


**PLANNING COMMISSION – June 15, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Replat		First Replat of Lot 2, Block 4, Martha Mather’s 2 nd Addition	
SYNOPSIS:			
The applicant is proposing to replat one lot zoned Single-Family Residential (RS-1) into three lots for new single-family homes. As part of the request, the applicant has applied for two variances, to allow a deficient paving width of 30 feet with no curb and gutter on Amarillo Street and to allow the easternmost end of East 40 th Street, approximately 14.75 feet in length, to remain with no curb and gutter; and to exempt the requirement for sidewalks adjacent to East 40 th Street and Amarillo Street (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
129 E. 40 th Street; general located at the southwest corner of E. 40 th Street and Amarillo Street		Being Lot 2 in Block 4 of the First Replat of the Martha Mather’s 2 nd Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District: Tom Thompson (SMD#2) Neighborhood: Lake View		RS-1	N – Neighborhood
		FUTURE LAND USE:	SIZE:
		N – Neighborhood	0.385 acres
THOROUGHFARE PLAN:			
<p>East 40th Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4’ sidewalk Provided: 50’ right-of-way, 40’ pavement</p> <p>Amarillo Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4’ sidewalk Provided: 50’ right-of-way, 30’ pavement</p>			
NOTIFICATIONS:			
12 notifications were mailed with a 200-foot radius on May 28, 2020 for this replat. No responses received.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a “First Replat of Lot 2, Block 4, Martha Mather’s 2 nd Addition”; APPROVAL of a PARTIAL VARIANCE to maintain 30 feet of paving width and REQUIRE curb and gutter for Amarillo Street and install curb and gutter on the easterly portion of East 40 th Street; and DENIAL of a variance exempting sidewalks, and REQUIRE sidewalks adjacent to East 40 th Street and Amarillo Street, subject to seven conditions of approval .			
PROPERTY OWNER/PETITIONER:			
Applicant: Russell Gully, SKG Engineering LLC Owners: Jerry Searcy and Uriel Duran			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the Land Development and Subdivision Ordinance (LDSO) states that the Planning Commission may “deny approval of the plat, if the Planning Commission finds the 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 proposed replat to create three single-family residential lots is consistent the Neighborhood policies. The property is located immediately across the street from Goliad Elementary School in the center of the Lake View residential neighborhood that extends 1.5 miles in any direction. 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.” Planning Staff believe that a replat to allow the construction of three single-family homes meets this objective given the property’s location in this neighborhood and close to an existing school. In addition, these policies call to “improve street, bicycle, and pedestrian connectivity between neighborhoods and their associated neighborhood centers, public spaces, schools, and parks” and to “coordinate with SAISD to improve walkability and connections between neighborhoods and nearby schools.” Staff believes that with the addition of sidewalks and a painted crosswalk across 40th Street, children would be able to cross more safely to the east side of Amarillo Street where the school is located. This is a short walk of approximately 35 feet along a gravel and paved shoulder to an internal sidewalk leading to the school entrance (see Variances section of this report).

Purpose Statements

Planning Staff believe that the proposed plat will conform to the Purpose Statements of Chapter 2 of the LDSO. The addition of sidewalks on both street frontages will assist in ensuring safe passage for children and other pedestrians in this neighborhood close to an existing school, conforming to Purpose Statement B “to protect and provide for the public health, safety and general welfare of the City of San Angelo”. The applicant will be required as a condition of plat approval to extend the existing water main at the corner of East 40th Street and Amarillo Street west across East 40th Street to service the new lot, conforming to Statement G “to provide for the efficient use and extension of municipal utilities”. Finally, both Planning and Engineering Staff recommend requiring the extension of curbing to the end of East 40th Street and adjacent to the entirety of Amarillo Street to meet current street standards. The curbing will assist in improving drainage, and reduce edge deterioration of the existing pavement on Amarillo Street, consistent with Statement H “to minimize damage due to flooding, stormwater runoff and other environmental constraints.

Variances: 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.**

Variance 10.III.A.2: *Maintain deficient paving on Amarillo Street and no curb and gutter; No extension of existing curb and gutter on East 40th Street.* Staff supports a partial variance to allow the applicant to maintain the existing 30-foot paving width on Amarillo Street, but is opposed to waiving the requirement for full curbs on Amarillo Street and the remaining 14.75 feet of East 40th Street, as required by ordinance. Amarillo Street in this location is sufficiently served with the existing 30-foot right-of-way and there are paved shoulders beside the two entrances to Goliad Elementary School that provide additional area for vehicles to turn into the school parking lots. The applicant indicates that the existing street is not detrimental to public safety, and absence of curbs on Amarillo Street is justification for not extending the remaining curbing on East 40th Street. Staff does not support this position. The school property on the east side of the street was platted in 1906 as part of the original Martha Mather's 2nd Addition, before subdivision standards were implemented. If the school replatted under today's LDSO, they would be required to install full curbs also. Secondly, a site visit on May 25, 2020 (see attached photos) show significant drainage issues, along both sides of the street, as well as some edge deterioration of the existing asphalt streets. Installation of curbs would assist in mitigating these issues and be consistent with the surrounding area, most of which already has curbs. The additional curbing to close the gap on East 40th Street would provide the same mitigation, consistent with the City's Street Standards in the LDSO. The previous 2001 replat for the subject property and the lot to the south did not mention this gap in the curb, however, the LDSO since at least 1995 has required installation of full curb and gutter adjacent to local streets.

Variance 9.V: *Exempt sidewalks adjacent to Amarillo Street and East 40th Street.* The applicant believes sidewalks should not be required because the area is not associated with a school route plan or near a major shopping center, and there is no heavy traffic in the area. Staff disagrees with this position. Chapter 9.V. of the LDSO states that the City may require construction of sidewalks "if it is deemed necessary for safety reasons *such as* in association with a school route plan, or in areas where heavy pedestrian and vehicular traffic is anticipated." Staff notes that the phrase "such as" simply supplies examples but is not intended to be an exhaustive list. Sidewalks can, and should, be required anywhere "deemed necessary for safety reasons", such as near an elementary school, even absent a formal school route plan. These sidewalks would assist pedestrians and children crossing East 40th Street, especially during school times of heavy traffic as Amarillo Street is used as an ingress and egress. As indicated, Staff is also recommending a painted, striped crosswalk across East 40th Street to provide a connection between this sidewalk and the school. The LDSO under Chapter 9.V. also requires a sidewalk "when lots are platted adjacent to a road or a street with a pavement width less than 36 feet, as reiterated in the numeric street width standards under Chapter 10.III.A.2 requiring a local street to be 36 feet with a 4 foot sidewalk, or 40 feet with no sidewalk. Granting a variance to allow a deficient street width of less than 36 feet does not automatically exempt the sidewalk requirement, but actually provides more justification to require a sidewalk given less space in the roadway for pedestrians.

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.**

Variance 10.III.A.2: *Maintain deficient paving on Amarillo Street and no curb and gutter; No*

extension of existing curb and gutter on East 40th Street. The applicant indicates that the existing alignment of the streets are unique as justification for these variances. Staff agrees regarding the street width on Amarillo Street as this is an infill development and the current street width adequately serves the area. However, Staff disagrees there is anything unique about the property that would support an exemption from the required curbing. As indicated above, curbs provide additional edge treatment and improve drainage. Extending curbing would be consistent with these parameters and the immediate area which includes full curbing of this subdivision block.

Variance 9.V: Exempt sidewalks adjacent to Amarillo Street and East 40th Street. Staff believes that the subject property is not unique to support an exemption from the sidewalk requirement. Staff would recommend sidewalks for other properties that were also redeveloping close to this school. As indicated, the additional requirement for a painted crosswalk across 40th Street will enhance connectivity to the school and its internal sidewalk located in close proximity.

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.**

Variance 10.III.A.2: Maintain deficient paving on Amarillo Street and no curb and gutter; No extension of existing curb and gutter on East 40th Street. The applicant indicates that a hardship would result due to the physical surroundings and shape of the property if Amarillo Street was widened, and if curb and gutter installed on the uncurbed areas of both streets. The topography of the property is relatively flat and the newly created lots will meet the minimum lot frontage, depth, and area requirements of the RS-1 zoning district. As indicated, Staff supports the street variance but only because they do not believe the additional increment is necessary in this infill area. Staff does not believe, however, that there is a hardship to the applicant to install curbing due to flat topography and because the remainder of the subdivision block has curbing. Staff does not believe that this property should have an exception, and rather, should be subject to the same requirements of other properties in this area if they were replatted.

Variance 9.V: Exempt sidewalks adjacent to Amarillo Street and East 40th Street. The applicant indicates that there are no sidewalks within 4,000 feet of the subject property or in front of the school. As indicated, the immediate area was part of the Martha Mather's 2nd Addition platted in 1906. At that time, there was no LDSO or sidewalk requirement. However, the school was built in the 1950s and has continued to expand on the property since then. Four crosswalks were installed to connect the neighborhood to the school which include two on the north side of the school across East 40th Street, one on the east side across Goliad Street, and one of the south side across East 39th Street. The presence of crosswalks in the area are evidence of pedestrian movement and the need for additional walking connections to the school. The new sidewalks and a crosswalk west of the school will now provide connection on all four sides of the school property.

4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** All Variance 10.III.A.2: Maintain deficient paving on Amarillo Street and no curb and gutter; No extension of existing curb and gutter on East 40th Street. Staff believes that approval of these

variances with respect to no curbing would significantly vary the LDSO and set a negative precedent for future variances. This would give other developers the same option, and over time, the City would lose the opportunity for required improvements by developers – improvements that are required by the current LDSO. The variance process is an option only when there is a unique situation or hardship, and Staff does not see this particular property as having one. Without the developer paying their share of street improvements, it would require City taxpayers to cover the costs of these improvements. As mentioned above, installation of curbs improves drainage and prevents edge deterioration on asphalt streets.

Variance 9.V: Exempt sidewalks adjacent to Amarillo Street and East 40th Street. Staff would have supported the variance for no sidewalks had this development not been near a school. The variance process allows a variance in cases where a sidewalk is not warranted such as infill project with no other sidewalks in the area and where most of the lots are fully developed. Staff does not believe this is the case for the subject property. Staff respectfully requests sidewalks adjacent to this property for the above reasons.

Recommendations:

Staff recommends **APPROVAL** of a “First Replat of Lot 2, Block 4, Martha Mather’s 2nd Addition”; **APPROVAL** of a **PARTIAL VARIANCE** to maintain 30 feet of paving width and REQUIRE curb and gutter for Amarillo Street and to install curb and gutter on the easterly portion of East 40th Street; and **DENIAL** of a variance exempting sidewalks, and REQUIRE sidewalks adjacent to East 40th Street and Amarillo Street, subject to **seven 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 Chapter 8.05.004 of the City Code of Ordinances, the existing chain link fence along the north and east property lines shall be either: a) reduced to a maximum of 3 feet in the 30' by 30' sight triangle, and to a maximum of 4 feet outside the sight triangle; b) moved outside the sight triangle and required front yards; or c) removed from the property. The developer shall provide a separate structures plan if the fence is reduced in height or relocated, or a photograph if removed.
3. Prior to plat recordation, per Land Development and Subdivision Ordinance Chapter 9.V and the City’s Standard Specifications and Details for Construction, prepare and submit plans for approval, illustrating the proposed installation of sidewalks adjacent to East 40th Street and Amarillo Street, with sidewalk ramp facing East 40th Street, and a painted, striped crosswalk extending from the sidewalk ramp across East 40th Street, to allow more convenient pedestrian access to the adjacent school, and complete the installation in accordance with the approved version of these plans. If placement of sidewalks is not feasible within the public right-of-way, easement(s) shall be provided & illustrated on the plat. Alternatively, per Land Development and Subdivision

Ordinance, a request may be submitted to the Planning and Development Services Department for the deferral of such requirement to a later stage of development.

4. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 11.I.A, City of San Angelo Standards & Specifications, prepare and submit plans for approval, illustrating 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. NOTE: Use W-193 record drawing for reference. In this instance, a 6" stub out on E. 40th is shown to exist.
5. 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. Alternatively, per Land Development and Subdivision Ordinance, Chapter 11.I.B.2, request to the Department of Public Works the deferral of such requirement to a later stage of development.
6. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to Amarillo Street by half the additional increment necessary to comprise the minimum paving width. For Amarillo Street, the minimum width is 36 feet with a 4 foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either 3 additional feet and a 4 foot sidewalk, or 5 additional feet with no sidewalk). Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
7. Prior to plat recordation, per City of San Angelo Construction Design Standards, S-A-1, S-B-1, install curbing adjacent to Amarillo Street continuing curb and gutter from East 40th Street.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Proposed replat
Application with variance requests

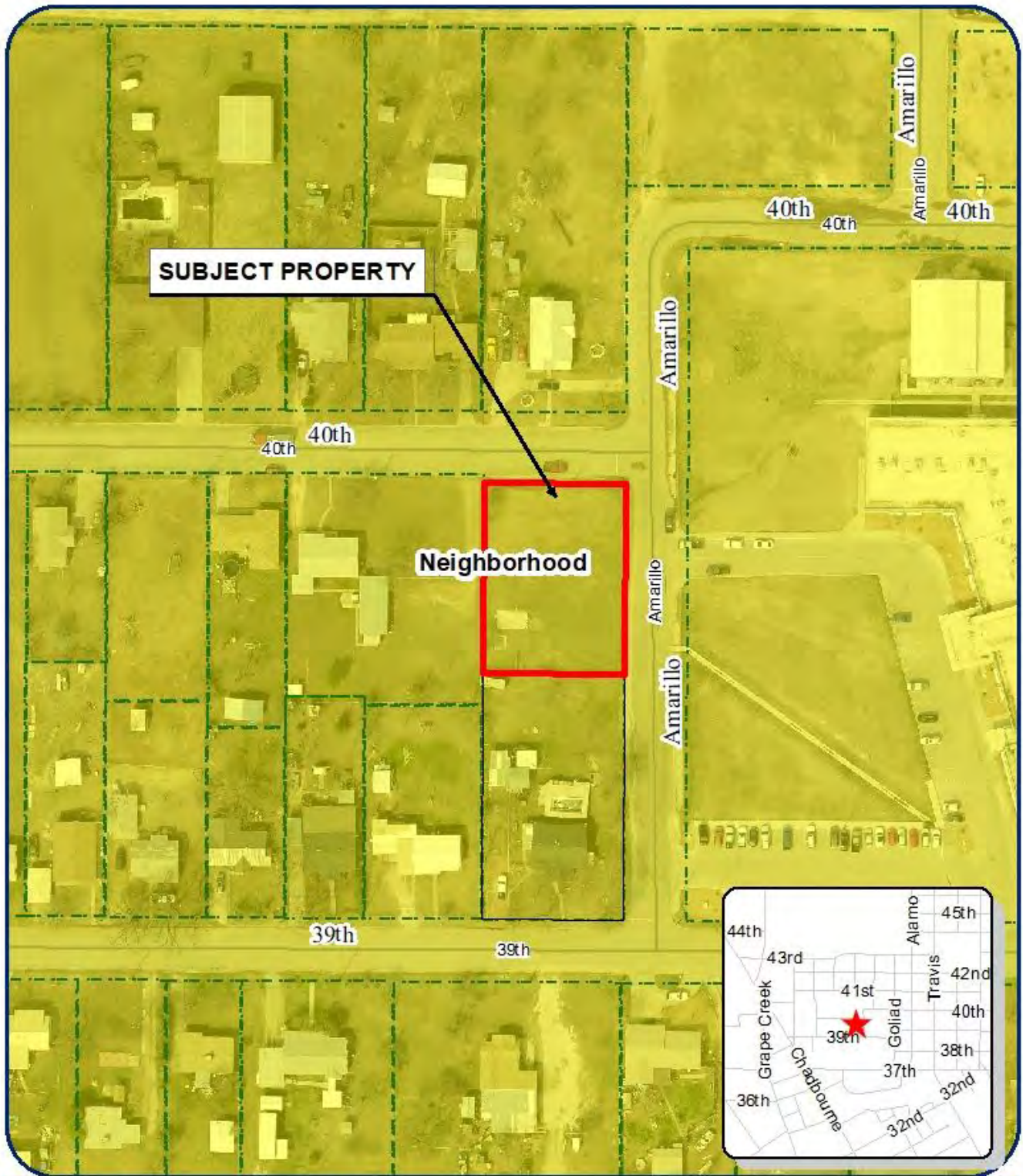


First Replat of Lot 2, Block 4
Martha Mather's 2nd Addition
 Council District: Tom Thompson -District 2
 Neighborhood: Lake View
 Scale: 1" approx. = 100 ft
129 E. 40th Street, 0.385 acres

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

N





**First Replat of Lot 2, Block 4
 Martha Mather's 2nd Addition**

Council District: Tom Thompson -District 2
 Neighborhood: Lake View
 Scale: 1" approx. = 100 ft

129 E. 40th Street, 0.385 acres

Legend

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





**First Replat of Lot 2, Block 4
 Martha Mather's 2nd Addition**

Council District: Tom Thompson -District 2
 Neighborhood: Lake View
 Scale: 1" approx. = 100 ft

129 E. 40th Street, 0.385 acres

Legend

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



Photos of Site and Surrounding Area

SOUTH AT PROPERTY



MISSING 14.75 FEET OF CURB ON E. 40TH ST.



WEST ON EAST 40TH ST. WITH CURBS

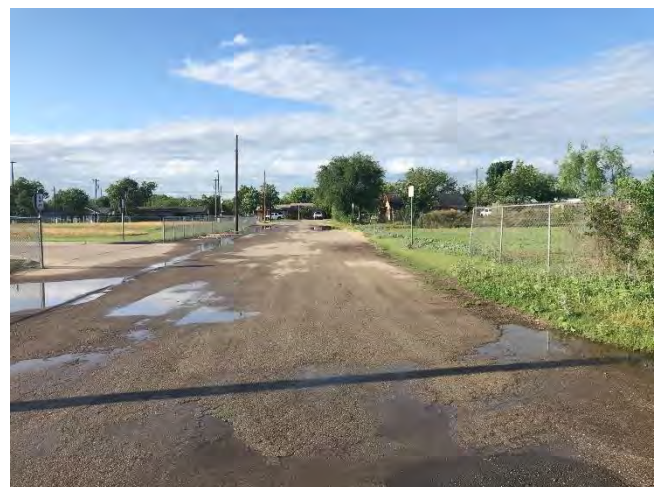


SOUTH ON AMARILLO ST (30' WIDE, NO CURBS)



EAST SIDE OF AMARILLO (GRAVEL AND PAVED SHOULDER TO INTERNAL SCHOOL SIDEWALK)

SOUTH ON AMARILLO STREET (FUTURE SIDEWALK AND CROSSWALK)



Proposed Replat

LEGEND:

- Found $\frac{1}{2}$ " Iron Pipe or Rod (unless otherwise noted)
- Set $\frac{1}{2}$ " Iron Rod with Cap

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

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

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

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

STATE OF TEXAS
COUNTY OF TOM GREEN
 This instrument was acknowledged before me on _____
 by Jerry Searcy & Uriel Duran in the capacity shown:

 Notary Public, State of Texas

This plat is filed in Cabinet _____ Site _____
 Plat Records of Tom Green County, Texas.

SKG
ENGINEERING, LLC
 SURVEYING + ENVIRONMENTAL + LAB/CMT

306 SOUTH ABE STREET PHONE: 325.955.1288
 SAN ANGELO, TEXAS 76903 FAX: 325.957.8186
 Form No. 10102400
 www.skg.com

EAST 40TH STREET
50' R.O.W.

AMARILLO STREET
50' R.O.W.

LOT 2A **LOT 2B**

LOT 2C

LOT 2

BLOCK 4

**FIRST REPLAT OF LOT 2
 BLOCK 4 MARTHA MATHER'S
 2ND ADDITION
 SAN ANGELO, TOM GREEN
 COUNTY, TEXAS**

City of San Angelo, Tom Green County, Texas.

OWNER/DEVELOPER: JERRY SEARCY & URIEL DURAN
 DESCRIPTION: Being 0.386 acres, Lot 2, Block 4, Martha Mather's 2nd Addition, City of San Angelo, Tom Green County, Texas, per the map or plat recorded in plat cabinet "E", Slide 197 Plat Records of Tom Green County, Texas

ACKNOWLEDGEMENT/DEDICATION
 We, Jerry Searcy & Uriel Duran, do hereby adopt this plat as the subdivision of our property and dedicate for the use of the public the streets and easements shown hereon.

 Jerry Searcy & Uriel Duran
 Owners

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

20-8-0560

Preparatory, this document
 shall not be recorded for
 any purpose until filed for
 use as a final survey
 document.



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 Lot 2 Block 4 Martha Mather's 2nd Addition

Proposed Subdivision Name

Lot 2 Block 4 Martha Mather's 2nd Addition

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

18-33300-0004-009-03

Tax ID Number(s) (can be found on property tax statement or at www.tamgreencad.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: Jerry Searcy & Uriel Duran (325) 374-9827 searcyautosales@hotmail.com

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

Architect/Engineer/Design Professional: SKG Engineering 325-655-1288 jack@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"
 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 Tam Green County Health Department for Septic System Permit 325-656-1024)

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

0.385 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 0.385 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 0.385 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: Chapter 10 Section III, A & C1b & d

Full variance requested Partial variance requested (proposed variation from standard): Additional Paving Width/No Sidewalks, curbs or gutters

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
The granting of this variance request would not be detrimental to the public safety, health or welfare, or be injurious to other property as this area functions and will continue to function in its current condition. This is an infill lot and small scale residential development for single family housing.

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

(Section 4 continues on next page)

Section 4, continued

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

The variance will not, in any significant way, vary the provisions of applicable ordinances.
Approval of this variance would not, in any significant way, vary the provisions of the applicable ordinances as these are conditions created as a result of prior plat approval and recordation.

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

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

[Signature]
 Owner's Signature
[Signature]
 Representative's Signature

5-15-20 5-19-20
 Date
5-20-20
 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: _____

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: Amarillo Street
To provide curb, gutter and 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.

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.

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.

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____
To provide curb, gutter for the approximate 14.75 feet on the East end of East 40th Street.

Full variance requested Partial variance requested (*proposed variation from standard*): 10. II. C. 1., 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 curb matches the other side of the street and the abutting street does not have curbs, nor gutters.

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

The existing alignment and width of the street within the right-of-way is unique.

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

Due to the physical surroundings and shape of the subject property a particular hardship to the owner would result.

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

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

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

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

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

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

The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
This area is not associated with a school route plan and there are no major shopping areas or recreation sites present to justify the City's requirement for the construction of a sidewalk. Heavy pedestrian traffic is not anticipated.


The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
This area is not associated with a school route plan and there are not major shopping areas or recreation sites present to justify the City's requirement for the construction of a sidewalk.

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.
There are no existing street sidewalks within 4,000 feet of the subject property, nor in front of the school.

The variance will not, in any significant way, vary the provisions of applicable ordinances.
As this area is not associated with a school route plan and there are no major shopping areas or recreation sites present to justify the City's requirement for the construction of a sidewalk the variance will not, in any significant way, vary the provisions of applicable ordinances.

PLANNING COMMISSION – June 15, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z20-08: 501 W. Avenue V (Jimenez)	
SYNOPSIS:			
The applicant has applied for a rezoning from Single-Family Residential (RS-1) to Neighborhood Commercial (CN) on the subject property. He is considering plans for a new drive-thru grocery store that includes various food and beverage items, beer and wine. The property has remained vacant since at least 1972 according to historic aerial photographs (See Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
501 West Avenue V		Being Lot 8, Block 9, La Villita Heights Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	RS-1	Neighborhood Center	0.138 acres
THOROUGHFARE PLAN:			
<i>South Bryant Boulevard</i> – TXDOT - Urban Major Arterial Street, Required: 80’ right-of-way, 64’ pavement; Provided: 150’ right-of-way, 100’ pavement			
<i>West Avenue V</i> – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 60’ right-of-way, 36’ pavement with no sidewalk			
NOTIFICATIONS:			
22 notifications were mailed within a 200-foot radius of the property on May 28, 2020. One response was received in favor, none against to date.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Single-Family Residential (RS-1) Zoning District to the Neighborhood Center (CN) Zoning District on the subject property.			
PROPERTY OWNER/PETITIONER:			
Applicant: Mr. Obed Jimenez Owner: Ms. Eliza Blanche Martinez			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: When the City’s Comprehensive Plan was adopted in 2003, this property, as well as several blocks east and west of South Bryant Boulevard between West Avenue R and San Jacinto Street, was designated “Low Density Residential”. However, City Council changed this in 2009 with the adoption of its Strategic Plan Update “Vision Plan”. This changed the future land use designations for at least three lots extending on either side of South Bryant Boulevard to “Neighborhood Center” which allowed for small-scale, neighborhood-oriented commercial development. Since 2009, there have been several rezonings approved in the area to reflect the growing commercial/office nature along the South Bryant Boulevard corridor. These include rezonings to Office Warehouse (OW) for an electric services business at 2501 S. Bryant Boulevard (Z11-03); to Neighborhood Center (CN) at 2926 S. Bryant Boulevard which is now a retail plaza (Z14-32); to Neighborhood Center (CN) at 2713-2717 West Avenue W currently vacant (Z15-02); and to Neighborhood Center (CN) at 2616 South Bryant Boulevard for a retail plaza (Z17-16).

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 rezoning from RS-1 to CN reflects the continued trend towards more neighborhood commercial development adjacent to South Bryant Boulevard, reflective of the Neighborhood Center future land use designation. CN zoning allows a wide range of office and retail uses including the proposed drive-thru grocery store. Retail development in this location would be compatible with the Neighborhood Center policies to “promote a mix of various uses at key intersections to encourage the necessary infill, densification, and walkability necessary for Neighborhood Centers” and the goal of “residents of neighborhoods should be able to meet many of their shopping needs within ½ mile of their home”. The property as indicated is located along a commercial corridor at a key intersection (Bryant/Ave V) and a grocery store or other similar retail use would provide additional convenience to the surrounding Rio Vista neighborhood. At time of development, the Planning Division will require a sidewalk adjacent to South Bryant Boulevard consistent with the existing sidewalk south of West Avenue Y, and TXDOT’s requirement for the City to require sidewalks for new development along their roadways.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The subject property has a lot frontage of 50 feet facing West Avenue V, a lot depth of 150 feet, and lot area of 6,000 square feet which will comply with the minimum CN requirements of 50 feet of frontage, 80 feet of depth, and 6,000 square feet of lot area. Any future building will require a 25-foot front yard setback from the north property line facing West Avenue V and shall not exceed a floor area ratio of 0.60 of the lot area,

or 3,600 square feet. All structures taller than 3 feet shall be located outside of the 30' x 30' sight triangle formed at the corner of the property lines intersecting West Avenue V and South Bryant Boulevard. At time of development, the applicant will be required to install a minimum 6-foot high opaque privacy fence (wood, metal, or masonry) along the south and west property lines adjacent to residential zoning and uses. Any portion of this fence located in the first 25-foot front yard facing West Avenue V cannot be taller than 4 feet as required by the Zoning Ordinance. The applicant will also require one parking space per 200 square feet of retail floor area accessible to the public. Finally, any drive-thru facility will require a minimum of four vehicle stacking spaces to the order box and an additional four spaces between the order box and pick-up window unless they are in the same location, than a total of four spaces are required.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* As indicated, City Council amended the Comprehensive Plan designation for at least three lots on either side of South Bryant Boulevard in this area in 2009, and since that time, more commercial development has taken place within a few blocks of the property. Planning Staff are mindful to avoid “leapfrogging” of having commercial development located in between residential uses, regardless of whether the Comprehensive Plan allows the opportunity for rezoning. In this case, the property is a corner lot, well-suited for commercial development, on a major arterial TXDOT roadway, and away from the majority of homes in the area. The property immediately to the west had a single-family home which was removed sometime between 2015 and 2018, and a new home could be built there. Staff believes that the requirement for an adjacent 6-foot high opaque privacy fence will mitigate any impact the commercial business may have on this home.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* As indicated, the subject property has remained vacant since at least 1972. While a home could be built here under the current RS-1 zoning, with adjacency to South Bryant Boulevard, it makes just as much sense for commercial development. This development could take advantage of its location fronting Bryant Boulevard and provide retail services to the surrounding residential 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 subject lot is not located within any floodway or floodplain and there is no anticipated adverse impacts on the environment. A review of grading, drainage, and stormwater would be conducted at time of permitting.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning Staff believe there is a demonstrated community need for a retail store in this area, including the option for a drive-thru grocery. The applicant's proposal would include food, beverages, beer and wine. Most of these businesses in San Angelo are either large-scale grocery stores (i.e. curbside pickup for HEB and Wal-Mart), or beer and wine only (i.e. Pinky's, beer barns). The convenient location off of South Bryant Boulevard will allow residents who live close-by to obtain groceries quickly without having to leave their vehicle.

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 property was platted in its current configuration in 1945 as part of the La Villita Heights Subdivision. The property would have access from West Avenue V which is conveniently located next to South Bryant Boulevard, a major arterial road designed to carry heavy traffic. Vehicles travelling northbound on Bryant Boulevard would be able to continue north to Avenue T then turnaround and travel southbound to access the site (as there is a median restricting northbound access from Avenue V). Planning Staff understands that TXDOT may restrict a second driveway access from Bryant Boulevard, and therefore, the applicant can work with Staff on alternative options if a second access is desired.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Neighborhood Center (CN) Zoning District on the property located at 501 West Avenue V.

Attachments:

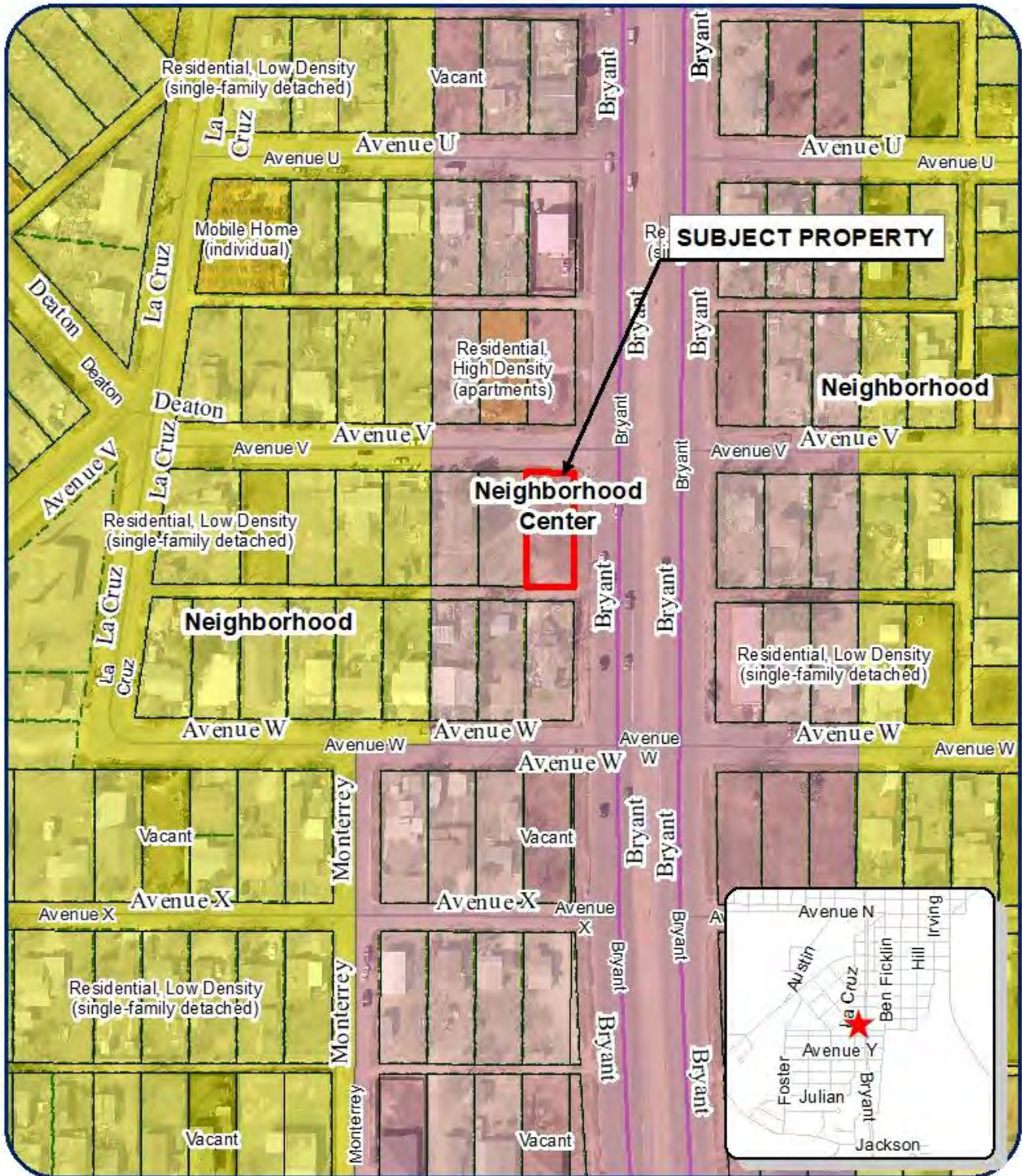
Aerial Map
Future Land Use Map
Zoning Map
Photographs
Zone Change Criteria Sheet
Application



SUBJECT PROPERTY



Rezoning		Legend		N 	
Z20-08: 501 W. Ave V (Jimenez)		Subject Properties: 			
Council District: Harry Thomas -District 3		Current Zoning: RS-1			
Neighborhood: Rio Vista		Requested Zoning Change: CN			
Scale: 1" approx. = 134 ft		Vision: Neighborhood Center			
501 W. Ave V, 0.138 acres					



Rezoning

Z20-08: 501 W. Ave V (Jimenez)

Council District: Harry Thomas -District 3
 Neighborhood: Rio Vista
 Scale: 1" approx. = 134 ft



501 W. Ave V, 0.138 acres

Legend

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





Rezoning		Legend	 
Z20-08: 501 W. Ave V (Jimenez)		Subject Properties: 	
Council District: Harry Thomas - District 3		Current Zoning: RS-1	
Neighborhood: Rio Vista		Requested Zoning Change: CN	
Scale: 1" approx. = 134 ft		Vision: Neighborhood Center	
501 W. Ave V, 0.138 acres			

Photos of Site and Surrounding Area

NORTH ON SOUTH BRYANT BLVD.



SOUTH ON SOUTH BRYANT BLVD.



EAST ON W. AVENUE V



WEST AT W. AVENUE V



SOUTH AT PROPERTY



WEST AT PROPERTY



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) In Support of our community
and small bussiness requests!

NAME: Manuela S. Rodriguez

ADDRESS: 33 E 18th
San Angelo TX 76903

SIGNATURE: Manuela S. Rodriguez

Z20-08: 501 W. Avenue V (Jimenez)

property owner number: 21

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.

Sec. 212. Amendments to Text or Official Zoning Map

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

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

The proposal C-N zone is compatible with the C-N nature.

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

The plan is to put in a drive thru that will meet all set backs.

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.

There is commercial development facing highway 87 and there is also a commercial plaza across the street.

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

There was never a house built and the lot is vacant.

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

N/A

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

The drive thru will provide easier access to merchandise out of the convenience of their vehicle.

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 lot was already subdivided and will not change shape. Access available from west Avenue V.

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): Obed Jimenez

Owner Representative (Notarized Affidavit Required)

501 W Ave V San Angelo TX 76903

Mailing Address City State Zip Code

3256508062 osrj0711@gmail.com

Contact Phone Number Contact E-mail Address

12171 old mill road San Angelo TX 76904

Subject Property Address City State Zip Code

Acres: 0.138, Lot: 8, Blk: 9, Subd: LA Villita Heights ADDN

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

Existing Zoning: RS-1 Proposed Zoning: C-N Lot size: 50'X120'

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

Section 2: Site Specific Details

Existing Use of Property: Vacant lot

*Proposed Use of Property: Drive Thru refreshment store

*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 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.

<i>Eliza Blanche Martinez</i> Owner Name (Print)	<i>Eliza Blanche Martinez</i> Signature	 Company/Organization (If Applicable)	<i>5-11-2020</i> Date
Obed Jimenez Representative Name (Print)	<i>Obed Jimenez</i> Signature	 Company/Organization	5/8/2020 Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: ___/___/___

Case No.: 7 Fully-dimensional site plan:

Nonrefundable fee: \$ _____ Receipt #: _____ Date paid: ___/___/___

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

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

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

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

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

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

Publication date: ___/___/___

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

**PLANNING COMMISSION – June 15, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU20-09: 401 & 405 West Avenue Y	
SYNOPSIS:			
The applicant is requesting a Conditional Use to allow the construction of a single family home located at 401 W. Ave Y and 405 W. Ave. Y, which requires a Conditional Use 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:	
401 and 405 West Avenue Y, generally located southwest of the West Avenue Y and Ben Ficklin Road intersection.		Lots 27 & 28, Block 3; Monterrey Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3: Harry Thomas Neighborhood: Rio Vista	CN – Neighborhood Commercial	Neighborhood Center	0.333 acres
THOROUGHFARE PLAN:			
<p>West Avenue Y – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk Provided: 30’ right-of-way, 30’ pavement/curb and gutter</p>			
NOTIFICATIONS:			
16 notifications mailed within 200-foot radius on May 28, 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 at 401 and 405 West Avenue Y 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: Monterrey Addition was recorded in January of 1947. The property is the last two lots adjacent to Ben Ficklin Road. Lot 28 was approved by the City Council to acquire the abandonment of the 15 by 130 ft. right of way which will be replated into this lot. The land use to the west is single family residential. A park, recreation center, Boys and Girls Club, and an elementary school are across the street to the east. On the north side of the block it is mainly residential with one commercial use right on the corner. The new Dollar Tree was built 500 feet to the south and is the closest functioning commercial operation to this lot. Mr. Jacobs rezoned these lots to Neighborhood Commercial (CN) in order to obtain a Conditional Use in order to construct two single family homes on these lots.

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 believes 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 the intended residential development.
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' by 138' 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 Dollar Store to the south along South Bryant Boulevard.
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 two blocks 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 requirement.
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 Angelo is still in need of affordable housing particularly in the older subdivisions where build out has not occurred. This area meets those guidelines. This area is a mix of older housing, newer housing and small neighborhood

commercial.

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.

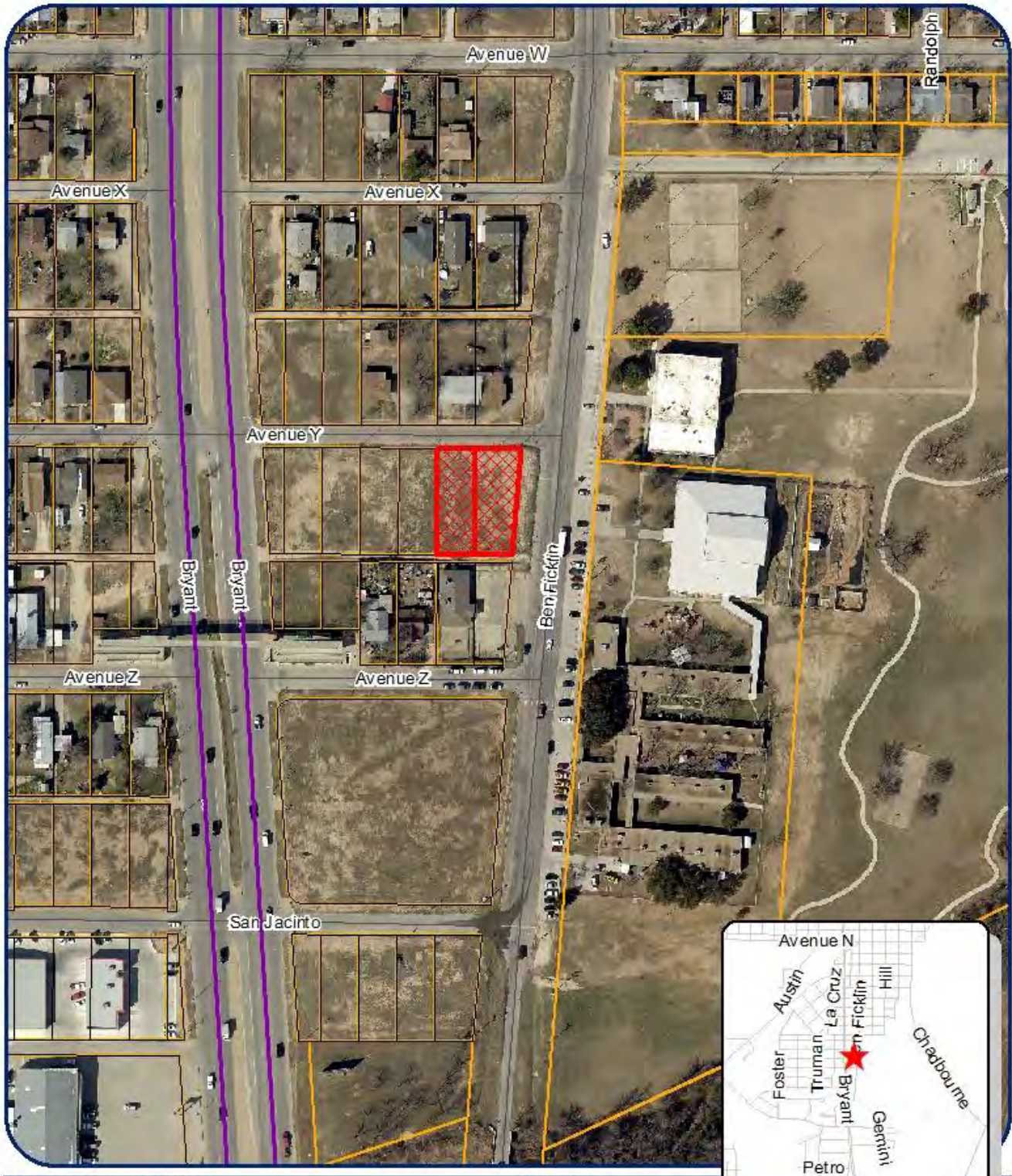
Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a Conditional Use to allow the construction of a single family home at 401 and 405 West Avenue Y in a 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
Notification Map
Photographs
Application



Aerial Map JACOBS

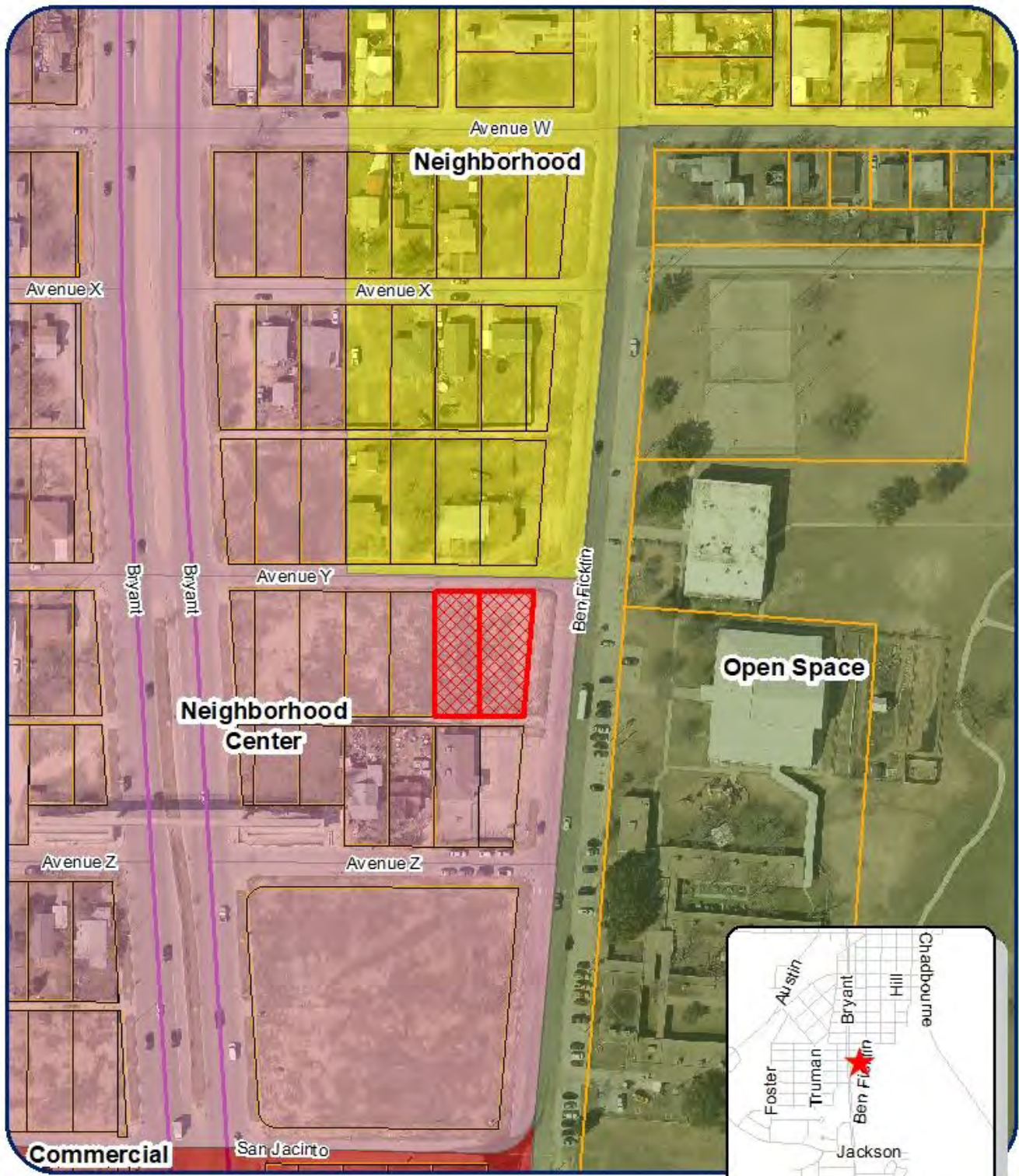
CU20-09: 401/405 W Avenue Y

Council District 3 - Harry Thomas
Neighborhood: Rio Vista
Scale: 1" approx. = 165 ft

Legend

- Subject Properties: 
- Current Zoning: **CG/CH**
- Requested Zoning Change: **Planned Development**
- Vision: **Neighborhood**

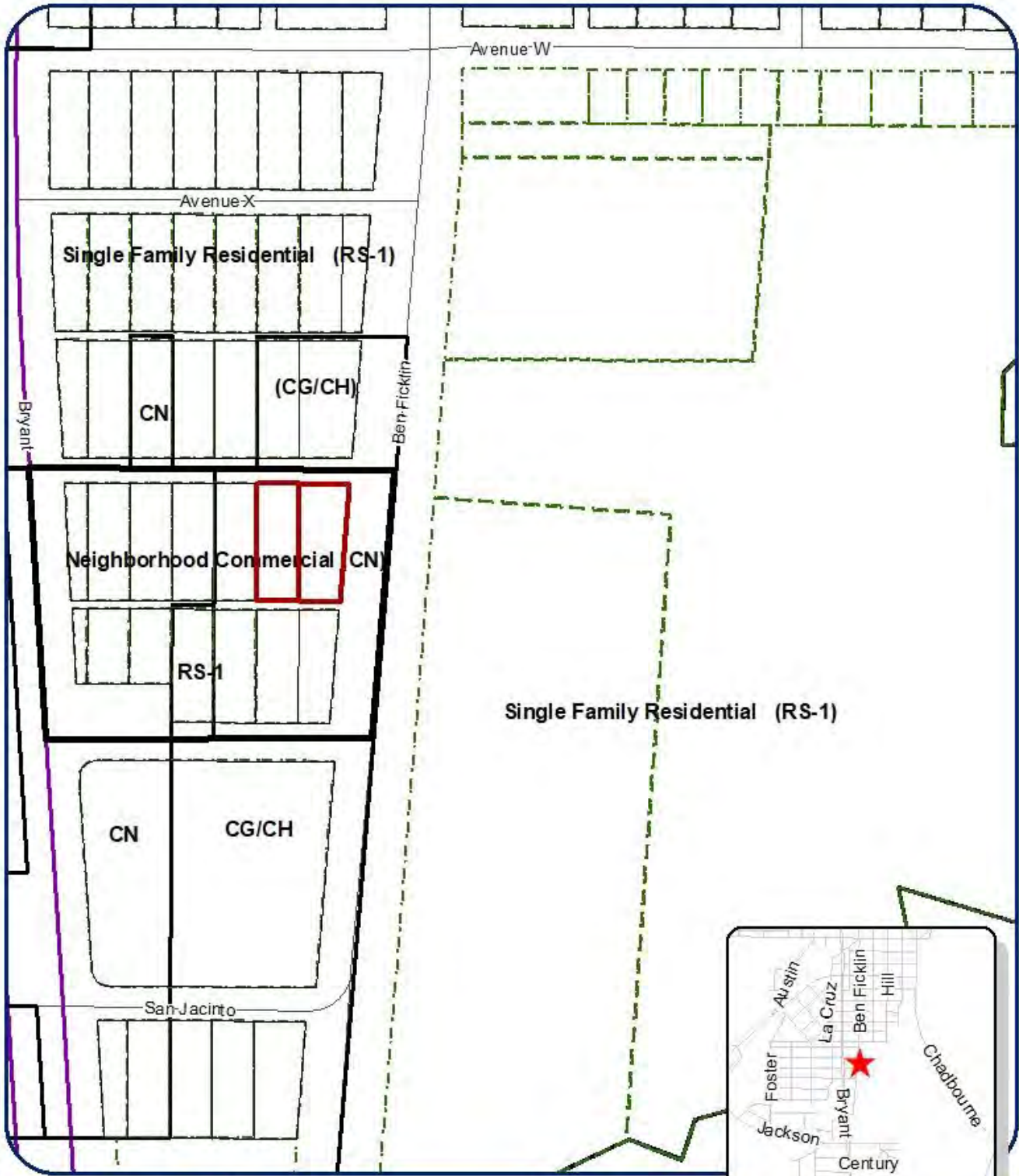




Future Land Use JACOBS
CU20-09: 401/405 W Avenue Y
 Council District 3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 140 ft

Legend
 Subject Properties:
 Current Zoning: **CG/CH**
 Requested Zoning Change: **Planned Development**
 Vision: **Neighborhood**





Existing Zoning Max Jacobs

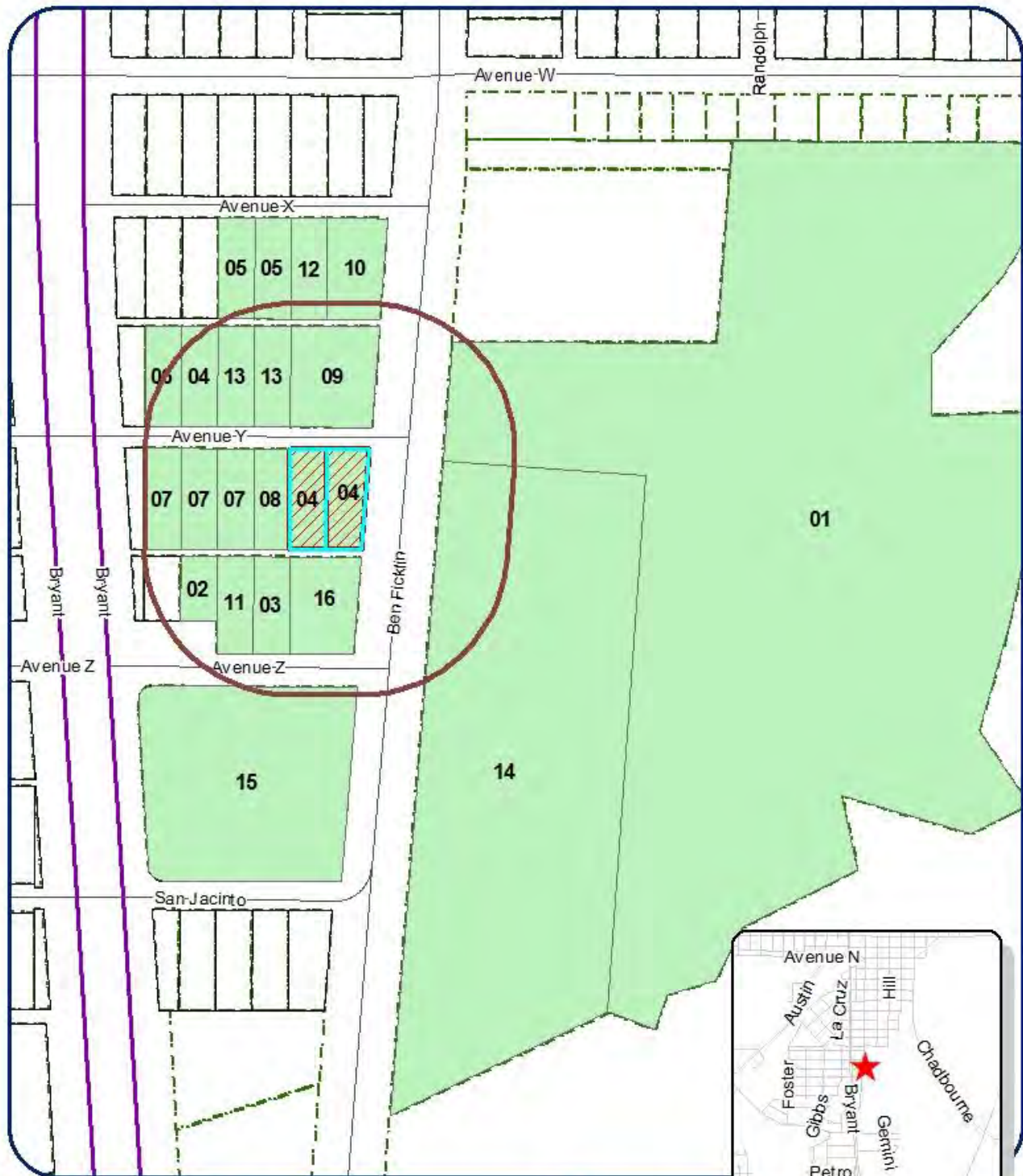
CU20-09: 401/405 W Ave Y
 Council District 3 - Harry Thomas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 150 ft
 Lots 27 & 28, Blk 3, Monterrey Addition

Legend

Subject Properties:
 Current Zoning: **Neighborhood Commercial (CN)**
 Requested Change: **Condition Use - Single Family Homes**
 Vision: **Neighborhood**



NOTIFICATION MAP



Location Map JACOBS	Legend
CU20-09: 401/405 W Ave Y	Subject Properties: Neighborhood Commercial (CN)
Council District 3 - Harry Thomas	Current Zoning: Condition Use - Single Family Homes
Neighborhood: Rio Vista	Requested Change: Neighborhood
Scale: 1" approx. = 175 ft	Vision: Neighborhood
Lots 27 & 28, Blk 3, Monterrey Addition	

Photos of Site and Surrounding Area



Looking east on W. Avenue Y at the Boys and Girls Club and elementary school site.



North side of W. Avenue Y block. All homes along this side.



Site looking across Ben Ficklin



Site of two lots (401 & 405 W. Ave. Y) adjacent to residential to the south

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: As demonstrated in numerous City Council meetings, affordable housing is greatly needed in San Angelo. This home will fall under the category of affordable housing.

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 neighborhood is overwhelmingly residential, with a smattering of small retail establishments. This home would continue that pattern.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

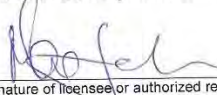
MJ If approved, a Conditional Use is applied to the property, not the property owner.

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

May 13th, 2020

Date

Max Jacobs

Printed name of licensee or authorized representative
Jacobs Homestead Co., LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: _____ Planning Commission date: ____/____/____
Nonrefundable application Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____
Reviewed/Accepted by: _____ Date: ____/____/____

Effective January 3, 2017



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

Section 1: Basic Information

Name of Applicant(s): Jacobs Homestead Co., LLC (Max Jacobs)

Owner Representative (Affidavit Required)

901 S. Abe San Angelo TX 76903
Mailing Address City State Zip Code

650-1115 frontier@wcc.net
Contact Phone Number Contact E-mail Address

405 W. Ave. Y San Angelo TX 76903
Subject Property Address City State Zip Code

Lot 27, Block 3, Monterrey Addition
Legal Description (can be found on property tax statement or at www.tomgreencad.com)

Lot Size: 50 x 139 Zoning: CN

Section 2: Site Specific Details

*Use attachment if necessary.

Existing Use of Property: Vacant

Proposed Use/Size: New residential construction

Proposed Conditional Use (from Section 309): New residential construction

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

Impacts Minimized. Whether and the extent to which the proposed expansion of a nonconforming use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: It is my opinion that a conditional use to allow new residential construction will have no adverse effect. In light of the distance from Bryant and lack of commercial frontage, residential use is ideal.

Consistent with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses, surrounding the subject land.

Explanation: The lot has a school (Headstart) and the Boys and Girls Club across Ben Ficklin. Across Avenue Y there are two residences.

Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical function of the natural environment.

Explanation: None of the above listed parameters will be impacted in any way.

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: As demonstrated in numerous City Council meetings, affordable housing is greatly needed in San Angelo. This home will fall under the category of affordable housing.

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.

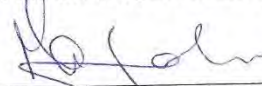
Explanation: The neighborhood is overwhelmingly residential, with a smattering of small retail establishments. This home would continue that pattern.

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

May 13th, 2020
 Date

Max Jacobs
 Printed name of licensee or authorized representative

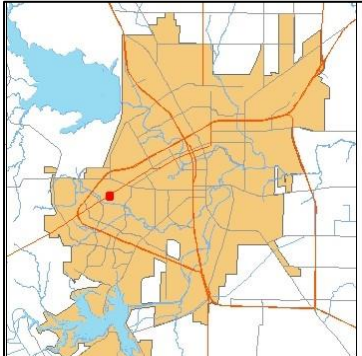
Jacobs Homestead Co., LLC
 Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CU: _____ Planning Commission date: ____/____/____
 Nonrefundable application Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____
 Reviewed/Accepted by: _____ Date: ____/____/____

PLANNING COMMISSION – June 15, 2020
STAFF REPORT



APPLICATION TYPE:		CASE:	
Sign Variance		SV20-02: 3949 Sherwood Way	
SYNOPSIS:			
<p>The applicant has applied to use an existing and permitted off-site billboard sign as a freestanding on-site sign, requesting a variance to be allowed to use the 300 square foot existing sign in lieu of the maximum 250 square feet limit for a freestanding on-site sign. The Mitchell Auto Group purchased the lot adjacent to their 4105 Sherwood Way facility. The billboard sign is located on that purchased lot. The sign structure is owned by Southwest Outdoor Advertising who have the permit. However, the sign now is located on Mitchell Auto Group property which makes the sign a freestanding on-site sign if Mitchell Auto Group advertises on it.</p>			
LOCATION:		LEGAL DESCRIPTION:	
3949 Sherwood Way		Lot 1 A, Blk. 1A, Shahan Subdivision; First Replat of Lot 1 & 2 Sec. 1A	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #6 – Billie DeWitt ASU-College Hills Neighborhood	CG	C – Commercial	0.730 acres
THOROUGHFARE PLAN:			
<p>Sherwood Way – Urban Major Arterial (TXDOT) Required: N/A; Provided: 100’ right-of-way, 64’ pavement with some sidewalk</p>			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of the sign variance for a freestanding on-site sign with 300 square feet of advertising space in lieu of the allowed 250 square foot maximum.			
PROPERTY OWNER/PETITIONER:			
Southwest Outdoor Advertising Doug Cooper			
STAFF CONTACT:			
Sherry L, Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The existing off-site (billboard) sign is located at 3949 Sherwood Way, and is a two sided 300 sf existing permitted off-site sign. Mitchell Auto Group has advertised on this billboard in the past. Mitchell purchased the adjacent lot to enlarge the display parking area for vehicles for sale not be used as a parking area for the public. With the purchase of this property Mitchell knew the sign was a billboard and had agreed to not advertise on the existing off-site sign since it exceeds the maximum on-site sign regulations. The City's Sign Ordinance specifically spells out that billboard advertising is for off-premise advertising only, and there are standards specifically related to off-site signs that allow them to exceed the size standards for on-site signs. Mitchell has two on-site freestanding signs that are 250 sf each which identify the existing Mitchell Auto Group facility at this site. The on-site standards would allow Mitchell to have an additional 3 signs due to their 700 feet of frontage on Sherwood Way. The on-site freestanding criteria is very specific in defining a sign that advertises onsite goods and services only and cannot be used to advertise off-site services.

The company that owns the sign, however, is requesting the variance for the existing sign to be used as an on-site freestanding sign which would allow Mitchell to continue to advertise there. Historically, cities have distinguished between the two types of signs so that applicants could not circumvent the standards of one type of sign (on-site freestanding) by using the standards of the second type (off-site) to impact an area with advertising signage. In the proposed request, the City of San Angelo sign ordinance regulates the existing sign in question can be either one type of sign, a legally permitted off-site sign (billboard) or the second, an onsite freestanding advertising sign which could be done through a variance. Not both.

Sign Variances: Section 12.04.013 of the Sign Ordinance requires that before the Planning Commission acts on a sign variance application, the applicant must show a hardship exists, and the Planning Commission shall determine that all of the criteria below are present.

- **Hardship:** Section 12.04.013(d) of the Sign Ordinance states that a hardship may result from: (1) The size, shape or dimensions of a structure; (2) The location of the structure; (3) Topographic or physical conditions on the site or in the immediate vicinity; or (4) Other physical limitations, such as street locations or traffic conditions in the immediate vicinity. The Planning Division does not believe there is a hardship in this location.

Sign Variance: The existing frontage for the Mitchell Auto Group would allow an additional three signs if they chose to erect them. Those would be 250 sf each. It is up to the property owner to determine if they want additional signage.

The Billboard: The existing permitted billboard sign can continue to be used as a billboard by anyone who wants the off premise advertising space, just not the new property owner.

Variance Criteria:

1. **There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise**

to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises. Staff does not believe there are any special circumstances or conditions that are unique to this piece of property. Many existing commercial property owners have billboards on their property that act as an income stream. They abide by the rules and do not attempt to advertise on those billboards.

2. **Such special circumstances were not created by the applicant.** The applicant is creating the circumstance by choosing to purchase the lot on which an existing billboard existed. The billboard was incidental to the desire to purchase the lot. The owner is aware and agrees to the conditions the ordinance stipulates and has agreed to not advertise on the billboard.
3. **The granting of the variance will be in general harmony with the purpose of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general.** Section 12.04.001(c)(3) of the Sign Ordinance Purpose Statement specifically speaks to the desire of the city to alleviate the unregulated proliferation of signs that do not meet the city's standards. The City has a standard that has worked well for everyone. It allows the type of advertising that meets the needs of the business while at the same time allows the advertising firms to supply the means to meet the businesses needs without infringing on the standards the City has established. The granting of this variance would blur the line between the two major sign types and open the door to problems in the future.
4. **The variance applied for represents the minimum variance necessary in order to afford relief from the hardship.** Staff does not believe that the variances requested is the minimum. The existing billboard can continue as a billboard. The property owner can erect additional onsite freestanding signs if he chooses to do so. In this case, the only requesting party is the advertising firm that wants to continue to sell advertising space to Mitchell Auto Group in particular.
5. **The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.** Staff believes that the variance, if granted, does depart from the provisions of the sign ordinance and the standards that have worked so well in the city.

Recommendation:

Staff's recommendation is for the Planning Commission to **DENY the sign variance for a freestanding on-site sign** with a sign area of 300 square feet in lieu of the maximum 250 square feet.

Attachments:

Aerial Map
Exhibit map
Future Land Use Map
Zoning Map
Photographs
Application



Location Map Sign Variance
SV20-02: 3949 Sherwood Way
Council District 6 - Billie DeWitt
Neighborhood: ASU-College Hills
Scale: 1" approx. = 150 ft
Lot 1A, Blk. 1A, Shafan Subdivision: First Replat of Lots 1&2 Sec. 1A

Legend
Subject Properties: 
Current Zoning: **General Commercial (CG)**
Requested Action: **Sign Variance**
Vision: **Commercial**





Future Land Use Map Sign Variance

SV20-02: 3949 Sherwood Way

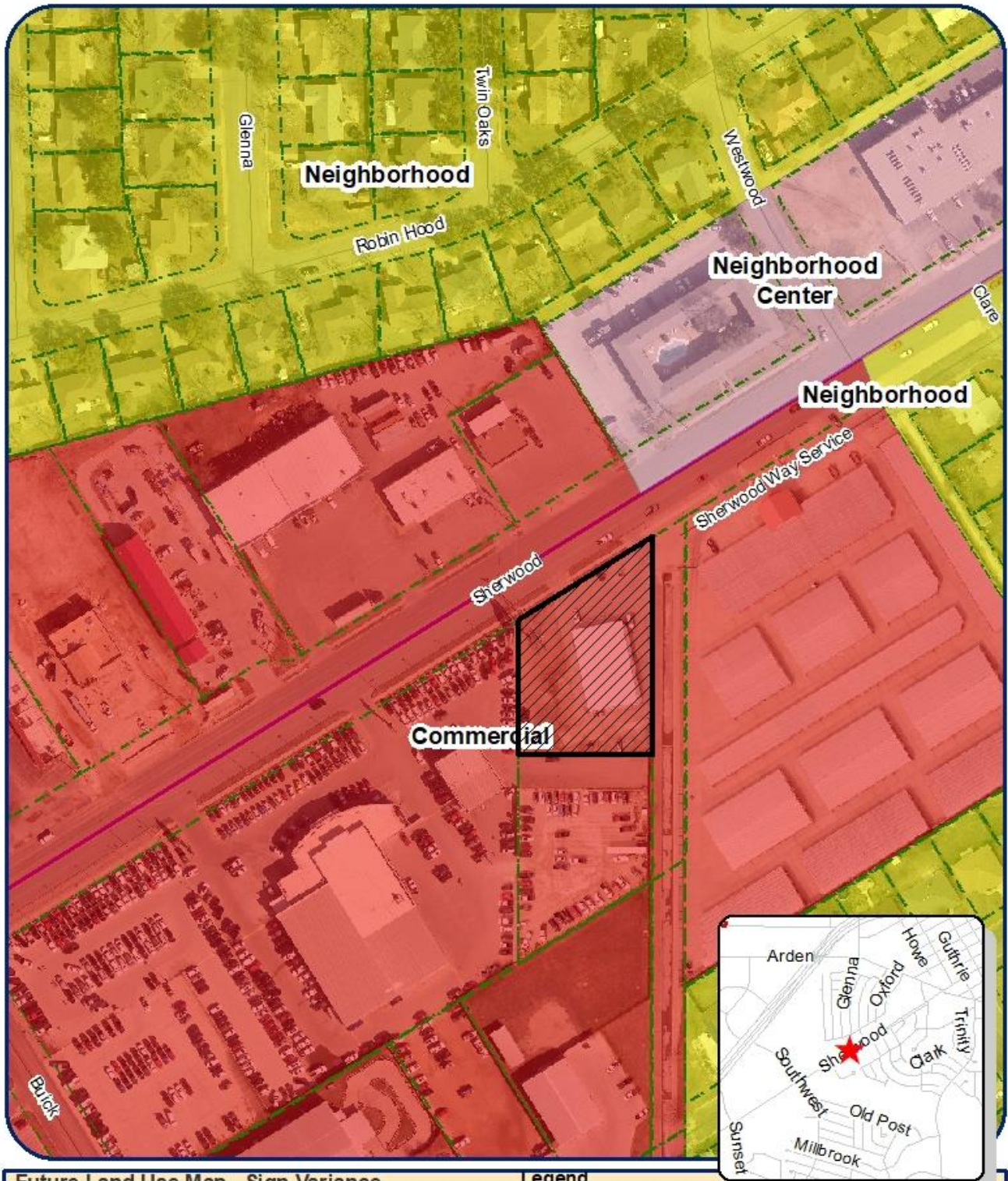
Council District 6 - Billie DeWitt
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 75 ft

Lot 1A, Blk. 1A, Shafan Subdivision: First Replat of Lots 1&2 Sec. 1A

Legend

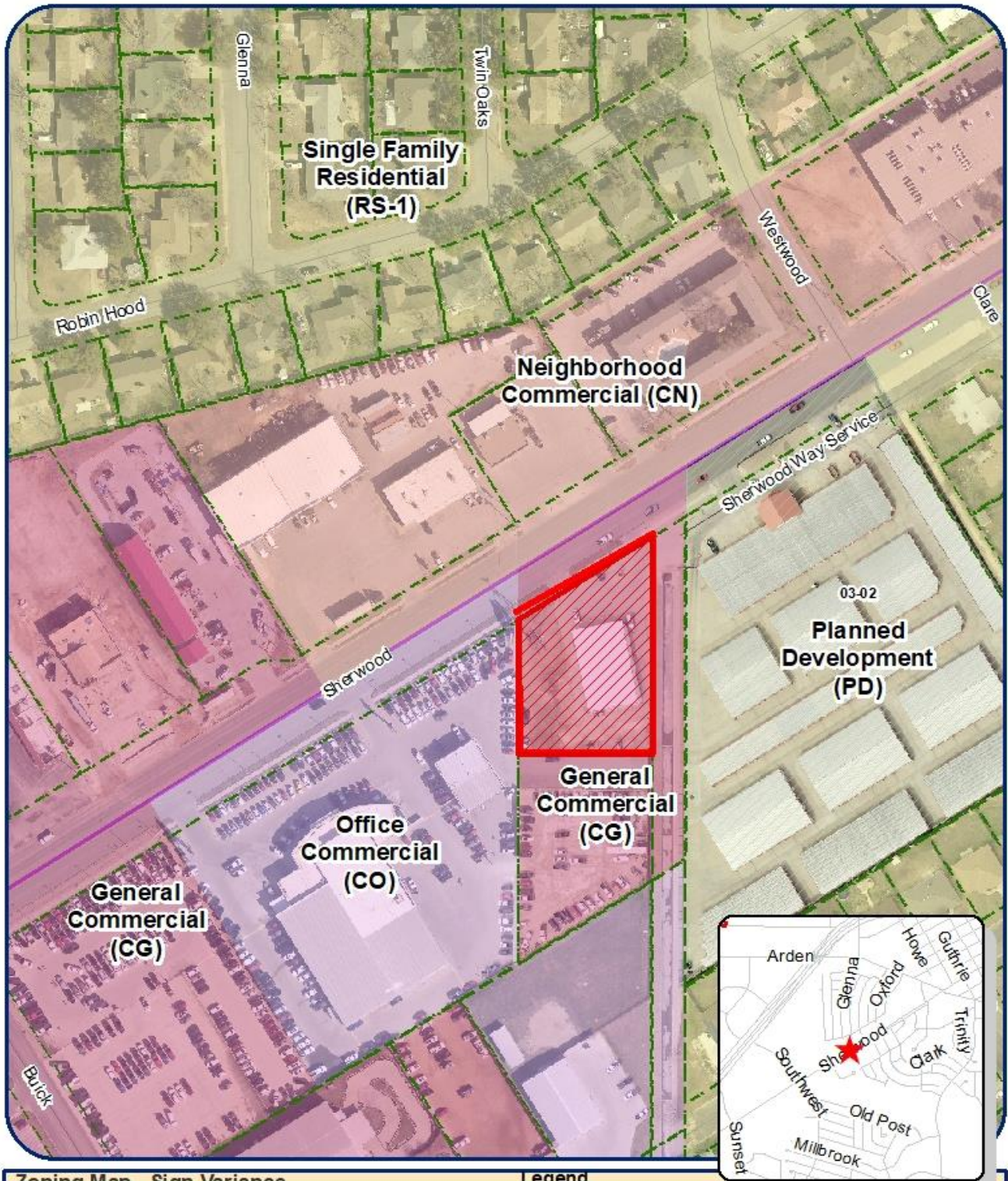
- Subject Properties: _____
- Current Zoning: **General Commercial (CG)**
- Requested Action: **Sign Variance**
- Vision: **Commercial**





Future Land Use Map Sign Variance		Legend	
SV20-02: 3949 Sherwood Way		Subject Properties: General Commercial (CG)	
Council District 6 - Billie DeWitt		Current Zoning: Sign Variance	
Neighborhood: ASU-College Hills		Requested Action: Commercial	
Scale: 1" approx. = 150 ft		Vision: Commercial	
Lot 1A, Blk. 1A, Shafan Subdivision: First Replat of Lots 1&2 Sec. 1A			





Zoning Map Sign Variance
SV20-02: 3949 Sherwood Way
 Council District 6 - Billie DeWitt
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 150 ft
 Lot 1A, Blk. 1A, Shafan Subdivision: First Replat of Lots 1&2 Sec. 1A

Legend
 Subject Properties:
 Current Zoning: General Commercial (CG)
 Requested Action: Sign Variance
 Vision: Commercial



Photos of Site and Surrounding Area



Sign on the lot just purchased. Looking Southwest. Existing onsite signs visible.



Sign from within the existing Mitchell Auto Group facility.

Effective January 3, 2017



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

Application for Variance from Sign Regulations

Section 1: Basic Information

Name of Applicant(s): SOUTHWEST OUTDOOR ADVERTISING, INC.

Owner Representative (Notarized Affidavit Required)

5206 MCKINNEY AVE DALLAS, TX 75205

Mailing Address City State Zip Code

214-526-0000 DCOOPER@SOUTHWESTOUTDOOR.COM

Contact Phone Number Contact E-mail Address

3949 SHERWOOD WAY SAN ANGELO, TX 76901

Subject Property Address City State Zip Code

LOT: 1A, BLK: 1A, SUBD: SHAHAN 1ST R/P OF LOTS 1&2 SECT 1A

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

Zoning District:

CN CO CG CH CG/CH CBD OW ML MHS MHP PD

RS-1 RS-2 RS-3 RM-1 RM-2 R&E

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

Section 2: Sign/Property Characteristics

Specific Description of Request: Illuminated? Yes No

Width: 30 Height: 10 Total area in square feet: 300

THE SIGN IN QUESTION IS A PERMITTED, EXISTING, CONFORMING BILLBOARD SIGN THAT MEETS ALL CITY, STATE AND FEDERAL REGULATIONS.

I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

That special circumstances or conditions would substantially restrict the effectiveness of the sign in question;
 Explain: THE CITY OF SAN ANGELO'S PLANNING AND DEVELOPMENT SERVICES DEPARTMENT IS PROHIBITING MITCHELL BUICK GMC LOCATED ON SHERWOOD WAY FROM ADVERTISING ON A PERMITTED BILLBOARD SIGN (OWNED BY SOUTHWEST OUTDOOR) THAT IS LOCATED ON PROPERTY NOW OWNED BY THE MITCHELL FAMILY.

That such special circumstances were not created by the applicant;
 Explain: A LEGALLY PERMITTED BILLBOARD THAT IS CONFORMING WITH ALL CITY, STATE AND FEDERAL RULES CANNOT SIMPLY BECOME CLASSIFIED AS AN ON-SITE SIGN SIMPLY BY THE MESSAGING ON THE SIGN.

That the granting of the variance will be in general harmony with the purpose of the sign ordinance and will not be materially detrimental to the adjacent property or neighborhood or to the general public;
 Explain: THE SIGN IN QUESTION IS AN EXISTING, CONFORMING BILLBOARD SIGN.

That the variance applied for represents the minimum variance necessary to afford relief from the hardship;
 Explain: SEE ABOVE COMMENTS.

That the variance applied for, does not depart from the provisions of the sign ordinance any more than is required;
 Explain: THE CITY HAS AN ORDINANCE FOR BILLBOARD SIGNS ALONG WITH ON-SITE SIGNS. THE SIGN IN QUESTION IS PERMITTED AS A BILLBOARD SIGN.

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

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

- I understand that the Planning Commission is bound by the criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;
- I understand that any variation(s) authorized by the Planning Commission will require me/us to obtain a building permit for that stated variation within twelve (12) months of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any petition of a decision made by the Planning Commission must be appealed to the City Council within thirty (30) days after receipt of the results notification of such action. The petition must state that the decision of the Planning Commission is illegal in whole or part and specifying the grounds of the illegality.

I/We



cn=Douglas Cooper,
o=Southwest Outdoor
email=dcooper@southwesto
utdoor.com, c=US

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

5/12/2020

Signature of licensee or authorized representative

Date

DOUGLAS COOPER

Printed name of licensee or authorized representative

SOUTHWEST OUTDOOR ADVERTISING, INC.

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: ____/____/____

Case No.: ____ -- ____

Fully-dimensioned and scaled site plan: __ Yes __ No

Nonrefundable fee: \$ ____

Receipt #: ____

Date paid: ____/____/____

Date to be heard by PC: _____

Reviewed/Accepted by: _____

Date: ____/____/____