# PLANNING COMMISSION – July 20, 2020 STAFF REPORT



APPLICATION TYPE:	CASES:
Preliminary Plat and Final	Country Club West Estates, Section Two

# **SYNOPSIS:**

The applicant has submitted a preliminary plat for the entire 16.239-acre property, and a final plat to create two lots totaling 7.425-acres in the northeast corner of the property which will be known as Lots 2 and 3. The owners intend to sell the two lots making up the Final Plat. The rest of the property will remain in the preliminary plat until platted or the preliminary plat expires. The applicant has applied for a variance from Chapter 10.III.A.2 to allow Country Club Road to remain paved at 24 feet in lieu of the required 50 feet for an urban major collector street.

LOCATION:	LEGAL DESCRIPTION:		
2762 Country Club Road; generally located 1700 ft. west of the intersection of Hilton Head Blvd. and Country Club Road	Being 16.239 acres out of No. 133, described and re Official Public Records of	ecorded in Instrument No	. 201905821,
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1: Tommy Hiebert Neighborhood: Country Club	Ranch & Estates (R&E)	R – Rural NC-Neighborhood Commercial	16.239/ 7.425 acres

#### **THOROUGHFARE PLAN:**

Country Club Road - Urban Major Collector Street

Required: 60 Ft. Right of Way width; 50 Ft. pavement width

Provided 55 Ft. Right of Way; 24 Ft. pavement width

### **NOTIFICATIONS:**

NA

### **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of a Preliminary Plat of Country Club West Estates and **APPROVAL** of a Final Plat Country Club West Estates, Section Two; and **APPROVAL** of a **VARIANCE** from Chapter 10.III.A.2; subject to **four Conditions of Approval**.

# **PROPERTY OWNER/PETITIONER:**

Property Owners: Randy LeCompte
Agent: Mr. Russell Gully, SKG Engineering

## **STAFF CONTACT:**

Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us



<u>Conformity with the Governing Preliminary Plat:</u> 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". The proposed Final Plat will create two lots with 3.264 and 4.161 acres, and will conform to the lot dimensions of this lot within the preliminary plat.

<u>Conformity with Comprehensive Plan and Intent of Purpose Statements:</u> 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 final plat, if the Planning Commission finds the final plat does not comply with requirements of this or other applicable municipal ordinances, or if in the Commission's opinion, the proposal would not be in conformance with the City's Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance."

## Comprehensive Plan

The subject land has a Future Land Use of "Rural" and "Neighborhood Center" in the City's Comprehensive Plan. The Rural policies state that "These areas are important in maintaining some of the rural qualities and characteristics of San Angelo" and acknowledge that these areas will "come under the largest pressure to develop more intensely". Staff believes that the two proposed lots are in keeping with the Preliminary Plat and the Comprehensive Plan as well as the rural character of the neighborhood. County Club Road is a collector road that is 24 feet in width but was constructed by the City of San Angelo to that specification and Planning and Engineering is recommending the variance. The flag lots proposed access meets the Fire Code access requirements and is sufficient for a rural access for two homes. All of the lots will be a minimum of 1 acre in size in compliance with the Ranch and Estate (R&E) Zoning District and should not significantly increase traffic onto the existing street. The new lots will be characteristic of most Rural Future Land Use designations in terms of lot size (1 acre) and their utilization of private septic systems.

### **Purpose Statements**

Planning Staff believe that the proposed plats will conform to the Purpose Statements of Chapter 2 of the LDSO. Staff believes that the Final Plat will conform to Statement D "to provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation". The preliminary plat's commitment to the rural character of the area allows minimum development in keeping with the rural living designation. Finally, all of the lots will front onto an existing (26 ft. of flag lot access to Country Club Road conforming with Statement O "to insure the proper and efficient layout of lots and blocks to insure orderly and harmonious development".

<u>Variances:</u> In accordance with Chapter 1, Section IV.A, the Planning Commission <u>shall not approve</u> a variance unless the request meets the four criteria below based upon the evidence that is presented:

1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property. The applicant believes that the variance to maintain the existing 24 feet of paving width would not be detrimental to public safety and meets the functional needs

# Preliminary and Final Plat Country Club West Estates, Section Two July 20, 2020

of the area. Planning and Engineering Staff agree. The house just to the east of this property was also granted a variance on the one foot of required pavement and granting this variance would keep the present width of the road consistent. The existing right-way was dedicated from the north property owners and the city constructed the road to supply the northern properties with their section of the road since this area lies within the city limits.

- 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. When the City of San Angelo rebuilt this road they built it to the present standard even though it is shy of the requirement. Staff believes that making a change at this time is not necessary given the circumstances.
- 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. The applicant believes that a hardship would result given the road width is consistently 24 feet across the entire length of the road. Staff agrees in this case, as requiring a full incremental half of 50 feet (1 additional foot) would create an irregular jog and not provide additional benefit.
- **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 concurs.

#### **Recommendations:**

Staff recommends APPROVAL of a Preliminary Plat of Country Club West Estates.

Staff recommends **APPROVAL** of a Final Plat of Lot 2 and Lot 3, County Club West Estates Subdivision, and **APPROVAL** of a **VARIANCE** allowing the existing 24 feet of pavement in lieu of the required 50 feet for Country Club Road subject to **four 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, install necessary water service lines to each new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1] Alternatively, request to the Department of Public Works the deferral of such requirement to a later stage of development. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2]
- 3. Prior to plat recordation, provide a site plan showing existing structures and existing septic systems, and specifying the water source, to the Tom Green County Environmental Health Department. A suitability study must also be submitted. For more information, contact Pam Weishuhn at 325-658-1038. Provide City staff with approval. [Title 30 TAC Chapter 285, Health and Safety Code Chapter 366]

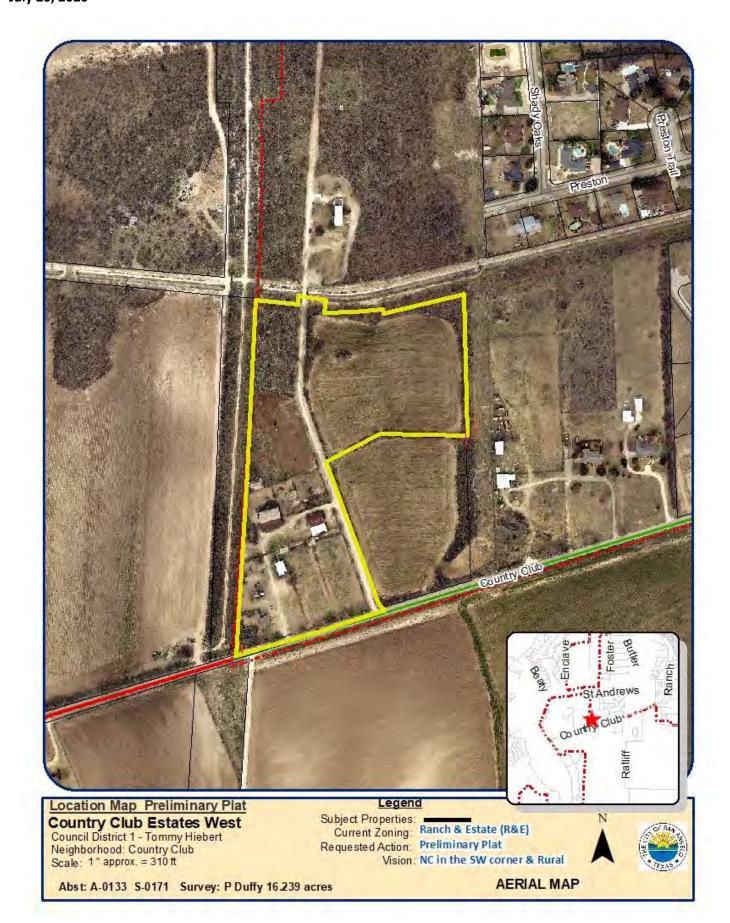
4. Prior to plat recordation, prepare and submit plans for required improvements to Country Club Rd. by half the additional increment necessary to comprise the minimum paving width. [Land Development and Subdivision Ordinance, Chapter 10]. For Country Club Road, the minimum width is 50 feet (in this case, requiring 1 additional foot). 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]

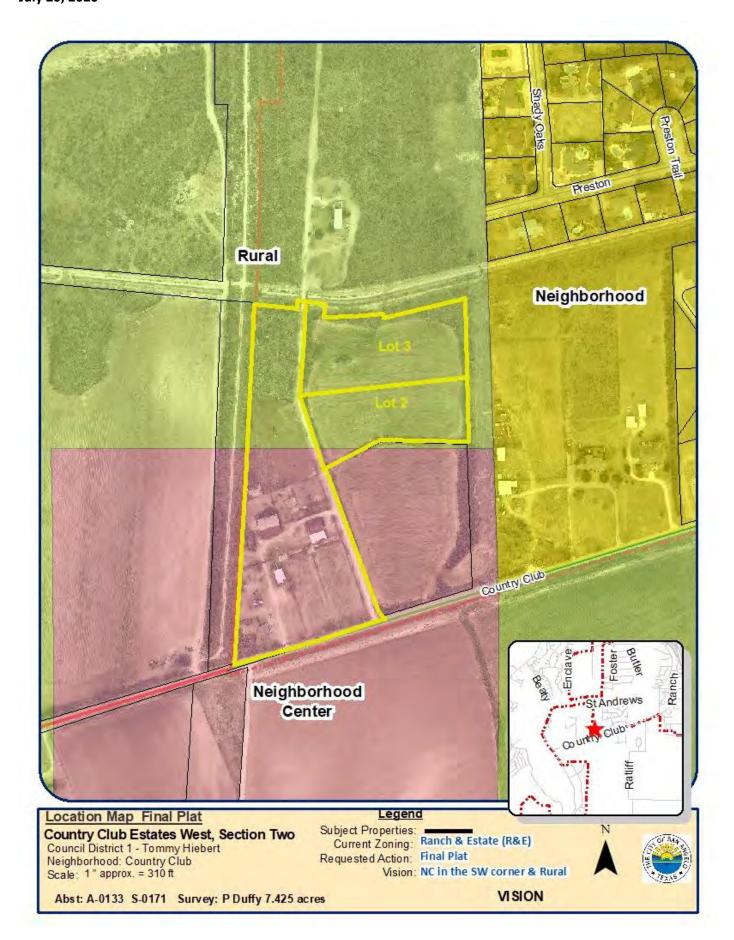
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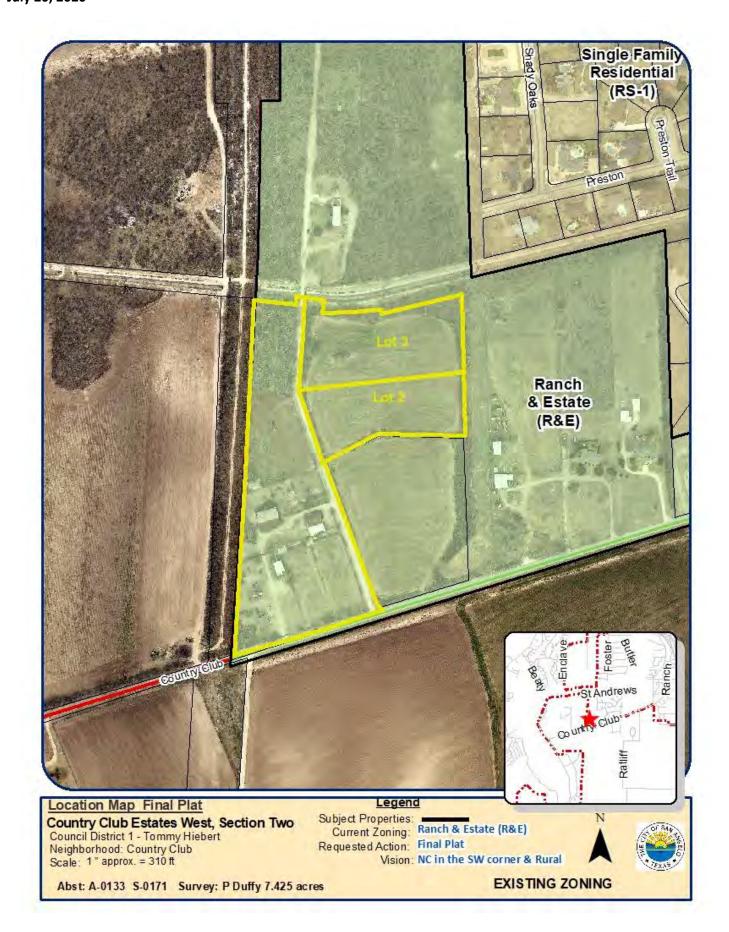
1. A drainage study shall be submitted if the impervious area changes by 5% and development\* of a site exceeds 1 acre. [Stormwater Ordinance, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for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

# **Attachments:**

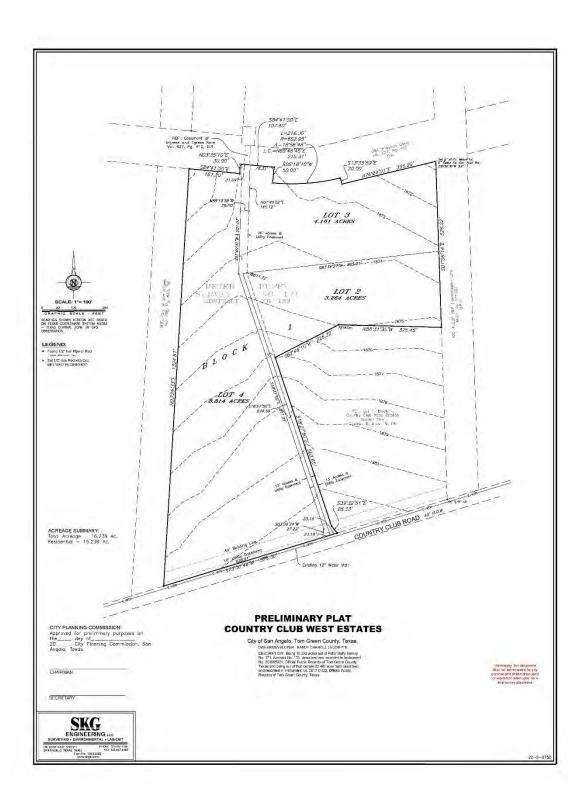
Aerial Map
Future Land Use Map
Zoning Map
Proposed Preliminary Plat
Proposed Final Plat
Applications with variance request







# **Proposed Preliminary Plat**



# **Proposed Final Plat**



# PLANNING COMMISSION Preliminary and Final Plat Country Club West Estates, Section Two July 20, 2020



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



(Exhaustic 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 "NA" where an item is not applicable.

Proposed Suprivis	Country Club West Estates ion Name		
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		tax statement or at www.tomgreencad.com)	
38-00133-0004		End of other or The	
Tax ID Number(s)	can be found on property tax stat	ement or at www.tomgreencad.com under Geographic la	D)
One Authorized R	onresentative must be selected	below. All communications regarding this applicati	ion will be conducted with this individu
Authorized Repres	entative: Tenant DF	Property Owner	
Tenant:	Name	Phone Number	Email Address
	Randy LeCompte	979-398-4552	randyclecompte2@gmail.com
Property Owner:	Name	Phone Number	Email Address
A achite at /F pairs and	Design Professional: SKG Engi	neering 325-655-1288	rg@skge.com
Architect/Engineer/	Name	Phone Number	Email Address
Subdivision Type:	☐ Final Plat	Replat - requiring Planning Commission approval	☐ Plat Vacation
3,000		Replat - administratively eligible*	☐ Amended Plat
*If claimir schedule	ed for hearing by Planning Commi	roval, please note that <b>all of the following criteria</b> mus ssion according to the adopted COSA submittal schedul	t be met; otherwise, the application will be le.
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	there is an absence of need f		
	<ul> <li>existing easement(s) for utilities without the formalized release</li> </ul>	es are not removed or realigned without the express write of said easement(s); and,	tten permission from each utility service, o
	in the case of replats requiring	notification, no written opposition is received before the	e close of the public hearing.
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Water:	☐ City - requesting new service ☐ City - utilizing existing service ☐ Other ☐ Septic System	es Proposed size?es Existing size?	

16.239									3									
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	Vacant				<b>(</b>	Single-Fa	mily Res	sidentia	16.2	39		Offi	ce					
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# PLANNING COMMISSION Preliminary and Final Plat Country Club West Estates, Section Two July 20, 2020

Date Recorded:

# Section 4, continued ☐ Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. ☐ The variance will not, in any significant way, vary the provisions of applicable ordinances. The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.II of the Subdivision Ordinance. The undersigned hereby applies for subdivision plat approval in accordance with the subdivision policies and regulations of the City of San Angelo and on contained on this application is true and accurate to the best of my knowledge. FOR OFFICE USE ONLY: Submitted to front desk: Deemed preliminary complete: Initials Time Received by Development Services Technician for completeness review: Initials Completeness review passed? Date If yes, when was application scheduled for staff review, if applicable? 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 \_ | No \_ Approvals required for this application: Approval Date Case Number Administrative Approval Planning Commission City Council (cases with appeal) Date of Approval Expiration:

# PLANNING COMMISSION Preliminary and Final Plat Country Club West Estates, Section Two July 20, 2020



# 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.

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Authorized Repres	entative:	Tenant	Property Owner	☐ Contractor	Engineer	
Tenant:	Name			Phone Number		Email Address
	Randy Le	Compto	979-398		randyck	ecompte2@gmail.com
Property Owner:	Name	Compte	979-390	Phone Number	randych	Email Address
	Notes of the last	SKG En	aineerina	325-65	5-1288	rg@skge.com
Architect/Engineer	/Design Professi	Name	giricering	323-03	Phone Number	Email Address
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*If claimi schedule	ng eligibility for a ed for hearing by	administrative ap y Ptanning Com	pproval, please n mission according	g to the adopted COS	wing criteria must A submittal schedule	be met; otherwise, the application will
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# Section 4, continued

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☐ The variance will not, in any sign	ificant way, vary the provis	ions of applicable ordin	ances.	
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the owner understands that upon approval of the building permits issued until such improvement of the City. Furthermore, the owner is aware of a ayable to the City regardless of the outcome of ithin seven calendar days, as required by Chaine undersigned hereby applies for subdivision artifies that the information contained on this and the contained on this are the contained on the contained on this are the contained on this are the contained on the c	ents are installed and acce ill fees and costs involved f this request. Lastly, the c pter 7.II of the Subdivision a plat approval in accordar	pted by the City or a su in applying for subdivis wner/representative ag Ordinance, noe with the subdivision	itable performance guaran ion approval and that the ree to provide recording inf policies and regulations o	tee is/has been accepted subdivision processing fe ormation of the plat in wri
wner's Signature		Date 6. 7	2.2070	
epresentative's Signature	_	Date	2.5000	
OR OFFICE USE ONLY:				
ubmitted to front desk:	_ Deemed preliminary co	mplete:Date	Time	Initials
eceived by Development Services Technician	for completeness review:_			
		Date	Time	Initials
ompleteness review passed?	Date	□ No	ate	
If yes, when was application scheduled for	staff review, if applicable?	Date	Initials	
If no, when was rejection & list of deficient	cies (attach copy) sent to A	authorized Representati		
			Date	Initials
Resubmittal received by Developmen	t Services Technician for o	completeness review:	Date	Initials
Completeness review passe	d? (Note: If resubmittal s	till incomplete after a	second review, schedule	appointment with Autho
Representative.)				
☐ Yes				
provals required for this application:	Date	Date		
provide required for this application.	Approval Date	Case Number	N	otes
Administrative Approval			-	
Planning Commission				
City Council (cases with appeal)			_	
te of Approval Expiration:				

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

	e citation from Subdivision Ordinance standard from which variance is requested: Club Road the full required incremental half width
Full variance requested	Partial variance requested (proposed variation from standard): 10. III. A. 2.
	criteria apply, & include a detailed explanation of how each item applies to this request. Attach additions explanation, or if additional variances are requested.
	ce will not be detrimental to the public safety, health or welfare, or be injurious to other property.  urrently function at its current width. Granting the variance
7. 24. 34. 40. 60. 60. 60.	
The conditions upon which applicable generally to other properties. The City had the opportunities.	tunity to widen Country Club Road when it was reconstructed and determined it was
The conditions upon whice applicable generally to other properties. The City had the opportunncessary to widen at	th the request for a variance is based are unique to the property for which the variance is sought and reperty.  It is to wide the country Club Road when it was reconstructed and determined it was the time. This area is R&E zoning with significantly larger than normal residential lot
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# PLANNING COMMISSION – July 20, 2020 STAFF REPORT



APPLICATION TYPE:	CASE:
Replat	First Replat of Lots 1-4, Block 10, Santa Rita Addition
SYNOPSIS:	

The applicant is proposing to replat four lots into two lots to accommodate a new single-family home and retain an existing home. As part of the request, the applicant has applied for a variance, to allow a deficient paving width of 36 feet with curb and gutter in lieu of the required 40 feet or 36 feet with a 4 foot sidewalk for West Avenue J, an urban local road.

LOCATION:	LEGAL DESCRIPTION	:	
1510 West Avenue J; located near the northwest intersection of West Avenue J and Grierson Street	Being west 10' of Lo Addition	ot 1 and all of Lots 2-4, Block 1	.O, Santa Rita
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5: Lane Carter Neighborhood: Santa Rita	RS-1	N – Neighborhood	0.553 acres

#### **THOROUGHFARE PLAN:**

**West Avenue J** – Local Street - 50' ROW required (80' existing), 40' or 36' with a 4' sidewalk pavement required (36' provided)

# **NOTIFICATIONS:**

15 notifications were mailed with a 200-foot radius on July 7, 2020 for this replat. No responses received.

### **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of a "First Replat of Lots 1-4, Block 10, Santa Rita Addition"; **APPROVAL** of a **VARIANCE** to maintain 36 feet of paving width with curb and gutter for West Avenue J, subject to **four conditions of approval**.

# PROPERTY OWNER/PETITIONER:

Applicant: Erica Carter, Carter-Fentress Engineering LLC Owner: Cole McCrory

# **STAFF CONTACT:**

Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us



<u>Additional Information</u>: The proposed replat currently has one single-family home and an existing pool on the property. The existing pool will be removed and a new single-family home will be built on the new lot.

<u>Conformity with Comprehensive Plan and Intent of Purpose Statements</u>: 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." The purpose of the plat is to facilitate construction of a new single-family home and removal of an existing pool. 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 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).

<u>Variances:</u> In accordance with Chapter 1, Section IV.A, the Planning Commission <u>shall not approve</u> 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 stated that this street has not been a problem area that is prone to multiple accidents or wrecks. The need for any improvement is not need at this time in terms of safety because this street is experiencing little to no accidents. Staff supports a variance to allow the applicant to maintain the existing 36-foot paving width on West Avenue J. This street in this location is sufficiently served with the existing 36-foot right-of-way and there are existing curb and gutter in this area.

# 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 request for this variance is unique because this property has already been developed and the owner is just trying to utilize an existing lot to build another house. Staff agrees regarding that a portion of said plat already has an existing residence on it and the property owner is trying to utilize a built piece of land for a new home.

### 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 indicates that the physical condition of the land is mainly concrete, and extending the asphalt width would create a hardship to the owner. As indicated, staff supports the street variance, due to existing curb and gutter already existing in most of this neighborhood and especially directly in front of this replat.

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

The applicant state that approval of these variances will not, in any significant way, cause the provision of applicable ordinances because of the existing roadway is identical to the roads in the area and is sufficient to provide safe and orderly flow of required traffic within this subdivision. Staff believes that approval of this variance with respect to existing curbing would not significantly vary the LDSO.

## **Recommendations:**

Staff recommends **APPROVAL** of a "First Replat of Lots 1-4, Block 10, Santa Rita Addition"; **APPROVAL** of a **VARIANCE** to maintain 36 feet of paving width with curb and gutter for West Avenue J, subject to **four conditions of approval:** 

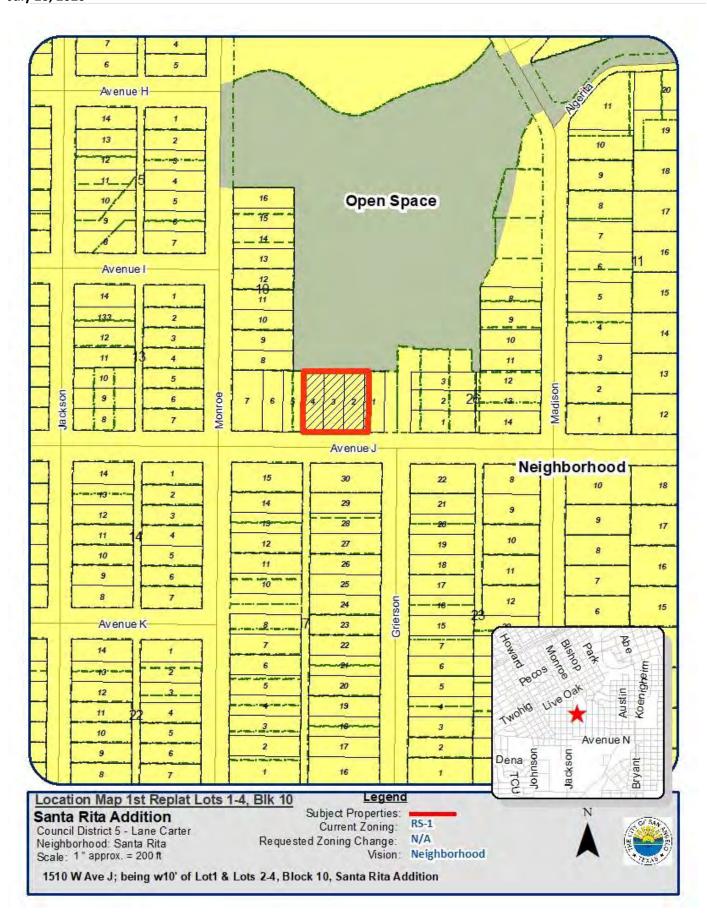
- 1. Prior to plat recordation, provide a copy of the Tom Green County Appraisal District certification indicating there are no delinquent taxes on the subject property of this subdivision. [Land Development and Subdivision Ordinance, Chapter 7]
- 2. Prior to plat recordation, prepare and submit plans for required improvements to W. Avenue J by half the additional increment necessary to comprise the minimum paving width. [Land Development and Subdivision Ordinance, Chapter 10]. For W. Avenue J, 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 construction of a 4 foot sidewalk, or 2 additional feet). Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6]. A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]
- 3. Prior to plat recordation, the existing pool must be removed. [Land Development and Subdivision Ordinance, Chapter 7]
- 4. Prior to plat recordation, install necessary water and wastewater service lines to new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1] Alternatively, request to the Department of Public Works the deferral of such requirement to a later stage of development. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2]

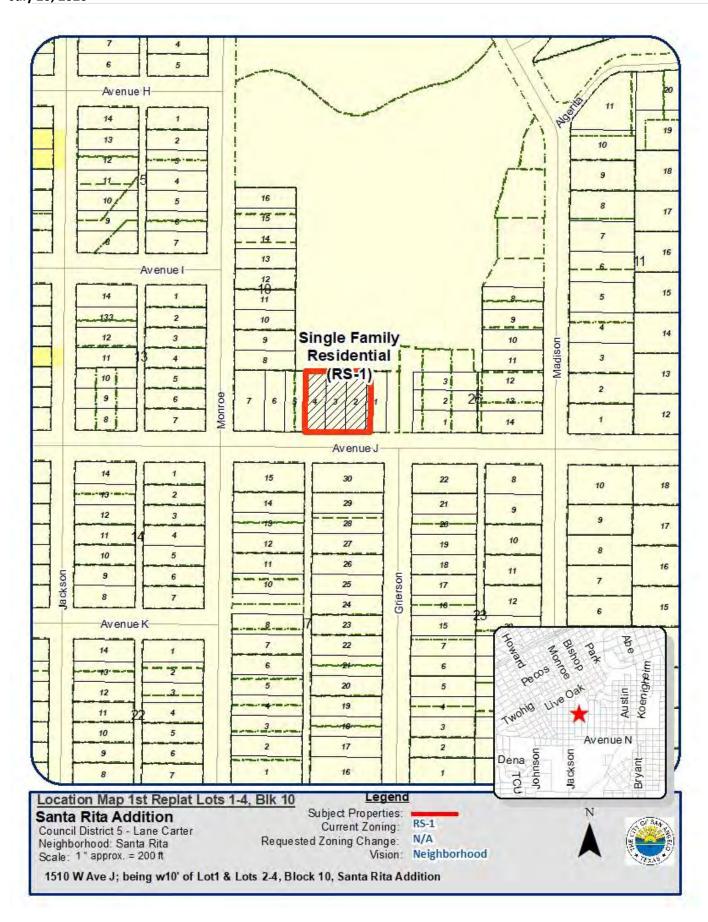
# PLANNING COMMISSION First Replat of Lots 1-4, Block 10, Santa Rita Addition July 20, 2020

# **Attachments:**

Aerial Map
Future Land Use Map
Zoning Map
Photo
Proposed replat
Proposed replat with structures
Application with variance request

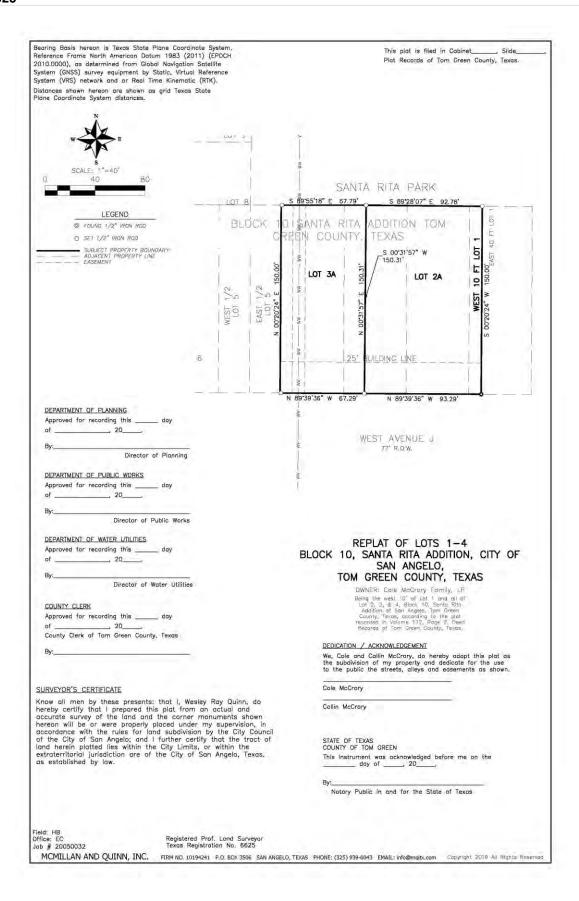


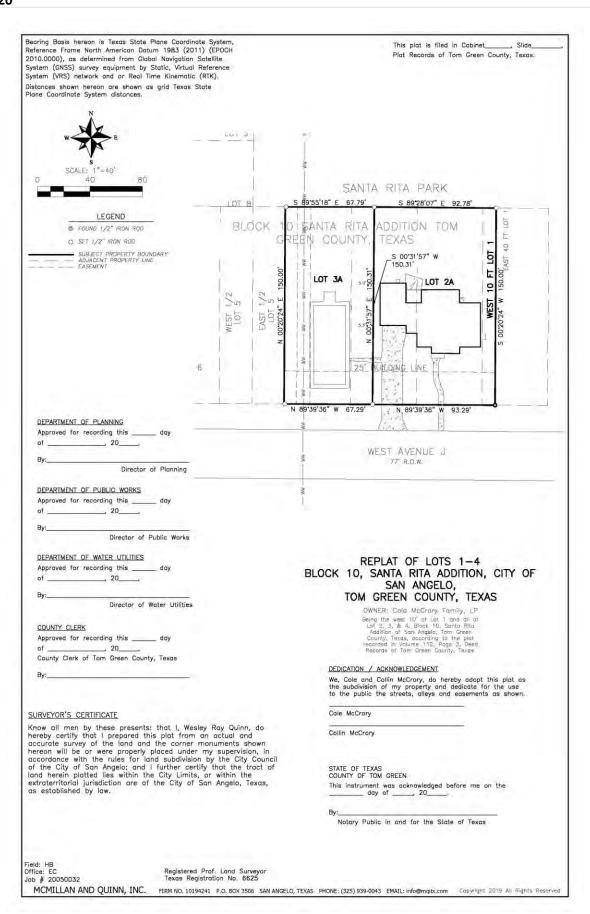




# **Photos of Site**









# 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.

Proposed Subdivis	ion Name		
Lot: 2,3,& 4 & V	VEST 10 FT OF LOT 1, Blk:	10, Subd: SANTA RITA ADDITION	
Current Legal Desc	cription (can be found on property	tax statement or at www.tomgreencad.com)	
23-42400-0010-	-002-00		
Tax ID Number(s)	can be found on property tax sta	tement or at <u>www.tomgreencad.com</u> under Geographic IL	0)
One Authorized R	epresentative <u>must</u> be selected	below. All communications regarding this application	on will be conducted with this individu
Authorized Repres	entative:	Property Owner	
Tenant:	Name	Phone Number	Email Address
			Email Address
Property Owner:	Cole McCrory Name	325-716-3013 Phone Number	Email Address
Architect/Engineer/	Design Professional: Erica Car	Phone Number	ecarter@fentresseng.com Email Address
Subdivision Type:	☐ Final Plat	Replat - requiring Planning Commission approval	☐ Plat Vacation
subulvision Type.		그 사내가 내가 내가 내려가 하는 것이다.	☐ Amended Plat
#15 -1-11-		Replat - administratively eligible*	
		oroval, please note that all of the following criteria must ission according to the adopted COSA submittal schedule	
	■ includes no more than four ne	ew lots or tracts;	
	no dedication of land (including	ng right-of-way, right-of-way expansion, corner clip dedica	ation, etc) is required;
	all new lots or tracts front onto	o an existing public street right-of-way which is fully impro	oved to City specifications;
	no extension of water or sewe	er mains are required to furnish service to the new lots or	tracts;
	■ there is an absence of need f	or a detailed drainage plan;	
	existing easement(s) for utiliti without the formalized release	es are not removed or realigned without the express writte of said easement(s); and,	en permission from each utility service, o
	■ in the case of replats requiring	g notification, no written opposition is received before the	close of the public hearing.
		***************************************	
		. Mo	
section 2: Utili	ty & Easement Information	on	
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	City - utilizing existing service	es Existing size? 6"	
	☐ Other	Please specify:	
ewer:	☐ City - requesting new service	es Proposed size?	
	City - utilizing existing service	es Existing size? 6"	
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	Li Ottlei		
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	☐ Septic System	Lot size?County Health Department for Septic System Permit 325-	-

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# Section 4, continued

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	create a hardship to the owner.				
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or building the City. Dayable to be within sever the under the triffes the certifies t	er understands that upon approval of this submitted plat, certain site g permits issued until such improvements are installed and accept Furthermore, the owner is aware of all fees and costs involved in the City regardless of the outcome of this request. Lastly, the owner calendar days, as required by Chapter 7.II of the Subdivision of the City regardless for subdivision plat approval in accordance that the information contained on this application is true and accurate.	oted by the City or a s n applying for subdivi- wner/representative as Ordinance. ce with the subdivision ate to the best of my k	uitable perfonsion approval gree to provide n policies and mowledge.	mance guar and that the e recording i	rantee is/has been accepte e subdivision processing f information of the plat in w
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# PLANNING COMMISSION – July 20, 2020 STAFF REPORT



APPLICATION TYPE:	CASE:
Replat	First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine
SYNOPSIS:	

The proposed replat would combine Lot 25, a single-family home lot, with a 0.325-acre portion of Lot 26 in front of the home that is currently a City-owned access easement. The remaining 0.111 acres of this access easement in front of Lot 24 will be dedicated as street right-of-way allowing Lot 24 to directly access South Concho Drive. The owner of Lot 25 was leasing a portion of this access easement from the City and now plans to purchase the easement area in front of their home to expand their property. This area will also serve as a utility easement.

LOCATION:	LEGAL DESCRIP	ΓΙΟΝ:		
1938 South Concho Drive, Southeast of Knickerbocker Road and South Concho Drive	Lots 25 and 26 in Lake Nasworthy Addition, Group Nine			
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:	
SMD District: Tommy Hiebert (SMD#1) Neighborhood: Nasworthy	RS-1	N – Neighborhood	1.104 acres	

#### **THOROUGHFARE PLAN:**

South Concho Drive - Urban Local Street

Required: 50' right-of-way, 40' pavement or 36' pavement with a 4' sidewalk

Provided: Variable 90'-130' right-of-way, 38' pavement

### **NOTIFICATIONS:**

6 notifications were mailed with a 200-foot radius on July 2, 2020 for this replat. No responses received.

#### **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of a "First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine"; and **APPROVAL** of a **VARIANCE** to maintain 38 feet of paving width without curb and gutter in lieu of the required 40 feet with curb-and-gutter for South Concho Drive, an urban local street, subject to **four conditions of approval.** 

### PROPERTY OWNER/PETITIONER:

Applicant: Russell Gully, SKG Engineering LLC Owners: Timothy S. Riggan (Lot 25); City of San

Angelo (Lot 26)

## **STAFF CONTACT:**

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



<u>Conformity with Comprehensive Plan and Intent of Purpose Statements:</u> 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 properties have a Future Land Use of "Neighborhood" in the City's Comprehensive Plan and are located in the Nasworthy Neighborhood. The proposed replat, which would expand Lot 25 and dedicate right-of-way for direct abutting access to Lot 24 would be consistent with the Neighborhood policies. 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 proposed replat will recognize the existing residential lots and provide additional residential land for Lot 25 consistent with this policy. The policies also state that "new neighborhoods should integrate with the existing street network". The dedication of a portion of the former access easement lot as right-of-way for Lot 24 ensures this property will have direct abutting access to South Concho Drive and not be landlocked, consistent with the above policy.

#### **Purpose Statements**

Planning Staff believe that the proposed replat will conform to the Purpose Statements of Chapter 2 of the LDSO once the required conditions of approval are fulfilled. The existing street at 38 feet is close to the required 40 feet, and therefore, will conform with Statement B "to protect and provide for the public health, safety and general welfare of the City of San Angelo", and Statement D "to provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation". Finally, the additional land in front of Lot 25, once a City access easement will now serve as a utility easement for the existing sewer main, conforming to Statement G "to provide the efficient use and extension of municipal utilities", as well as providing the adjacent homeowner with additional front yard space.

### **Plat and Variance History:**

As part of the review for the proposed variance request, Staff reviewed past subdivision and associated plat variance decisions adjacent to South Concho Drive:

- October 6, 1998 (filed for record Jan. 24, 2000) Lake Nasworthy Addition, Group Nine: City Council approved the plat and variance to allow the existing paving width to remain at 20 feet in lieu of the required 40 feet.
- October 6, 1998 (filed for record Nov. 10, 1998) Lake Nasworthy Addition, Group South Concho: The Planning Commission approved the plat and variance to allow the existing paving width to remain at 20 feet in lieu of the required 40 feet.
- May 21, 2012 (filed for record Mar. 16, 2015) South Concho Pearl Addition at Lake Nasworthy:

The Planning Commission approved the plat and variance to allow the existing paving width to remain between 20-27 feet in lieu of the required 30 feet. South Concho Drive was identified as a "parkway" which it remains today in the City's Master Thoroughfare Plan (MTP). However, a parkway requires 40 feet in the MTP, and either way, a parkway is not one of the street classifications in the LDSO so the 30-foot width requirement and parkway classification is incorrect.

- August 25, 2014 (filed for record Aug. 25, 2017) Lakeshore Estates, Section Two: The applicant did not apply for a variance. The Planning Commission approved the plat, requiring an additional 12 feet of paving width on the west side of South Concho Drive which the applicant has installed. The street was identified as a "collector street" which requires 50 feet of paving (an incremental half of 12 additional feet for this developer). This identification was based on a staff report for the associated preliminary plat for Lakeshore Estates, Southern Portion approved by the Planning Commission on June 9, 1997 which indicated the street should be improved to the collector street standards (which at the time was also 50 feet).
- August 25, 2014 (not recorded, expired) Lakeshore Estates, Section Three: The applicant did
  not apply for a variance. The Planning Commission approved the plat, requiring an additional
  12 feet of paving width on the west side of South Concho Drive. The street was identified as a
  "collector street" which requires 50 feet of paving (an incremental half of 12 additional feet for
  this developer) per the same rationale as above for Section Two.

<u>Variances:</u> In accordance with Chapter 1, Section IV.A, the Planning Commission <u>shall not approve</u> a variance unless the request meets the four criteria below based upon the evidence that is presented:

- 1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property. The applicant believes that granting a variance to maintain the existing 38-foot street width with no curb and gutter would not be detrimental and that the street currently meets the functional needs of the area. Staff agrees that two additional feet of asphalt would not provide any additional benefit along this portion of South Concho Drive. As mentioned above, the adjacent developer has already installed 12 additional feet of paving on their side, and the street is only two feet deficient. Further, the previous plats prior to 2014 along South Concho Drive were granted variances from any new street paving. Therefore, Staff supports the variance request.
- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property. The applicant believes that a variance should be granted because the existing street alignment is unique and the City has granted themselves variances when the original plat was approved. Staff research above confirms that the previous plats including the original Lake Nasworthy Addition, Group Nine, were granted variances to maintain the existing paving widths. While this is not a guaranteed precedent for approving new variances (as new regulations and issues may arise over time), in this case, Staff agrees with the applicant that the additional pavement is not necessary.

- 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. The applicant believes that a hardship would result to the owner without a variance. Staff does not believe that a hardship would arise if the additional two feet was installed, however, Staff believes that the additional two feet is unnecessary in this case as the road is almost to full standard.
- 4. <u>The Variance will not, in any significant way, vary the provisions of applicable ordinances.</u> The applicant believes that applicable ordinances will not be varied significantly if a variance was granted. Staff agrees based on the plat history in this area; that the current street width is sufficient; and that the overall number of residential lots are not being increased.

#### **Recommendations:**

Staff recommends **APPROVAL** of a "First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine"; and **APPROVAL** of a **VARIANCE** to maintain 38 feet of paving width without curb and gutter in lieu of the required 40 feet with curb-and-gutter for South Concho Drive, an urban local street, subject to **four 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 1.V of the Land Development and Subdivision Ordinance, the applicant shall obtain approval from City Council to acquire via Special Warranty Deed the 0.325-acre portion of City-owned land, labelled "Utility Easement" within Lot 25A.
- 3. Prior to plat recordation, per Chapter 7.II of the Land Development and Subdivision Ordinance, change the City of San Angelo acknowledgements to "Daniel Valenzuela, City Manager" who is the city official responsible for signing the replat.
- 4. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to South Concho Drive, an urban local 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 South Concho Drive, the minimum width is 40 feet (in this case, requiring 2 additional feet). Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within an 18 month period. A second alternative, per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.

# PLANNING COMMISSION First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine July 20, 2020

# **Attachments:**

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Proposed replat
Variance request
Application

Scale: 1 " approx. = 250 ft

1938 S. Concho Drive and adjacent street ROW, total 1.104 ac.

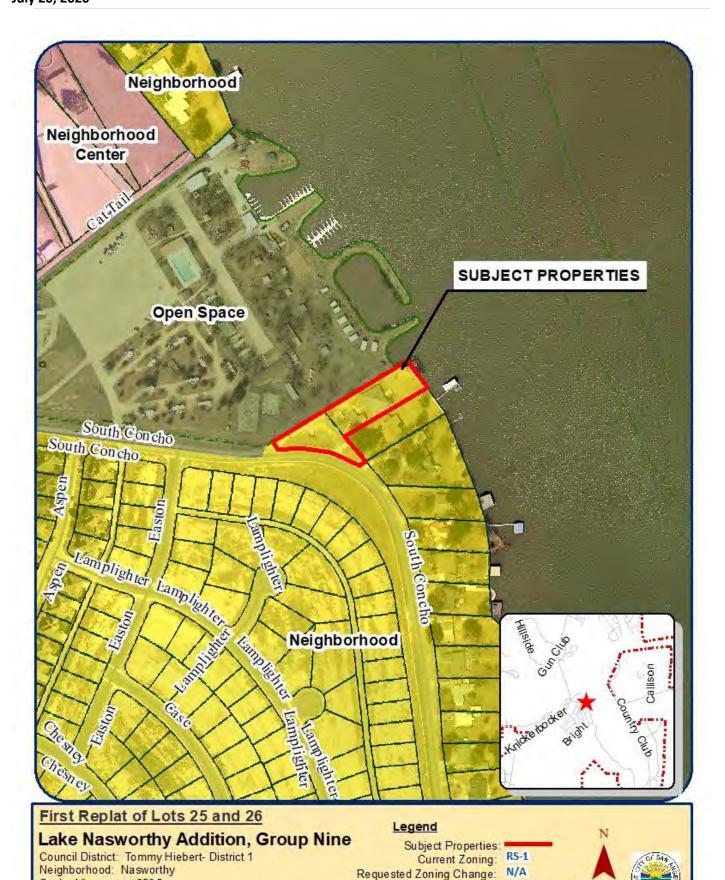


Requested Zoning Change: N/A

Vision: Neighborhood

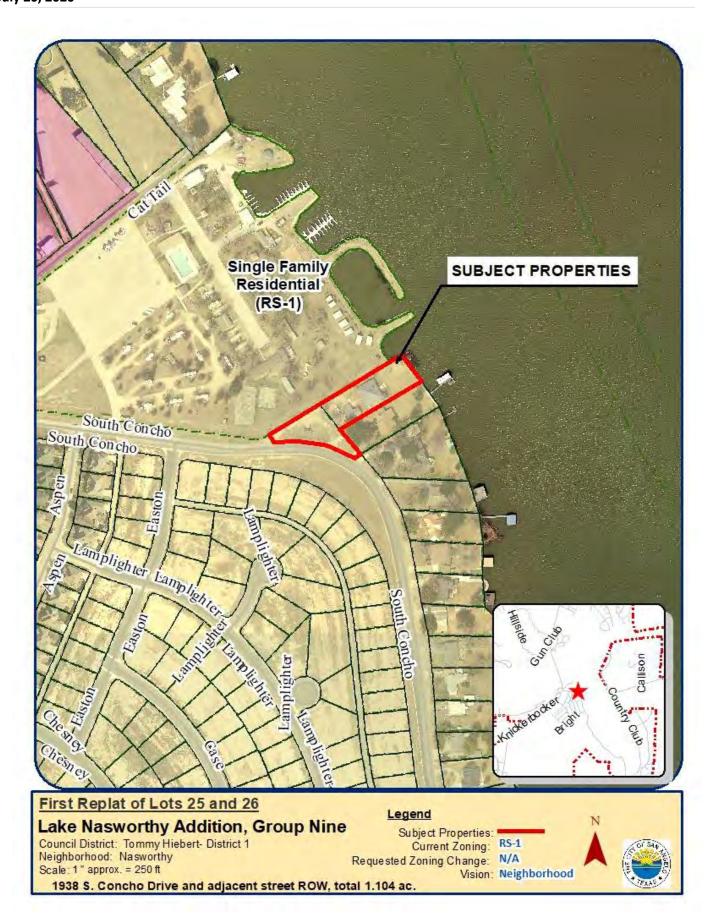
Scale: 1 " approx. = 250 ft

1938 S. Concho Drive and adjacent street ROW, total 1.104 ac.



Requested Zoning Change:

Vision: Neighborhood



# **Photos of Site and Surrounding Area**

LOT 25 AND EXISTING ACCESS EASEMENT (LOT 26)



LOTS 24, 25 AND ACCESS EASEMENT (LOT 26)



NORTHBOUND AT ACCESS EASEMENT (NO CURBS)



SOUHTBOUND AT ACCESS EASEMENT (NO CURBS)



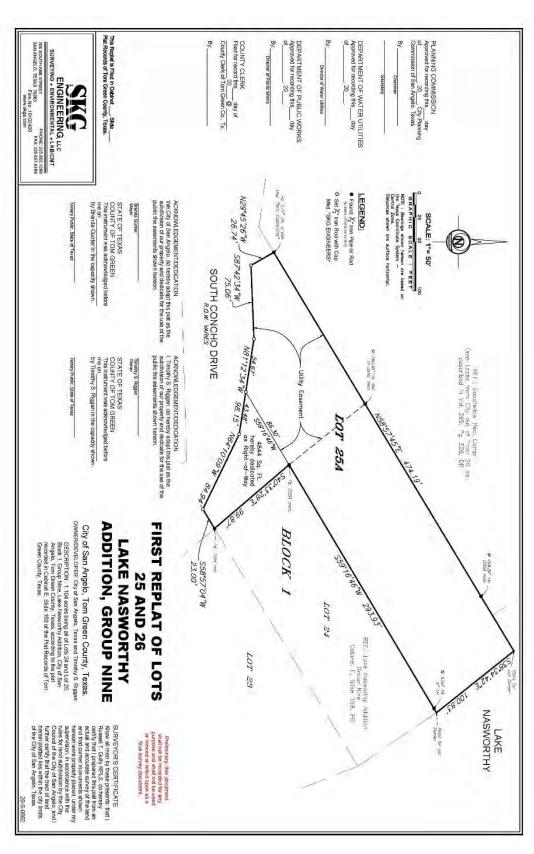
EAST SIDE OF S. CONCHO DR. (NO CURBS) LOOKING NORTH



WEST SIDE OF S. CONCHO DR. (FULL CURBS) LOOKING SOUTH



## **Proposed Replat**



SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

	a portion of the full required incremental half width & install c	
Full variance requested	☐ Partial variance requested (proposed variation from standard): 1	0. III. A. 2.
	criteria apply, & include a detailed explanation of how each item applies to explanation, or if additional variances are requested.	this request. Attach additional st
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### 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.

Proposed Subdivision	on Name	dition Group 9	
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Authorized Represe	entative: 🗌 Tenant 🔲 Prope	rty Owner Contractor Engineer	
Tenant:			
	Name	Phone Number	Email Address
Property Owner:	Timothy S. Riggan	(432) 664-2718	triggan@hotmail.com
	Name	Phone Number	Email Address
Architect/Engineer/L	Design Professional: SKG Engineer	ring 325-655-1288	rg@skge.com
	Name	Phone Number	Email Address
Subdivision Type:	☐ Final Plat ■ I	Replat - requiring Planning Commission approval	☐ Plat Vacation
	☐ Preliminary Plat ☐ I	Replat - administratively eligible*	Amended Plat
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### PLANNING COMMISSION First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine July 20, 2020

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The variance will not, in any significant	way, vary the provisions of applicable ordinances.
r building permits issued until such improvements an he City. Furthermore, the owner is aware of all fees eyable to the City regardless of the outcome of this re	mitted plat, certain site improvements may be required and that no plats will be released for record re-installed and accepted by the City or a suitable performance guarantee lamas been accepted a end costs involved in applying for subdivision approval and that the aubdivision processing for request. Lastly, the owner/representative agree to provide recording information of the plat in writ
	approve) in accordance with the subdivision policies and regulations of the City of San Angelo- tion is true and accurate forthe best of my knowledge
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Representative's Signature	6. 22-2020 Date
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### PLANNING COMMISSION – July 20, 2020 STAFF REPORT



APPLICATION TYPE:	CASE:
Street Right-of-way Abandonment	South Marie Street (South of Roosevelt Street)

### **SYNOPSIS:**

The applicant has submitted this request to abandon South Marie Street, an approximate 60' by 500' unpaved street right-of-way that runs in a north-south direction south of Roosevelt Street. The applicant owns a 5-acre property immediately adjacent to the east and the abandonment would allow purchase of a portion of the abandoned area for future development (see Additional Information).

LOCATION:	LEGAL DESCRIPTION	V:				
Southeast of Bell Street and Roosevelt Street	Being an approximate 60' x 500' portion of the South Marie Street right-of-way, south of Roosevelt Street.					
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:			
District #4 – Lucy Gonzales Fort Concho East Neighborhood	RS-1/CG	Commercial	0.688 ac. (30,000 sq. ft.)			

#### **THOROUGHFARE PLAN:**

**South Marie Street** – Urban Local Street, Required: 50' right-of-way, 40' pavement or 36' with 4' sidewalk; Provided: 60' right-of-way; unpaved street

### **NOTIFICATIONS:**

6 notifications were mailed within a 200-foot radius of the property on July 20, 2020. No responses have been received for or against to date.

### **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the Street Right-of-Way Abandonment of the portion of South Marie Street, south of Roosevelt Street, subject to **two Conditions of Approval**.

### PROPERTY OWNER/PETITIONER:

Owner/Petitioner: Earl Ayers

### **STAFF CONTACT:**

Jeff Fisher, AICP Principal Planner

(325) 657-4210, Ext. 1550

jeff.fisher@cosatx.us



PLANNING COMMISSION
Staff Report – South Marie Street ROW Abandonment
July 20, 2020

### **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.

As indicated, the applicant intends to acquire a portion of the street right-of-way for future development adjacent to their property to the east, addressed as 1619 Roosevelt Street. They obtained a rezoning approval from City Council on June 5, 2018 for their property, changing the zoning from Single-Family Residential (RS-1) to General Commercial (CG). This will allow future commercial development for permitted CG uses.

On October 3, 2017, City Council abandoned the north portion of South Marie Street, between Bryan Street and Roosevelt Street. Similar to this request, that application was also based on an adjacent owner who desired the additional area to expand their development.

### Analysis:

Staff conducted research on the proposed street right-of-way to be abandoned. The subject portion of South Marie Street is identified as street right-of-way in the replat of the Carruthers Addition, filed for record and duly recorded on May 20, 1930 with the Tom Green County Clerk. The County Clerk's Real Estate Office has confirmed that the subject replat remains in effect.

Staff also conducted a site visit to the property on Thursday, July 2, 2020. This street right-of-way was never developed and remains an unimproved portion of South Marie Street. There are no known utilities, public or private, in the subject portion, and the right-of-way is not identified for any future street in the City's Master Thoroughfare Plan, nor for any future bicycle or pedestrian path in the City's Area and Bicycle and Pedestrian Plan.

The proposed abandonment would not contradict any applicable City Ordinance. As conditions of approval, the applicant will be required to replat the abandonment area into the adjacent lot(s); and pay the required assessment formula fee.

#### Rationale:

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

- Traffic patterns: This portion of South Marie Street which shows as public right-of-way since at least 1930 according to public records, has never been used as a street. All of the adjacent lots have street frontage onto South Bell Street, St. Ann Street, and/or Roosevelt Street and there are no plans to construct a future street in this right-of-way. The City's Real Estate Division has confirmed that the City has no plans to sell their property to the south which would connect this right-of-way to St. Ann Street. Therefore, this right-of-way remains as a dead-end, unimproved street and Staff recommends that it be abandoned.
- *Utilities*: There are no existing City or private utilities in this segment of street right-of-way, and Staff received no objections from utility providers in the area.

# PLANNING COMMISSION Staff Report – South Marie Street ROW Abandonment July 20, 2020

- Community Impact: There would be no negative community impact if this portion of South Marie Street was abandoned. As indicated, all adjacent properties have frontage onto other streets, and the City intends to retain the property south of S. Marie Street making the subject portion an unimproved dead-end right-of-way. Allowing this right-of-way to be abandoned will allow the adjacent developer to acquire it from the City and expand their future commercial development.
- Public Benefit: Abandoning this portion of South Marie Street would not remove any public benefit as this right-of-way has never been used as a street nor are there any plans to make this area into a street. The abandoned portion will provide the adjacent developer additional land for development.

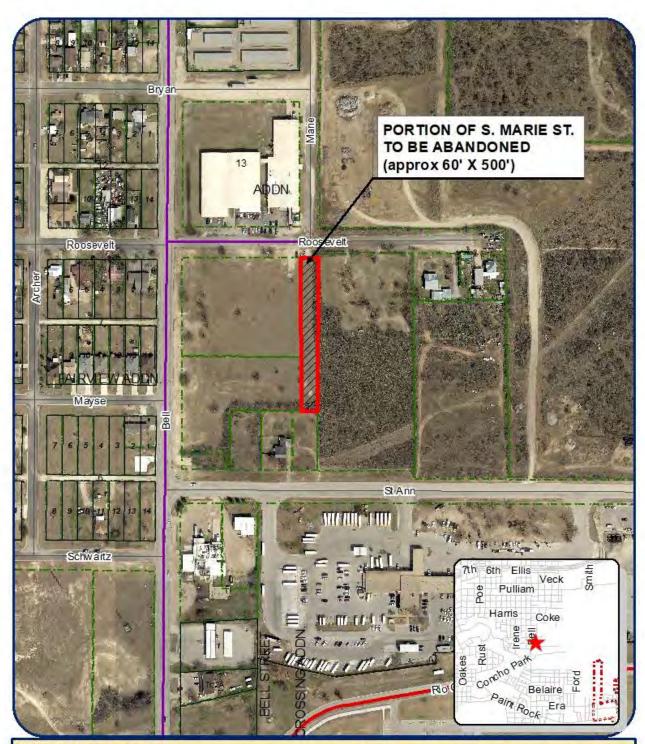
### **Recommendation:**

Staff recommends **APPROVAL** of the Street Right-of-Way Abandonment of the portion of South Marie Street, south of Roosevelt Street, subject to **two Conditions of Approval**:

- 1. Payment per the assessment formula per the Schedule of Fees and Charges adopted by City Council shall be remitted for all of the abandoned street right-of-way.
- 2. Submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, within 36 months of City Council's decision and prior to recording the quit claim deed [Land Development and Subdivision Ordinance, Chapter 1.V].

### **Attachments:**

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Excerpt from Subdivision Plat
Application



### Street Abandonment

### Portion of S. Marie Street

Council District: Lucy Gonzales -District 4 Neighborhood: Fort Concho East Scale: 1" approx. = 250 ft

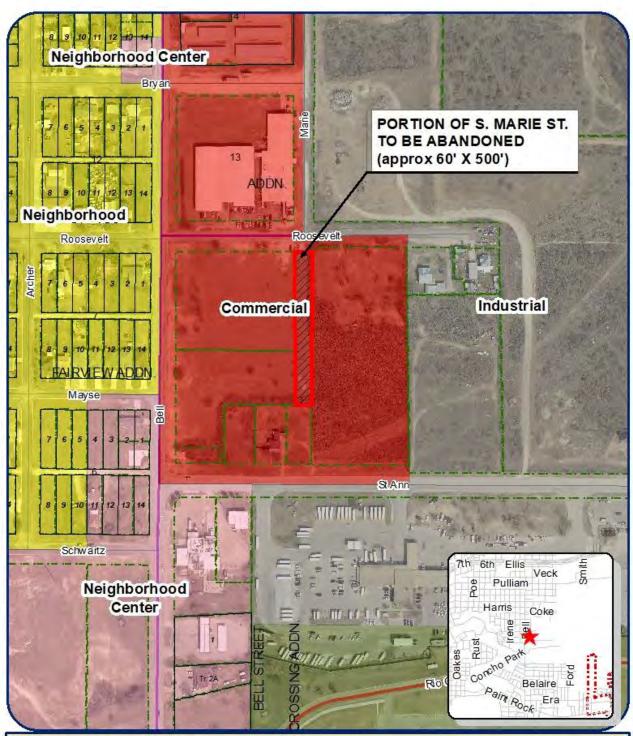
### Legend

Subject Properties:
Current Zoning: RS-1 and CG
Requested Zoning Change: N/A
Vision: Commercial





Approx. 0.688 acres between Roosevelt Street and St. Ann Street



### Street Abandonment

### Portion of S. Marie Street

Council District: Lucy Gonzales -District 4 Neighborhood: Fort Concho East Scale: 1 approx. = 250 ft

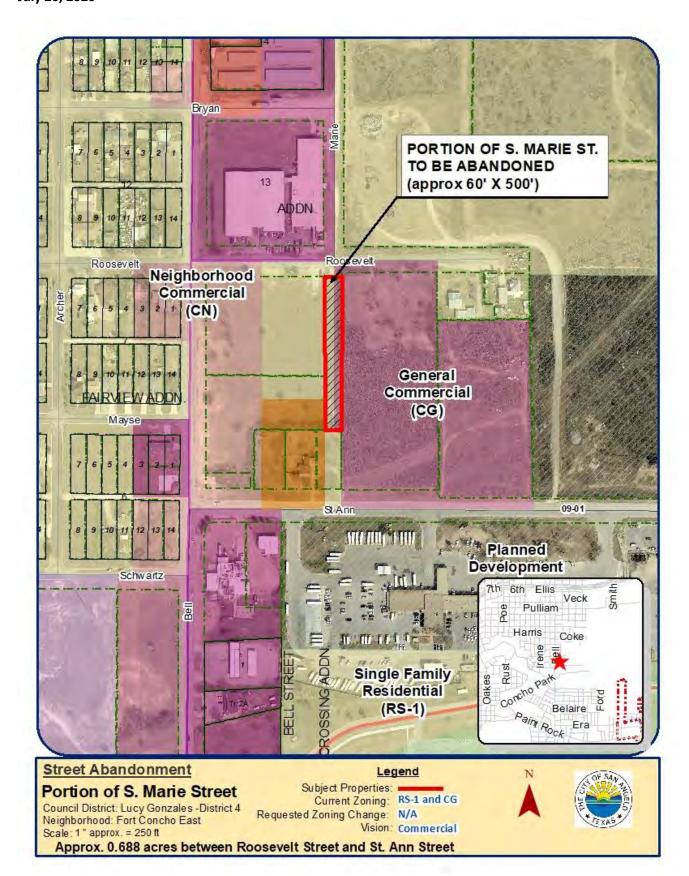
### Legend

Subject Properties:
Current Zoning: RS-1 and CG
Requested Zoning Change: N/A
Vision: Commercial





Approx. 0.688 acres between Roosevelt Street and St. Ann Street



# **Photos of Site and Surrounding Area**

PROPOSED AREA TO BE ABANDONED (60' X 500' S. MARIE ST. RIGHT-OF-WAY)



SOUTH OF ABANDONMENT AREA (TO ST. ANN ST.)



ROOSEVELT ST. LOOKING WEST



NORTH PORTION OF S. MARIE ST. (DECISION BY COUNCIL TO ABANDON – OCT. 3/2017)



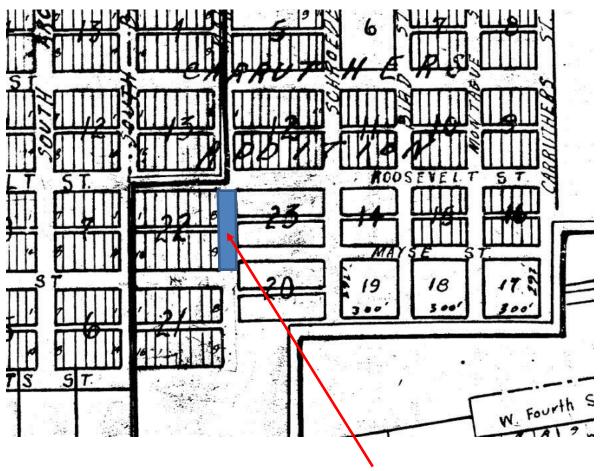
ADJACENT PROPERTY (1619 ROOSEVELT ST.)



ROOSEVELT ST. LOOKING EAST



# Excerpt of area to be abandoned (Replat of Carruthers Addition - May 20, 1930)



60' X 500' STREET RIGHT-OF-WAY TO BE ABANDONED

OF MAY

# City of San Angelo, Texas - Planning Division



Effective January π ≥:

	lication to Abandon Rigi Street(s) and/or Alle	
Section 1: Basic Information		
Name of Applicant(s): Earl Ayers		
	presentative (Affidavit Required)	
11438 Texas Oak	Carsibad Texas	
Mailing Address	City State	Zip Code
325-277-9353	bayers@mayfieldpa	per.com
Contact Phone Number	Contact E-mail Address	
1619 Roosevelt	San Angelo Texas	76903
Subject Property Address	City State	Zip Code
egal: Acres: 5.000, Abst: A-1	854 S-0326, Survey: G SCHUI	BITZ, 5.0000 ACRES
egal Description (can be found on property t		
ot Size 5 acres	Zoning: RS-1	
Section 2: Site Specific Details		
Subdivision Name:		
General Description of Location*: abondo	ned street	
Reason for Abandonments not in use		
Use attachment if necessary.		

### PLANNING COMMISSION Staff Report – South Marie Street ROW Abandonment July 20, 2020

CONTRACTOR CONTRACTOR AND ADMINISTRATION OF A PARTICIPATION AND ADMINISTRATION OF A PARTICIPATION OF A PARTI	
We the undersigned acknowledge that the information	provided above is true and correct.
Earl Rues	6-19-2020
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firming the truth of the above statement.	
arl Ayers	
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ame of business/Entity of representative	
OR OFFICE USE ONLY:	
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late of hearing by Planning Commission:/	
eviewed/Accepted by:	_