

MEMO



Meeting

Date: January 21, 2020

To: Planning Commission

From: Sherry Bailey
Principal Planner

Agenda Item: A request for approval of a revised final plat of Bentwood Country Club, Section 41, being 23.521 acres of land generally located southeast of North Bentwood Drive and East Loop 306 Frontage Road.

Background:

On June 17, 2019 the Planning Commission approved version 2 of Bentwood Country Club Estates, Section 41. The staff report from that meeting is attached. The applicant is bringing back version 3, which has two changes to the approved version 2. Since the plat has not yet been recorded it was agreed that the best approach was to bring the third version back to Planning Commission for review and approval. The first revision is the resizing of the two single family lots by 9 ft. (125 ft. wide to 116 ft. wide) to accommodate the required 10 feet of landscaped separation between the apartments and the single family homes and to provide a place for the 7 foot opaque separation fence. The second revision is moving the existing sewer/utility easement from the inverted L-shape to the proposed L-shape easement hugging the two single family lots which will necessitate constructing the new sewer line, capping off the existing sewer, and reconnecting to the new line without disturbing the homes that are using the existing line. This change will require adding a new condition to the original nine conditions of approval.

Attached you will find the staff report from June 2019 Planning Commission meeting wherein the Planning Commission approved version 2 of the plat.

Planning Commission Requested Action:

APPROVE the changes to the Bentwood Country Club Estates, Section 41 V.3 plat with 10 conditions of approval.

1. 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 Development and Subdivision Ordinance, Chapter 7]

2. Prior to plat recordation, prepare and submit plans for approval, illustrating the proposed installation of a water main on Castle Pines Dr. and required service connections [Land Development and Subdivision Ordinance] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].
3. Prior to plat recordation, prepare and submit plans for approval, illustrating the proposed installation of a water main along State Loop 306 and required service connections [Land Development and Subdivision Ordinance] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].
4. Prior to plat recordation, prepare and submit plans for approval, illustrating the required construction of the Castle Pines Drive Cul-de-Sac [Land Development and Subdivision Ordinance, Chapter 10]. Once plans are approved, construct street to City specifications [Land Development and Subdivision Ordinance, Chapter 10]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]
5. Prior to plat recordation, a drainage study shall be submitted. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13]
6. Prior to plat recordation, prepare and submit plans for approval of a sidewalk along the west side of Wolf Creek Drive an "Urban" minor collector. Wolf Creek Drive is intended to be a high-speed and high-volume minor collector where walking in the street is more dangerous. As such, sidewalks are warranted.
7. Prior to plat recordation, prepare and submit plans for approval, illustrating the required construction of Wolf Creek Drive, meeting the requirements of an "Urban" collector, standard curb and gutter required. [Land Development and Subdivision Ordinance, Chapter 10]. Once plans are approved, construct street to City specifications [Land Development and Subdivision Ordinance, Chapter 10]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]
8. Fire hydrants shall be provided so no portion of residential lots are more than 600 feet from

the nearest fire hydrant as measured along an approved route. 2019 International Fire Code Section 507

9. Prior to plat recordation, submit evaluation of the downstream sewer lift station to verify that the added flow of this subdivision will not require infrastructure improvements.
10. Prior to plat recordation, prepare and submit plans for approval, illustrating the rerouting of the sewer main and required service connections currently occupying the easement. [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 12.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18-month period [Land Development and Subdivision Ordinance, Chapter 6]

Attachments:

Bentwood Country Club Estates, V. 2 (approved)

Bentwood Country Club Estates, V.3

Staff Report June, 2019

**PLANNING COMMISSION – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Replat		First Replat of Tract 3, Block 1 and part of Block 2, J.C.M. Addition, Section Two	
SYNOPSIS:			
<p>The applicant had a preliminary plat (approved December by Planning Commission) for a 37.856 associated with this proposed first replat for 8.013 acres for a commercial development for a skilled nursing facility (nursing home). A Special Use (SP19-04) was approved for this nursing home by the Planning Commission on October 21, 2019. The remaining 29.843 acres to be platted at a later date. 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 48 feet for YMCA Drive, in lieu of the required 50-feet, minor collector, which was approved administratively on January 16, 2020.</p>			
LOCATION:		LEGAL DESCRIPTION:	
An unaddressed tract of land at the northwest intersection of YMCA Drive and Sunset Drive.		Being 8.013 acres all of Tract 3, Block 1, part of Block 2, Section Two, J.C.M. Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Neighborhood: Rio Vista	Heavy commercial (CH)	Neighborhood	8.013 acres
THOROUGHFARE PLAN:			
YMCA Drive – Minor Collector, 60’ ROW Required (80’ provided), 50’ Pavement Required (48’ provided).			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of “First Replat of JCM Addition, Section Two”, subject to two Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Property Owner: Duncan Interests LP Agent: Russell Gully, SKG Engineering			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information: Approval of this replat for the middle portion will allow the development of the skilled nursing facility (nursing home) to begin. A Special Use (SP19-04) was approved for this nursing home by the Planning Commission on October 21, 2019.

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

The subject property is designated “Neighborhood.” The “Neighborhood” designation in the City’s Comprehensive Plan which intends to “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” The purpose of the plat is to facilitate construction of a skilled nursing facility (nursing home) on a portion of this property. The proposed plat would allow the property owners to make improvements to their land consistent with the above policy.

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 (Statement C) and will assist in guiding the future growth and development of the City in accordance with City plans and requirements (Statement E). This plat will also provide for a systematic and accurate record of land development (Statement F).

Recommendations: Staff recommends **APPROVAL** of the First Replat of J.C.M. Addition, Section Two, subject to the following **Two Condition 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. [Subdivision Ordinance, Chapter 7]
2. Prior to plat recordation, prepare and submit plans for approval, illustrating the proposed installation of a sewer main (if required) [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 12.I.B]. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18-month period [Land Development and Subdivision Ordinance, Chapter 6].

Notes:

1. Prior to Issuance of Building Permit, prepare and submit plans for approval, illustrating the proposed installation of sidewalks as described below, and prior to Final Occupancy, complete

the installation in accordance with the approved version of these plans [Land Development and Subdivision Ordinance, Chapter 11.I.B, City of San Angelo Standards and Specifications]. This sidewalk shall be located within the right-of-way for YMCA Drive and built to City specifications. [Land Development and Subdivision Ordinance, Chapter 10.III.A.2]

2. Prior to issuance of a building permit, install necessary water and wastewater service lines new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1]
3. Prior to issuance of a building permit, a drainage study shall be submitted. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13]
4. Prior to building permit, fire hydrants and fire department access may need to be provided, depending upon the proposed layout of buildings, and should be addressed as part of the site plan review process. [2015 International Fire Code, Section 507.5, and Appendix D]
5. An approved water utilities contractor is required to install water and sewer service lines to this property [City of San Angelo Standards & Specifications].

Attachments:

Aerial Map

Future Land Use Map


Zoning Map

Proposed Replat

Application

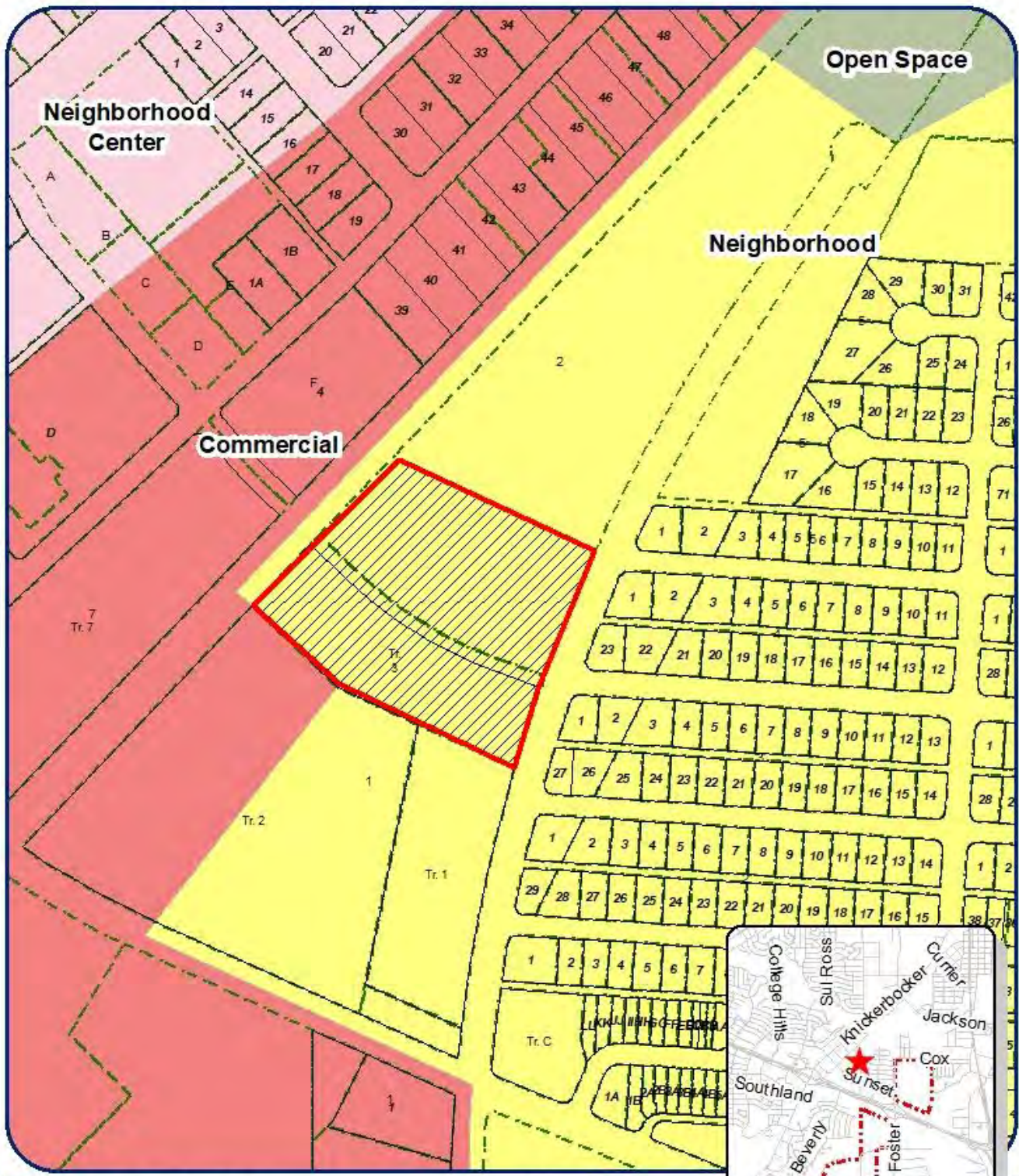


Location Map First Replat
J.C.M. Addition, Section Two
Council District 1 - Tommy Hiebert
Neighborhood: Rio Vista
Scale: 1" approx. = 300 ft

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





Being 8.013 acres being all of Tract 3, Block 1, part of Block 2, Section Two, JCM Addition

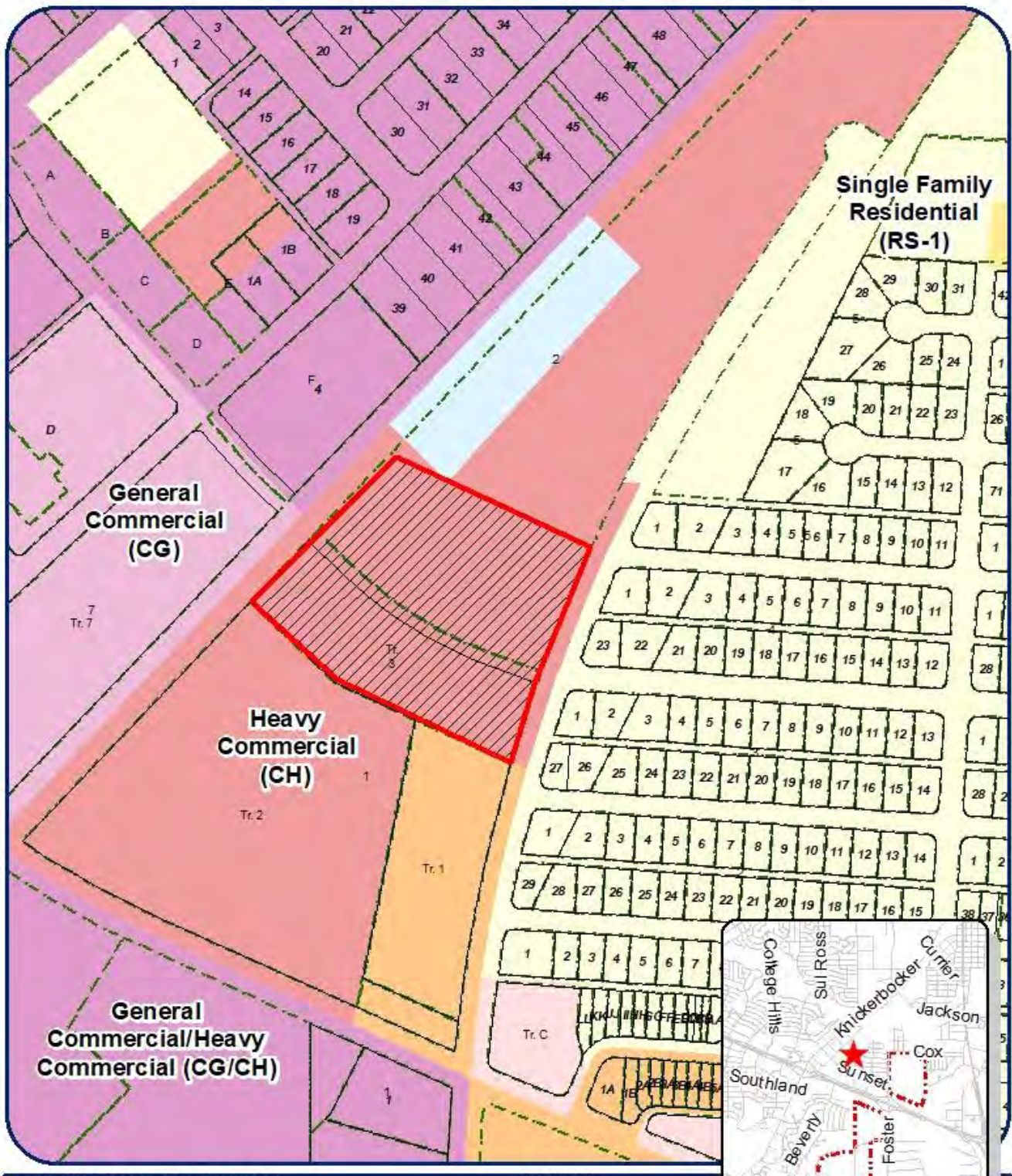


Location Map First Replat
J.C.M. Addition, Section Two
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 300 ft

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

Being 8.013 acres being all of Tract 3, Block 1, part of Block 2, Section Two, JCM Addition



Location Map First Replat
J.C.M. Addition, Section Two
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 300 ft

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



Being 8.013 acres being all of Tract 3, Block 1, part of Block 2, Section Two, JCM Addition



**FIRST REPLAT OF TRACT 3, BLOCK 1
 AND PART OF BLOCK 2
 J.C.M. ADDITION, SECTION TWO**

City of San Angelo, Tom Green County, Texas.

OWNER/DEVELOPER: DUNCAN INTERESTS LP ET AL
 DESCRIPTION: Being 8.013 acres being all of Tract 3, Block 1, part of Block 2, Section Two, J.C.M. Addition, according to the plat recorded in Volume 5, Page 91 of the Plat Records of Tom Green County, Texas, and all of former Parkview Drive according to the Outclaim Deed recorded in Volume 1191, Page 843, Official Public Records of Tom Green County, Texas.



SCALE: 1" = 100'



GRAPHIC SCALE: FEET
 NOTE: Bearings shown herein are based on the Texas Coordinate System - Central Zone.
 Distances shown are surface horizontal.

LEGEND:

- Found 1/2" Iron Pipe or Rod (Survey Monument)
- Set 1/2" Iron Rod with Cap

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

SKG ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT
 736 SOUTH ABE STREET PHONE: 325.652.1236
 SAN ANGELO, TEXAS 76901 FAX: 325.657.8198
 Tom No. 10102400
 www.skg.com

PLANNING COMMISSION
 Approved for recording this _____ day of _____, 20____ City Planning Commission of San Angelo, Texas.
 By _____ Chairman
 _____ Secretary

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this _____ day of _____, 20____
 By _____ Director of Public Works

DEPARTMENT OF WATER UTILITIES
 Approved for recording this _____ day of _____, 20____
 By _____ Director of Water Utilities

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

ACKNOWLEDGMENT/DEDICATION
 We, DUNCAN INTERESTS LP ET AL, do hereby accept the plat as the subdivision of our property and dedicate for the use of the public the easements shown hereon.

STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before me on _____ day of _____, 20____ by Bob Duncan in the capacity shown.

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 plat from an actual and accurate survey of the land and that corner monuments shown herein were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo; and I further certify that the tract of land herein platted lies within the city limits of the City of San Angelo, Texas.



City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

First Replat of J.C.M. Addition, Section Two

Proposed Subdivision Name

J.C.M Addition, Section Two, Tr. 2 & 3, Block 1, Block 2, and former Parkview Drive

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

15-28850-0002-000-00 & 15-28850-0001-003-00 & 15-28850-0001-002-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address

Property Owner: Duncan Interests LP et. al

Name	Phone Number	Email Address

Architect/Engineer/Design Professional: SKG Engineering 325-655-1288 rg@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? 1" - 2"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____

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

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

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

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

Section 3: Property Characteristics

3

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

Existing Zoning:

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

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

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

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

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

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

Are there existing structures on the property? Yes No

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

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: _____

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

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

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

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

(Section 4 continues on next page)

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

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

To widen the street by a portion of the full required incremental half width

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

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

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

Approval of this variance is not detrimental to the public safety or injurious to other property.

The Street currently meets the functional needs of the area.

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

The existing alignment and width of the street within the right-of-way is unique. Very few areas are only deficient by one foot.

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

Due to the physical surroundings and shape of the subject property a particular hardship to the owner would result. To add one foot of width creates an unreasonable hardship on the property.

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

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

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.

Clark Jolly FOR DUNCAN INTERESTS 11-20-2019
 Owner's Signature Date

Clark Jolly 11-20-2019
 Representative's Signature Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
Date Date

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

**PLANNING COMMISSION – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Repeal of Preliminary Plat; Final Plat		Repeal of Preliminary Plat of Lake Park; and a Final Plat of Lake Park	
SYNOPSIS:			
The subject plat is a resubmission and revision to a plat submitted in October 2019 in order to eliminate a dead-end street greater than 750 feet in length to comply with the Land Development and Subdivision Ordinance (LDSO) and International Fire Code (IFC). The proposed eight-lot final plat now includes a second east-west street “Anagnina Street” that eliminates this issue. Staff is also initiating repeal of the associated preliminary plat which no longer applies as the final plat will encompass the entirety of the preliminary plat boundary (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
Unaddressed tracts; located east of North Bryant Boulevard between Lake Drive and West 48 th Street		Being 32.318 acres out of Section 11 of the SA&MG RR CO Survey, Abstract No. 1954 and Section 134, T&NO RR CO Survey, Abstract No. 2149, including 6.09 acres in the George Short Addition and 0.278 acres in the W. Michaelopolus Subdivision	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Tom Thompson (SMD#2) Neighborhood: Riverside	CG and R&E	C- Commercial and R- Rural	32.318 acres
THOROUGHFARE PLAN:			
<p>North Bryant Boulevard (Highway 87)– Urban Arterial Road (TXDOT) Required: N/A Provided: 260’ right-of-way, 130’ pavement</p> <p>Warren St., Anagnina St., Extension of West 42nd Street and West 42nd Court – Urban Local Streets Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4’ sidewalk Provided: 50’ right-of-way, 40’ pavement to be provided</p>			
NOTIFICATIONS:			
16 notifications were mailed with a 200-foot radius on January 14, 2020. One received in favor, none against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL to repeal a “Preliminary Plat of Lake Park”, and APPROVAL of a revised “Final Plat of Lake Park”, subject to ten Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Property Owner: IAQ Land, Ltd. Agent: Mr. Maurizio Iaquaniello ONYX Contractors			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: In October 2019, the applicant submitted a seven-lot final plat for the subject 32.318 acres. The plat was an identical resubmission of a preliminary plat and final plat approved by the Planning Commission in August 2014. The final plat was never recorded and had expired, requiring a resubmission. This plat had one east-west street, "Warren Street" that connected from the future extension of West 42nd Street to North Bryant Boulevard. During the review process, it was determined that the plat did not comply with Chapter 9.III.C.2 of the Land Development and Subdivision Ordinance (LDSO) and D103.4 of the International Fire Code (IFC) by creating a dead-end street greater than 750 feet between Warren Street and the end of West 42nd Court to the north. The applicant later withdrew this request, and resubmitted the subject eight-lot final plat which includes an additional lot and a second street "Anagnina Street" between Warren Street and West 42nd Court, thereby reducing the dead-end to less than 750 feet in compliance. Staff is initiating repeal of the associated preliminary plat which no longer applies as the final plat will encompass the entirety of the preliminary plat boundary. The three westerly-most lots are zoned General Commercial (CG) and the remaining lots are zoned Ranch and Estate (R&E). Staff has communicated to the developer's representative whether a request to rezone would be forthcoming, and to date, the developer has indicated an intent to rezone at some point in the future. At present, all of the lots will comply with both the CG and R&E development standards, with each lot exceeding one acre in size.

It is noted that portions of this subdivision are located within previously platted lots, the George Short Addition and W. Michaelopoulos Subdivision that were zoned R&E for single-family homes requiring notification as a replat. To date, no responses have been received.

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the LDSO 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 majority of the properties are designated "Commercial" in the City's Comprehensive Plan except for the east 230 feet of Lots 4, 6 and 7 which are designated "Rural". The proposed subdivision layout will comply with the Commercial policies that "are often single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network" and "where possible, plan for new pedestrian and/or vehicular connections through Commercial areas to integrate them with the city-wide grid network of streets." The three lots already zoned for CG for retail commercial uses have frontage onto North Bryant Boulevard, a highly travelled, major arterial TXDOT road that connects San Angelo to outer-lying areas. The extension of West 42nd Street and two new east-west local streets, Warren Street and Anagnina Street, will enhance the existing street network and connect new developments to North Bryant Boulevard.

Staff believes that given the Future Land Use of Commercial for these lots, a rezoning of the Ranch and

Estate (R&E) lots would be appropriate in future, as leaving the east lots zoned R&E would be less compatible with the CG zoned lots on the opposite side of 42nd Street. Further, the R&E zone already extends over ½ mile to the north, east, and south and therefore, a rezoning would increase development potential for more commercial businesses with access to North Bryant Boulevard. Staff would be cautious as to the intensity of any proposed commercial rezoning, however, in order to protect properties to the east still zoned R&E. A pre-development meeting between developer and City Staff is recommended prior to any rezoning request to determine an appropriate recommendation going forward. Regardless, these R&E lots are consistent with the Rural policies as they comply with the underlying R&E zoning.

Intent of Purpose Statements

The proposed plats will conform to the Purpose Statements of Chapter 2 of the Subdivision Ordinance. The new streets and extension of West 42nd Street will carry traffic through the new commercial development to North Bryant Boulevard consistent with Statement D “to provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation”. Utility easements will be provided on the plat to allow for extension of city water and sewer mains conforming to Statement G “to provide for the efficient use and extension of municipal utilities”. Finally, the lots will provide for an efficient flow of traffic through the properties, providing access through West 42nd Street to Lake Drive, and through Warren and Anagnina Streets to North Bryant Boulevard in accordance with Statement O “to insure the property and efficient layout and blocks to insure orderly and harmonious development. These lots will of sufficient size over an acre each for future commercial or rural residential development.

Recommendations:

Staff recommends **APPROVAL** on the repeal of the “Preliminary Plat of Lake Park”. Staff also recommends **APPROVAL** of a revised “Final Plat of Lake Park”, subject to **ten Conditions of Approval**:

1. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 7, 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 Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for approval, illustrating the required construction of Warren Street, meeting the requirements for an urban local street with a minimum of 40 feet of pavement, with approved curb and gutter required. 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 Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for approval, illustrating the required construction of Anagnina Street, meeting the requirements for an urban local street with a minimum of 40 feet of pavement, with approved curb and gutter required. 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 10, prepare and submit plans for approval, illustrating the required construction of West 42nd Street, meeting the requirements for an urban local street with a minimum of 40 feet of pavement, with approved curb and gutter required. 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, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for approval, illustrating the required construction of West 42nd Court, meeting the requirements for an urban local street with a minimum of 40 feet of pavement, with approved curb and gutter required. 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.
6. Prior to plat recordation, per Chapter 11.I.A of the Land Development and Subdivision Ordinance, illustrate the proposed installation of a water main 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.
7. Prior to plat recordation, per Chapter 12.I.A of the Land Development and Subdivision Ordinance, City of San Angelo Standards & Specifications, illustrate 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.
8. 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.
9. Prior to plat recordation, per Stormwater Ordinance, Sec 12.05.001 and Stormwater Design Manual, Sec 2.13, a drainage study shall be submitted. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval.
10. Prior to plat recordation, per Section 507.5.1 of the 2015 International Fire Code, prepare and submit plans for approval, illustrating the proposed installation of fire hydrant(s) as necessary to serve this area, and complete the installation in accordance with the approved version of these plans.

Note:

1. An approved water utilities contractor is required to install water and sewer service lines per City

of San Angelo Standards & Specifications.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

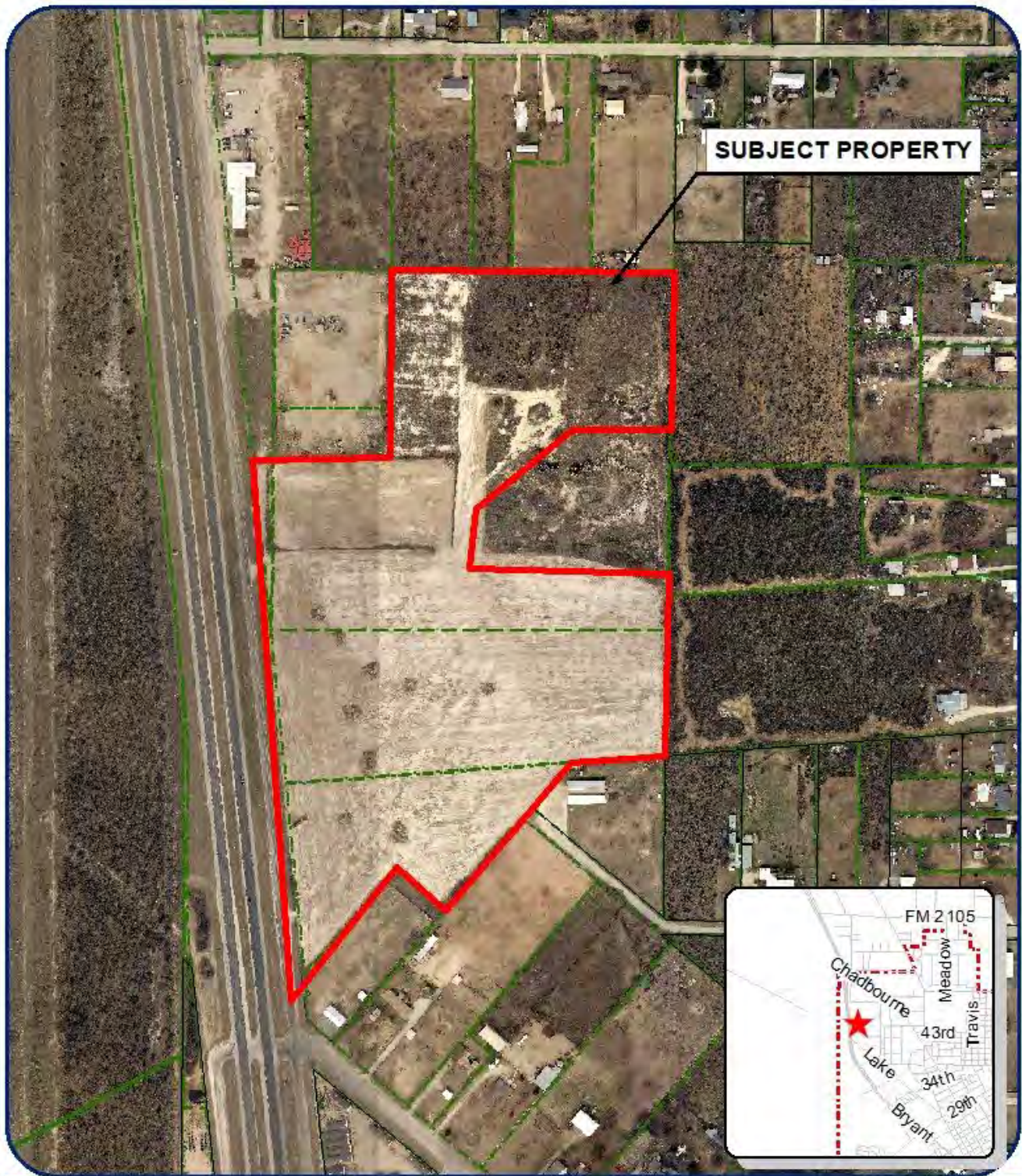
Response Letter

2014 Preliminary Plat to be repealed

November 2019 Final Plat submission

Proposed Final Plat

Application




Final Plat

Lake Park

Council District: Tom Thompson - District 2
Neighborhood: Riverside
1" approx. = 350 ft

32.318 acres east of N. Bryant Blvd between Lake Drive/W 48th St.

Legend

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

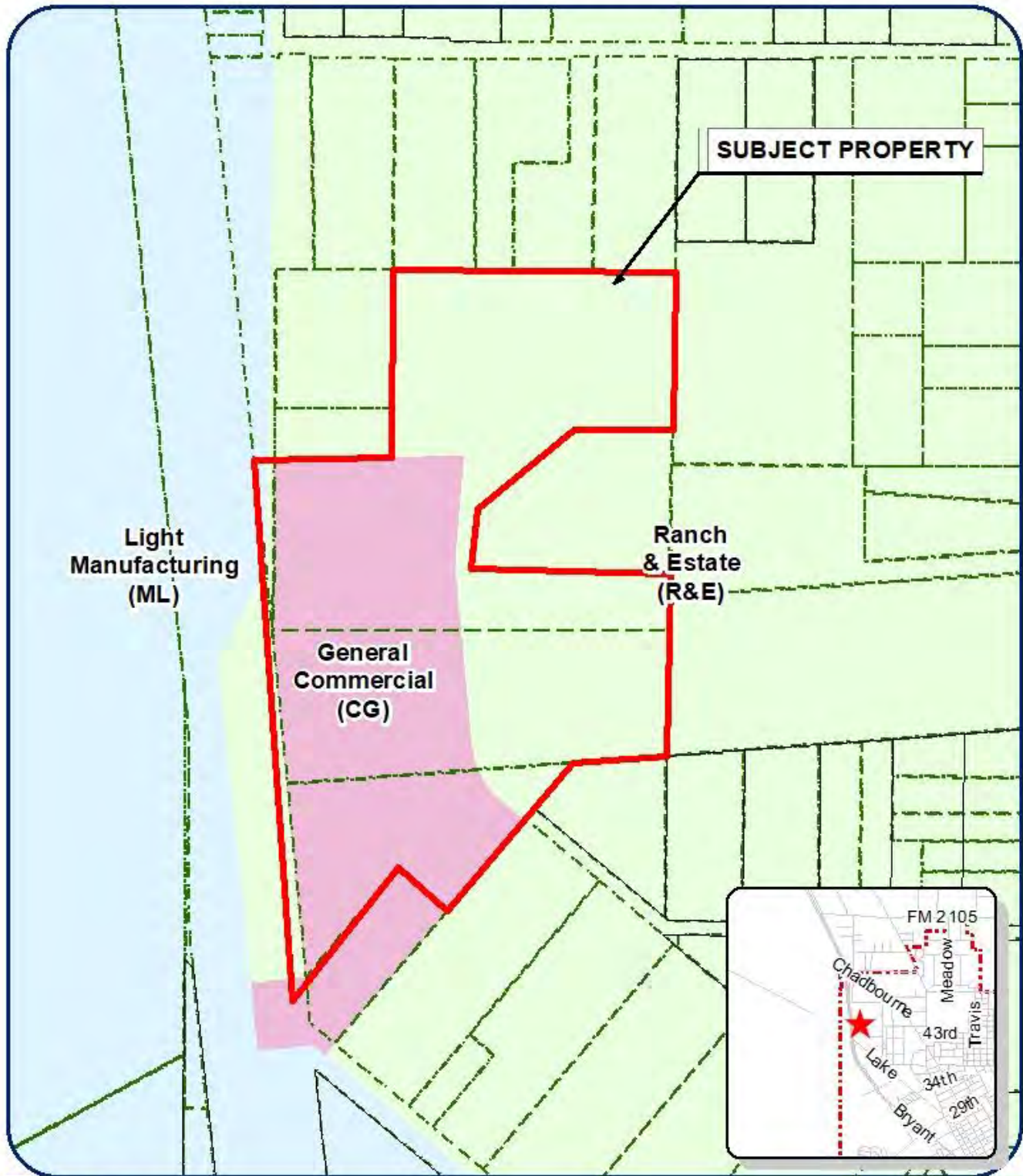




Final Plat
Lake Park
Council District: Tom Thompson - District 2
Neighborhood: Riverside
1" approx. = 350 ft
32.318 acres east of N. Bryant Blvd between Lake Drive/W 48th St.

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

N



Final Plat

Lake Park

Council District: Tom Thompson - District 2
 Neighborhood: Riverside
 1" approx. = 350 ft

32.318 acres east of N. Bryant Blvd between Lake Drive/W 48th St.

Legend

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



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: H. D. GANOE

ADDRESS: 919 W. 46TH

PHONE: 325-658-6755

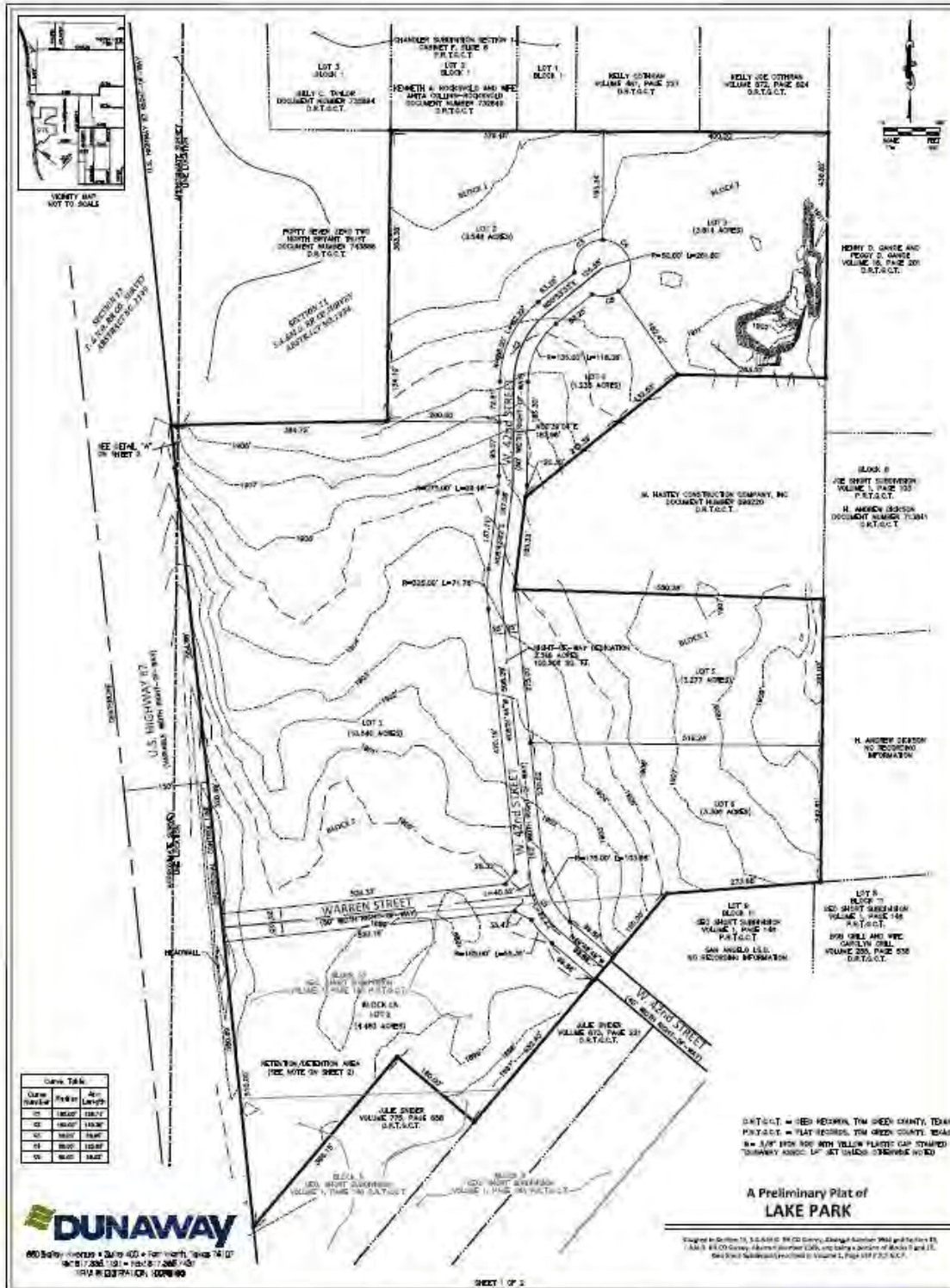
SIGNATURE: Nancy Kanol

Final Plat of Lake Park

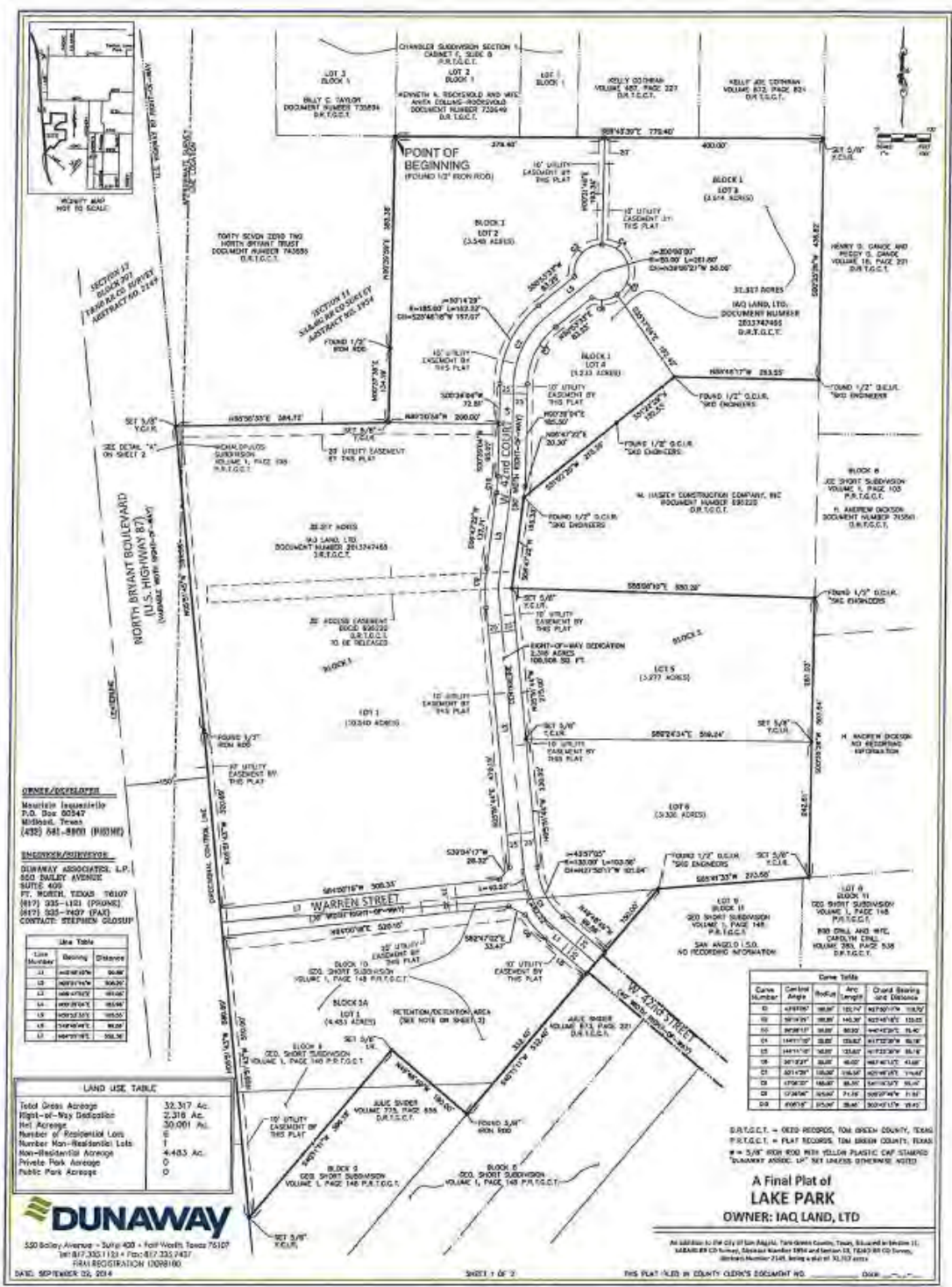
Property owner number: 7

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

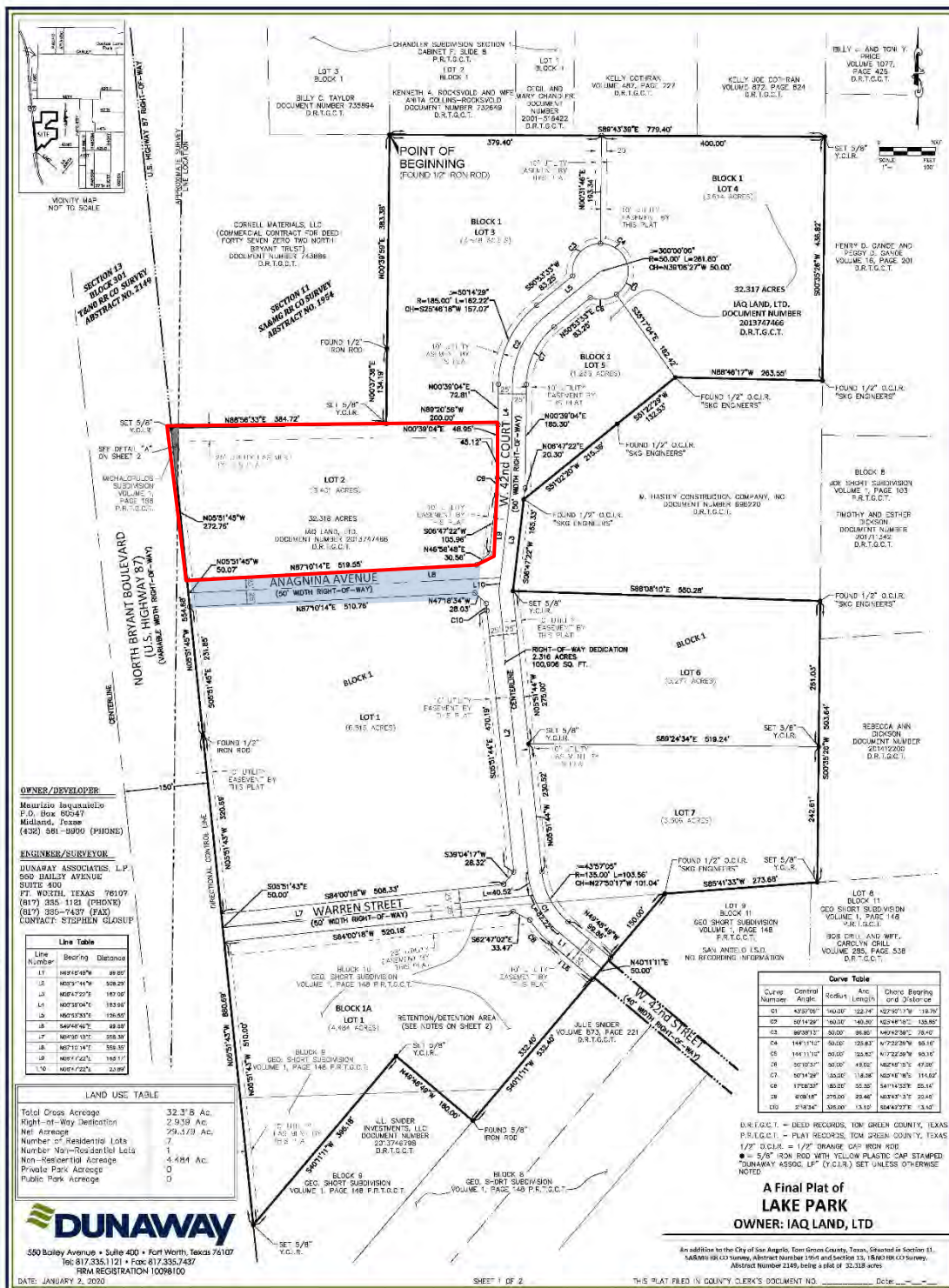
2014 Preliminary Plat to be repealed



Oct. 2019 version of Final Plat (matches 2014 preliminary plat)



Proposed Final Plat (January 2020) New street and additional lot





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, R000071987, 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

Property Owner:

Name	Phone Number	Email Address
Maurizio Iaquaniello	432-561-8900	Maurizio@onyxcontractors.com

Architect/Engineer/Design Professional:

Name	Phone Number	Email Address
Dunaway	432-699-4889	bstephens@dunawayassociates.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? 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. Hestley Construction Company" property.

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 Lytle
 Owner's Signature

11/20/2019
 Date

Andrew Perry
 Representative's Signature

11/20/2019
 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 – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Preliminary Plat and Final Plat		First Replat in Block 9, JNO. Abe March Subdivision	
SYNOPSIS:			
<p>In November 2019, the applicant submitted a replat of the entire 0.391-acre tract, a portion of the original Block 9 in the JNO. Subdivision filed for record in 1910. Through Staff review, it was determined that there was an unimproved street adjacent to the west portion of this lot. Under Chapter 9.III.A.5 of the current Land Development and Subdivision Ordinance (LDSO), the applicant is required to dedicate their incremental half of right-of-way and paving width adjacent to a street right-of-way. The applicant was not willing to proceed with street improvements at that time, and withdrew the request. They have now submitted a preliminary plat for the entire tract divided into two lots, and a revised replat for only the easterly Lot 2. The addition of a preliminary plat for the entire tract will allow a replat of only the easterly Lot 2 to move forward, avoiding the street improvements until such time as Lot 1 is platted (see Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
Unaddressed tract; located east of the intersection of Blum Street and East 44 th Street		Being 0.391 acres out of Block 9, JNO. Abe March Subdivision	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Tom Thompson (SMD#2) Neighborhood: Lake View	RS-1	N– Neighborhood	0.391 acres
THOROUGHFARE PLAN:			
<p>East 44th Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4’ sidewalk Provided: 55’ right-of-way, 40’ pavement</p>			
NOTIFICATIONS:			
15 notifications were mailed with a 200-foot radius on January 13, 2020. None received in favor or against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a “Preliminary Plat in Block 9, JNO. Abe March Subdivision”, and APPROVAL of a “First Replat in Block 9, JNO Abe March Subdivision”, subject to four Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Property Owners: Samuel J. Torres and Camilla Rose Torres Agent: Mr. Chad Decker, Nu-Home Constructors			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: Discussions with the applicant have ensued regarding abandonment of the unnamed street adjacent to the tract which would eliminate the need for street improvements in future when Lot 1 is developed. However, the applicant has decided not to pursue an abandonment at this time.

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the Land Development and 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 preliminary plat will facilitate the construction of two new single-family homes in this neighborhood, consistent the above policy to provide new housing choices. The properties are located within walking distance of Lake View High School and baseball fields, and across the street from an established single-family home subdivision. The Neighborhood Future Land Use extends north to the end of the City Limits, and over a mile in either direction. For these reasons, Staff believes that the proposed plats are consistent with the Neighborhood Future Land Use.

Intent of Purpose Statements

The proposed plats will conform to the Purpose Statements of Chapter 2 of the Subdivision Ordinance. The existing paving width on East 44th Street is 40 feet in compliance with the LDSO and can easily accommodate two additional single-family lots, conforming to Statement C, “to provide for the orderly, safe, and efficient development of the surrounding area” and Statement D “to provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation”. The lots will be serviced by existing water and sewer lines which extend along East 44th Street, thereby conforming to Statement G “to provide for the efficient use and extension of municipal utilities”.

Recommendations:

Staff recommends **APPROVAL** of a “Preliminary Plat in Block 9, JNO. Abe March Subdivision”, subject to **one Condition of Approval:**

1. Per Land Development and Subdivision Ordinance, Chapter 7, revise the plat name to "Preliminary Plat in Block 9, JNO. Abe March Subdivision" on the plat itself to reflect that this lot is yet to be replatted.

Note:

1. Lot 1 abuts a future street right-of-way. Prior to final platting of this lot in future, the applicant will be required to pave or provide a financial guarantee for the minimum paving width of their incremental half of this street right-of-way (26 feet); or, obtain approval to abandon this street

right-of-way [Land Development and Subdivision Ordinance, Chapter 9.III.A.5],

Staff recommends **APPROVAL** of a “First Replat in Block 9, JNO Abe March Subdivision”, subject to **two Conditions of Approval**:

1. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 7, 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 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.

Note:

1. There are electrical poles that extend across the south end of the property. The applicant shall obtain any necessary easements/approvals from Concho Valley Electric prior to construction.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Proposed Preliminary Plat
Proposed Replat
Application



Preliminary Plat

First Replat in Block 9, JNO Abe March S/D

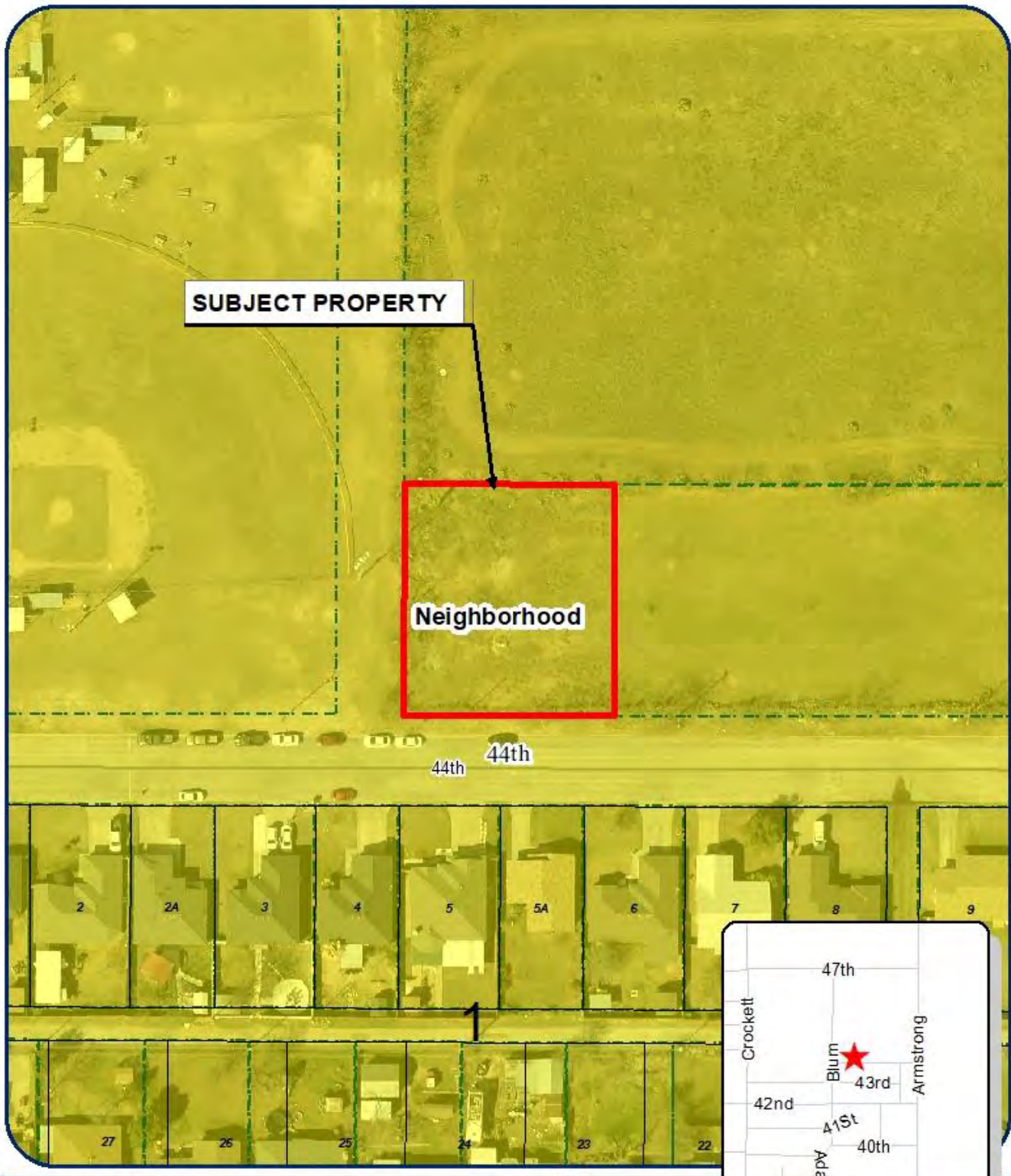
Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 75 ft

Legend

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



0.391 acres, east of Blum St. / East 44th St.



Preliminary Plat

First Replat in Block 9, JNO Abe March S/D

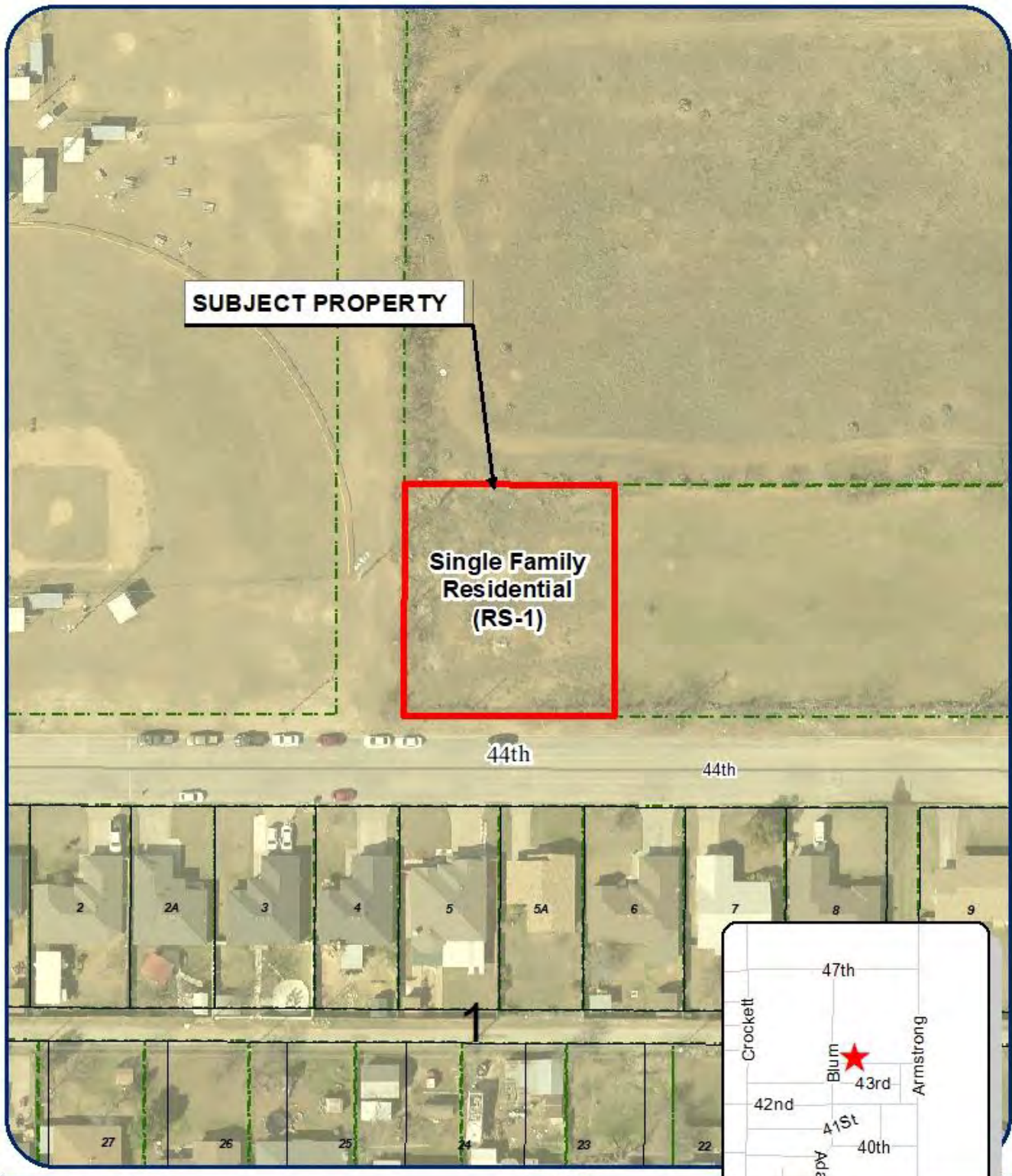
Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 75 ft

0.391 acres, east of Blum St. / East 44th St.

Legend

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







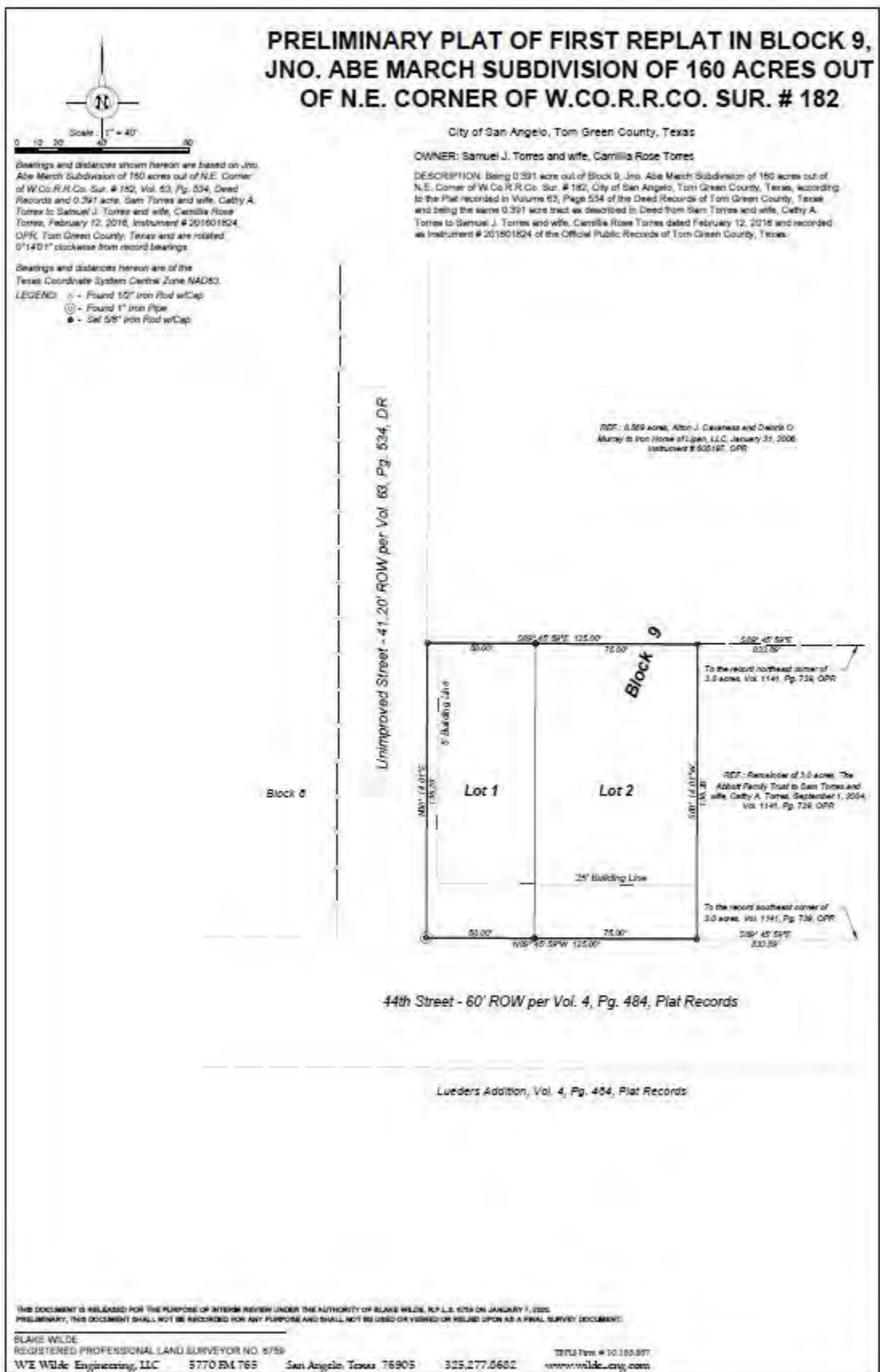
Preliminary Plat
First Replat in Block 9, JNO Abe March S/D
 Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 75 ft

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

0.391 acres, east of Blum St. / East 44th St.

Proposed Preliminary Plat



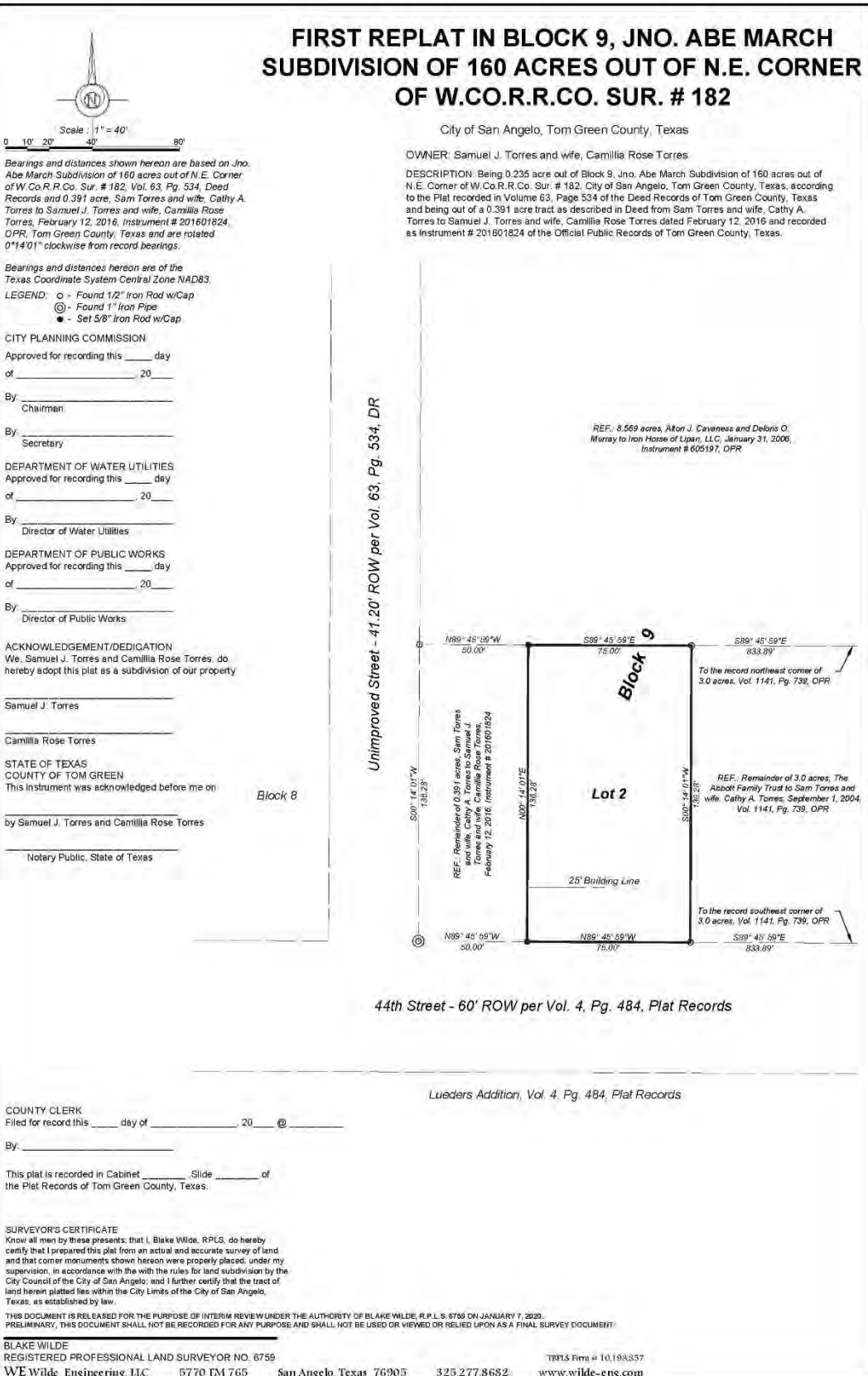
Proposed Replat

FIRST REPLAT IN BLOCK 9, JNO. ABE MARCH SUBDIVISION OF 160 ACRES OUT OF N.E. CORNER OF W.CO.R.R.CO. SUR. # 182

City of San Angelo, Tom Green County, Texas

OWNER: Samuel J. Torres and wife, Camillia Rose Torres

DESCRIPTION: Being 0.235 acre out of Block 9, Jno. Abe March Subdivision of 160 acres out of N.E. Corner of W.Co.R.R.Co. Sur. # 182, City of San Angelo, Tom Green County, Texas, according to the Plat recorded in Volume 63, Page 534 of the Deed Records of Tom Green County, Texas and being out of a 0.391 acre tract as described in Deed from Sam Torres and wife, Cathy A. Torres to Samuel J. Torres and wife, Camillia Rose Torres dated February 12, 2016 and recorded as Instrument # 201601824 of the Official Public Records of Tom Green County, Texas.





City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

Preliminary Plat of First Replat in Block 9, JNO. Abe March Subdivision

Proposed Subdivision Name
 Lot 1 & Lot 2, First Replat in Block 9, Jno. Abe March Subdivision of 160 acres out of the N.E. corner of W.Co.R.R.Co. Sur. # 184, City of San Angelo, Tom Green County, Texas

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 38-08177-0029-100-00

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: Samuel Torres
 Name Phone Number Email Address

Property Owner:
 Name Phone Number Email Address

Architect/Engineer/Design Professional: Chad Decker 325-895-0701 Chad.nuhome@gmail.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? 2"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____

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

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

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

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

Section 3: Property Characteristics

0.391 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 0.391 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 0.391 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 1/4 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)



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 9, JNO. Abe March Subdivision

Proposed Subdivision Name

Lot 2, First Replat in Block 9, Jno. Abe March Subdivision of 160 acres out of the N.E. corner of W.Co.R.R.Co. Sur. # 184, City of San Angelo, Tom Green County, Texas

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

38-08177-0029-100-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address

Property Owner: Samuel Torres

Name	Phone Number	Email Address
Samuel Torres		

Architect/Engineer/Design Professional: Chad Decker

Name	Phone Number	Email Address
Chad Decker	325-895-0701	Chad.nuhome@gmail.com

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

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

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

Section 2: Utility & Easement Information

Water: City - requesting new services Proposed size? 2"

City - utilizing existing services Existing size? _____

Other Please specify: _____

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

City - utilizing existing services Existing size? _____

Other Please specify: _____

Septic System Lot size? _____

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

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

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

Section 3: Property Characteristics

0.235 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 0.235 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 0.235 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 1/4 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)

**PLANNING COMMISSION – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Preliminary Plat (partial repeal) and Final Plat		The Trails, Section Five	
SYNOPSIS:			
<p>The applicant has submitted a final plat for one new single-family home lot on 2.146 acres. The lot is zoned Single-Family Residential (RS-1) and with lot dimensions of 170 feet fronting Cox Lane and 550 feet of depth, well exceeds the minimum requirements of 50 feet of frontage, 100 feet of depth, and lot area of 5,000 square feet in the RS-1 zoning. As part of the review process, Staff determined that this lot was identified as Lots 11-18 in the Preliminary Plat for The Trails (West Part). Since the developers do not wish to subdivide this lot to be consistent with the preliminary plat, Staff is bringing forward a repeal of the applicable portion of the preliminary plat.</p>			
LOCATION:		LEGAL DESCRIPTION:	
Unaddressed tract; located north of the intersection of Kansas Street and Cox Lane		Being 2.146 acres out of the J.M. McNeese Survey No. 176 ¼, Abstract 1641.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District: Tommy Hiebert (SMD#1) Neighborhood: Rio Vista	RS-1	N– Neighborhood	2.146 acres
THOROUGHFARE PLAN:			
<p>Cox Lane – Urban Collector Street Required: 60’ right-of-way, 50’ pavement Provided: 35’ right-of-way, 24’ pavement (Proposed ROW dedication of 15 feet to comply; requested full paving variance with no curb or gutter)</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the repeal of a portion of a “Preliminary Plat, The Trails (West Part)”; APPROVAL of “The Trails, Section Five”; and DENIAL of the variance to maintain the existing street width with no curb and gutter; subject to four Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Property Owners: Hector and Stephanie Martinez Agent: Mr. Russell Gully, SKG Engineering			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Conformity with the Governing Preliminary Plat: Chapter 5.III.A.2 requires that major subdivisions which include the subject plat be accompanied by a preliminary plat, and Chapter 5.III.A.3 of the Land Division and Subdivision Ordinance (LDSO) states that “the final plat shall generally conform to the preliminary subdivision plat as approved by the City Planning Commission”. As indicated, the 2007 preliminary plat of The Trails (West Part) showed another row of single-family home lots over this property between Cox Lane to the south and Dakota Drive to the north. The developers, which own a large unplatted tract that encompasses eight of these nine lots, are choosing to plat this area as one large single-family home lot instead. This one lot will not general conform to the preliminary plat layout in terms of number of lots or orientation. The new lot will have exclusively frontage onto Cox Lane in a north-south configuration whereas the preliminary plat had a row of lots in an east-west direction with frontage onto a future extension of Foster Road to the west. Therefore, Staff has initiated a repeal of the portion of the preliminary plat that encompasses only the subject property, thereby allowing the one-lot final plat to proceed.

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the LDSO 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 lot is located within an over one-mile stretch of single-family residential neighborhoods that includes previous sections of The Trails, Capitol Heights Addition to the west, River Falls to the southeast, and land south of Cox Lane outside the City Limits but which could be annexed in future. The additional home lot will provide a new single-family home for this community, consistent with the Neighborhood policies. While meeting the technical requirements of the Subdivision Ordinance and general compliance with the Neighborhood Future Land Use, Staff calls attention to the proposed elimination of an additional seven lots for residential development. Alternatively, submission of a final plat consistent with the preliminary plat would have provided additional housing opportunities, as well ensuring that the costs of the future extension of Dakota Drive would be split evenly amongst these lots at time of platting. Instead, the remaining lot north of the subject property at time of platting will now be solely responsible for their incremental half of paving width of Dakota Drive. While Staff would have preferred a plat with the additional lots consistent with the preliminary plat, the proposed final plat still conforms to the Comprehensive Plan and Subdivision Ordinance and therefore may proceed.

Intent of Purpose Statements

The proposed replat will conform to the Purpose Statements of Chapter 2 of the Subdivision Ordinance. The lot will have frontage onto Cox Lane and with additional street paving (see variance below), it will “provide streets that insure safe, convenient and functional systems for vehicular and pedestrian

circulation” (Statement C). It will also “provide for the efficient use and extension of municipal utilities” (Statement G) by allowing for a future easement for the extension of a sewer main; and as part of the plat, the developers are dedicating their required incremental 15-foot portion of right-of-way for Cox Lane, “to insure that easements and rights-of-way are provided for drainage, access and all utilities” (Statement L). It is noted that the proposed extension of Foster Road is wholly to the west of the subject property as confirmed by Engineering Services and Planning, and therefore, the developers bear no responsibility for dedications for this roadway.

Variations: 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 approval to allow Cox Lane to remain at its current paving width with no curb or gutter would not be detrimental to public safety or injurious to other property. Planning and Engineering Services disagree. Additional paving width and curb and gutter installation were required with the subdivision immediately to the east, The Trails, Section Two. This portion of Cox Lane is very narrow at 24 feet and the sharp turn in the road heading south is dangerous for travelling vehicles. Providing the required additional 13 feet of paving on the developer’s incremental half, would bring the street width to 37 feet closer to the 40-foot width to the east. This would reduce the likelihood of potential accidents and ensure minimum street standards are achieved. It is noted as part of this development that the City’s Operations Division have agreed to be responsible for relocating the existing guardrail located in front of the property to accommodate additional paving width.
- 2. The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.** The applicant indicates that the proposal is unique given an elevation change between the subject portion of Fox Lane and the lower Foster Road. Staff acknowledges a grade differential from the existing street, but that this differential is not exclusively unique to this property. Other developments in the City have changes in grade and developers are required to make street improvements. If a variance is granted, a significant opportunity would be missed to obtain this necessary paving width, leaving the financial burden on City taxpayers to close this deficient gap along Cox Lane.
- 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 cites the grade differential mentioned above as not only unique, but creating a hardship. Staff acknowledges that additional expenses may arise to provide the necessary construction and fill within the grade differential, however, Staff does not believe that this differential is significant nor lengthy, and believes there is rough proportionality in requesting the additional paving. The alternative is to allow an existing unsafe, underdeveloped road to continue. With the potential for further development on Cox Lane to the south, and costs being transferred unnecessarily to the City, Staff recommends denial of the variance, and full paving of the incremental portion.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** The developer does not believe that applicable ordinances would be varied in any significant way. Staff disagrees. If the variance is granted, Staff believes that the public health, safety and welfare would be at a greater risk, and Cox Lane would be less safe and function, contravening Purpose Statements B and C of the LDSO. For this reason and the other criteria above, Staff requests that the proposed variance be denied.

Recommendation: Staff recommends **APPROVAL** of a repeal of Lots 11-18 in Block 4 of a “Preliminary Plat, The Trails (West Part)”; **APPROVAL** of “The Trails, Section Five”; and **DENIAL** of the variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a paving width of 24 feet in lieu of the required 50 feet for Cox Lane, an urban collector street, subject to **four Conditions of Approval:**

1. Prior to plat recordation, provide a copy of the Tom Green County Appraisal District certification indicating there are no delinquent taxes on the subject property of this subdivision. [Land Development and Subdivision Ordinance, Chapter 7]
2. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to the adjacent roadway, Cox Lane, an urban collector street, by half the additional increment necessary to comprise the minimum paving width, and complete the installation in accordance with the approved version of these plans. For Cox Lane, the minimum width is 50 feet, in this case requiring an additional 13 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.
3. Prior to plat recordation, per Chapter 12.I.A of the Land Development and Subdivision Ordinance, City of San Angelo Standards & Specifications, illustrate 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.
4. 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.

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. There are electrical poles that extend across the south end of the property. The applicant shall obtain any necessary easements/approvals from Concho Valley Electric prior to construction.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Proposed Final Plat

Governing Preliminary Plat

Variance request

Application



Final Plat

The Trails, Section Five

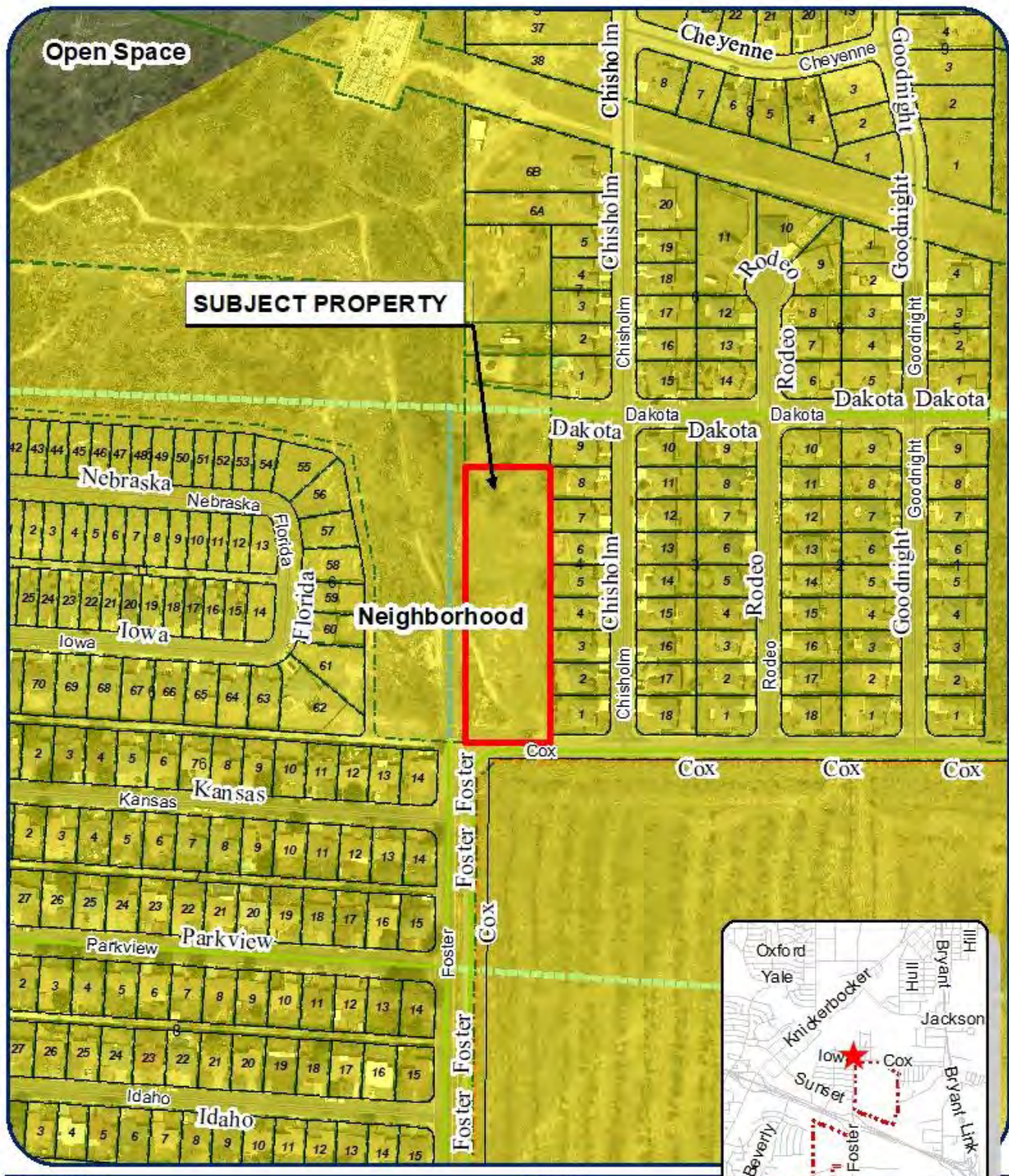
Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 250 ft

2.146 acres, north of Kansas St. / Cox Ln

Legend

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



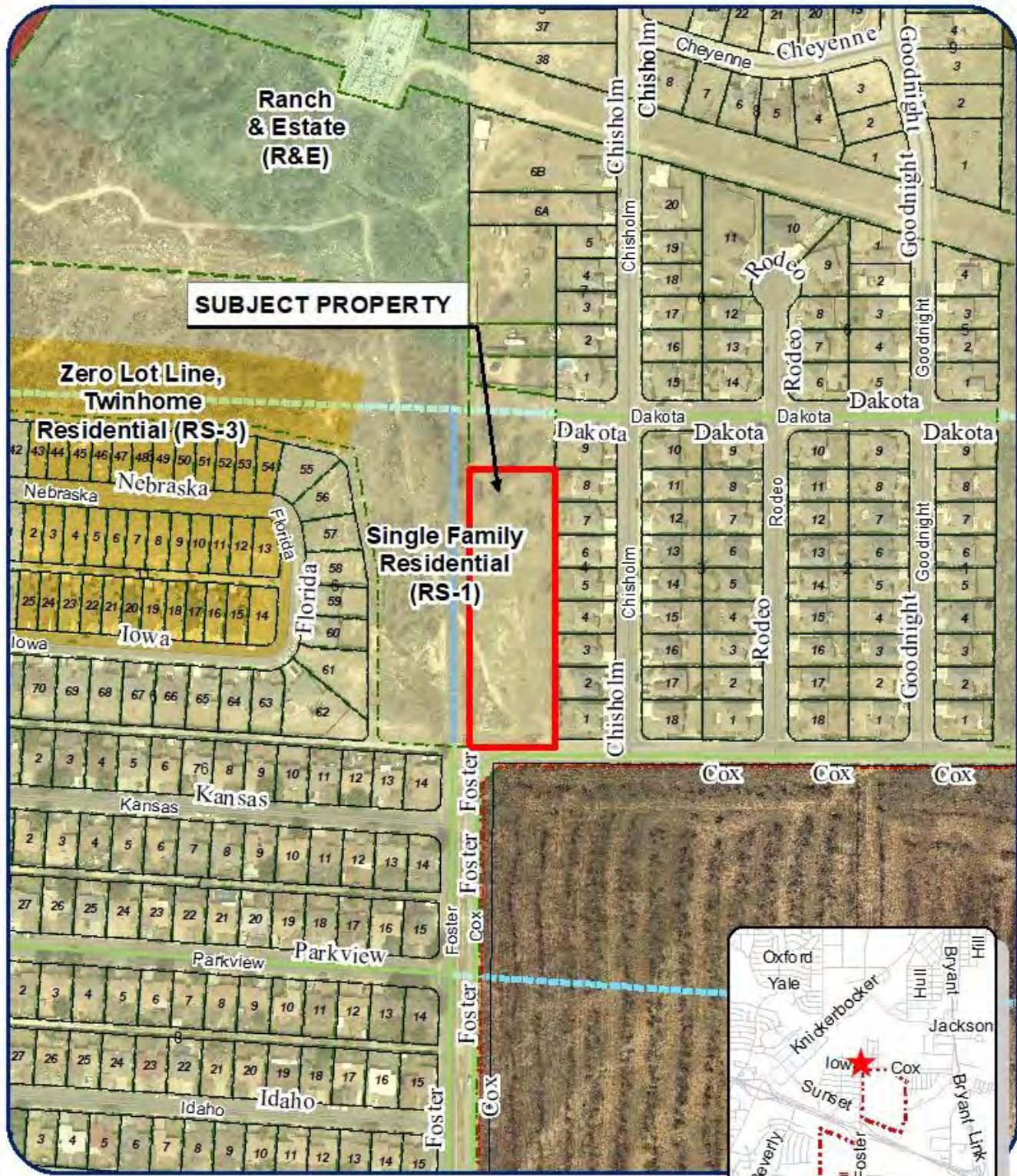


Final Plat
The Trails, Section Five
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 250 ft

2.146 acres, north of Kansas St. / Cox Ln


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






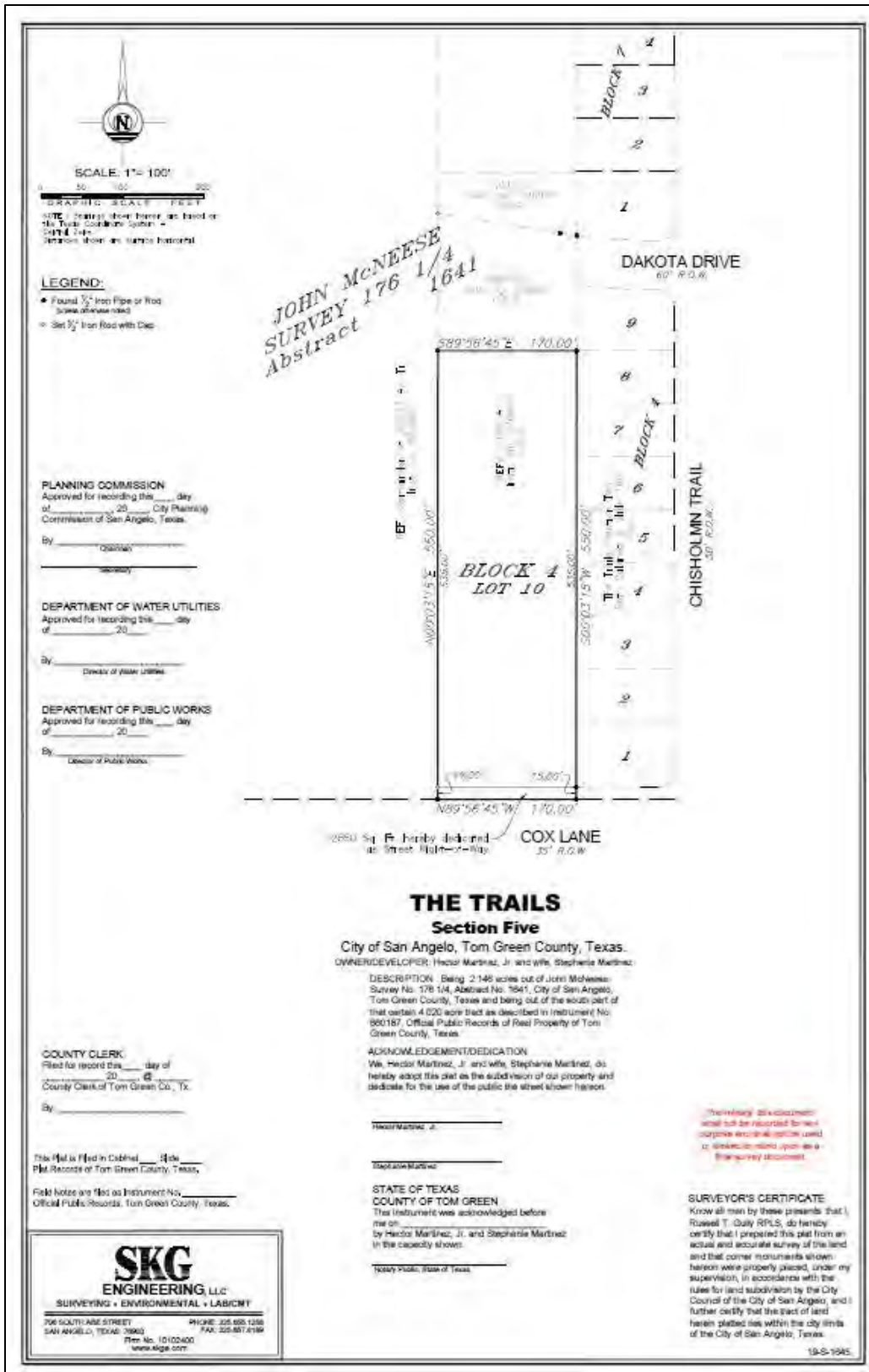
Final Plat
The Trails, Section Five
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 250 ft
 2.146 acres, north of Kansas St. / Cox Ln

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

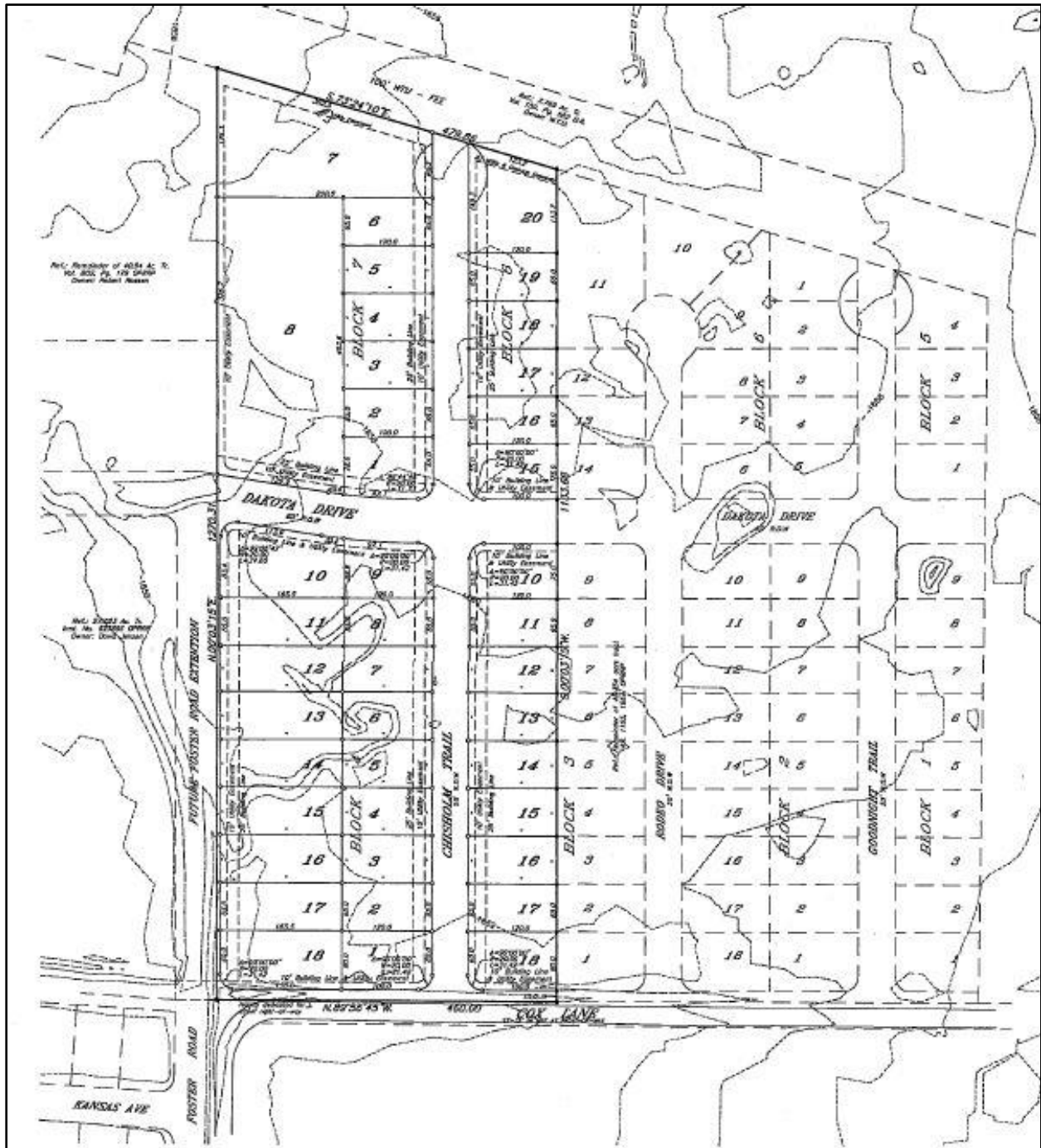
N




Proposed Final Plat



Governing Preliminary Plat (2007)



SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

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

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

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

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

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
The existing alignment of Cox Lane and Foster Road within this area is unique. See below.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
Due to the physical surroundings and shape of the subject property including the alignment of the Cox Lane a particular hardship to the owner would result. The elevation change between the upper segment of Cox Lane and the lower Foster Road create a specific hardship to the owner.

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



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

The Trails Section Five

Proposed Subdivision Name

Abst: A-1641 S-0176.25, Survey: J MC NEESE, 2.146 ACRES

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

38-01641-0076-010-00

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
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Property Owner:

Name	Phone Number	Email Address
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Architect/Engineer/Design Professional:	SKG Engineering	325-655-1288	rg@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? 1" - 2"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____

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

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

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

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

Section 3: Property Characteristics

2.146 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 2.146 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 2.087 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: _____

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.

X [Signature]
 Owner's Signature

X [Signature]
 Representative's Signature

12/17/19
 Date

12-17-19
 Date

FOR OFFICE USE ONLY:

Submitted to front desk: 12-30-19 Date Deemed preliminary complete: 12-30-19 Date Time _____ Initials AF

Received by Development Services Technician for completeness review: 12-30-19 Date Time _____ Initials AF

Completeness review passed? Yes 12-30-19 Date No _____ Date

If yes, when was application scheduled for staff review, if applicable? 1-8-20 Date Initials AF

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 – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP20-01/Z20-01: Trinity Lutheran/COSA	
SYNOPSIS:			
<p>A request for an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the “Neighborhood” Future Land Use to “Neighborhood Center” on the subject property and nearby adjoining properties, and a request for approval of a rezoning from the Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district on the subject property. The applicant is intending to continue to utilize the property as a church, school and early childhood center but proposed improvements would not be allowed by right in the existing zoning district (see additional information). A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per Section 212.G of the Zoning Ordinance.</p>			
LOCATION:		LEGAL DESCRIPTION:	
3512-3536 Lutheran Way & nearby adjoining properties		Being Lot 1A being 6.2510 acres Tract A (Replat) & 2.6980 acres of Lot 2A, Tract A (Replat) & 1.3840 acres of 2A, Sunset Joint Venture Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 1 – Tommy Hiebert Neighborhood – Rio Vista	Low-Rise Multi-Family (RM-1)	Neighborhood	10.3 acres (RZ) 19.52 acres (CP)
THOROUGHFARE PLAN:			
<p>Lutheran Way – Minor Collector, 60’ ROW required (80’ existing), 50’ pavement required (47’ provided) Sunset Drive – Major Collector, 60’ ROW required (80’ existing), 50’ pavement required (64’ provided) Nevada Drive – Local Street, 50’ ROW required (60’ existing), 40’ pavement required (48’ provided) West Loop 306 Frontage Road – TXDOT ROW</p>			
NOTIFICATIONS:			
<p>CP20-01: 67 notifications were mailed within a 200-foot radius on January 13, 2020. Z20-01: 17 notifications were mailed within a 200-foot radius on January 13, 2020. Zero response has been received in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from the “Neighborhood” Future Land Use to “Neighborhood Center” and APPROVAL of a rezoning from Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district.</p>			
PROPERTY OWNER/PETITIONER:			
Ron Fritsche – Trinity Lutheran			
STAFF CONTACT:			
<p>Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us</p>			

Additional Information: The applicant originally applied for a Sign Variance for a new sign on the subject property. In reviewing the zoning ordinance, it became apparent that rezoning to Neighborhood Commercial (CN) was a better fit with what they hope to accomplish. They currently have a church, early childhood center and a school. Recently, Trinity Lutheran has grown and now has high school students on the campus. This growth makes the rezoning necessary.

The Future Land Use map for this area is incompatible for this zone change. However, when looking at the Comprehensive Plan and the Vision Plan for this area, the existing land use and the Future Land Use is consistent with the proposed change to Neighborhood Center. In exploring the rationale, we see that property directly adjoining the Loop is more appropriate for commercial. The proposed Neighborhood Center is still less intensive for the neighborhood to the north of Sunset Drive. Along Sunset Drive is a commercial strip center with commercial offices and other commercial uses. Those uses act as a buffer to the single family neighborhood which is directly north. Changing the Future Land Use for the subject properties would be a more appropriate fit for the existing uses.

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The proposed Comprehensive Plan Amendment from Neighborhood to Neighborhood Center would be consistent with the surrounding development pattern in the area and facilitate the associated rezoning to Neighborhood Commercial (CN). The subject property is designated “Neighborhood.” The “Neighborhood” designation in the City’s Comprehensive Plan intends to “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” The “Neighborhood Center” designation in the City’s Comprehensive Plan intends to “contract retail commercial corridors into series of identifiable nodes or centers at key intersections.” The subject property would be a better fit for the Neighborhood Center, due to the property being more commercial in use and the fact that it directly abuts Loop 306. The commercial strip center north of Sunset Drive acts as the buffer from the more extensive commercial to the single family residential direct north. The rezoning will allow the applicant to continue and expand with the church and uses thereof.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The existing use of the subject property as an early childhood center (daycare) and elementary/junior high school are allowed uses within the existing RM-1 zoning classification. However, the church and high school are only allowed with RM-1 with specific approval of a Conditional Use. The church lawfully occupies the subject property, since it was existing before the change of the Zoning Ordinance in January of 2000. Therefore, the church is considered a lawful conditional use. However, the new expansion of a high school is not an allowed use on this property. The proposed zone change

allows all existing uses of the subject property.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The property is located within an area that has mixed commercial and residential uses. There is a single-family residential neighborhood directly north and a high density multifamily apartment complex to the east of the subject property. Directly across Sunset Drive from the subject property is a strip center of a variety of commercial uses. The subject parcels fit in with the existing commercial development pattern, and would allow for continuance of the subject property.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The low-rise multi-family development never developed on this property, the rezoning would make use of the land in a manner consistent with the proposed future land use change and existing adjacent mixed use development in the area.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The Comprehensive Plan amendment and rezoning are anticipated to have little adverse impact on the natural environment. The existing uses of the subject property have little adverse impact on the natural environment.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing the site to rezone to Neighborhood Commercial would be reflective of the continuing need for commercial in the area, rather than allowing a continuance of a zoning designation that has not been fully utilized in the past and is not in keeping with the existing uses on the subject property.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area along Loop 306 is considerably commercial and higher intensity residential. These parcels will keep in continuity with the adjoining lots directly adjacent to along this corridor.

Recommendation:

Staff recommends **APPROVAL** of a Comprehensive Plan Amendment changing the Future Land Use designation lands from the “Neighborhood” Future Land Use to the “Neighborhood Center”; and

APPROVAL of a rezoning from Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district.

Attachments:


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



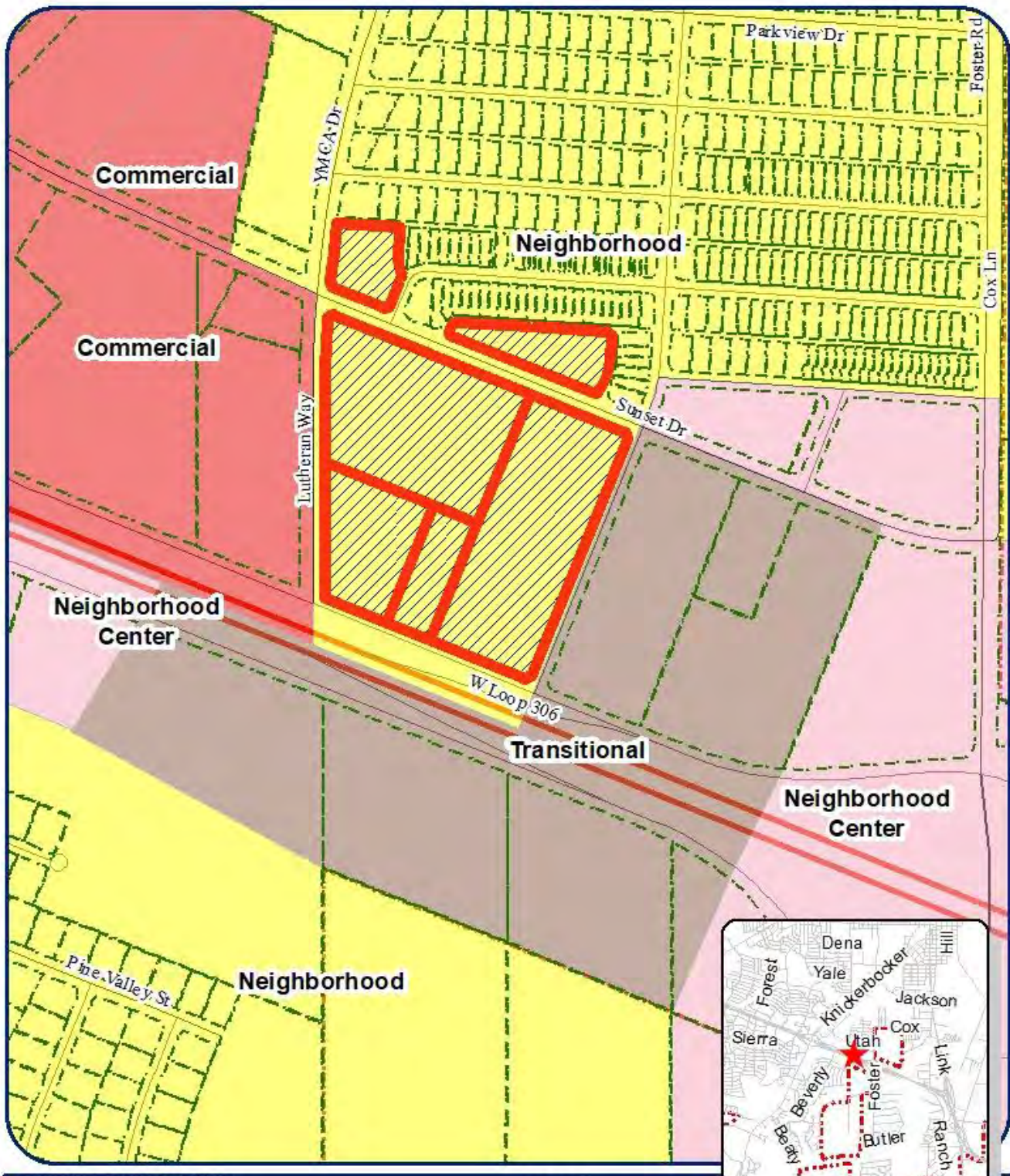
Location Map CP20-01
Trinity Lutheran/COSA
Council District 1 - Tommy Hiebert
Neighborhood: Rio Vista
Scale: 1" approx. = 400 ft

3536 Lutheran Way and area nearby


Legend

- Subject Properties: 
- Current Zoning: RM-1/CN
- Requested Zone Change: CN
- Vision: Neighborhood

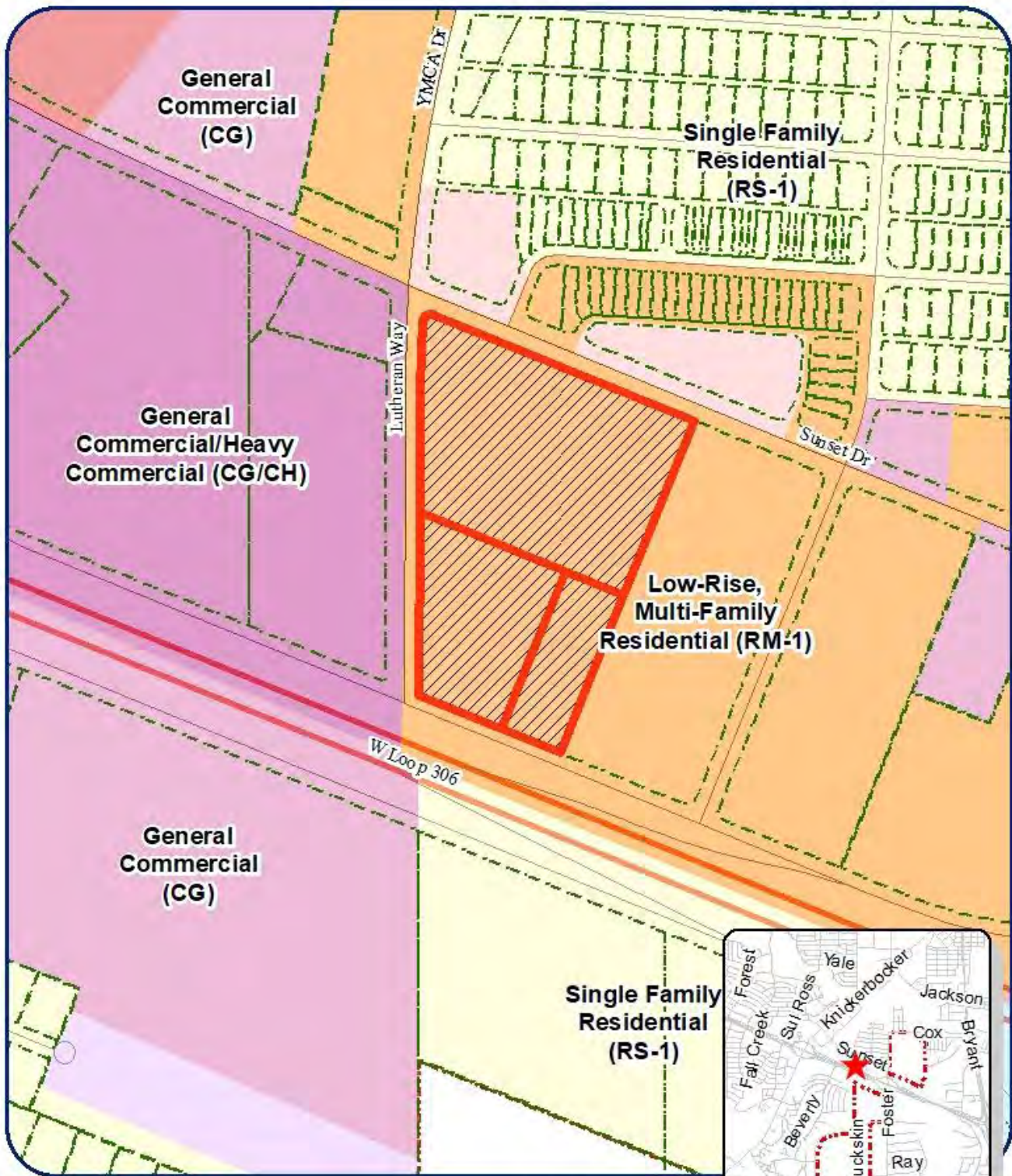





Location Map CP20-01
Trinity Lutheran/COSA
Council District 1 - Tommy Hiebert
Neighborhood: Rio Vista
Scale: 1" approx. = 400 ft
3536 Lutheran Way and area nearby

Legend
Subject Properties: 
Current Zoning: RM-1/CN
Requested Zone Change: CN
Vision: Neighborhood





Location Map Z20-01
Trinity Lutheran
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 300 ft
 3536 Lutheran Way

Legend
 Subject Properties: 
 Current Zoning: RM-1
 Requested Zone Change: CN
 Vision: Neighborhood



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): Trinity Lutheran Church and School
 Owner Representative (Notarized Affidavit Required)
 Mailing Address: 3536 Lutheran Way San Angelo Tx 76904
City State Zip Code
 Contact Phone Number: 325-947-1275
 Contact E-mail Address: ron@flcsanangelo.wva
 Subject Property Address: 3536 Lutheran Way San Angelo Tx 76904
City State Zip Code
 Legal Description (can be found on property tax statement or at www.tomgreencad.com): 6.251 Lot 1-A Being 6.251 Acres Tract A (Replat) Sunset Joint Venture

Existing Zoning: RM-1 Proposed Zoning: CN Lot size: 10.3

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

Section 2: Site Specific Details

Existing Use of Property: Church, School, Early Childhood Ctr.

*Proposed Use of Property: Same

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

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

Ron Fritsche Ron Fritsche Trinity Lutheran 12-16-2019

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: 12 / 16 / 19

Case No.: Z 20 -- 01 Fully-dimensional site plan:

Nonrefundable fee: \$ _____ Receipt #: 81285 Date paid: 12, 16, 19

Sign Deposit \$37.50 Receipt #: 81287 Date paid: 12, 16, 19

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: 01 / 27 / 20 Date notifications due: _____/_____/_____

City Council hearing date: 2 / 18 / 20 Packets due date: _____/_____/_____

Publication date: _____/_____/_____

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

Site Photos



Commercial across Sunset Drive






Adjoining properties

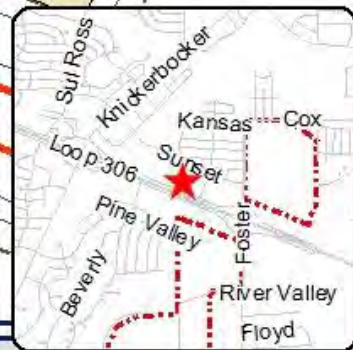


Apartments east of subject property





<p>Location Map CP20-01 Trinity Lutheran/COSA Council District 1 - Tommy Hiebert Neighborhood: Rio Vista Scale: 1" approx. = 300 ft 3536 Lutheran Way and area nearby</p>	<p>Legend</p> <p>Subject Properties:  RM-1/CN Current Zoning: RM-1/CN Requested Zone Change: CN Vision: Neighborhood</p>	<p> </p>
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Location Map Z20-01
Trinity Lutheran
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 200 ft
 3536 Lutheran Way

Legend
 Subject Properties:
 Current Zoning: RM-1
 Requested Zone Change: CN
 Vision: Neighborhood



**PLANNING COMMISSION – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU20-01: Lara	
SYNOPSIS:			
The applicant is proposing to use a portion of the building for a warehouse and another portion of the building for living quarters. This is a request for approval of a Conditional Use to allow for household living in the Light Manufacturing (ML) zoning district. Household living is not allowed by-right within the ML zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
124 West 4 th Street		Being 0.395 acres being out of acre Lot 45 Miles Addition & Abstract. 1848 & Tract Adj, Abstract. 1848 S-0322, Survey: C Salinger.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Downtown Neighborhood	ML	Downtown	0.395 acres
THOROUGHFARE PLAN:			
<u>West 4th Street</u> – Urban Local Street – ROW 50’ Required (40’ Existing) – Pavement Width 40’ or 36’ with 4’ Sidewalk Required (29’ Existing)			
NOTIFICATIONS:			
12 notifications mailed within 200-foot radius on January 14, 2020. One received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use to allow for household living in the Light Manufacturing (ML) zoning district, on the subject property, subject to one Condition of Approval .			
PROPERTY OWNER/PETITIONER:			
Lori Lara			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Ext. 1533 shelly.paschal@cosatx.us			

Additional Information: The applicant is interested in converting the upstairs of the subject property into living quarters and continue the use downstairs as a warehouse with a potential for an event venue in the future.

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 proposed use, as living quarters, should not impact the adjacent properties. The part of the existing structure will remain a warehouse and the upstairs will be remodeled into living quarters. The adjacent properties are primarily warehouses and/or commercial in use.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The zoning ordinance intent is to protect the existing uses from undue impact. In this case the conversion of part of this structure into living quarters is in keeping with the intent of the zoning code and the end result will benefit the surrounding uses.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.** The surrounding uses are warehouse structures. The portion of the use of the existing structure will remain the same, warehouse, so there is no anticipated impact to the surrounding area. The addition of a portion of the building being utilized for living quarters should not impact the surrounding properties.
- 4. Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There appears to be no anticipated negative effects on the natural environment from this change. The existing structure remains, there are no additions being proposed.
- 5. Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** Staff believes there continues to be a demonstrated community need of available rental property, especially given the property is near downtown. As indicated previously, the property remains primarily warehouse in nature in both appearance and intended clientele, with an addition of living quarters.
- 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.** As an area in transition, this application is consistent with that pattern and should not have a negative effect on the development within the community.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for household living in the Light Manufacturing (ML) zoning district, **subject to the following one Condition of Approval:**

1. The applicant shall obtain a building permit from the Permits and Inspections Division to remodel the existing structure and shall be required to meet all of the city regulations.

Note:

1. Prior to change of occupancy, the site shall meet the parking standards in accordance with Section 511 of the Zoning Ordinance.

Attachments:

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



Location Map CU20-01

Lori Lara

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

124 West 4th Street

Legend

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





Location Map CU20-01

Lori Lara

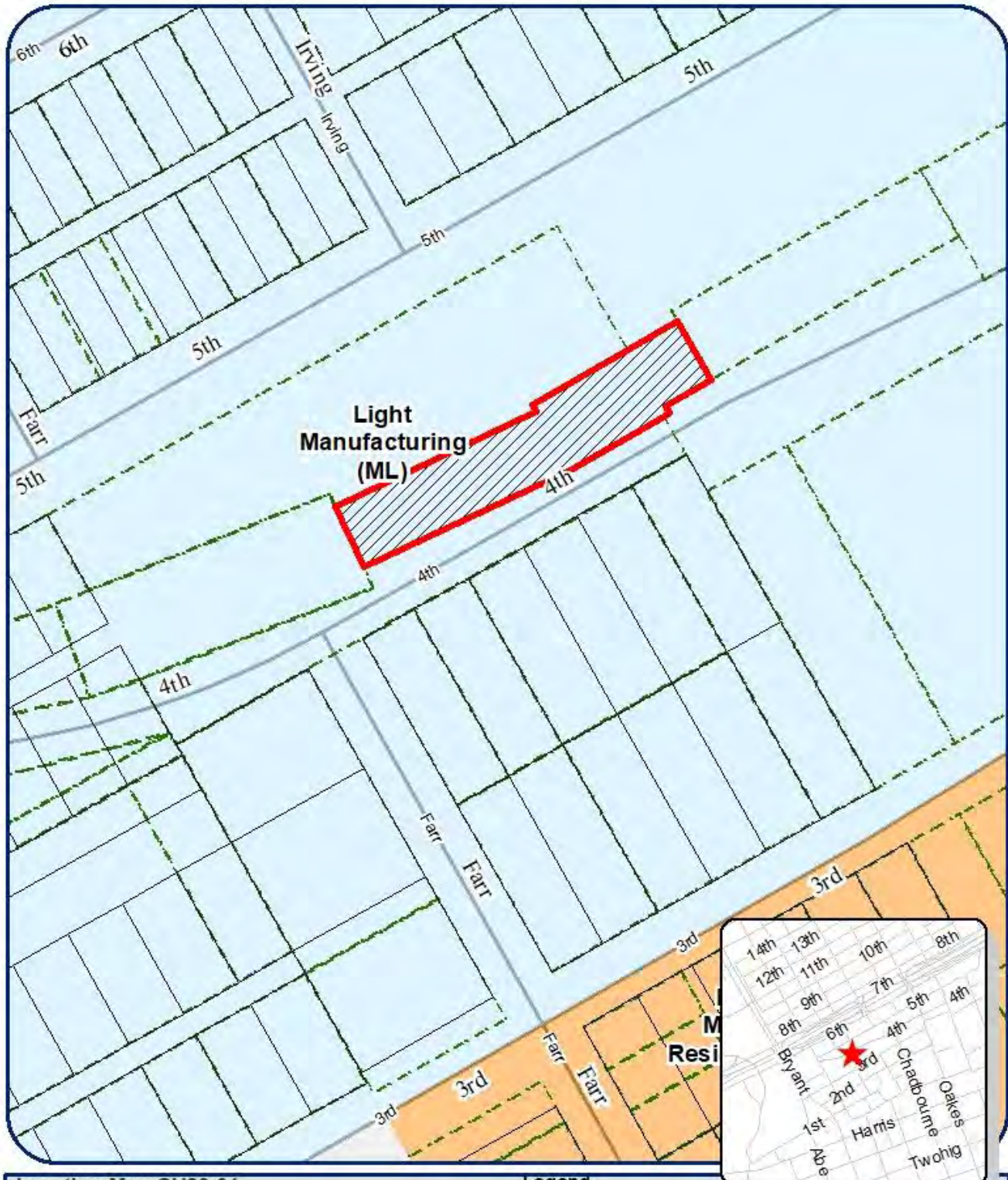
Council District 3 - Harry Thomas
 Neighborhood: Downtown
 Scale: 1" approx. = 100 ft

124 West 4th Street

Legend

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






Location Map CU20-01

Lori Lara

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

124 West 4th Street

Legend

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



Photos of Site and Surrounding Area



Bueker, Hillary

From: info@cosatx.us
Sent: Thursday, December 12, 2019 11:15 PM
To: rebeca.guerra@cosatx.us; Fisher, Jeff; Kristina.heredia@cosatx.us; Bueker, Hillary
Subject: City of San Angelo, TX: Conditional Use application

CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.

A new entry to a form/survey has been submitted.

Form Name: Conditional Use application
Date & Time: 12/12/2019 9:15 PM
Response #: 6
Submitter ID: 36385
IP address: 47.223.234.236
Time to complete: 0 min. , 9 sec.

Survey Details

Page 1

This application must be signed and dated before it will be processed. To sign the application, visit the Planning division in the Community Development Building, 52 W. College Ave., adjacent to City Hall. Offices are open from 8 a.m.-noon and from 1 p.m.-5 p.m. Mondays-Fridays. For more information, call [325-657-4210](tel:325-657-4210).

1. Applicant info:

Name of applicant: Lori Lara
Owner or representative Lori Lara
(affidavit required for the latter):
Mailing address (street, city, state, ZIP): 3102 Edgewood Drive
Telephone: 325-650-7390
Email: abba6774@gmail.com

2. Location info:

Subject property address and/or location: 124 4th street
Legal description: Abst: A-1848 S-0322, Survey: C SALINGER, 0.395 ACRES BEING OUT OF ACRE LOT 45 MILES ADD & ABS 1848 & TRACT ADJ
Lot size: 0.396 acres
Zoning: ML
Existing use of property: Comm. warehouse/upstairs vacant

Proposed use of property: Warehouse/Upstairs residential rental
Proposed conditional use (from Art. 309): household residential

3. I acknowledge the information provided above is true and correct, and have read the statements below.
(o) Yes

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

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

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

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

4. I understand this Commission is required by law to make decisions based on the following criteria, and I assert my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties. Explanation: No adverse effects will be generated. Interior only of vacant upstairs will be improved. No exterior adversities.

Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this zoning ordinance, including the applicable zoning district intent statement. Explanation: No conflicts of zoning will be applicable. Also, since the city's future plans might include a zone change for that area to commercial business district. This possible conditional approval will lend further potential for developing an area that would benefit.

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. Explanation: As a continuous commercial warehouse the compatibility will be consistent with current area. Based on conditional use approval it will correspond with residential use similar with the surrounding area.

Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural Explanation: No environmental factors will be generated. In fact if approval is granted it will permit improvements of current neglected structure, which in itself can benefit the environment.

Effective January 3, 2017

Section 2 continued: Site Specific Details

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

Explanation: _____

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.

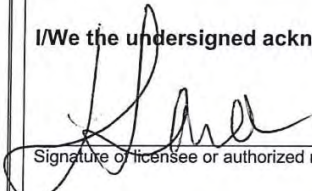
Explanation: _____

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.



Signature of licensee or authorized representative

12-13-19

Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: 20 - 01 Planning Commission date: 1, 27, 20
Nonrefundable application Fee: \$ 405.00 Receipt #: 81064 Date paid: 12, 13, 19
Reviewed/Accepted by: _____ Date: 12, 13, 19

environment, including but not limited to, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation:

Community Need.

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

Explanation:


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:

Upon approval it will demonstrate community need, by offering a residence which economically generates growth and development for the city.

Proposed conditional use would result in a logical and orderly pattern of urban development in the community directly correlating to the city's plan of economic enhancements and business uses in that area.

5. I wish to appeal the denial of the Commission to the City Council.

no Yes 

This application must be signed and dated before it will be processed. To sign the application, visit the Planning division in the Community Development Building, 52 W. College Ave., adjacent to City Hall. Offices are open from 8 a.m.-noon and from 1 p.m.-5 p.m. Mondays-Fridays. For more information, call [325-657-4210](tel:325-657-4210).

Thank you,
City of San Angelo, TX

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

**PLANNING COMMISSION – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use Renewal		CU20-02: Jefferies	
SYNOPSIS:			
<p>The Planning Commission approved a short-term rental on the subject property on March 20, 2017 and this short-term rental was renewed on February 19, 2018. Section 406.A.2 of the Zoning Ordinance requires that “an approved Conditional Use shall automatically expire unless renewed after one year and thereafter every two years.” This request is for approval of a Conditional Use Renewal for the requirement of every two years thereafter.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2181A Gun Club Road; generally located approx. 750 feet west of the intersection of Gun Club Road and Mesquite Lane		Being Lot 14B in Block 1 of the Lake Nasworthy Subdivision, Group 10, comprising a total of 0.242 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	RS-1	South lot: N – Neighborhood North lot: R - Rural	0.242 acres
THOROUGHFARE PLAN:			
<p><u>Gun Club Road</u> – Urban Local Street – ROW 50’ Required (53’ Existing) – Pavement Width 40’ or 36’ with 4’ Sidewalk Required (21’ Existing)</p>			
NOTIFICATIONS:			
<p>6 notifications mailed within 200-foot radius on January 14, 2020. Zero received in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of the renewal of a Conditional Use for a Short-Term Rental, in the Single-Family Residential (RS-1) Zoning District, on the subject property, subject to five Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
James & Brittany Jefferies			
STAFF CONTACT:			
<p>Shelly Paschal Planner (325) 657-4210, Ext. 1533 shelly.paschal@cosatx.us</p>			

Additional Information: The Planning Commission approved a short-term rental on the subject property on March 20, 2017 and this short-term rental was renewed on February 19, 2018. Section 406.A.2 of the Zoning Ordinance requires that “an approved Conditional Use shall automatically expire unless renewed after one year and thereafter every two years.” This request is for approval of a Conditional Use Renewal for the requirement of every two years. Within the last two years, there has been zero Code Enforcements violations and three calls for service for the San Angelo Police Department.

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.** Renewing the existing short term rental would not appear to create any adverse effects on adjacent properties. The southerly lot backs onto Lake Nasworthy with an outdoor amenity area for guests. This lot has a depth of over 130 feet and a variable width of between 70-80 feet, providing ample space between neighboring lots. The existing carport on the northerly lot accommodates two parked vehicles and the caliche area to the west accommodates an additional two parked vehicles.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The property is zoned Single-Family Residential (RS-1) and was created as two separate lots on the south and north side of Gun Club Road respectively. The existing single-family dwelling complies with all required setbacks except for the minimum 25-foot front yard setback, but would be legal non-conforming in this respect as the house was built in 1959 before the property was annexed into the City. As indicated, that applicant has two paved parking spaces under the existing carport, and space for two additional vehicles to the west. The Zoning Ordinance requires a minimum of two paved parking spaces, and therefore, the applicants comply with the parking requirement.
- 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.** Renewal of the existing short term rental remains compatible with the surrounding area which comprises of single-family residences in a predominantly recreational area. As indicated, the property backs onto Lake Nasworthy, allowing guests to take advantage of recreational opportunities. The property is also located within the Lake Nasworthy Master Plan in close proximity to a “Special Opportunity Area” and “Harbor Village” which includes walking and jogging trails, as well as a marina.
- 4. Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use continues to be

located within an existing residential structure and maintains the existing building footprint on the property. The two required parking spaces are already paved and there are no plans to change the topography of the property.

5. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. Staff believes there continues to be a demonstrated community need of available rental property, especially given the property abuts onto Lake Nasworthy, the San Angelo Marina, and an extensive trail system. As indicated previously, the property remains residential in nature in both appearance and intended clientele, and blends into the existing recreational, rustic character of the neighborhood.
6. **Development Patterns.** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. The existing short-term rental does not appear to have any adverse effect on existing development patterns. The property has already been platted, has adequate on-site parking, and the existing residential building has already received a change of occupancy for a short-term rental.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a Short Term Rental in the Single-Family Residential (RS-1) Zoning District, **subject to the following five Conditions of Approval:**

1. The owner shall comply with an annual fire safety inspection by the City Fire Marshal's office consistent with Section 406.D of the Zoning Ordinance (completed 10/10/2019).
2. The owner shall maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance.
3. No exterior evidence of the Short Term Rental shall be allowed.
4. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, and any subsequent permit renewals.
5. No commercial outdoor storage shall be allowed on the premises.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Annual Fire Safety Inspection
Application



Location Map CU20-02

James & Brittany Jefferies


Council District 1 - Tommy Hiebert

Neighborhood: Nasworthy

Scale: 1" approx. = 100 ft

2181A Gun Club Road

Legend

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





Location Map CU20-02

James & Brittany Jefferies

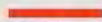
Council District 1 - Tommy Hiebert

Neighborhood: Nasworthy

Scale: 1" approx. = 100 ft

2181A Gun Club Road

Legend

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






Location Map CU20-02

James & Brittany Jefferies

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

2181A Gun Club Road

Legend

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



Photos of Site and Surrounding Area

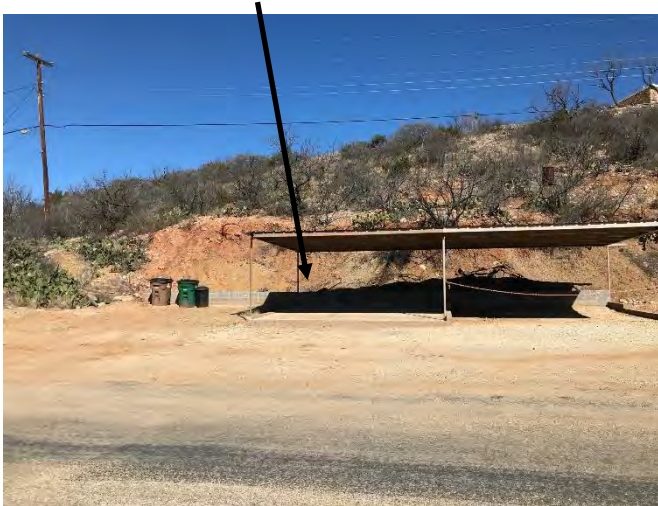
WEST



EAST



NORTH (NORTH PORTION OF LOT)



SOUTH (SOUTH PORTION OF LOT)



Inspection Number: 20191011-03527

Inspector: Gibbens, Clinton
Date: 10/10/2019
Completed:



Inspection Report

Contact

Email: Jeffries.jamesh@gmail.com

Occupant

Building A: Gun Club
Number: Road
Occupant: James H Jeffries
2181
San Angelo TX 76904

Inspection

Inspection Type: G100-ROUTINE FIRE
Reason: Scheduled
Notes: Inspection completed on 10/10/2019 and passed.

Fee: 25
Passed: Yes

Clinton Gibbens
FM6

San Angelo Fire Marshal's Office
301 W Beauregard Ave STE 203
San Angelo, TX 76903
325-657-4358

Printed: 10/15/2019
16:06

Effective January 3, 2017

Explanation: N/A-not the proposed conditional use . The property does not and will not result in adverse impacts to the environment.

Section 2 continued: Site Specific Details

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

Explanation: Yes, this does demonstrate a community need. The property allows for families to visit San Angelo, while being under one roof and not in a hotel. It is beneficial to the community in that it brings in revenue not only to the city from the property owner, but also from the renter's purchasing of goods and services while in San Angelo.

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: N/A-not the proposed conditional use . The property is a single family dwelling and no impact will occur.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

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

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

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

[Signature] Brittany Jefferies 12/12/2019
 Signature of licensee or authorized representative Date

James Jefferies Brittany Jefferies
 Printed name of licensee or authorized representative

James H. Jefferies
 Name of business/Entity of representative

FOR OFFICE USE ONLY:


Case No.: CU: 20 - 02 Planning Commission date: 1, 27, 20

Nonrefundable application Fee: \$ _____ Receipt #: _____ Date paid: 1 / 1

Reviewed/Accepted by: _____ Date: 12, 17, 19

**PLANNING COMMISSION – January 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU20-03: JACOBS	
SYNOPSIS:			
The applicant is requesting a Conditional Use to allow the construction of a single family home located at 418 W. Ave Y. A Conditional Use is required to allow a home in the Neighborhood Commercial zoning district. The applicant believes this is in keeping with the existing neighborhood and is the best use of the property.			
LOCATION:		LEGAL DESCRIPTION:	
418 W. Avenue Y, generally located northeast of the W. Avenue Y and S. Brant Blvd intersection.		Lot 5, Block 2, Monterrey Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3: Harry Thomas Neighborhood: Rio Vista	CN – Neighborhood Commercial	Neighborhood Center	0.16 acres
THOROUGHFARE PLAN:			
<i>West Avenue Y</i> – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk Provided: 30’ right-of-way, 26’ pavement/curb and gutter			
NOTIFICATIONS:			
17 notifications mailed within 200-foot radius on January 10, 2020. No responses in favor or against have been received.			
STAFF RECOMMENDATION:			
Staff recommends that the Planning Commission APPROVE a Conditional Use to allow the construction of a single family home in a Neighborhood Commercial zoning district, subject to two Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Max Jacobs			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: No replat is required as the Monterrey Addition was recorded in January of 1947. The property does not front on S. Bryant Blvd. and is located towards the center of the block. The adjacent land use is single family residential. A park, recreation center, Boys and Girls Club, and an elementary school are within 300 feet to the east. The north side of the block it is mainly residential. The new Dollar Tree was built 500 ft. to the south and is the closest functioning commercial operation to this lot.

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. The residential development in this block ranges from 1957 to two homes built in 2003.

1. **Impacts Minimized.** **Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** Planning Staff believe that no adverse impacts will be created by the intended Conditional Use. Even though the zoning district is Neighborhood Commercial, the existing use in the area is more in keeping with residential.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The lot where the applicant intends on building the home is 50 ft. by 138 ft. and 6,900 sq. ft. That size is comparable to any residential lot being developed today. The nature of the existing block although zoned Neighborhood Commercial is residential in nature and use. There is a distinct break between the commercial use property and the residential and that is the elevated crossover structure over S. Bryant Blvd. (State Highway 87 and W. Ave. Z).
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 existing uses of residential, school parks and public use. The commercial use starts a block to the south even though the entire area is zoned CN Neighborhood Commercial.
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. The lot is significantly less than an acre and does not meet the Stormwater guidelines.
5. **Community Need.** **Whether and the extent to which the proposed conditional use addresses a demonstrated community need.** The most recent housing study shows that San Angel is still in need of affordable housing particularly in the older subdivisions where build out has not occurred. This area meets those guidelines.
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.** Current development

patterns are not anticipated to change. The lots are already platted in the current configuration. A reasonable expectation for this area is the continuation of single family housing in the area and a sense of neighborhood.

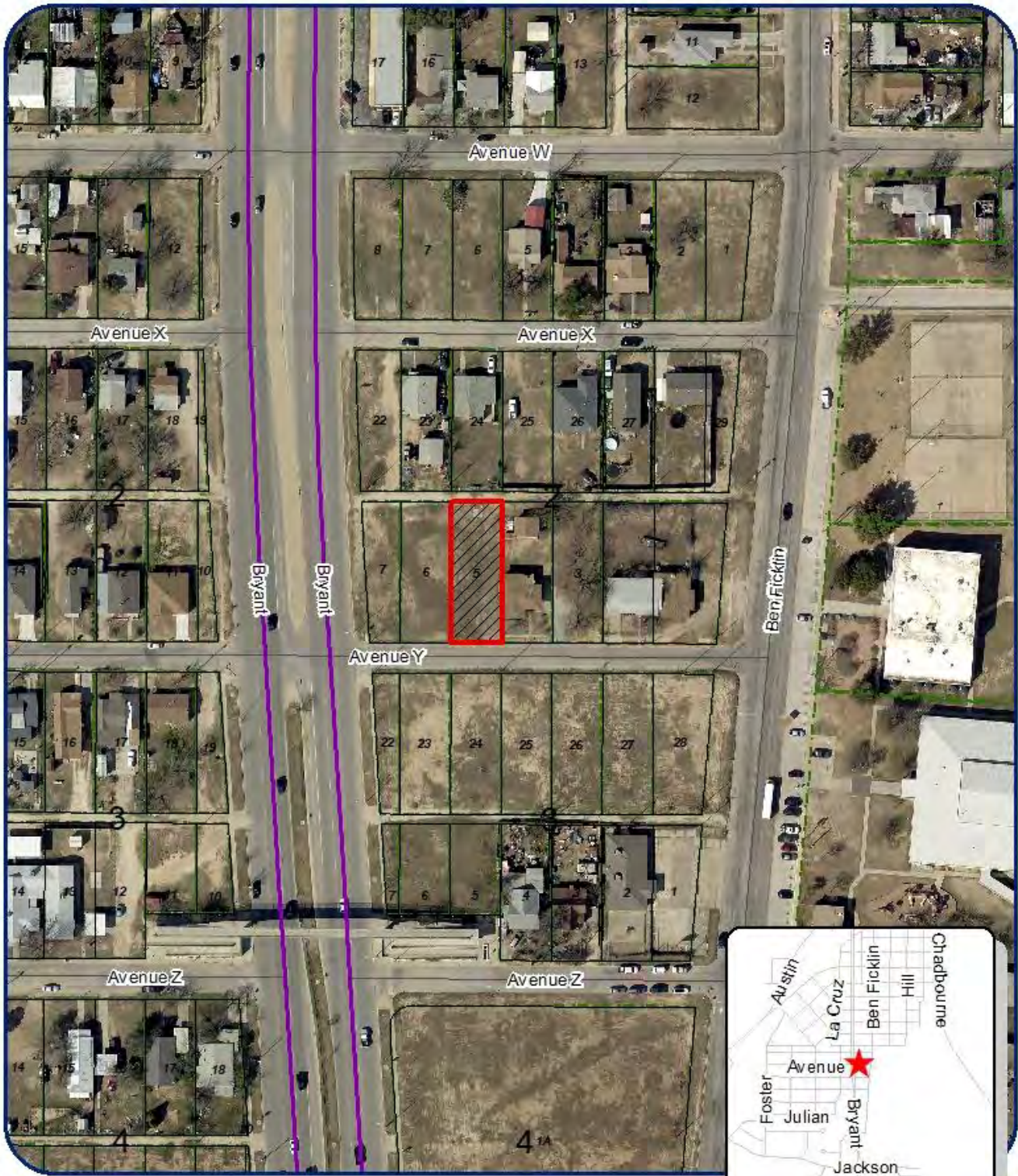
Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow for a the construction of a single family house within the Neighborhood Commercial Zoning District subject to the **following two Conditions of Approval:**

1. The applicant shall obtain building permits from the Permits and Inspections Division for improvements as required.
2. The development of this lot as a single family home shall comply with zoning ordinance standards for RS-1 zoning.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Application



Location Map Aerial map

CU20-03: Jacobs

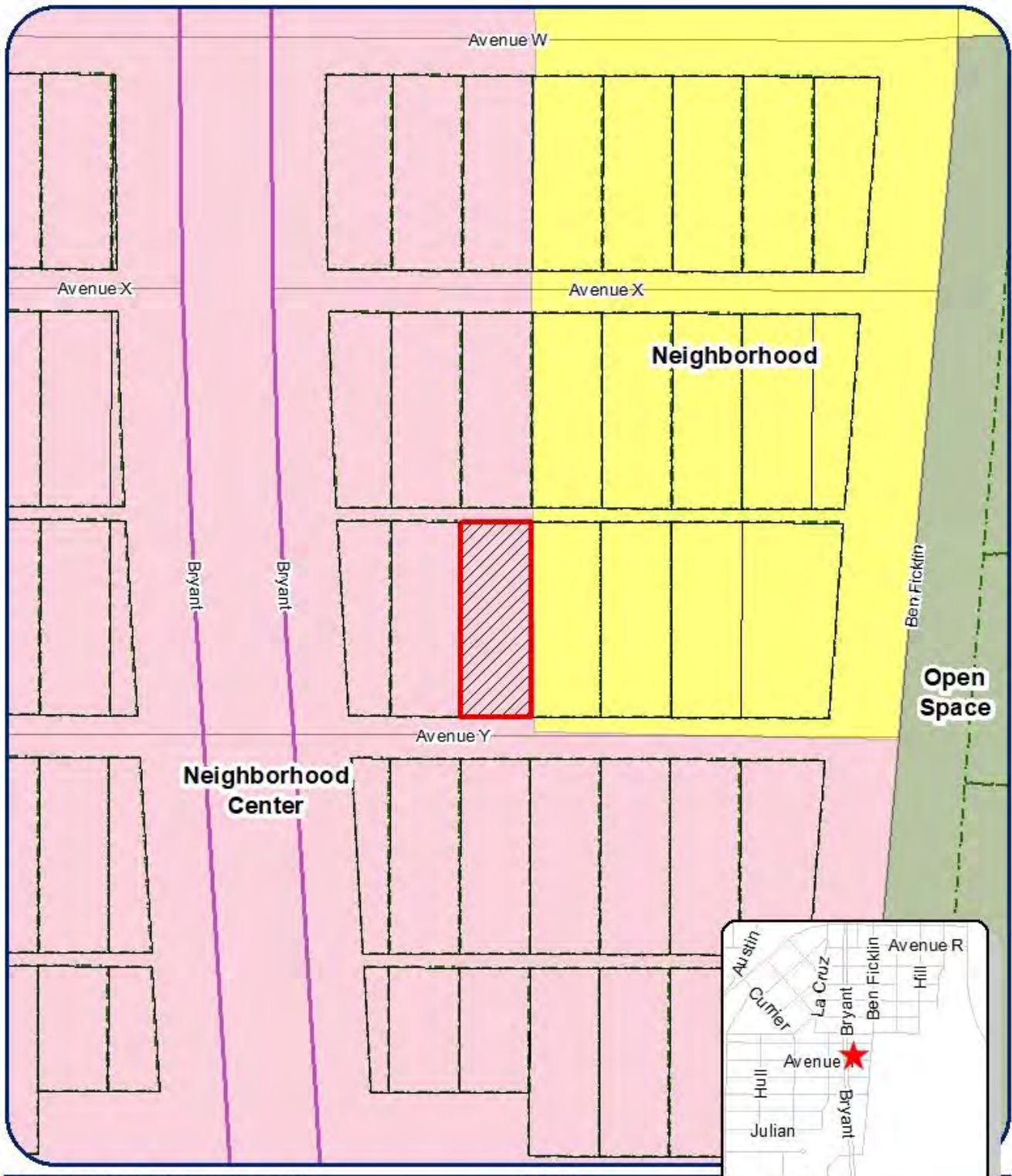
Council District #3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

Lot 5, Blk. 2 Monterrey Addition

Legend

Subject Properties:
 Current Zoning: **Neighborhood Commercial (CN)**
 Requested Action: **Conditional Use**
 Vision: **Neighborhood Center**





Location Map Future Land Use

CU20-03: Jacobs

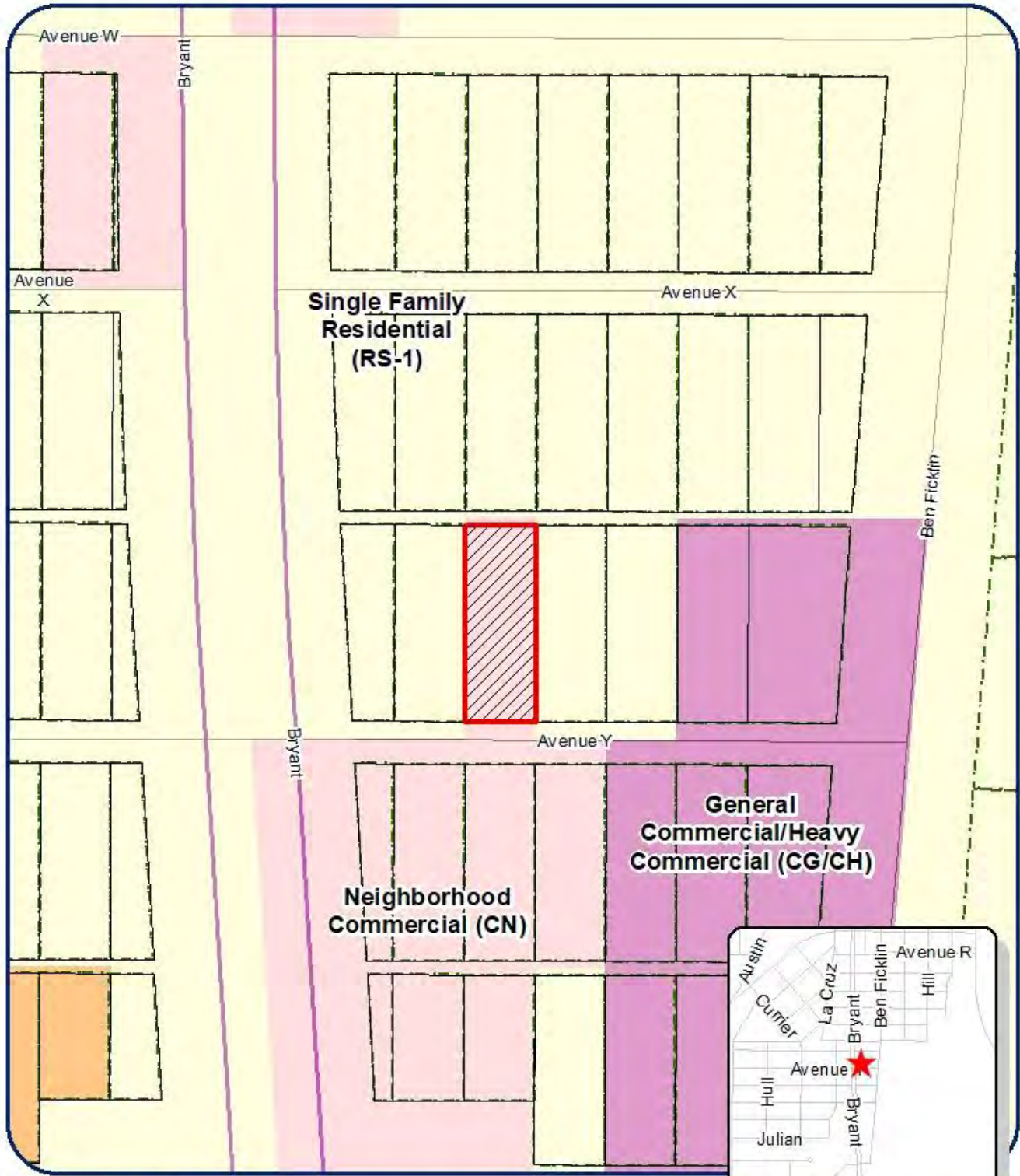
Council District #3 - Hasrry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 90 ft

Lot 5, Blk. 2 Monterrey Addition

Legend

- Subject Properties: **Neighborhood Commercial (CN)**
- Current Zoning: **Conditional Use**
- Requested Action: **Neighborhood Center**
- Vision: **Neighborhood Center**





Location Map Existing zoning

CU20-03: Jacobs

Council District #3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 90 ft

Lot 5, Blk. 2 Monterrey Addition

Legend

- Subject Properties: **Neighborhood Commercial (CN)**
- Current Zoning: **Conditional Use**
- Requested Action: **Neighborhood Center**
- Vision: **Neighborhood Center**



NOTIFICATION MAP



Location Map Aerial map	Legend	N	
CU20-03: Jacobs	Subject Properties:		
Council District #3 - Harry Thomas	Current Zoning: Neighborhood Commercial (CN)		
Neighborhood: Rio Vista	Requested Action: Conditional Use		
Scale: 1" approx. = 125 ft	Vision: Neighborhood Center		
Lot 5, Blk. 2 Monterrey Addition			

Photos of Site and Surrounding Area



418 W Avenue Y site CU20-03



Looking east on W. Avenue Y at the elementary school site



North side of same block as CU20-03 site. All homes along this side.



Elevated crossover of S. Bryant Blvd. one block south of CU20-03 site where commercial begins

Effective January 3, 2017

Section 2 continued: Site Specific Details

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

Explanation: Proposed home would be among the lowest priced new homes in San Angelo, and affordable housing is always a demonstrated need

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

Explanation: The "highest and best use" of property in the area (that doesn't front on Bryant) is residential and so is in keeping with a logical and orderly pattern of urban development

Section 3: Applicant(s) Acknowledgement

Please initial the following:

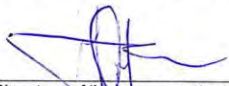
MJ If approved, a Conditional Use is applied to the property, not the property owner.

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

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

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

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



Signature of licensee or authorized representative

December 16th, 2019

Date

Max Jacobs

Printed name of licensee or authorized representative

Frontier Real Estate Investments, Inc.

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: 20 -- 03 Planning Commission date: 1, 27, 20

Nonrefundable application Fee: \$ 405.00 Receipt #: 90144 Date paid: 12, 26, 19

Reviewed/Accepted by: _____ Date: 12, 26, 19

**PLANNING COMMISSION –JANUARY 27, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Street Right-of-way Abandonment		Riverside Golf Club Road	
SYNOPSIS:			
The applicant is seeking abandonment of a portion of the Riverside Golf Club Road right-of-way from north of the golf course maintenance building access road at 3301 Riverside Golf Club Rd. north to the connection at Bryant Blvd., approximately 675 feet long with a small 118 ft. by 26.53 ft. additional piece, for a total of 79,366.32 square feet, or 1.822 acres. The intent is to restrict heavy truck access to the Kent Distributers facility and back onto Highway 87 by means of the stop light at Bryant Blvd. and 33 rd Ave.			
LOCATION:		LEGAL DESCRIPTION:	
Riverside Golf Club Rd., generally located north of the proposed W 33 rd St extension.		Being a section of right-of-way for Riverside Golf Club Road, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #2 – Tom Thompson Riverside Neighborhood	General Commercial/Heavy Commercial (CG/CH) & Light Manufacturing (ML)	Commercial & Open Space	140,000 Sq. ft./ 3.2 acres
THOROUGHFARE PLAN:			
<u>Riverside Golf Club Road</u> – Urban Local street 50 ft. ROW required (100’ Existing), 40’ pavement required (23’ Provided)			
NOTIFICATIONS:			
2 notifications mailed to properties directly adjacent to the proposed abandonments on January 13, 2020. At this time no one has responded.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Right-of-Way Abandonment request, subject to five Conditions of Approval			
PROPERTY OWNER/PETITIONER:			
Ray & Kathleen Hawkins			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 sherry.bailey@cosatx.us			



Additional Information:

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

Planning Staff reviewed all relevant history and conducted a site visit to the property on January 3, 2020, to determine the appropriateness of abandoning this public street right-of-way. Staff also talked with the San Angelo State Park Superintendent about the proposed road abandonment. The Army Corp of Engineers has offered the golf course and the land associated with the golf course, the house and the maintenance building and equipment to the state park system. The park is evaluating the project. As long as staff and the public can access the area the park would not object to the closure of the road north to the connection to state highway.

The Hawkins' have requested the abandonment of Riverside Golf Club Road north from the park access road to the Bryant Blvd./Highway 87 connection as part of the Kent Distributors truck stop development. This facility is to be constructed at what will be 33rd Street and Bryant Blvd. and Golf Club Road. Staff has included an exhibit that shows this location. Kent will partner with TxDOT to place a signal at 33rd street which will facilitate the movement of 18 wheel trucks off Highway 87 onto 33rd and then to the access for Kent. The concern is trucks will want to use the Riverside access to Highway 87 to bypass the signal at 33rd. This could be a dangerous situation that can be remedied by closing that access.

Analysis:

Planning Staff reviewed the request for the abandonment and the issues associated with that request. Planning Staff believes existing or anticipated traffic patterns would not be negatively affected if the requested portion of Riverside Golf Club Road, is closed. As long as access to the golf course facilities is maintained closing the 600 feet of roadway to the connection to Highway 87 would have minimum impacts on this area. Staff believes this portion currently provides no public benefit that would not be available to motorists by going down to the 33rd street light or down to 29th. This access functions as a bypass of the city and Loop 306 to the commercial development on the west side of town. In following a group of cars along Riverside Golf Club Road it was easy to see that most of the cars were utilizing the road as a bypass and moving down to the 33rd Street light or to 29th Street would provide the same benefits. Closing Riverside would provide more safety and security to truck traffic and in turn car access coming off of Highway 87.

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. This action should be phased in to match the Kent Truck Stop development, the construction of 33rd street and installation of the signal at 33rd and Highway 87.

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 evidence that once the Kent Truck Stop is built the closing of the Riverside Golf Club Road will provide for a safer and more efficient movement of car and truck traffic.
- *Utilities:* There are no existing City utilities in this segment of street right-of-way.
- *Community Impact:* The Planning staff has visited with the State Park and as long as access to the golf course facilities is maintained they have no objection.
- *Public Benefit:* The Planning Division recommends approval of the abandonment of Golf Club Road north of the golf course access road to the connection with Highway 87 as a safety and development benefit.

Recommendation:

Staff's recommendation is to recommend **APPROVAL** of the proposed abandonment of Riverside Golf Club Road public right-of-way north of the golf course access road, for 675 feet more or less a total of 79,366.32 sq. ft., to the connection at Highway 87, **subject to five Conditions of Approval:**

1. Remit payment for assessment formula outlined in fee schedule consistent with the Code of Ordinances, Section A9.008.
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 all of the abandoned right-of-way into adjacent lot(s) and reconfiguration of the allots along with the adjacent property, meeting all requirements of the Land Development and Subdivision Ordinance within 18 months of City Council's decision.
4. 33rd Street and Riverside Golf Club Road improvements shall be constructed and accepted prior to abandonment.
5. 33rd Street and Bryant Blvd. light must be installed and operational prior to abandonment.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Pictures
Application



Location Map ROW Abandonment

Riverside Golf Club Rd.

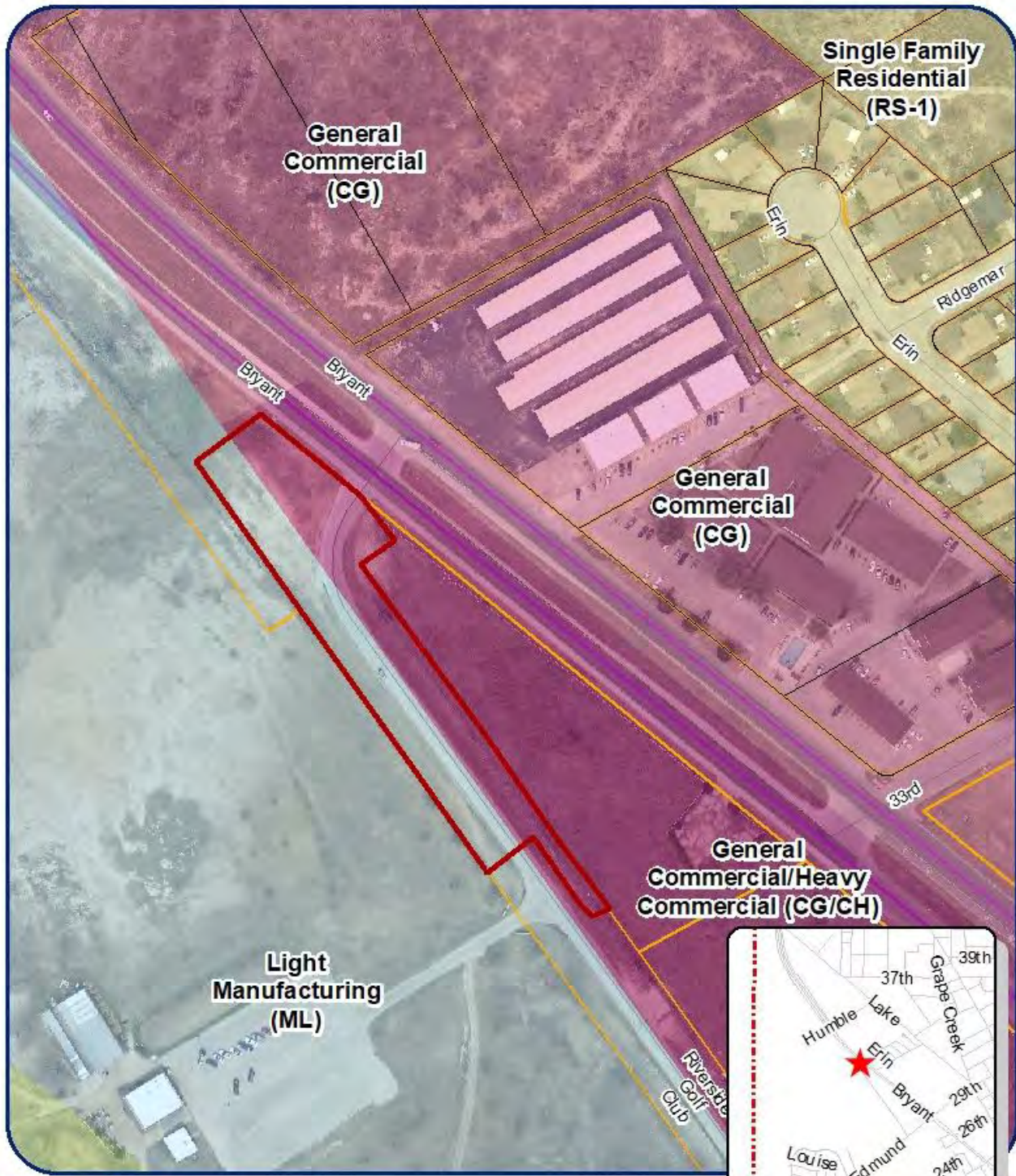
Council District 2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 165 ft

Abst: A - 1868 S - 3016; Survey C. Sander, 2.075 Acres

Legend

- Subject Properties: —
- Current Zoning: **CG/CH & ML**
- Requested Action: **ROW Abandonment**
- Vision: **Commercial & Open Space**





Location Map Existing zoning

Riverside Golf Club Rd.

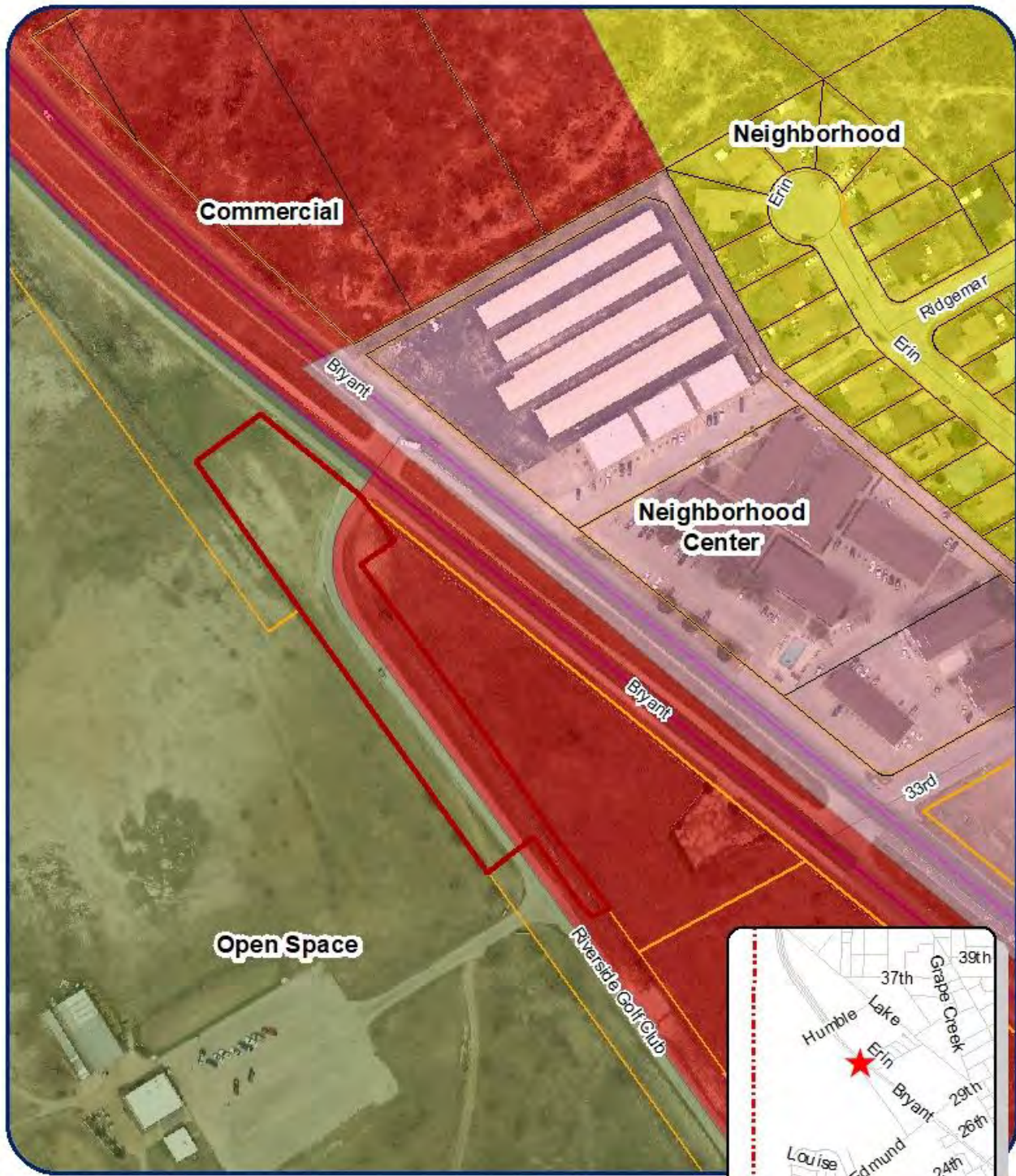
Council District 2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 165 ft

Abst: A - 1868 S - 3016; Survey C. Sander, 2.075 Acres

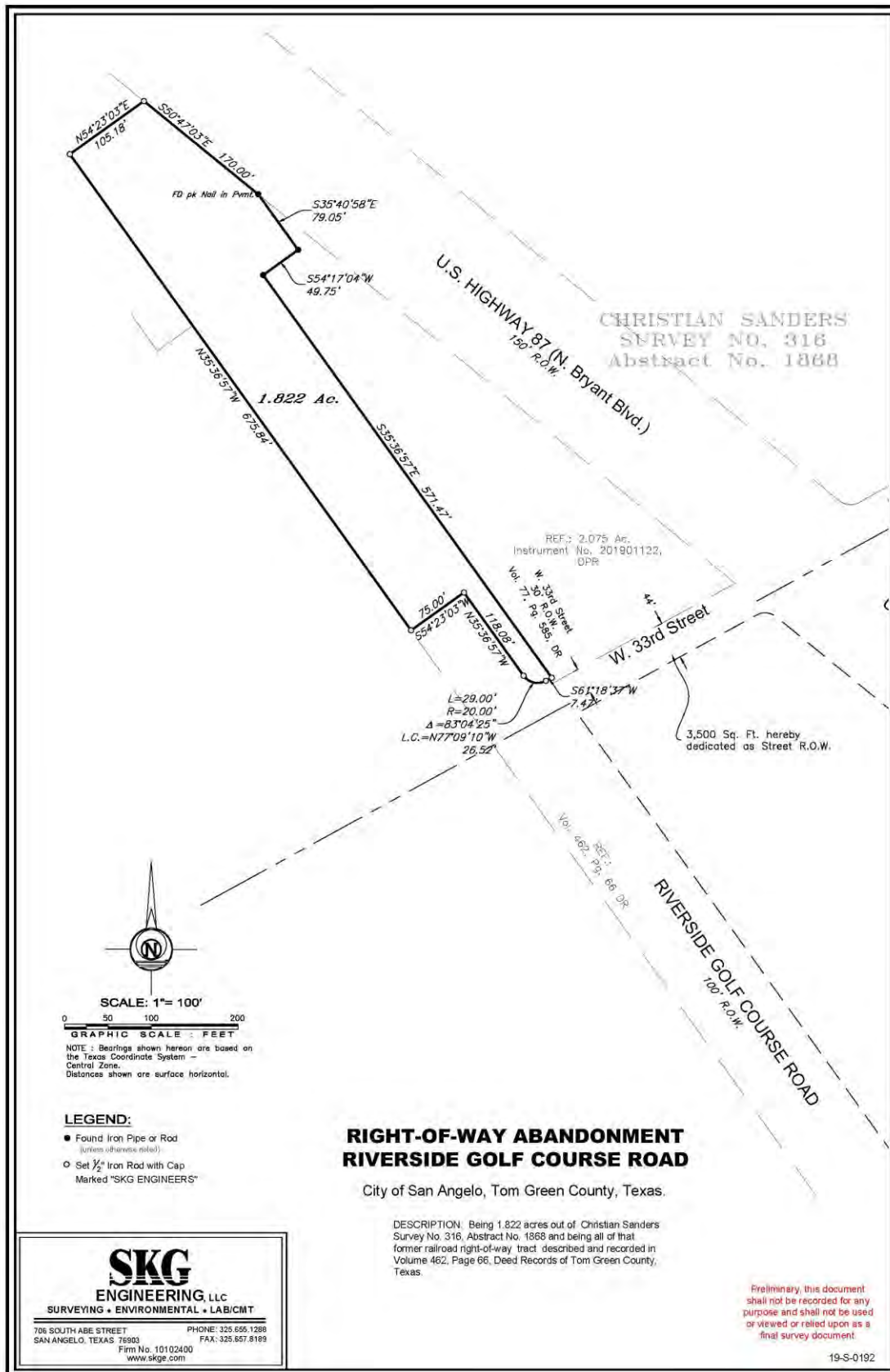
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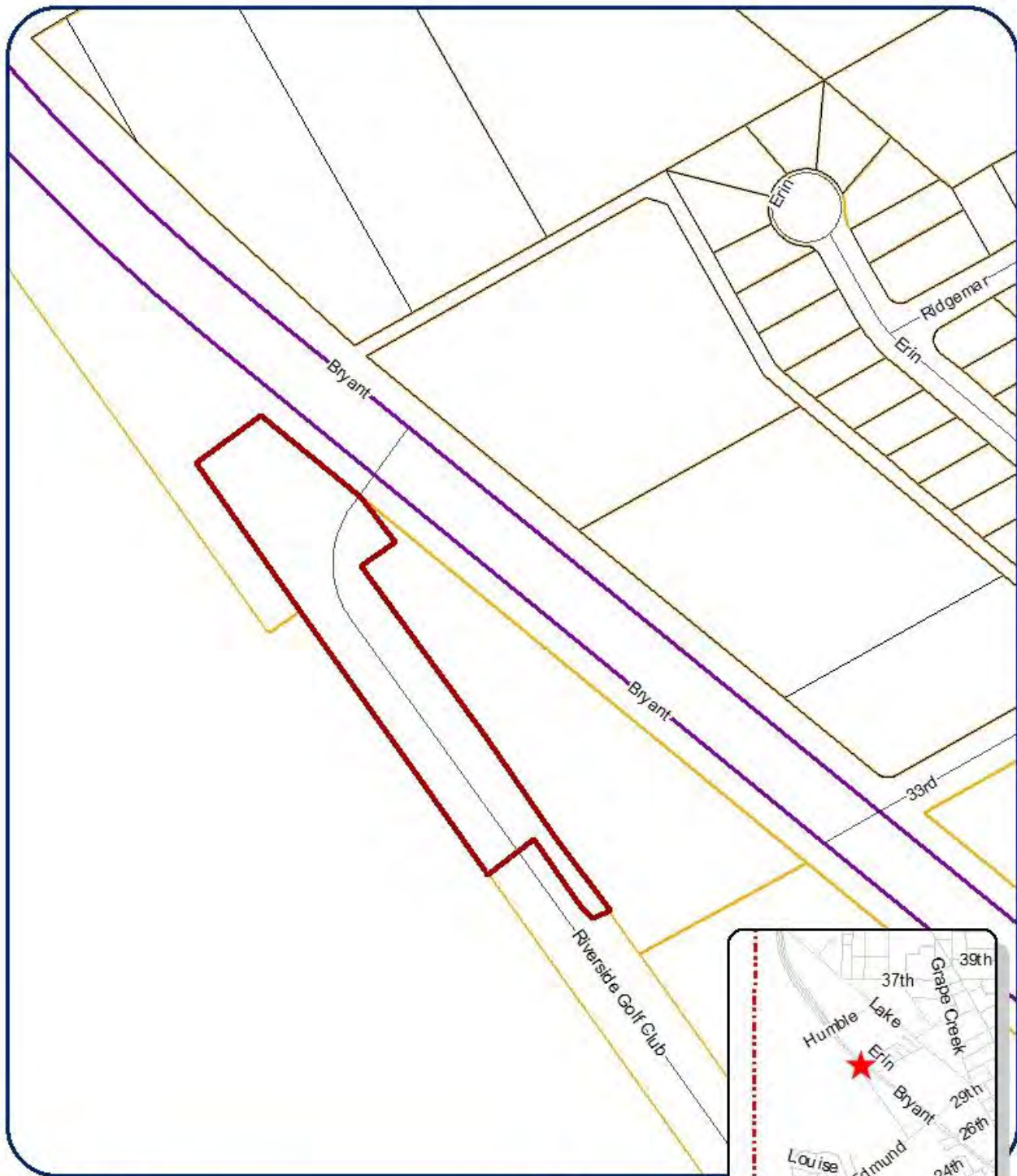
Subject Properties: 
 Current Zoning: **CG/CH & ML**
 Requested Action: **ROW Abandonment**
 Vision: **Commercial & Open Space**








Location Map Future Land Use	Legend	N	
Riverside Golf Club Rd.	Subject Properties:		
Council District 2 - Tom Thompson	Current Zoning: CG/CH & ML		
Neighborhood: Riverside	Requested Action: ROW Abandonment		
Scale: 1" approx. = 165 ft	Vision: Commercial & Open Space		
Abst: A - 1868 S - 3016; Survey C. Sander, 2.075 Acres			





Location Map Riverside Golf Club Rd. Council District 2 - Tom Thompson Neighborhood: Riverside Scale: 1" approx. = 165 ft Abst: A - 1868 S - 3016; Survey C. Sander, 2.075 Acres	Legend Subject Properties:  Current Zoning: CG/CH & ML Requested Action: ROW Abandonment Vision: Commercial & Open Space	 
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Photos



Golf course facility entrance



At golf course entrance site looking north to Bryant Blvd. connection



Golf Club Rd. connection at N. Bryant Blvd.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

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

November 11, 2019
Date

Ray Hawkins
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 11, 11, 19

Non-Refundable Fee: \$ 575.00 Receipt #: 92069 Date paid: 12, 27, 19

Date of hearing by Planning Commission: 1, 27, 20 Date of hearing by City Council: 2, 18, 20

Reviewed/Accepted by: _____