
THOROUGHFARE PLAN:			
<p>South Bryant Boulevard – Urban Major Arterial Street (TXDOT) Required: 80’ right-of-way; N/A pavement (not required for TXDOT roads) Provided: 300’ right-of-way, 100’ pavement</p> <p>Kimrey Lane – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ sidewalk Provided: 60’ right-of-way, 22’ pavement</p>			
NOTIFICATIONS:			
15 notifications mailed within 200-foot radius on November 5, 2019. Two received in support, zero opposed.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Major Amendment to a Site Plan on a property zoned Planned Development (PD06-05) Zoning District to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, subject to five conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Property Owner: Mosaic Applicants: Mr. Jeremy Vincent , Sonrisas			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: City Council approved the original PD06-05 Zoning District and associated site plan on November 28, 2006 to allow a day care, therapeutic horse riding, and administrative offices on 9.474 acres on the subject properties. On December 11, 2017, the Planning Director approved a minor site plan amendment to allow a new therapeutic riding course with accessory awning structures and a 520-square foot shade structure. All of these structures were erected with permits except for the awning structures. In July 2019, it was brought to the attention of Planning Staff that the applicant had erected the new challenge ropes course behind the covered arena. The tall ropes structures require permits. In addition to the ropes course, other accessory structures include a 930-square foot lean-to building, an approximate 250-square foot rear porch, and two intermodal containers, all of which require permits. This course will be used as part of Sonrisas' existing facility for children and adults. It includes three large structures approximately 50 feet in height connected by ropes and include ladders and climbing walls. The substantial size of these structures and the property being located close to residential homes to the west and south triggered this plan to be considered "major" and thus requiring Planning Commission approval. ***Approximately 150 feet of the north end of the zip line area connected to the tall ropes course is located outside the PD boundary and inside the R&E Zoning District. The R&E District does not allow this structure. The applicant has been made aware that this portion of the zip line area requires a PD Zoning Amendment to expand the PD06-05 boundary.***

Approval of Major PD Site Plans: Section 210(K) of the Zoning Ordinance requires that the following 11 criteria be considered for all Major PD Site Plans (which cannot be approved by the Planning Director):

- 1. Safety of vehicular and pedestrian movements for the facility and area surrounding the site.** The new ropes course will be located behind the existing covered arena. Sonrisas staff would escort adults and children to the course from the main facility. Existing parking is already provided at the front of the facility and Staff sees no safety issues provided the applicant obtains all necessary permits.
- 2. Safety from fire hazards and required means of fire control.** The Fire Marshal's Office will address any potential fire hazards as part of the permitting process.
- 3. Protection from flooding and water damage.** The majority of the property where the ropes course will be located is within a 0.2% annual chance flood hazard zone which is not enforced by the City. However, any potential flooding or grading issues will be reviewed as part of the associated building permit process.
- 4. Noise and lighting glare, and effect of such on adjacent neighborhoods.** The new ropes course will operate during regular business hours and there are no new light fixtures proposed on the property.
- 5. Relation of signs to traffic control and effect on adjacent properties.** There are no proposed signs as part of this PD development.
- 6. Adequacy of off-street parking and loading facilities.** There are a total of 76 parking spaces

delineated on the major site plan provided by the applicant. The original PD required a minimum of 32 paved parking spaces for the covered horse arena which have been provided an all remaining required parking subject to the intended uses as required by the Zoning Ordinance. Based on the current square footages of all known uses prior to this submission, 75 parking spaces are required. The new outdoor ropes area would require one parking space for every 400 square feet of floor area which is approximately 1,400 square feet, or 4 new spaces, requiring 79. Given that the ropes course is used as part of the therapeutic riding program which already has sufficient parking, Staff would support an alternative parking plan to allow the applicant to maintain the existing 76 spaces.

7. **Appropriateness of ingress and egress points for access, parking and loading, including existing and proposed ingress/egress/access easements and internal circulation, and protection of the public health by appropriate surfacing of all parking areas to control dust.** The existing parking area is located close to South Bryant Boulevard and this development would not trigger any access or traffic circulation issues.
8. **Appropriate placement of landscaping and screening.** Staff believes additional landscaping or screening should be required adjacent to residential zoning and uses given the high ropes course which includes 50-foot tall structures will be at approximately 115 feet east of the nearest property line to the west. Large trees could help screen these towers. Staff request as a condition of approval the planting of a minimum of 10 trees, at least 40 feet tall at full maturity, along the portion of the rear property lines immediately west and south of the tall ropes course. The shorter ropes course located further west does not exceed 20 feet in height and is at least 50 feet from the west property line. The applicant has installed landscaping adjacent to South Bryant Boulevard at their main entrance to the facility.
9. **Site coverage by structures and other improvements, and resulting impacts.** As indicated, the new structures are adequately setback from the nearest property lines and will not result in negative impacts on nearby properties.
10. **Siting of structures and other improvements relative to appropriate setbacks, height limitations, maintenance of views and sight lines, as well as other aesthetic considerations; and There are no proposed signs as part of this PD development.** The underlying zoning standards within the PD District are Office Commercial (CO) which have no maximum height. The structures and course are well outside of the 25-foot front yard setback and exceed the minimum 10-foot side and rear setbacks abutting residential uses or zoning.
11. **Such other measures as might secure and protect the public health, safety, and general welfare.** Planning Staff believe that with adequate permits and parking, the proposed major site plan satisfies all criteria for a PD site plan.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a Major Amendment to a Site Plan on a property zoned Planned Development (PD06-05) Zoning District to allow

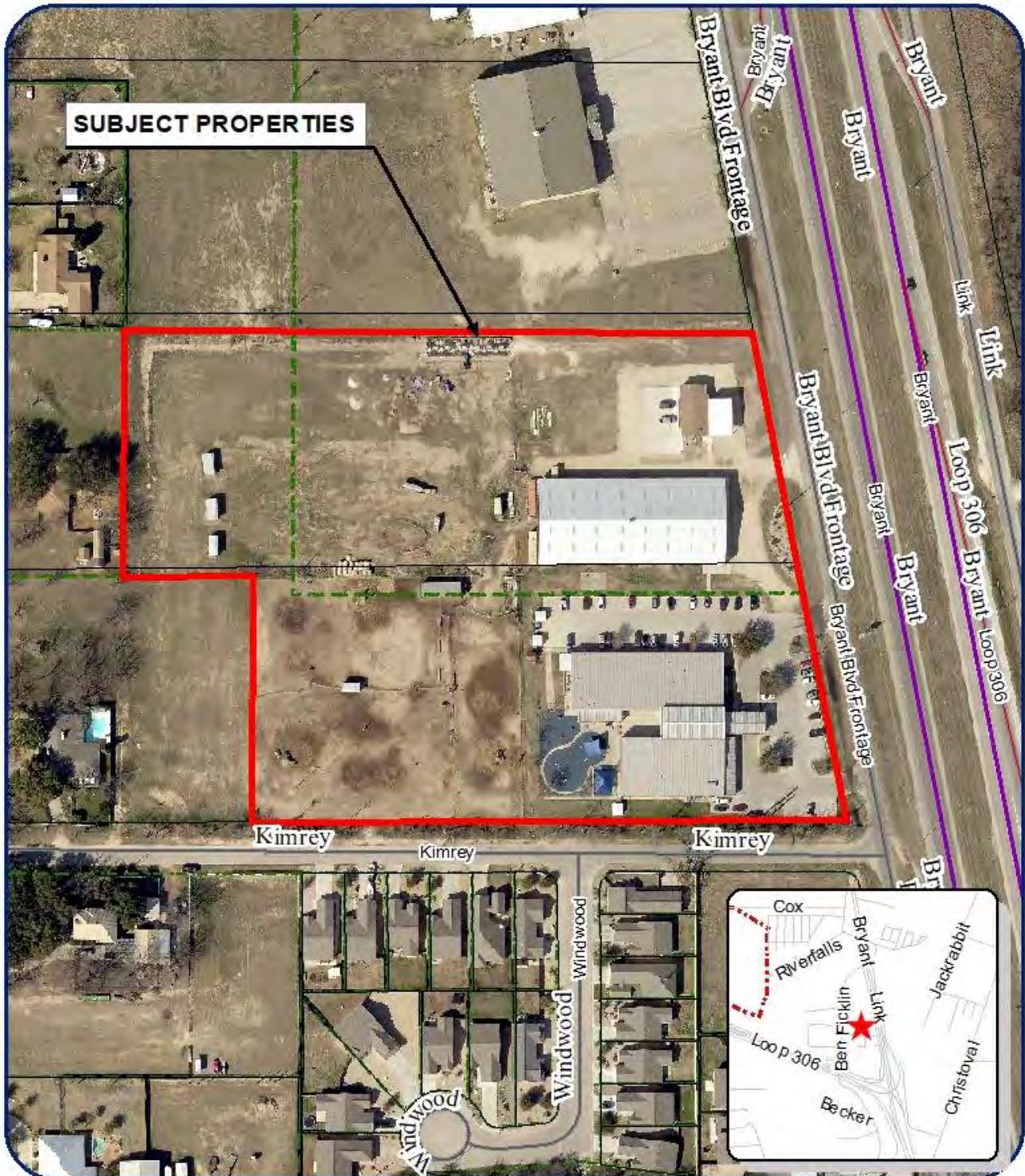
for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, **subject to five conditions of approval:**

1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the PD06-05 Zoning District standards as required.
2. Overall site use shall be in accordance with the approved Major Site Plan, as amended. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Major site plans may be approved by the Planning Commission and minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.
3. The applicant shall obtain all necessary permits from the Permits and Inspections Division prior to use of the new ropes challenge course.
4. The applicant shall submit a revised major site plan delineating the new rear porch attached to the office building, and include the additional three (3) required parking spaces, or obtain approval of an alternative parking plan from the Planning Director to allow the existing on-site parking.
5. A landscape plan shall be submitted to the Planning Director delineating a minimum of 10 trees, at least 40 feet tall at full maturity, along the portion of the rear property lines immediately west and south of the tall ropes course to provide screening from adjacent residential zoning and uses.

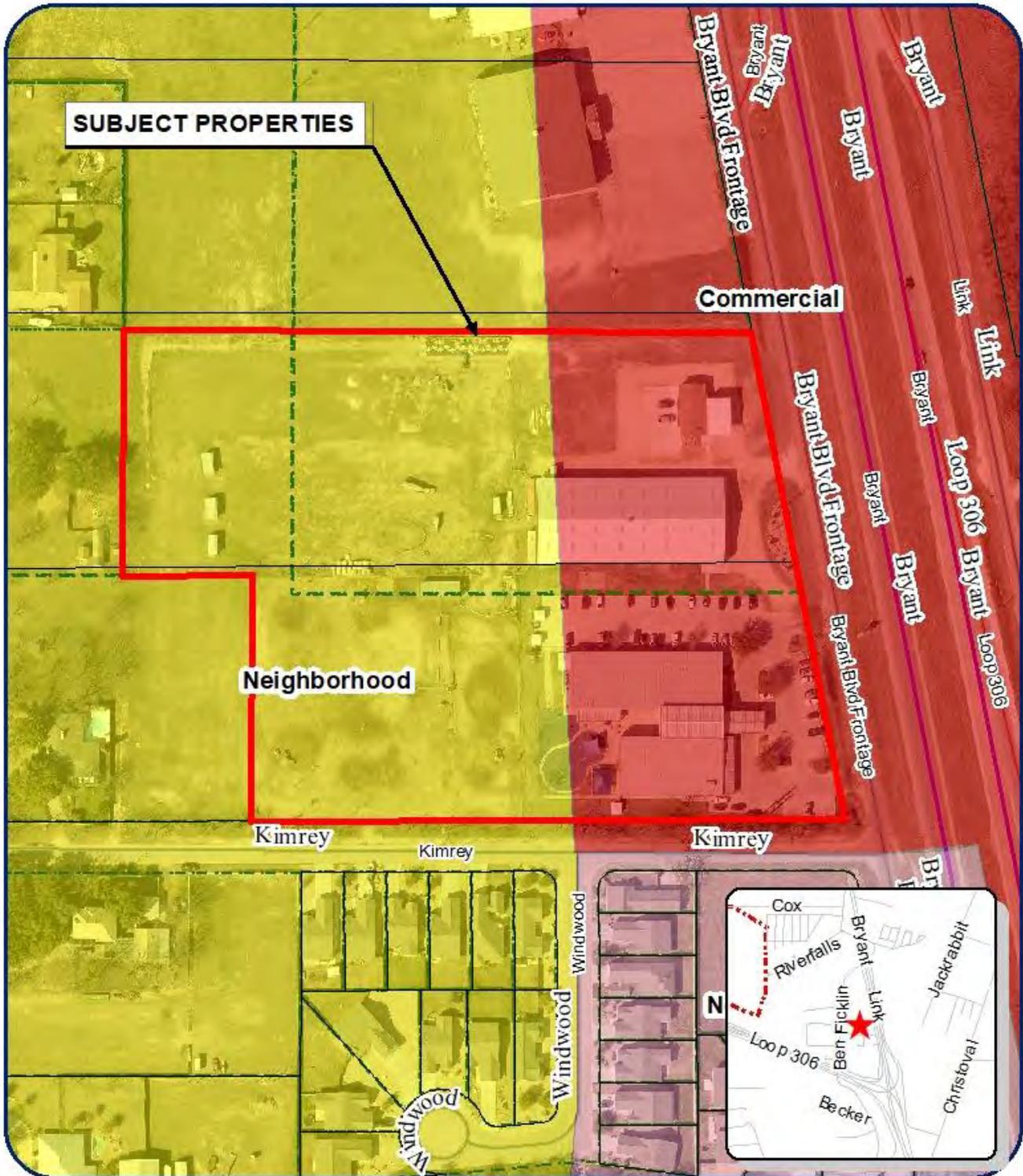
Note: Approximately 150 feet of the north end of the zip line area connected to the tall ropes course is located outside the PD boundary and inside the R&E Zoning District. The R&E District does not allow this structure. The applicant has been made aware that this portion of the zip line area requires a PD Zoning Amendment to expand the PD06-05 boundary.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letters
Major Site Plan
Conceptual Renderings
Application



PD Amendment - Major Site Plan		Legend			
PD06-05: Sonrisas Council District: Tommy Hiebert -District 1 Neighborhood: Glenmore Scale: 1" approx. = 150 ft 5185/5191 S. Bryant Blvd		Subject Properties:  Current Zoning: PD06-05 Requested Zoning Change: N/A Vision: Commercial and Neighborhood			



PD Amendment - Major Site Plan

PD06-05: Sonrisas

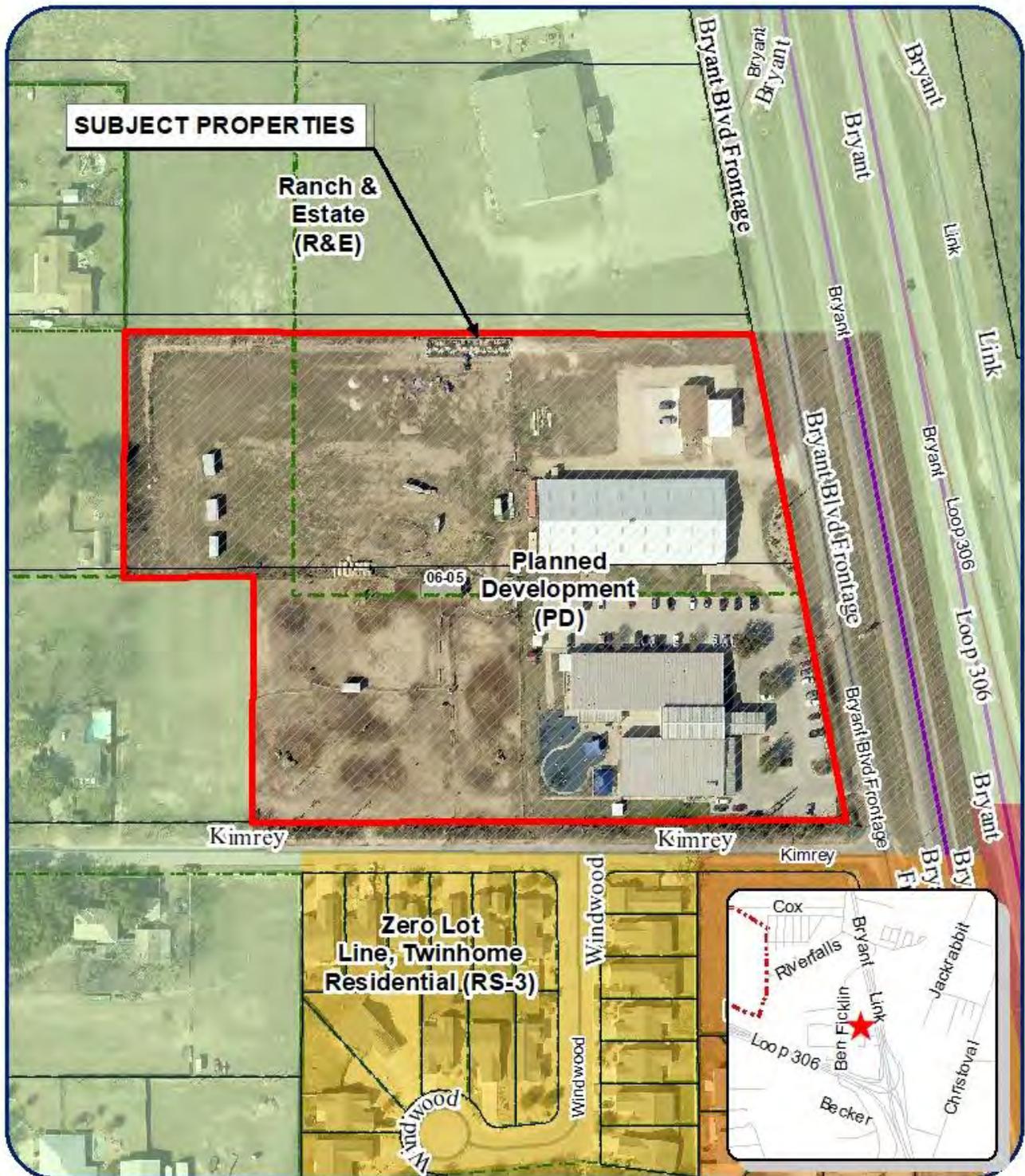
Council District: Tommy Hiebert - District 1
 Neighborhood: Glenmore
 Scale: 1" approx. = 150 ft

5185/5191 S. Bryant Blvd

Legend

- Subject Properties:
- Current Zoning: **PD06-05**
- Requested Zoning Change: **N/A**
- Vision: **Commercial and Neighborhood**





PD Amendment - Major Site Plan

PD06-05: Sonrisas
 Council District: Tommy Hiebert -District 1
 Neighborhood: Glenmore
 Scale: 1" approx. = 150 ft
5185/5191 S. Bryant Blvd

Legend
 Subject Properties:
 Current Zoning: **PD06-05**
 Requested Zoning Change: **N/A**
 Vision: **Commercial and Neighborhood**

N

Photos of Site and Surrounding Area

NORTH



SOUTH



WEST AT SOUTH PROPERTY (MOASIC)



WEST AT NORTH PROPERTY (SONRISAS)



LEAN-TO BUILDING AT REAR (PERMIT REQUIRED)



TRAIL RIDING AREA (AWNINGS REQUIRE PERMITS)



Photos of Site and Surrounding Area

EXISTING COVERED ARENA



REAR OF PROPERTY



OUTDOOR TALL ROPES AREA



OUTDOOR TALL ROPES AREA



OUTDOOR SHORT ROPES AREA



OUTDOOR SHORT ROPES AREA



Photos of Site and Surrounding Area

OUTDOOR SHORT ROPES AREA



OUTDOOR SHORT ROPES AREA



OUTDOOR SHORT ROPES AREA



OUTDOOR SHORT ROPES AREA



OUTDOOR SHORT ROPES AREA



OUTDOOR SHORT ROPES AREA



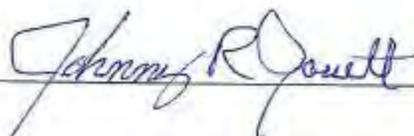
TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: JOHNNY R. JOUETT

ADDRESS: 4926 BEN FICKLER RD.

SIGNATURE: 

Amendment to PD06-05: Sonrisas Trails

Property owner number: 7

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal 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) _____

NAME: Jimmy T. Oroscio

ADDRESS: 421 E 49th St.

PHONE: 325-260-3859

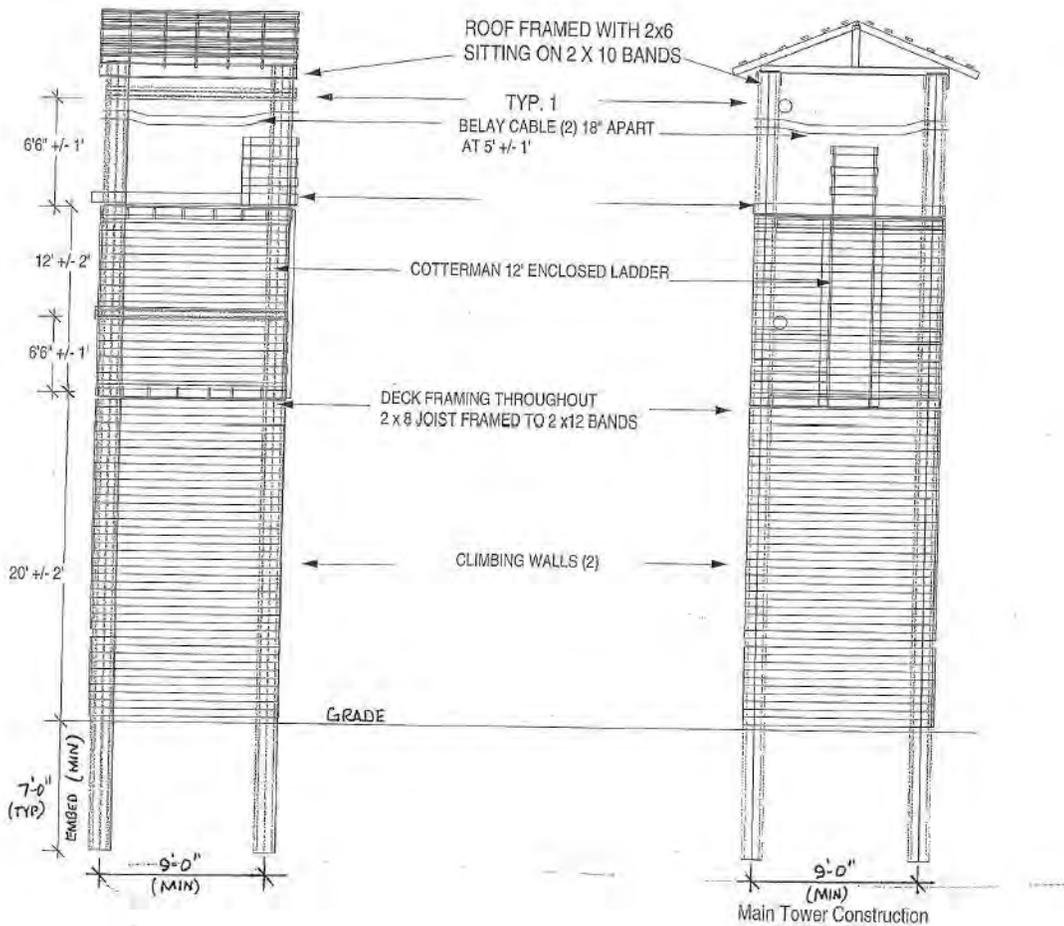
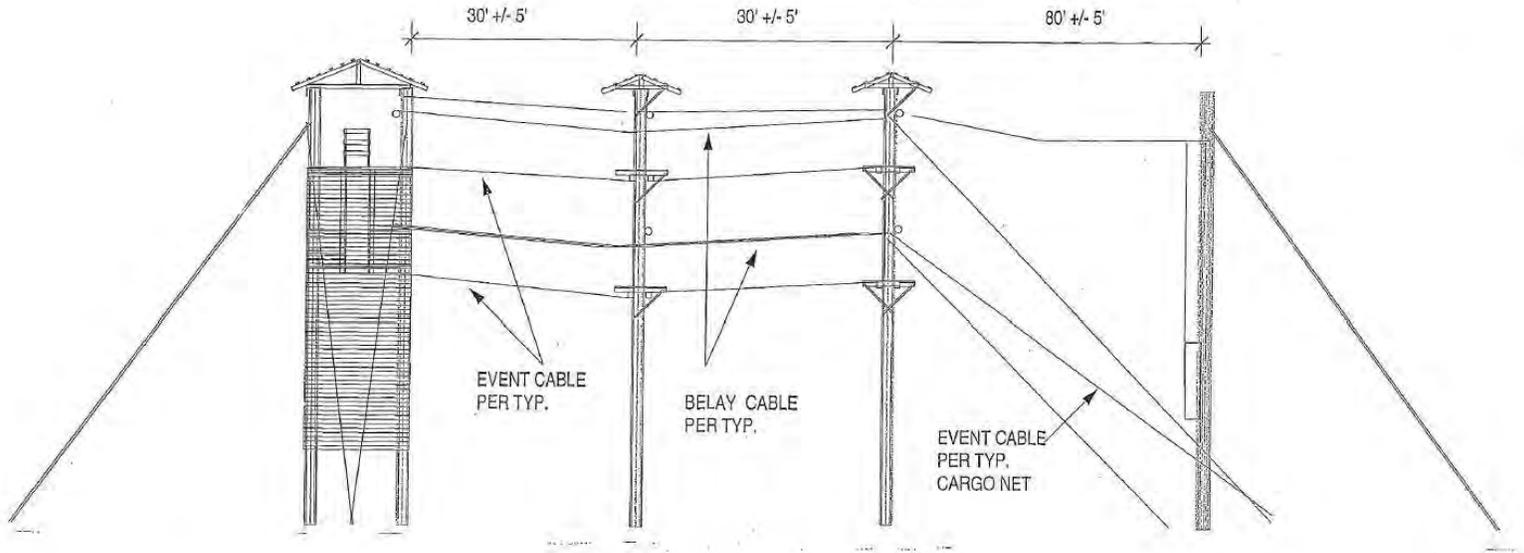
SIGNATURE Jimmy J. Oroscio

First Replat in Block 11, Lakeview Addition

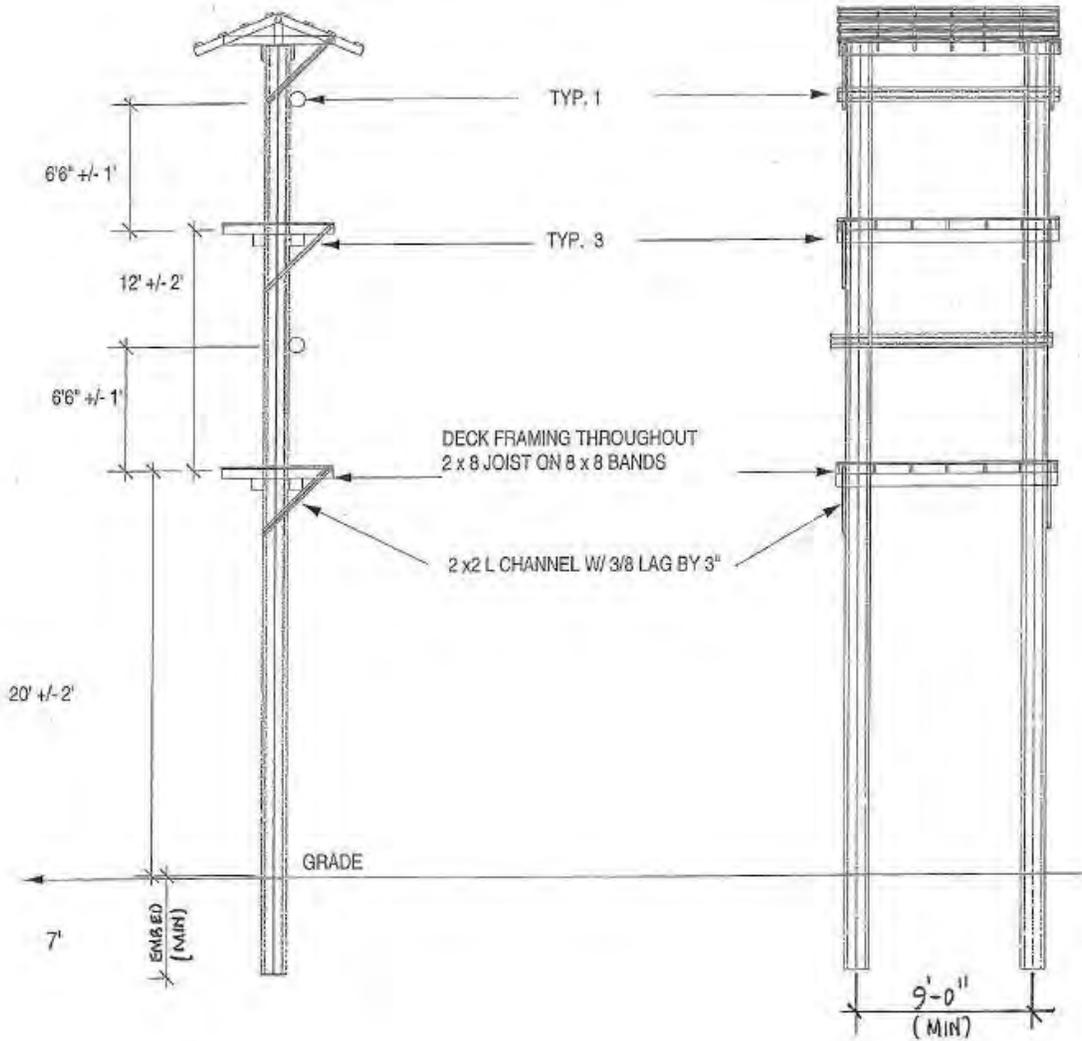
Property owner number: 8

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal 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

Conceptual Renderings – Tall Ropes



Conceptual Renderings – Tall Ropes



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): Brittany Janita & Bryan Benson
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 5302 Green Valley Trail San Angelo TX 76904
City State Zip Code

Contact Phone Number: 325-340-2962 Contact E-mail Address: Brittany@WelcomeHomeAngelo.com

Subject Property Address: 4382 Southwest Blvd San Angelo TX 76904
City State Zip Code

Legal Description (can be found on property tax statement or at www.tamarcencad.com):
Acres: 1.072 Subdivision: Meadow Creek Blvd SW 10720 acres in Tract C Sec 3

Existing Zoning: GC/CH Proposed Zoning: PD Lot size: 1.072

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

Section 2: Site Specific Details

Existing Use of Property: Storage/retail

Proposed Use of Property: Commercial entertainment facility with outdoor recreation areas, food trucks, wine & beer & indoor games
*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, this 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>Wesley Kelly</u> Owner Name (Print)	<u>[Signature]</u> Signature	<u>N/A</u> Company/Organization (If Applicable)	<u>8/14/19</u> Date
<u>Brittany Tonita</u> Representative Name (Print)	<u>[Signature]</u> Signature	<u>ERBA Newton Company</u> Company/Organization	<u>8/14/19</u> Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: 8, 16, 2019

Case No.: PD 19-08 Fully-dimensional site plan:

Nonrefundable fee: \$ 745.00 Receipt #: 339763 Date paid: 8, 16, 2019

Sign Deposit \$37.50 Receipt #: 339761 Date paid: / /

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

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

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

Planning Commission hearing date: 9, 16, 2019 Date notifications due: / /

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

Publication date: / /

Reviewed/Accepted by: J. Fisher Date: 8, 16, 19

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



APPLICATION TYPE:	CASE:		
Conditional Use	CU19-15: Curley		
SYNOPSIS:			
The applicant is requesting a Conditional Use to allow a Religious Institution on the subject properties zoned Two-Family Residential (RS-2). They indicate that they have operated a church on the west property, 1502 North Magdalen Street since 2001, and Tom Green County Appraisal indicates the 2,605-square foot building has been used as a church since the late 1950s. The applicant now plans to purchase the east property, 1501 Pecan to expand their ministry which requires the Conditional Use (See Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
1502 North Magdalen Street and 1501 Pecan Street; located immediately north of East 15 th Street between North Magdalen Street and Pecan Street		Being the south ½ of Block 8 in the G. W. Synder’s Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Harry Thomas (SMD#3) Neighborhood: Reagan	RS-2 – Two-Family Residential	N – Neighborhood	0.5 acres
THOROUGHFARE PLAN:			
<p>North Magdalen Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk Provided: 50’ right-of-way, 34’ pavement and no sidewalk (complied at time of platting)</p> <p>East 15th Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk Provided: 40’ right-of-way, 30’ pavement and no sidewalk (complied at time of platting)</p> <p>East 15th Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk Provided: 40’ right-of-way, 30’ pavement and no sidewalk (complied at time of platting)</p>			
NOTIFICATIONS:			
28 notifications mailed within 200-foot radius on November 6, 2019. No responses in favor or against.			
STAFF RECOMMENDATION:			
Staff recommends that the Planning Commission APPROVE a Conditional Use to allow for a Religious Institution in the Two-Family (RS-2) Zoning District on the subject properties, subject to the five Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owners: Sovereign Grace Baptist Church (1502 N. Magdalen St); Nicolas Castrellon (1501 Pecan Street)</i></p> <p><i>Applicant: Robert Curley</i></p>			
STAFF CONTACT:			
<p>Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us</p>			

Additional Information: This property contains an existing 964-square foot single-family dwelling. The applicant intends to maintain the church on the west property and use the east property for a fellowship hall for meals and special events, Bible study classes, and a nursery during church service. The applicants have not provided a concept plan for their proposed expansion and this will be required as a condition of approval. Discussions with the Planning Division resulted in the applicant agreeing to close the existing parking area located within the public right-of-way facing North Magdalen Street (approximately 6 spaces) and obtain approval for an alternative parking plan to allow the existing parking lot facing East 15th Street. This parking area, although it appears to be exclusively on private property, would require permission to have maneuvering (back out) into the public right-of-way. The existing parking area on East 15th Street has seven paved parking spaces but three of these are located in the sight triangle. This parking area can accommodate an additional six spaces if needed. The applicant indicates the church can accommodate up to 80 seats which would require 20 parking spaces under the Zoning Ordinance (1 space per 4 seats in the main sanctuary), and therefore, additional on-site parking will be required (see below). The applicant also notes that they may provide free tutoring services and ESL classes in future. The definition of a religious institution in the Zoning Ordinance are places where meeting areas are *primarily* for religious worship and education. The applicant is advised that additional education services may be provided so long as the principal use of the property is for church services and that these additional services are provided by the church.

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

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The applicant indicates that impacts will be minimal because they will have worship and Bible study on Sunday mornings, prayer on Wednesday evenings, and Bible study on Saturday mornings, which is not at travel peak times. Planning Staff agree and believe that once adequate parking is provided, including an alternative parking plan if necessary, traffic impacts should be minimal. As required by Section 509.A of the Zoning Ordinance, the applicant will also be required to install a minimum six-foot high privacy fence along the north property line to screen from adjacent residential uses and zoning, reduced to four feet within the two, 25-foot front yards facing North Magdalen and Pecan Streets respectively. Consistent with other recent approvals for religious institutions, staff is recommending the requirement of a landscape plan, approved by the Planning Director, which shall include a combination of trees and/or shrubs and grass and/or xeriscaping adjacent to North Magdalen Street and Pecan Street and behind the parking lot on East 15th Street. Staff believes with these conditions, and the fence requirement, impacts on the surrounding neighborhood will be minimized.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** When combined, the properties each have 78 feet of lot frontage onto North Magdalen and Pecan Streets respectively; a total lot depth of 276 feet; and a total lot area of 0.5 acres, well exceeding the minimum lot frontage of 50 feet, minimum lot depth of 100 feet, and minimum lot area of 5,000 square feet in the RS-2 zone. The existing

buildings on the property have a total floor area ratio of 16.5%, well under the maximum of 40% allowed in the RS-2 zone. As indicated, the applicant may require up to 20 parking spaces with a seat count of 80. As a condition of approval, the applicant will be required to submit a concept plan to the Planning Director for approval delineating all required parking spaces and install them prior to any new occupancy. The parking lot in the Magdalen Street public right-of-way will be required to be closed with proper curbing installed. This will address traffic safety concerns of avoiding direct back-out of vehicles onto a highly used street, and require the applicant install new parking within the Pecan Street property to accommodate additional parking needs. The applicant will also need a change of occupancy permit to convert the existing house at 1501 Pecan Street into church use. Staff believes this timeframe is reasonable as the existing church has already operated since 2001 in this location. As mentioned, the three parking spaces on East 15th Street in the sight triangle cannot be counted and thus, must be removed. Finally, Staff discovered an intermodal container located behind the existing church at 1502 North Magdalen which is not allowed as a permanent structure in the RS-2 zone. As per Section 416 of the Zoning Ordinance, this container shall be removed from the property unless it is used for temporary storage during construction, in which case it shall be removed within 60 days following completion of the project.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.* Staff believes that the proposed use is compatible with the surrounding neighborhood. The area already includes several institutional uses including Immanuel Baptist Church located one block south, and Reagan Elementary School located three blocks to the northwest. Once adequate parking is provided and additional conditions are satisfied, Planning Staff is confident that the church will be compatible with the surrounding area.
4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not anticipate adverse impacts on the natural environment. A review of grading, drainage, and stormwater would be conducted at time of permitting which will include the future parking area to ensure that any runoff issues are mitigated.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* The applicant indicates that the church is unique in that there is no other Reformed Baptist church within 200 miles of San Angelo. Staff supports the expansion of the existing church which can provide additional faith-based services to the surrounding residential neighborhoods.
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* Staff raised initial concerns with the applicant utilizing the existing parking located within the right-of-way of North Magdalen Street, which is highly travelled. The applicant indicated they would be willing to close this parking lot and provide additional parking elsewhere on the property. Staff is confident once these parameters

are in place, there will be a logical and orderly pattern of development. East 15th Street ends one block east of the property and therefore, existing parking adjacent to 15th Street will be a less of a traffic and safety issue than if allowed on North Magdalen Street which connects to downtown.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a Religious Institution in the Two-Family (RS-2) Zoning District on the subject properties, subject to the **following five Conditions of Approval:**

1. Prior to issuance of any building permit, the applicant shall submit a concept plan for the entire development that delineates all required parking spaces. All driveways and parking spaces shall be paved with appropriate striping, and the three parking spaces located in the sight triangle and the North Magdalen Street entrance shall be closed with appropriate curbing prior to any new final occupancy. Overall site use shall be in accordance with the approved Concept Plan. Major changes shall be approved through an amendment to this Conditional Use with approval from the Planning Commission. Minor deviations may be approved at the discretion of the Planning Director.
2. The applicant shall obtain change of occupancy permit to convert the existing house at 1501 Pecan Street into church use.
3. Prior to issuance of any building permit, the applicant shall submit a landscape plan to the Planning Director for approval which shall include a combination of trees and/or shrubs and grass and/or xeriscaping adjacent to North Magdalen Street and Pecan Street and behind the parking lot on East 15th Street.
4. The applicant shall remove the intermodal container from the properties which is not permitted in the RS-2 Zone. The container may remain on the property of used for temporary construction storage of any new building but shall be removed within 60 days following completion of the project.
5. All lighting shall be shielded in such a manner so as to prevent spillover light and glare onto surrounding properties.

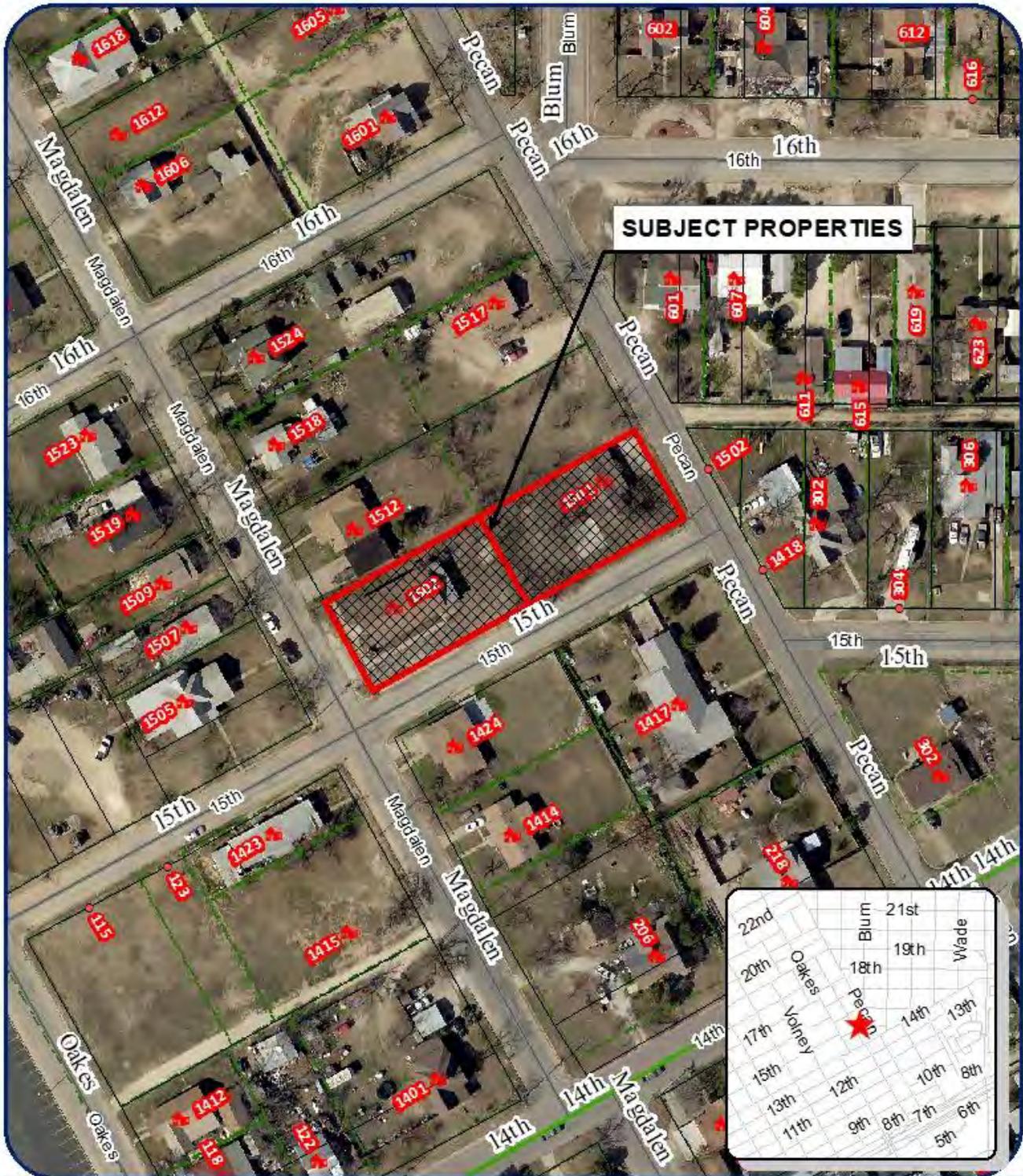
Note:

1. As required by Section 509 of the Zoning Ordinance, the applicant shall install a minimum six-foot high privacy fence along the north property line to screen from adjacent residential uses and zoning, reduced to four feet within the two, 25-foot front yards facing North Magdalen and Pecan Streets respectively.

Attachments:

Aerial Map

Future Land Use Map
Zoning Map
Photographs
Aerial View of properties
Applicant's Rezoning Criteria
Application



Conditional Use

CU19-15: Curley

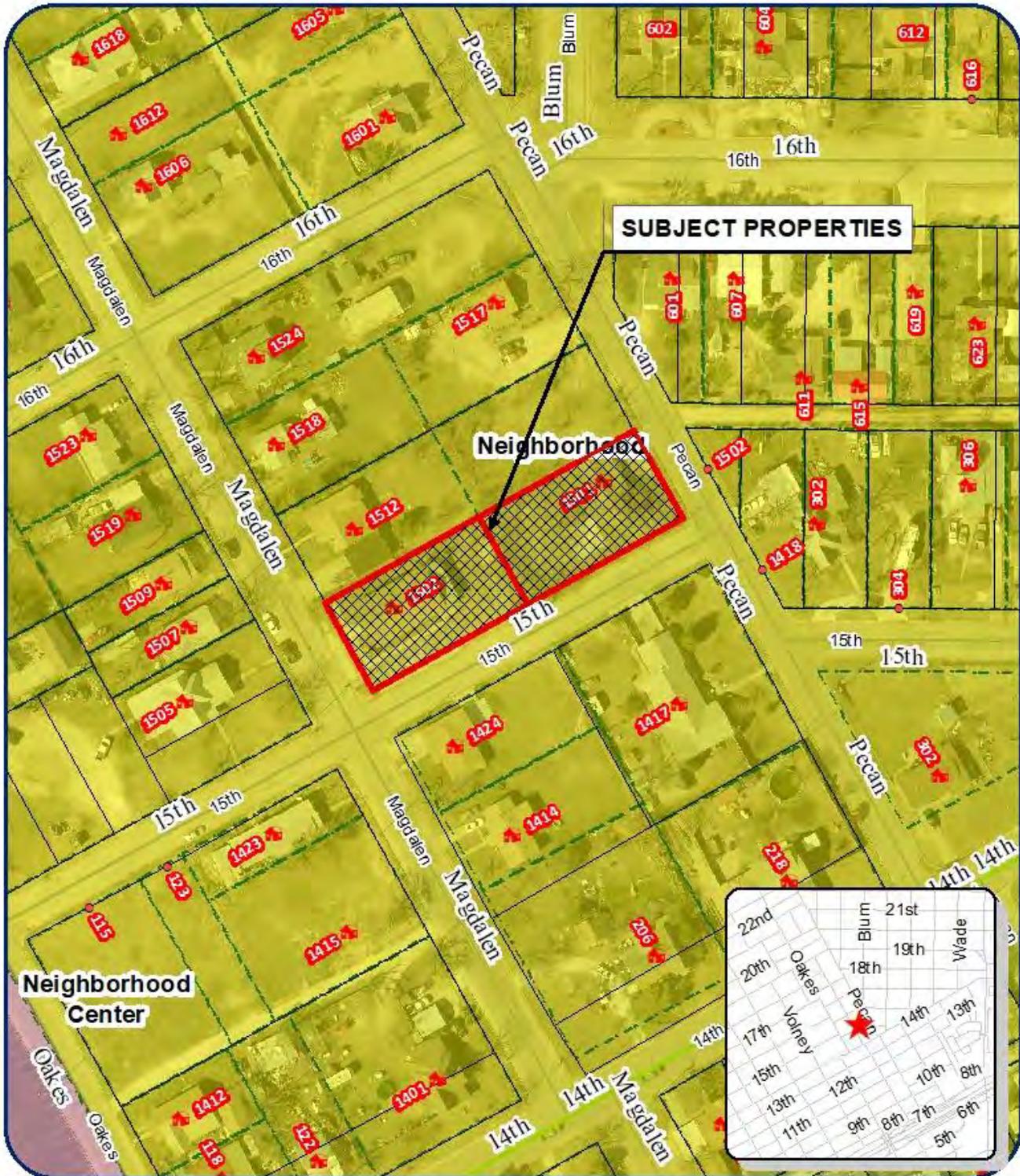
Council District: Harry Thomas -District 3
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

1502 N. Magdalen St and 1501 Pecan St

Legend

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





Conditional Use

CU19-15: Curley

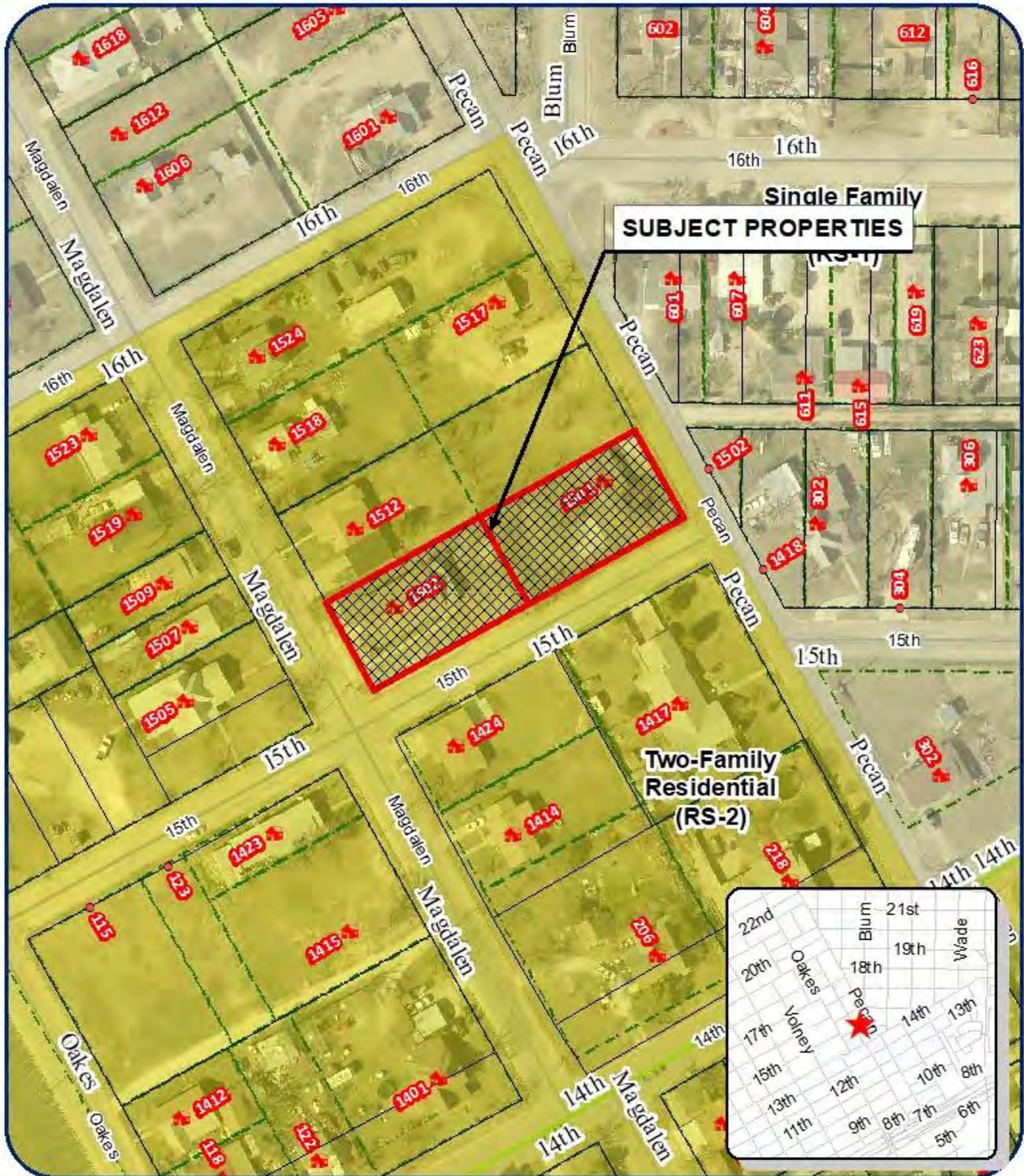
Council District: Harry Thomas -District 3
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

1502 N. Magdalen St and 1501 Pecan St

Legend

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





Conditional Use

CU19-15: Curley

Council District: Harry Thomas - District 3
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

1502 N. Magdalen St and 1501 Pecan St

Legend

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



Photos of Site and Surrounding Area

EXISTING CHURCH (1502 N. MAGDALEN)



NORTH AT EXISTING CHURCH (FACING 15TH ST)



EAST AT EXISTING CHURCH (FACING MAGDALEN)



NORTH ON MAGDALEN



EAST ON 15TH STREET



EXISTING PARKING IN MAGDALEN RIGHT-OF-WAY



Photos of Site and Surrounding Area

1501 PECAN SITE LOOKING NORTH



15012 PECAN SITE LOOKING WEST



LOOKING WEST ON 15TH ST



EXISTING INTERMODAL CONTAINER ON 1501 N MAGDALEN



Aerial View of Properties



CLOSE ALL 6 PARKING SPACES IN PUBLIC RIGHT-OF-WAY AND PROVIDE CURBING

7 EXISTING PARKING SPACES (3 IN SIGHT TRIANGLE TO BE REMOVED, PROVIDE ADDITIONAL PARKING AS NEEDED ON PROPERTIES)

Attachment #1

Application for Approval of a Conditional Use

Section 1: Basic Information

Subject Property Address

1501 Pecan St. San Angelo TX 76902
1502 N. Magdalen St. San Angelo TX 76903

Legal Description

1501 Pecan St.: Blk: 8-10, Subd: Snyder Addition, SE ¼ of Lot 8
1502 N. Magdalen St.: Blk:8-10, Subd: Snyder Addition, S ½ of Acre Lot 8 of G W Snyder S/D

Lot Size	Zoning
1501 Pecan St.: 0.250 Acres 10,889 Sq.Ft. 78' x 138'	RS-2
1502 N. Magdalen St: 0.250 Acres 10,889 Sq.Ft. 78' x 137'	RS-2

Section 2: Site Specific Details

Existing Use of Property

1501 Pecan St. Single Family Home
1502 N. Magdalen St. Church

Proposed Use/Size

1501 Pecan St. Church (See explanation under "Proposed Conditional Use" below)
1502 N. Magdalen St. Church (See explanation under "Proposed Conditional Use" below)

Proposed Conditional Use:

The Foundation for the Advancement of Reformed Baptist Causes (FARBC) is an association of churches that exists for the purposes of training men for Christian ministry as Reformed Baptist pastors, planting churches, and helping existing Reformed Baptist churches. FARBC has authorized Robert Curley to serve as agent for the Foundation in all matters regarding the FARBC's interest in and official actions regarding the properties identified above (see Attachment #2). FARBC is submitting this Conditional Use Application on behalf of Nicolas Castellon, the current owner of the 1501 Pecan St. property (see Affidavit at Attachment #3 and Sovereign Grace Baptist Church (SGBC)

Attachment #1

(see Affidavits at Attachments #4 and #5). These two properties are contiguous and share a common property line at the back of each property. FARBC is filing this Application for both parties in order to make it clear that the Proposed Conditional Use of 1501 Pecan St. property is simply an extension of the existing ministry of SGBC. FARBC plans to purchase the 1501 Pecan St. property and make it available for SGBC's use.

1501 Pecan St.: FARBC plans to purchase the property located at 1501 Pecan St., San Angelo, TX, for the purpose of enabling the Sovereign Grace Baptist Church, located at 1502 N. Magdalen St., San Angelo, TX, to expand the ministry and strengthen the life and activities of the church by using the 1501 Pecan St. property for Bible study classes, a fellowship hall for meals and special events, for a nursery for children 0-4 years during time of Bible study and worship services, and for additional parking. This church would also have space to possibly provide free tutoring services and ESL classes, if the church should have the volunteer personnel available to provide such services. The current building is approximately 1,000 sq.ft. We plan to make any necessary repairs and renovations to the current structure in order to make it available for our current needs. We do not plan any new construction at this time.

1502 N. Magdalen St. This property was originally built as a church in 1939 and has been used as a church since that time. Since 2001, Sovereign Grace Baptist Church has owned the property and used the property for worship services, Bible studies, and prayer meetings. This building is only 2,605 sq.ft. which provides sufficient space for only a sanctuary, restrooms, a small office, and one classroom. In order for the church to be able to provide age-level Bible studies, share fellowship meals, and provide nursery care during services, the additional space the property at 1501 Pecan St. will provide is essential. This Conditional Use Application is being filed on behalf of SGBC in order to make clear the connection of the Use of both properties.

Impacts Minimized:

Sovereign Grace Baptist Church conducts worship services and Bible studies on Sundays, prayer meetings on Wednesday evenings, and Bible studies on Saturday mornings. The church's activities and use of these properties is not at peak travel times and will not create additional traffic congestion in the community. We plan to use some of the property for additional parking which will minimize the use of on street parking. We are a small church and our beliefs regarding worship are focused on reverence; so, we do not make use of loud bands with electric guitars, drums, and other instruments; therefore, we will not create any noise nuisance in the community.

Consistent with Surrounding Area.

Sovereign Grace Baptist Church (SGBC) has existed at 1502 N. Magdalen St. since 2001 and has maintained excellent relations with its neighbors and the local community. SGBC's presence in the community is consistent with the presence and acceptance of other churches in relatively close proximity. Immanuel Baptist Church is located one block from SGBC at 90 E. 14th St. and the Church of God is located two blocks from SGBC at 14th and Volney. These churches have proven to maintain excellent relations with community members at large and the churches provide spiritual help as well as other services to the community. John H. Reagan Elementary School is located four blocks from

Attachment #I

SGBC and contributes to the overall structure of the community as a mix of residential, educational, and religious components.

Effect on Natural Environment:

None anticipated.

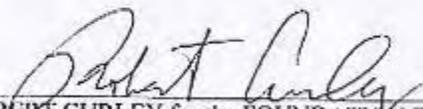
Community Need:

While there are other churches in the immediate community of these two properties, SGBC is the only confessional, reformed church in the greater San Angelo area. Additionally, there is no reformed Baptist church within almost 200 miles of San Angelo. The presence of a confessional reformed Baptist church in San Angelo is essential to meet the needs of a growing number of reformed Baptist Christians in greater San Angelo.

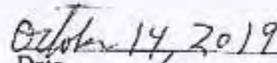
Additionally, numerous studies have shown that churches make significant, positive contributions to communities in the areas of social mores, mental health, reducing deviance, dealing with addictions and crime, and generally enhancing the stability of communities.

Development Patterns:

The Proposed Conditional Use of these two properties is consistent with the overall development of the local community. A very positive mix of residential, educational, and religious components combine to provide an urban structure highly conducive to stability, growth, and civic responsibility.



ROBERT CURLEY for the FOUNDATION FOR THE
ADVANCEMENT OF REFORMED BAPTIST CAUSES


Date

Section 2 continued: Site Specific Details

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

Explanation: See attached.

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

Explanation: See attached.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

- If approved, a Conditional Use is applied to the property, not the property owner.
- The Planning Commission makes the final decision on Conditional Use requests; appeals may be directed to City Council
- Approval of this Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval
- If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.

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

Robert Curley
Signature of licensee or authorized representative

October 14, 2019
Date

Robert Curley, Authorized Representative

Printed name of licensee or authorized representative

Foundation for the Advancement of Reformed Baptist Causes
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: 19-15 Planning Commission date: 11, 18, 19

Nonrefundable application fee: \$ 415.00 Receipt #: 19987 Date paid: 10, 17, 19

Reviewed/Accepted by: _____ Date: _____

PLANNING COMMISSION – November 12, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		Fairview Addition Block 49: Republic Waste Services	
SYNOPSIS:			
<p>The applicant has requested the abandonment of a 20' x 350' unpaved alley within Block 49 of Fairview Addition. The reason for the request is for use of the alley property that is adjacent to Republic Waste Services as a storage area. Sewer is present in the alley. The applicant owns Lots 3 thru 7 and 8 thru 12 located on the west end of the alley abandonment. There are two additional property owners that have been contacted to see if they also want the alley ROW that abuts their property. Republic is requesting abandonment of the entire alley.</p>			
LOCATION:		LEGAL DESCRIPTION:	
East/west alley south of Ellis St., north of Veck St., between North Cecil and North Archer Streets.		Being a 0.16069 acres (7,000 square feet) east/west alley located within Block 49 of Fairview Addition.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 3 – Harry Thomas Paulann Neighborhood	Heavy Manufacturing (MH)	Industrial	0.16069 acres (7,000 sq. ft.)
THOROUGHFARE PLAN:			
Alley was approved as part of the Fairview Addition, filed for record September 17, 1906 with the Tom Green County Clerk.			
NOTIFICATIONS:			
Three notices were sent on October 30, 2019 to property owners effected.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to three Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Republic Waste Services Texas LTD Adrienne Wilhoit, - VP			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 Sherry.bailey@cosatx.us			

Additional Information:

The applicant indicated that this alley is not used in the traditional manner for an alley but generally as storage for the existing waste service company. Sewer is located in the platted alley, electric poles on the east end of the alley only.

Utility Comments:

Sewer in the alley, electric on the east end only. There will have to be a recorded sewer easement through the entire alley, 10 feet wide. However, the easement width will need to be expanded on the east end to 20 feet along Lots 1 & 2, 13 & 14 for the electric pole access.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on October 30 and November 8, 2019, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* There is no evidence that the alley is used except sporadically at the east end for access to the electric pole.
- *Utilities:* Sewer and electric as mentioned above.
- *Community Impact:* There does not appear to be any negative impact to what the property owner intends. This is a heavy manufacturing/industrial use area where waste facility storage has no impact.
- *Public Benefit:* The positive impact could be seen as continued use for necessary industrial use storage in an area which accommodates such uses.

Recommendation:

Staff's recommendation is **APPROVAL** of the proposed abandonment and vacation of a 20-foot wide by 350-foot long, 0.16069-acre (7,000-square foot) public alley; generally located running east/west in Block 49 of Fairview Addition, south of Ellis St., north of Veck St., between North Cecil and North Archer Streets., **subject to three Conditions of Approval:**

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned alley right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of quit claim deed(s) officially abandoning the City's claim to the entirety of the abandoned alley shall be provided.
3. Submit, obtain approval, and officially record a subdivision replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance and providing a ten foot utility easement the length of the alley property and a 20 foot utility easement along lots 1 & 2, 13 & 14

NOTE:

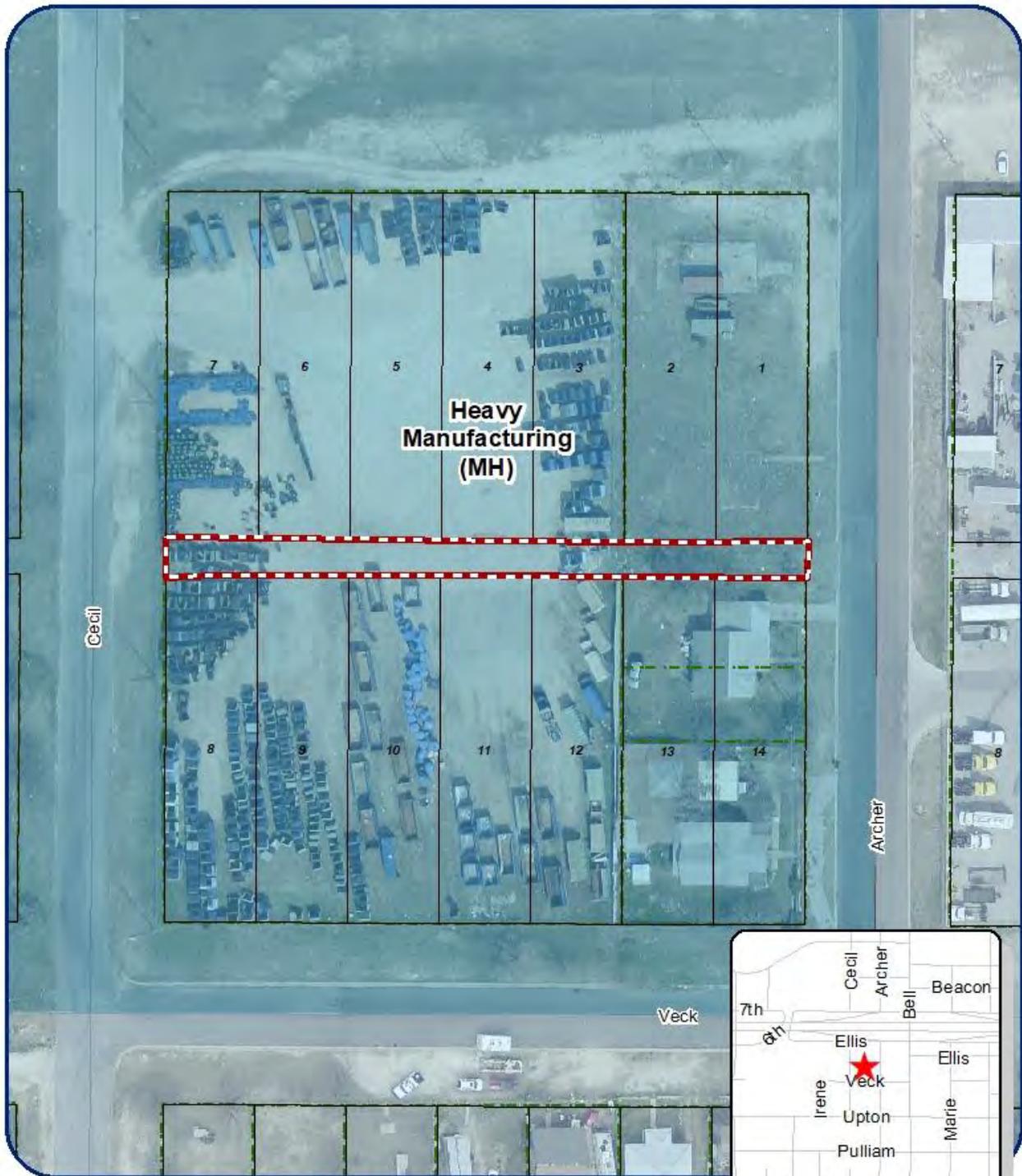
1. On the subsequent replat the following will be required:
 - Extension of water main infrastructure adjacent to the subdivision.
 - Widening of deficient roadways adjacent to the subdivision.

Attachments:

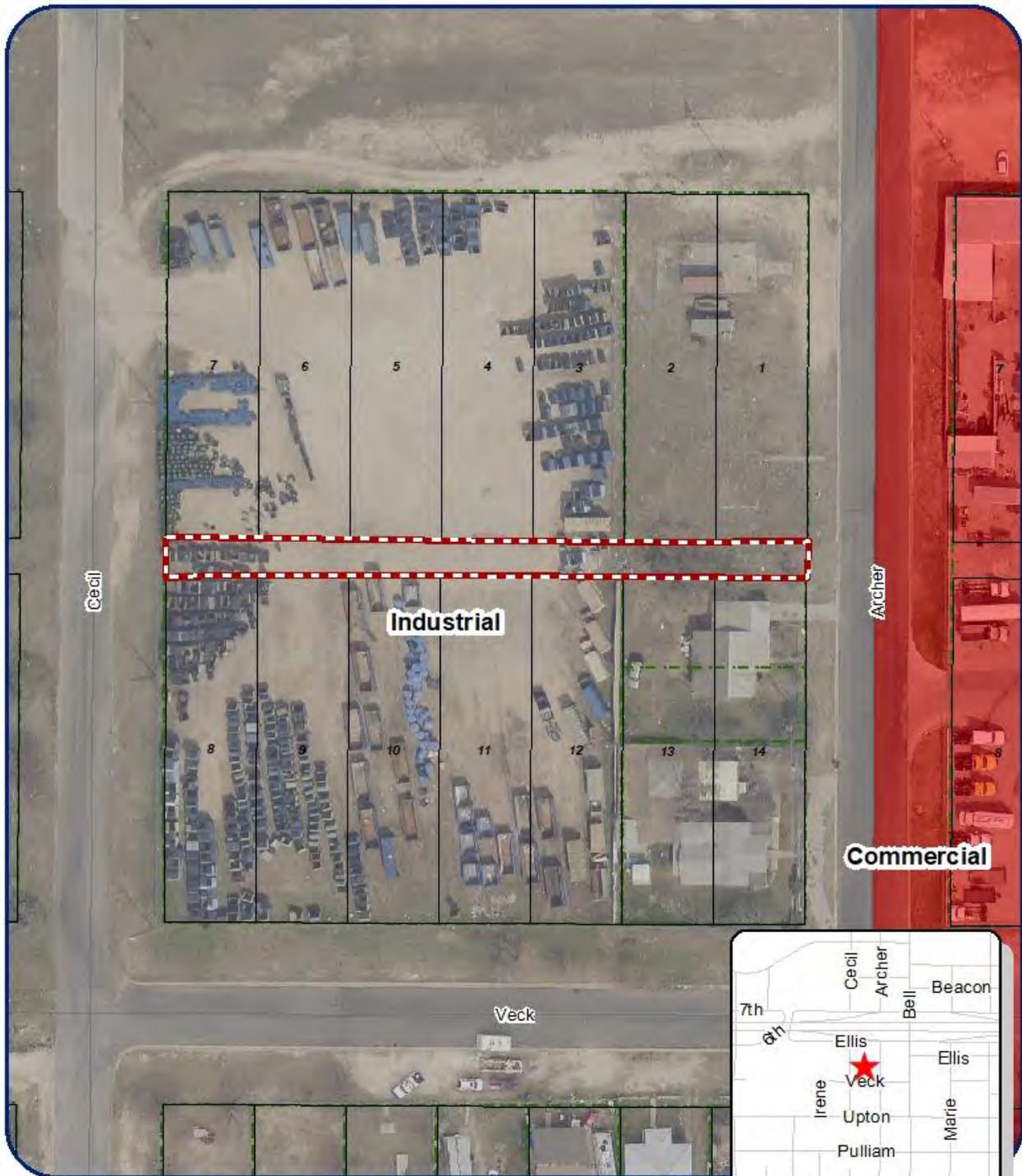
Aerial Map
Zoning Map
Future Land Use Map
Photos
Original Plat
Application



Alley Abandonment		Legend		N ▲	
Republic Waste Services Texas LTD		Subject Properties:	Current Zoning: Heavy Manufacturing (MH)		
Council District 3 - Harry Thomas		Requested Zoning Change: NA			
Neighborhood: Paulann		Vision: Industrial			
Scale: 1" approx. = 70 ft					
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14, Block 49 Fairview Addition					



Alley Abandonment		Legend		N ▲	
Republic Waste Services Texas LTD		Subject Properties:	Current Zoning: Heavy Manufacturing (MH)		
Council District 3 - Harry Thomas		Requested Zoning Change: NA			
Neighborhood: Paulann		Vision: Industrial			
Scale: 1" approx. = 70 ft					
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14, Block 49 Fairview Addition					



Alley Abandonment		Legend		N ▲	
Republic Waste Services Texas LTD		Subject Properties:	Current Zoning: Heavy Manufacturing (MH)		
Council District 3 - Harry Thomas		Requested Zoning Change: NA			
Neighborhood: Paulann		Vision: Industrial			
Scale: 1" approx. = 70 ft					
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14, Block 49 Fairview Addition					

PHOTOS



Cecil Street view of alley site



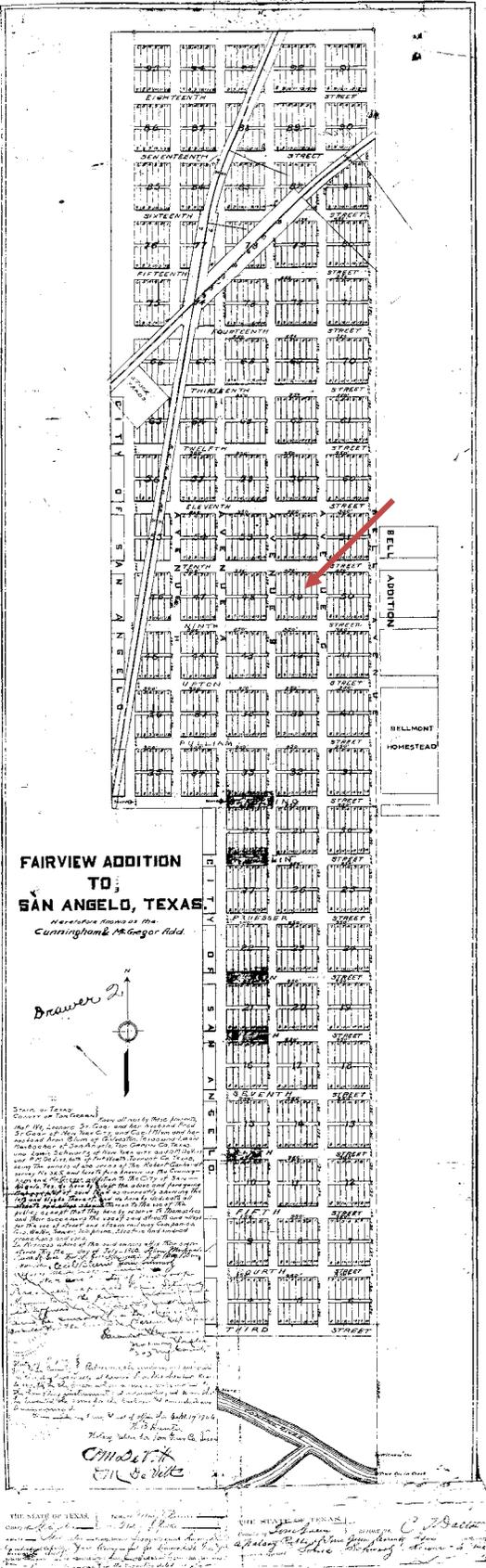
Archer Street view of alley site



Archer St. at alley with electric pole removed



Archer St. at alley with alley fenced off at present time



Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

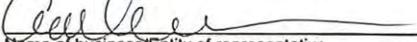
Republic Waste Services of Texas, Ltd., a Texas limited partnership
By: Republic Waste Services of Texas GP, Inc., General Partner

October 16, 2019

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

Date

Printed name of licensee or authorized representative



Name of business/Entity of representative
Adrienne W. Wilhoit, Vice President

FOR OFFICE USE ONLY:

Date of Application: 10, 16, 19

Non-Refundable Fee: \$ 595 Receipt #: 20033 Date paid: 10, 16, 19

Date of hearing by Planning Commission: / / Date of hearing by City Council: 12, 18, 19

Reviewed/Accepted by: _____

EXHIBIT A

LEGAL DESCRIPTION

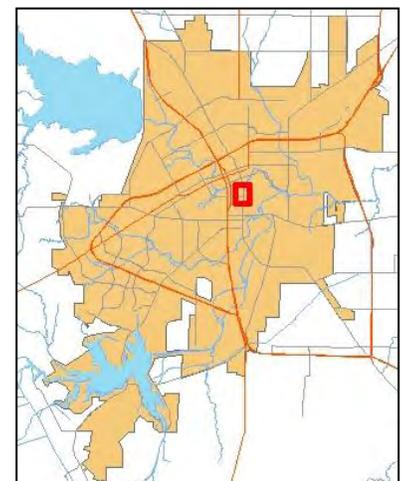
Property:

Being Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Forty-nine (49), Fairview Addition to the City of San Angelo, Tom Green County, Texas, according to the map or plat of said Addition of record in Volume 1 at page 110 of the Plat Records of Tom Green County, Texas.

PLANNING COMMISSION – November 18, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Street Right-of-way Abandonment		East Ave D – City of San Angelo	
SYNOPSIS:			
City staff is initiating the abandonment of approximately 8,800 square feet of East Avenue D public right-of-way, between West Avenue C and West Washington Drive within Block 15 of the Millspaugh Addition. The intent is to utilize this area to display trains for the Historic Orient Santa Fe Depot.			
LOCATION:		LEGAL DESCRIPTION:	
East Avenue D – currently an unopened right-of-way (part is currently a parking lot)		Being a section of East Avenue D within Block 15 of Millspaugh Addition; generally located on South Oakes Street between West Avenue C and West Washington Drive	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Neighborhood – Fort Concho	ML – Light Manufacturing	Downtown	0.2 acres
THOROUGHFARE PLAN:			
<u>East Avenue D</u> – Local Street, 50’ ROW Required (no ROW for public access), 40’ Pavement Required (no pavement for public access) <u>South Chadbourne Street</u> –Major Arterial Street, 80’ ROW required (80’ Existing), 64’ pavement required (58’ Provided)			
NOTIFICATIONS:			
3 notifications mailed within 200-foot radius on October 30, 2019. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Right-of-Way Abandonment request, subject to one Condition of Approval.			
PROPERTY OWNER/PETITIONER:			
City of San Angelo			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			



Additional Information:

Planning 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.

Staff comments include requiring submittal, approval, and recording of a subdivision replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance. This ROW was part of a plat in March 10, 1888. It is currently being utilized as a parking lot, but the underlying ROW was never abandoned. When the railroad went through in the September 30, 1888, this portion of Avenue D was never developed due to the train station. The City is proposing to abandon the ROW, but retain the land for a public purpose. This will allow the addition of new displays with the Santa Fe Museum and the continuation of the parking area for the museum.

Analysis:

Planning Staff believes this portion currently provides no public benefit, and closing it would provide more area for the Historic Orient Santa Fe Depot to expand, as per the request.

The proposed abandonment would not contradict any applicable City Ordinance. As conditions of approval, the applicant would be required to replat the abandonment area into the adjacent property.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property to determine the appropriateness of abandoning this public right-of-way.

- *Traffic patterns:* There is no evidence that the street is used; except an existing parking lot.
- *Utilities:* There are no existing City utilities in this segment of street right-of-way.
- *Community Impact:* The Planning staff has sent adjacent owners public notice of the meeting. There have been no opposition responses to date. There does not appear to be any negative impact for any surrounding property owners.
- *Public Benefit:* The Planning Division recommends approval for the entire street to allow that space to be more effectively integrated with adjoining property owners, in a way which would enhance the long-term upkeep and appearance of this space.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed abandonment of a 8,800 square foot segment of the East Avenue D public right-of-way, **subject to One Condition of Approval:**

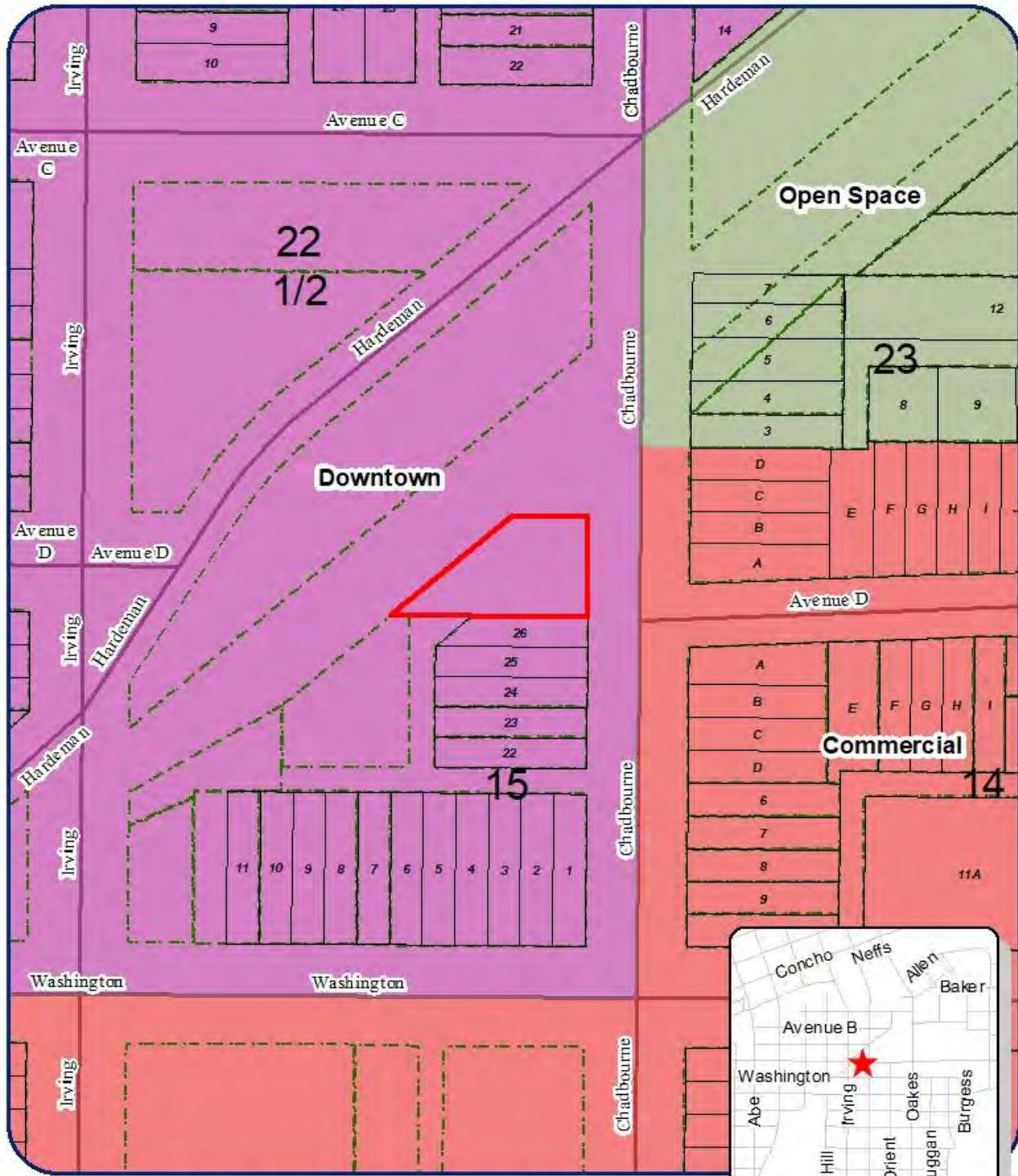
1. Submit, obtain approval, and officially record a subdivision replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance.

Attachments:

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



Location Map ROW Abandonment		Legend	
East Avenue D		Subject Properties:	
Council District 3 - Harry Thomas		Current Zoning:	ML
Neighborhood: Fort Concho		Requested Zoning Change:	N/A
Scale: 1" approx. = 100 ft		Vision:	Downtown
80 feet of Avenue D adjacent to Block 15, Millspaugh Addition		 	

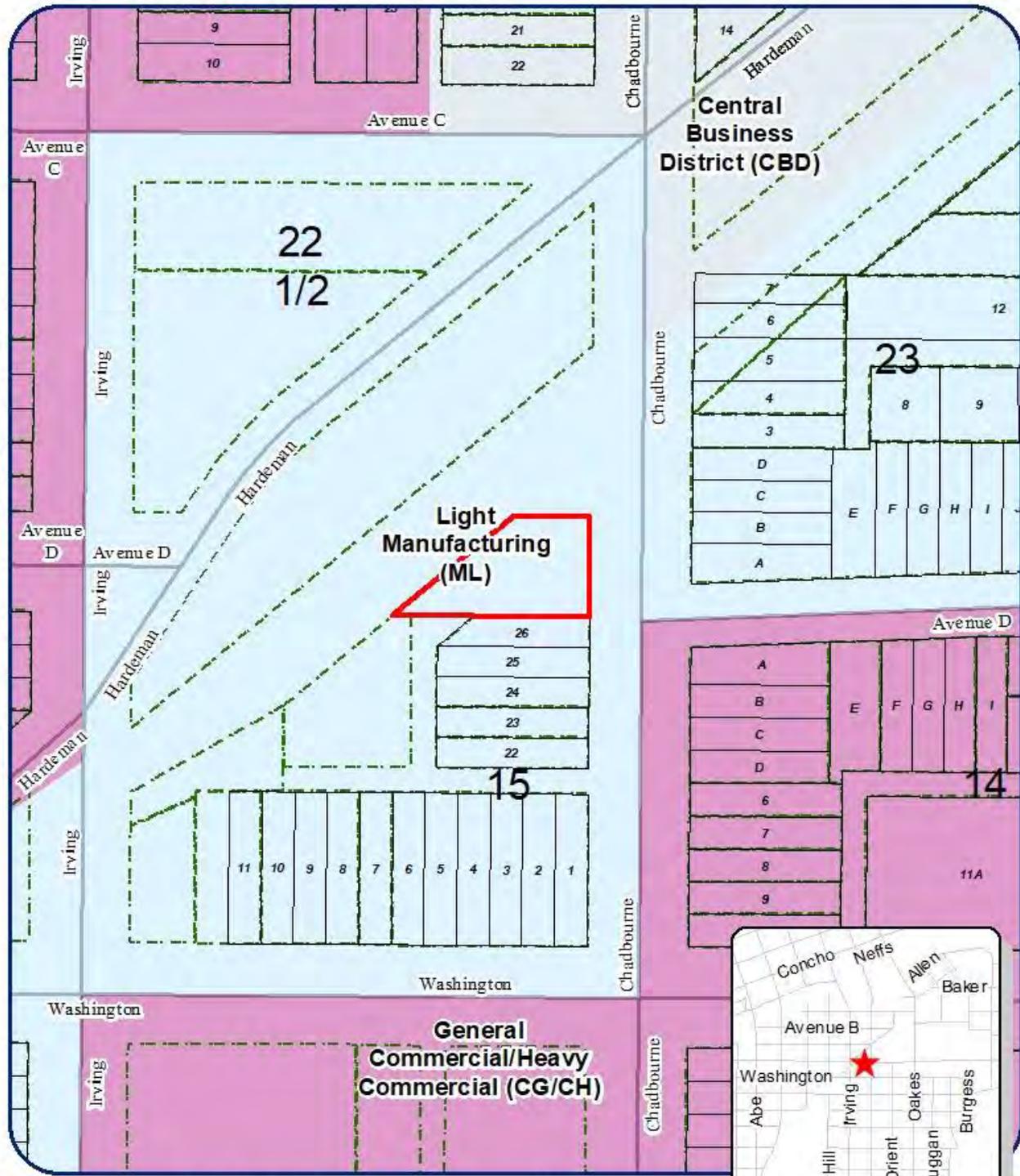


Location Map ROW Abandonment
East Avenue D
 Council District 3 - Harry Thomas
 Neighborhood: Fort Concho
 Scale: 1" approx. = 100 ft

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

80 feet of Avenue D adjacent to Block 15, Millspaugh Addition

N



Location Map ROW Abandonment
East Avenue D
 Council District 3 - Harry Thomas
 Neighborhood: Fort Concho
 Scale: 1" approx. = 100 ft

Legend
 Subject Properties: ML
 Current Zoning: N/A
 Requested Zoning Change: Downtown
 Vision: Downtown

80 feet of Avenue D adjacent to Block 15, Millspaugh Addition



Location Map ROW Abandonment		Legend	
East Avenue D		Subject Properties:	
Council District 3 - Harry Thomas		Current Zoning:	ML
Neighborhood: Fort Concho		Requested Zoning Change:	N/A
Scale: 1" approx. = 100 ft		Vision:	Downtown
80 feet of Avenue D adjacent to Block 15, Millspaugh Addition			

N

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**



Section 1: Basic Information

Name of Applicant(s): City of San Angelo (Daniel Valenzuela, City Manager)
 Owner Representative (Affidavit Required)

72 W. College Ave San Angelo TX 76903
Mailing Address City State Zip Code

325/657-4407 x1412 cynthia.preas@cosatx.us
Contact Phone Number Contact E-mail Address

Ave D right-of-way San Angelo TX 76903
Subject Property Address City State Zip Code

80' Ave. D right-of-way (unopened) adjacent to Block 15 Millspaugh Addition
Legal Description (can be found on property tax statement or at www.tomgreencad.com)

Lot Size: 80' right-of-way Zoning: _____

Section 2: Site Specific Details

Subdivision Name: Millspaugh

Lots and/or Blocks Affected*: _____

General Description of Location*: _____

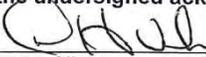
Reason for Abandonment*: Unopened right-of-way will be used for a public purpose - train display by Historic Orient Santa Fe Depot

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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


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

September 19, 2019
Date

Daniel Valenzuela, City Manager
Printed name of licensee or authorized representative

City of San Angelo/Approved as to Content Theresa James, City Attorney

Theresa James
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 09 / 19 / 19

Non-Refundable Fee: \$ 575.00 Receipt #: interfund Date paid: 9 / 25 / 19

Date of hearing by Planning Commission: 10 / 21 / 19 Date of hearing by City Council: 11 / 19 / 19

Reviewed/Accepted by: _____

Looking West



Looking North



Looking South



Looking South

