

**PLANNING COMMISSION – July 20, 2020  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASES:</b>	
Preliminary Plat and Final		Country Club West Estates, Section Two	
<b>SYNOPSIS:</b>			
<p>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.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
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 Peter Duffy Survey No. 171, Abstract No. 133, described and recorded in Instrument No. 201905821, Official Public Records of Tom Green County, Texas	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1: Tommy Hiebert Neighborhood: Country Club	Ranch & Estates (R&E)	R – Rural NC-Neighborhood Commercial	16.239/ 7.425 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>Country Club Road</b> – 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</p>			
<b>NOTIFICATIONS:</b>			
NA			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of a Preliminary Plat of Country Club West Estates and <b>APPROVAL</b> of a Final Plat Country Club West Estates, Section Two; and <b>APPROVAL</b> of a <b>VARIANCE</b> from Chapter 10.III.A.2; subject to <b>four Conditions of Approval</b> .			
<b>PROPERTY OWNER/PETITIONER:</b>			
Property Owners: Randy LeCompte Agent: Mr. Russell Gully, SKG Engineering			
<b>STAFF CONTACT:</b>			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a>			

**Conformity with the Governing Preliminary Plat:** Chapter 5.III.A.2 requires that major subdivisions which include the subject plat be accompanied by a preliminary plat, and Chapter 5.III.A.3 of the Land Division and Subdivision Ordinance (LDSO) states that “the final plat shall generally conform to the preliminary subdivision plat as approved by the City Planning Commission”. 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.

**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 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”.

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

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

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.

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.** 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]

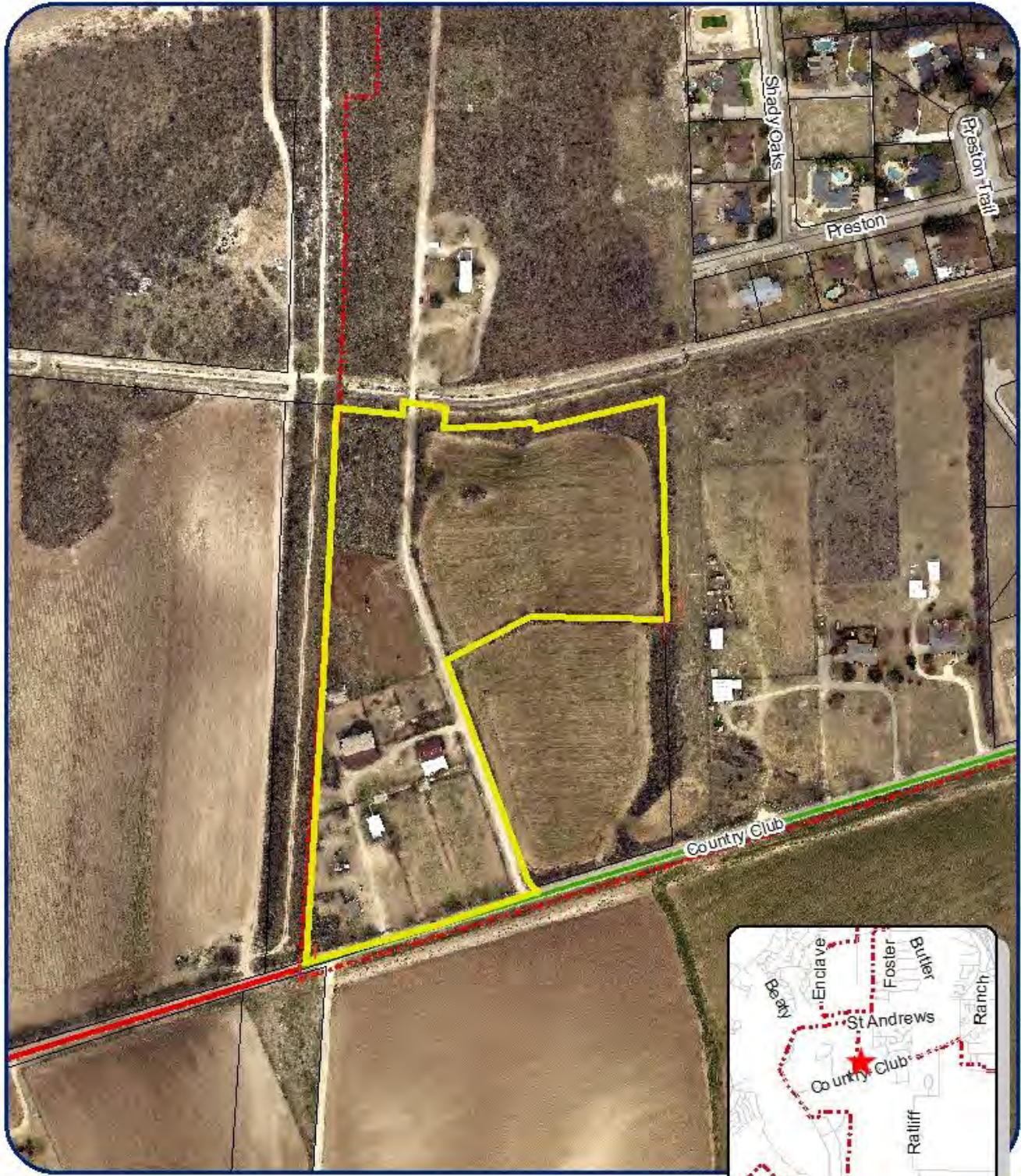
Notes:

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

**Attachments:**

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





**Location Map Preliminary Plat**

**Country Club Estates West**

Council District 1 - Tommy Hiebert  
Neighborhood: Country Club  
Scale: 1" approx. = 310 ft

**Legend**

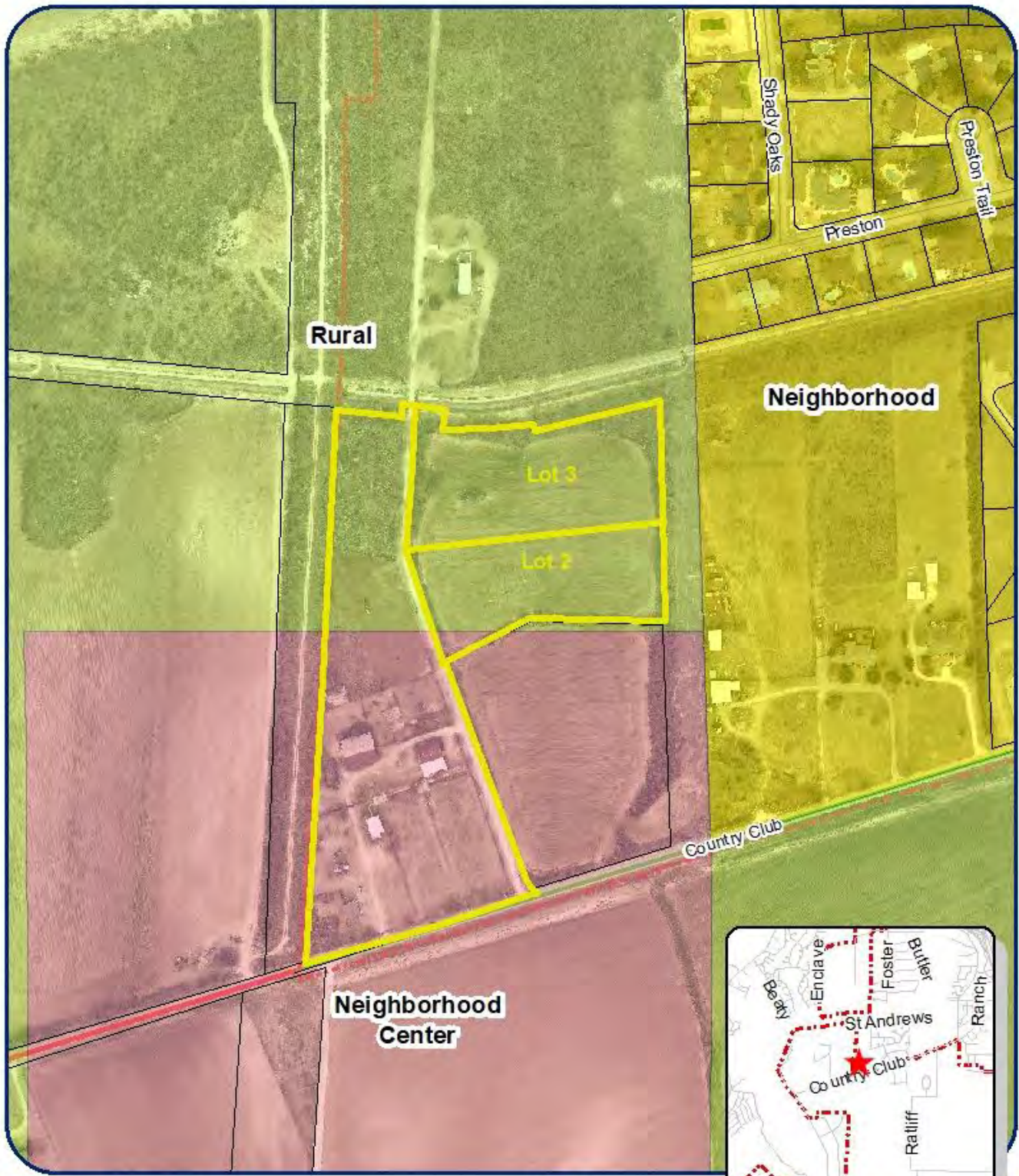
- Subject Properties: Ranch & Estate (R&E)
- Current Zoning: Preliminary Plat
- Requested Action: NC in the SW corner & Rural



Abst: A-0133 S-0171 Survey: P Duffy 16.239 acres

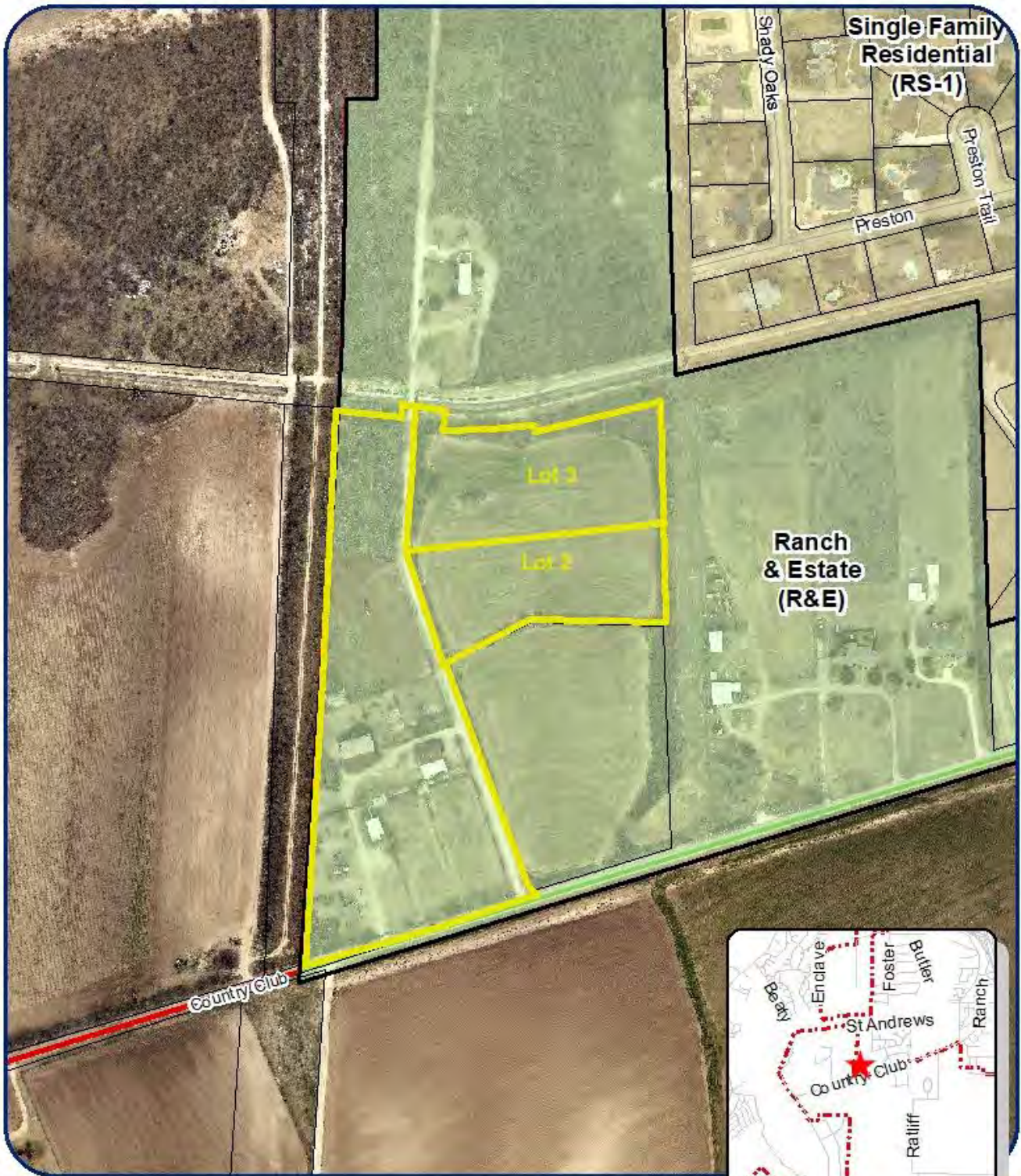
**AERIAL MAP**





<p><b>Location Map Final Plat</b>  <b>Country Club Estates West, Section Two</b>                  Council District 1 - Tommy Hiebert                  Neighborhood: Country Club                  Scale: 1" approx. = 310 ft                    Abst: A-0133 S-0171 Survey: P Duffy 7.425 acres</p>	<p><b>Legend</b>                  Subject Properties:                   Current Zoning: <b>Ranch &amp; Estate (R&amp;E)</b>                  Requested Action: <b>Final Plat</b>                  Vision: <b>NC in the SW corner &amp; Rural</b></p>	<p>N      <b>VISION</b></p>
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**Location Map Final Plat**

**Country Club Estates West, Section Two**  
 Council District 1 - Tommy Hiebert  
 Neighborhood: Country Club  
 Scale: 1" approx. = 310 ft

**Legend**

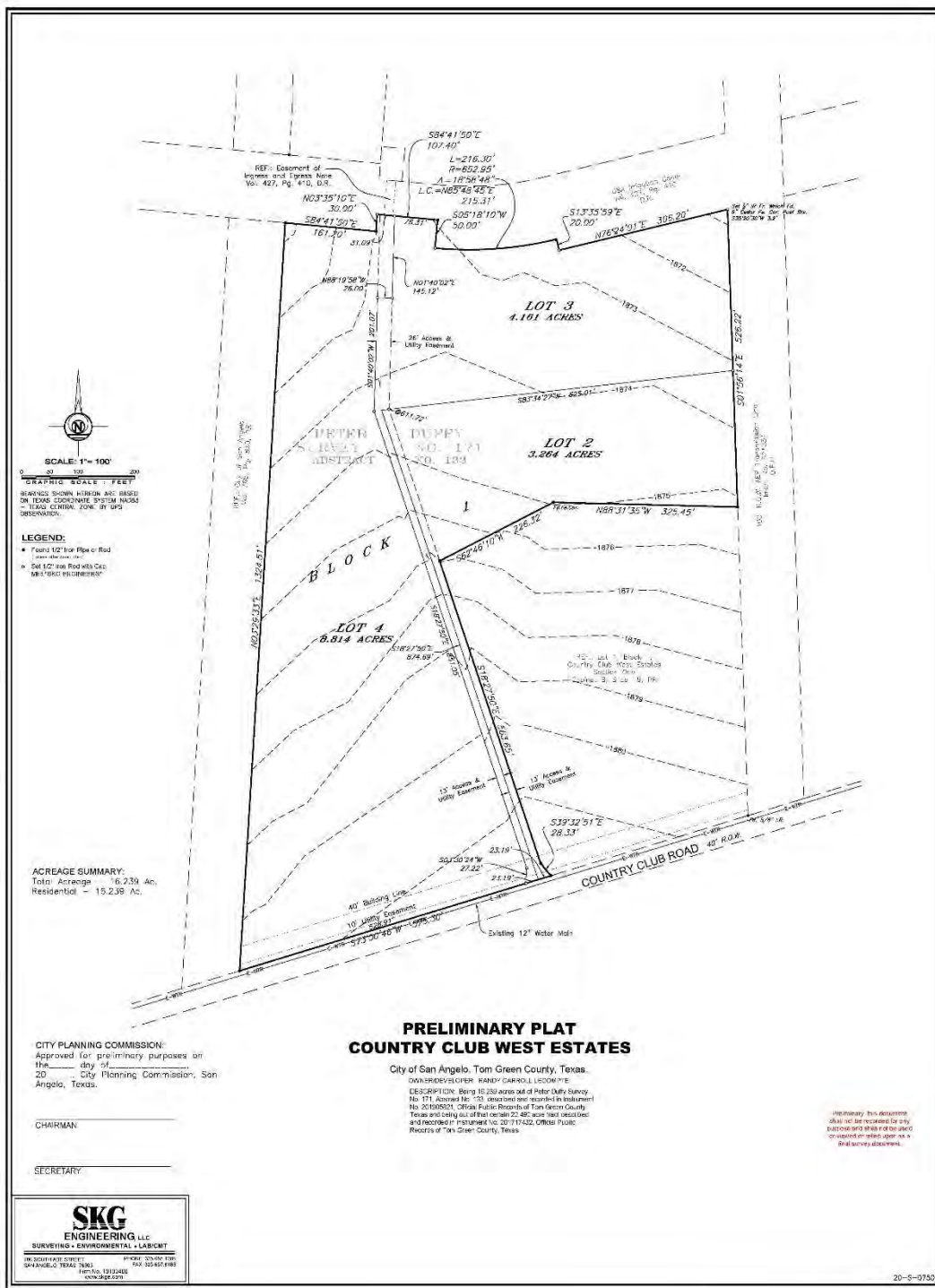
Subject Properties: **Ranch & Estate (R&E)**  
 Current Zoning: **Ranch & Estate (R&E)**  
 Requested Action: **Final Plat**  
 Vision: **NC in the SW corner & Rural**



Abst: A-0133 S-0171 Survey: P Duffy 7.425 acres

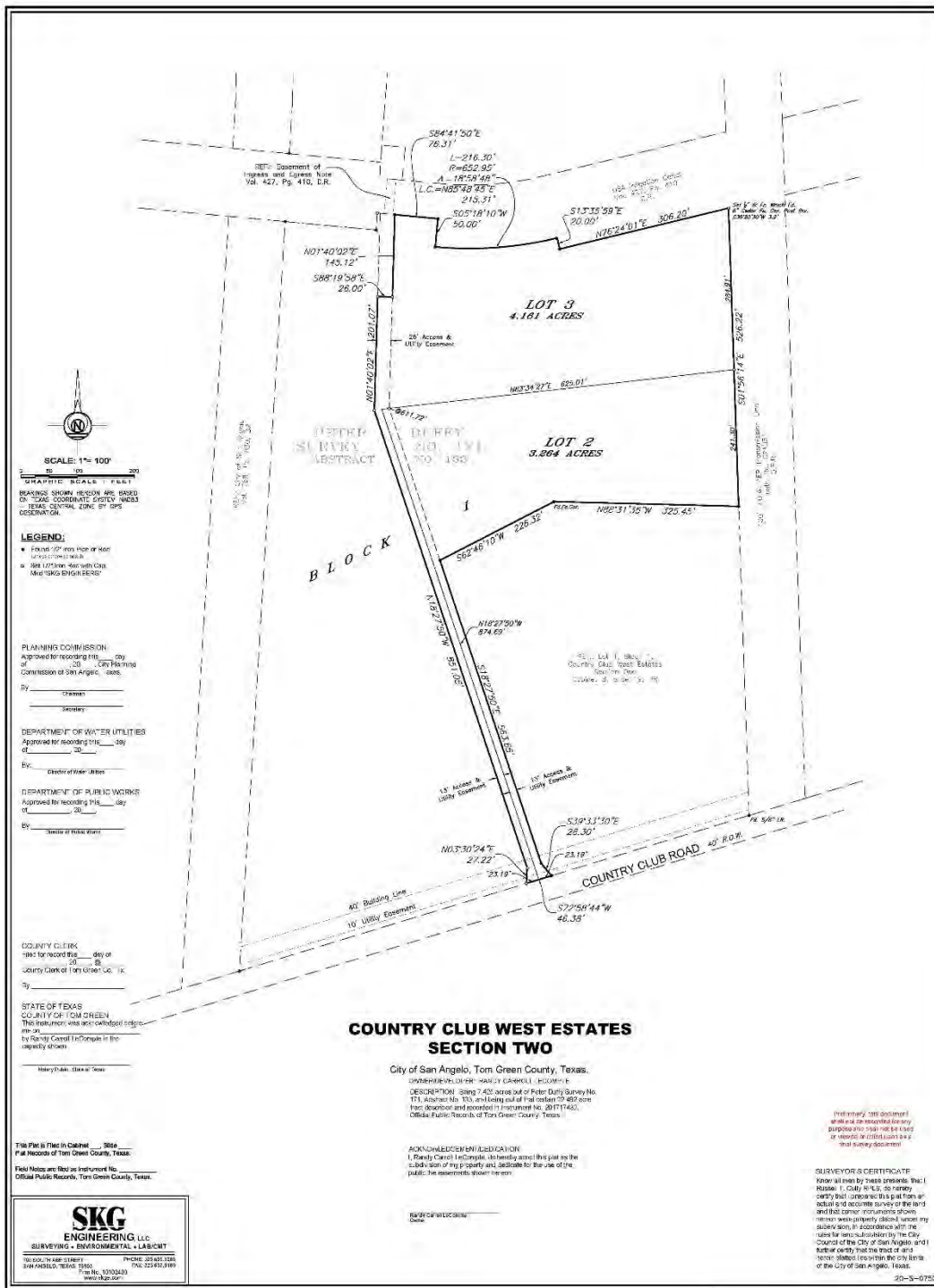
**EXISTING ZONING**

# Proposed Preliminary Plat





Proposed Final Plat





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



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

**Section 1: Basic Information**

Preliminary Plat Country Club West Estates

Proposed Subdivision Name

Abst: A-0133 S-0171, Survey: P DUFFY, 16.239 ACRE TRACT

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

38-00133-0004-010-01

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

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

Authorized Representative:  Tenant  Property Owner  Contractor  Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner: Randy LeCompte 979-398-4552 randyclecompte2@gmail.com

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

Name	Phone Number	Email Address
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Subdivision Type:  Final Plat  Replat - requiring Planning Commission approval  Plat Vacation  
 Preliminary Plat  Replat - administratively eligible\*  Amended Plat

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

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

**Section 2: Utility & Easement Information**

Water:  City - requesting new services Proposed size? 1"  
 City - utilizing existing services Existing size? \_\_\_\_\_  
 Other Please specify: \_\_\_\_\_

Sewer:  City - requesting new services Proposed size? \_\_\_\_\_  
 City - utilizing existing services Existing size? \_\_\_\_\_  
 Other Please specify: \_\_\_\_\_  
 Septic System Lot size? Greater than 3 acres

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

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

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



**Section 3: Property Characteristics**

16.239 3

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

Existing Zoning:

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

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

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

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

Vacant \_\_\_\_\_  Single-Family Residential 16.239  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail \_\_\_\_\_

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

Vacant \_\_\_\_\_  Single-Family Residential 16.239  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 See attached separate request.

If yes, provide all of the following information:

**Request 1:** Section & subsection from Subdivision Ordinance from which variance is requested: \_\_\_\_\_

Full variance requested  Partial variance requested (proposed variation from standard): \_\_\_\_\_

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

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

\_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_

(Section 4 continues on next page)

**Section 4, continued**

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

*Kimberly Carroll LeCompte*  
 Owner's Signature

*Blak Jolly*  
 Representative's Signature

6/15/20  
 Date

6-22-2020  
 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: \_\_\_\_\_





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**

Country Club West Estates - Section Two

Proposed Subdivision Name

Abst: A-0133 S-0171, Survey: P DUFFY, 16.239 ACRE TRACT

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

38-00133-0004-010-01

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

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

Authorized Representative:  Tenant  Property Owner  Contractor  Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner:	Randy LeCompte	979-398-4552	randyclecompte2@gmail.com
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Name	Phone Number	Email Address
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Architect/Engineer/Design Professional:	SKG Engineering	325-655-1288	rg@skge.com
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Name	Phone Number	Email Address
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Subdivision Type:  Final Plat  Replat - requiring Planning Commission approval  Plat Vacation  
 Preliminary Plat  Replat - administratively eligible\*  Amended Plat

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

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

**Section 2: Utility & Easement Information**

Water:  City - requesting new services Proposed size? 1"  
 City - utilizing existing services Existing size? \_\_\_\_\_  
 Other Please specify: \_\_\_\_\_

Sewer:  City - requesting new services Proposed size? \_\_\_\_\_  
 City - utilizing existing services Existing size? \_\_\_\_\_  
 Other Please specify: \_\_\_\_\_  
 Septic System Lot size? Greater than 3 acres

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

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

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

**Section 3: Property Characteristics**

7.425 2

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

Existing Zoning:

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

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

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

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

Vacant \_\_\_\_\_  Single-Family Residential 7.425  Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_  Industrial/Manufacturing \_\_\_\_\_  Commercial/Retail \_\_\_\_\_

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

Vacant \_\_\_\_\_  Single-Family Residential 7.425  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 See attached separate request.

If yes, provide all of the following information:

**Request 1:** Section & subsection from Subdivision Ordinance from which variance is requested: \_\_\_\_\_

Full variance requested  Partial variance requested (proposed variation from standard): \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Section 4 continues on next page)





SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

**Section 4: Variance Requests**

Request \_\_\_\_: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: \_\_\_\_\_  
To not widen Country Club Road 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.  
Country Club Road is currently function at its current width. Granting the variance  
and is not detrimental to the public safety or injurious to other property.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.  
The City had the opportunity to widen Country Club Road when it was reconstructed and determined it was  
unnecessary to widen at the time. This area is R&E zoning with significantly larger than normal residential lots.  
Future widening was determined to be necessary for development to the south side of Country Club Road.

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

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

**PLANNING COMMISSION – July 20, 2020  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Replat		First Replat of Lots 1-4, Block 10, Santa Rita Addition	
<b>SYNOPSIS:</b>			
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.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1510 West Avenue J; located near the northwest intersection of West Avenue J and Grierson Street		Being west 10' of Lot 1 and all of Lots 2-4, Block 10, Santa Rita Addition	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #5: Lane Carter Neighborhood: Santa Rita	RS-1	N – Neighborhood	0.553 acres
<b>THOROUGHFARE PLAN:</b>			
<i>West Avenue J</i> – Local Street - 50' ROW required (80' existing), 40' or 36' with a 4' sidewalk pavement required (36' provided)			
<b>NOTIFICATIONS:</b>			
15 notifications were mailed with a 200-foot radius on July 7, 2020 for this replat. No responses received.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of a “First Replat of Lots 1-4, Block 10, Santa Rita Addition”; <b>APPROVAL</b> of a <b>VARIANCE</b> to maintain 36 feet of paving width with curb and gutter for West Avenue J, subject to <b>four conditions of approval</b> .			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Erica Carter, Carter-Fentress Engineering LLC Owner: Cole McCrory			
<b>STAFF CONTACT:</b>			
Shelly Paschal Planner (325) 657-4210, Extension 1533 <a href="mailto:shelly.paschal@cosatx.us">shelly.paschal@cosatx.us</a>			



**Additional Information:** 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.

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

The subject property is designated “Neighborhood.” The “Neighborhood” designation in the City’s Comprehensive Plan which intends to “promote vibrant and viable neighborhoods.” 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).

**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.**

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]

**Attachments:**

Aerial Map

Future Land Use Map

Zoning Map

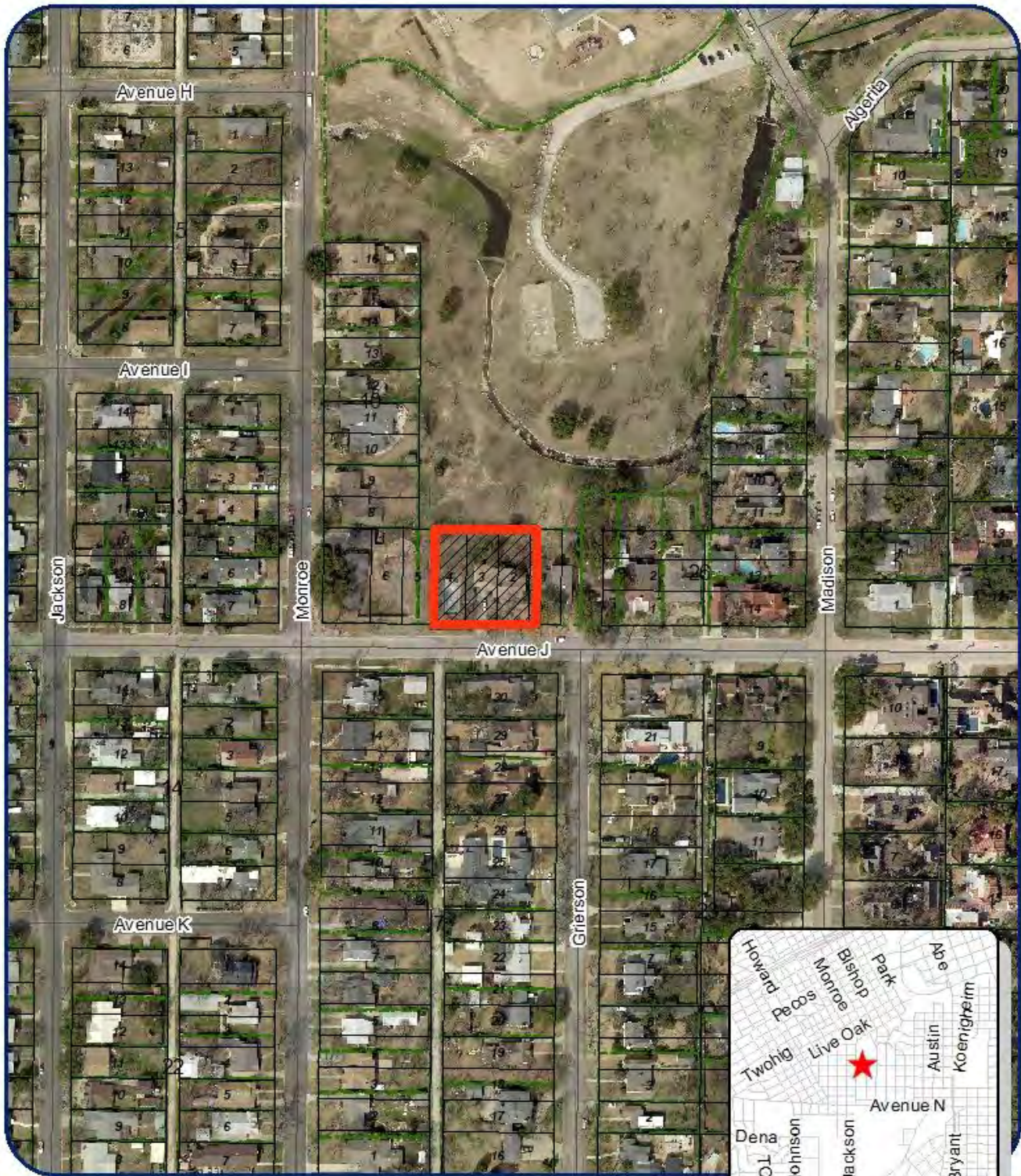
Photo

Proposed replat

Proposed replat with structures

Application with variance request





**Location Map 1st Replat Lots 1-4, Blk 10**

**Santa Rita Addition**

Council District 5 - Lane Carter  
 Neighborhood: Santa Rita  
 Scale: 1" approx. = 200 ft

**Legend**

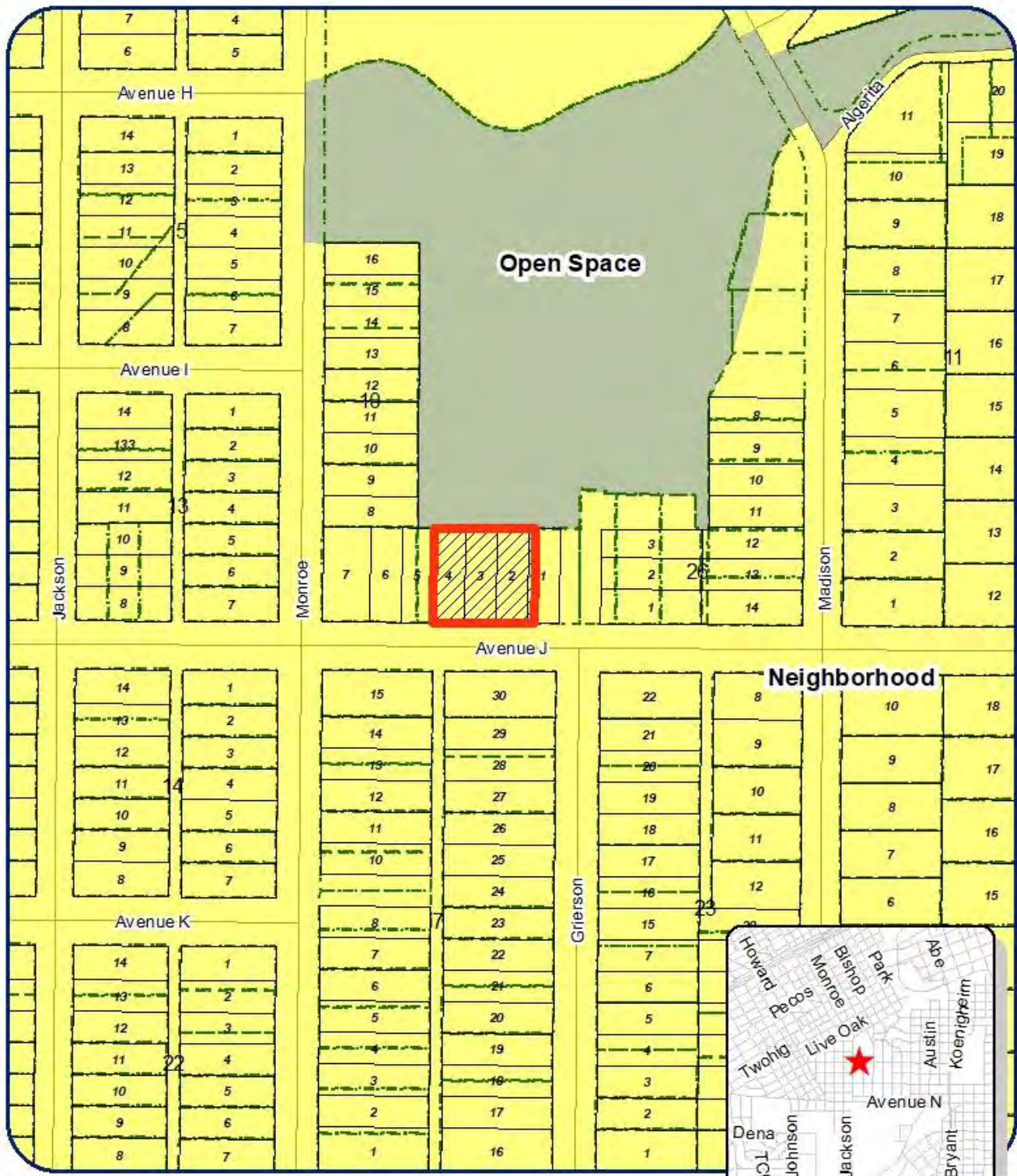
Subject Properties:   
 Current Zoning: **RS-1**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood**

N



1510 W Ave J; being w10' of Lot1 & Lots 2-4, Block 10, Santa Rita Addition







**Location Map 1st Replat Lots 1-4, Blk 10**

**Santa Rita Addition**  
 Council District 5 - Lane Carter  
 Neighborhood: Santa Rita  
 Scale: 1" approx. = 200 ft

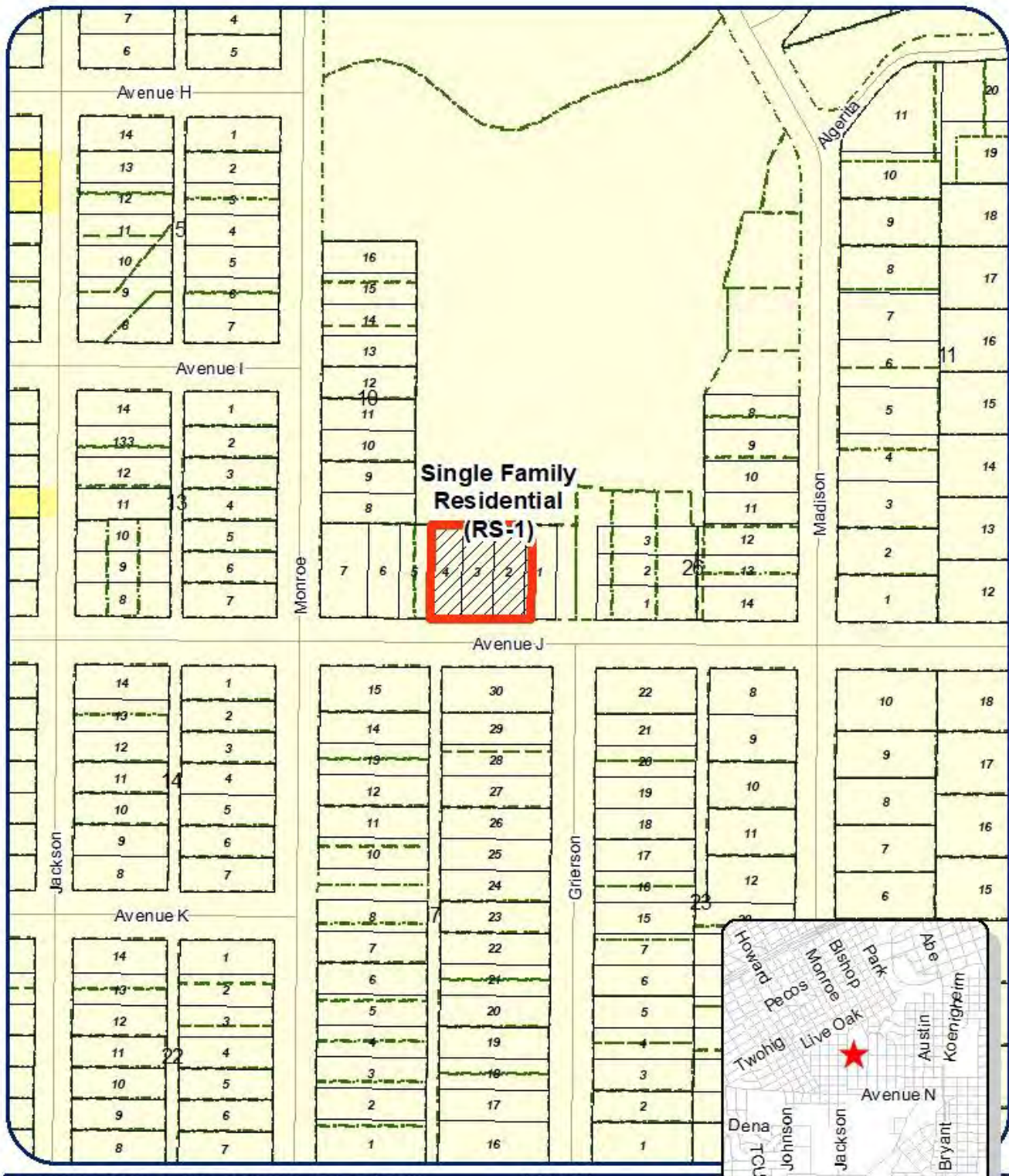
**Legend**

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

1510 W Ave J; being w10' of Lot1 & Lots 2-4, Block 10, Santa Rita Addition

N  
  








**Location Map 1st Replat Lots 1-4, Blk 10**

**Santa Rita Addition**  
 Council District 5 - Lane Carter  
 Neighborhood: Santa Rita  
 Scale: 1" approx. = 200 ft

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

1510 W Ave J; being w10' of Lot1 & Lots 2,4, Block 10, Santa Rita Addition

N



Photos of Site



Bearing Basis hereon is Texas State Plane Coordinate System, Reference Frame North American Datum 1983 (2011) (EPOCH 2010.0000), as determined from Global Navigation Satellite System (GNSS) survey equipment by Static, Virtual Reference System (VRS) network and or Real Time Kinematic (RTK).  
 Distances shown hereon are shown as grid Texas State Plane Coordinate System distances.

This plat is filed in Cabinet \_\_\_\_\_, Slide \_\_\_\_\_  
 Plat Records of Tom Green County, Texas.

**LEGEND**

- ⊙ FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD
- SUBJECT PROPERTY BOUNDARY
- - - ADJACENT PROPERTY LINE
- - - EASEMENT

**DEPARTMENT OF PLANNING**  
 Approved for recording this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_.  
 By: \_\_\_\_\_  
 Director of Planning

**DEPARTMENT OF PUBLIC WORKS**  
 Approved for recording this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_.  
 By: \_\_\_\_\_  
 Director of Public Works

**DEPARTMENT OF WATER UTILITIES**  
 Approved for recording this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_.  
 By: \_\_\_\_\_  
 Director of Water Utilities

**COUNTY CLERK**  
 Approved for recording this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_.  
 County Clerk of Tom Green County, Texas  
 By: \_\_\_\_\_

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

**REPLAT OF LOTS 1-4  
 BLOCK 10, SANTA RITA ADDITION, CITY OF  
 SAN ANGELO,  
 TOM GREEN COUNTY, TEXAS**

OWNER: Cole McCrory Family, LP  
 Being the west 10' of Lot 1 and all of  
 Lot 2, 3, & 4, Block 10, Santa Rita  
 Addition of San Angelo, Tom Green  
 County, Texas, according to the plat  
 recorded in Volume 112, Page 2, Deed  
 Records of Tom Green County, Texas.

**DEDICATION / ACKNOWLEDGEMENT**  
 We, Cole and Collin McCrory, do hereby adopt this plat as the subdivision of my property and dedicate for the use to the public the streets, alleys and easements as shown.

Cole McCrory \_\_\_\_\_  
 Collin McCrory \_\_\_\_\_

STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
 Notary Public in and for the State of Texas

Field: HB  
 Office: EC  
 Job # 20050032

Registered Prof. Land Surveyor  
 Texas Registration No. 6625

**MCMILLAN AND QUINN, INC.** FIRM NO. 10194241 P.O. BOX 3506 SAN ANGELO, TEXAS PHONE: (325) 939-0043 EMAIL: info@mabq.com Copyright 2019 All Rights Reserved

Bearing Basis hereon is Texas State Plane Coordinate System, Reference Frame North American Datum 1983 (2011) (EPOCH 2010.0000), as determined from Global Navigation Satellite System (GNSS) survey equipment by Static, Virtual Reference System (VRS) network and or Real Time Kinematic (RTK).  
 Distances shown hereon are shown as grid Texas State Plane Coordinate System distances.

This plat is filed in Cabinet \_\_\_\_\_, Slide \_\_\_\_\_  
 Plat Records of Tom Green County, Texas.

**LEGEND**

- ⊙ FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD
- SUBJECT PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- EASEMENT

**DEPARTMENT OF PLANNING**  
 Approved for recording this \_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_  
 By: \_\_\_\_\_  
 Director of Planning

**DEPARTMENT OF PUBLIC WORKS**  
 Approved for recording this \_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_  
 By: \_\_\_\_\_  
 Director of Public Works

**DEPARTMENT OF WATER UTILITIES**  
 Approved for recording this \_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_  
 By: \_\_\_\_\_  
 Director of Water Utilities

**COUNTY CLERK**  
 Approved for recording this \_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_  
 County Clerk of Tom Green County, Texas  
 By: \_\_\_\_\_

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

**REPLAT OF LOTS 1-4  
 BLOCK 10, SANTA RITA ADDITION, CITY OF  
 SAN ANGELO,  
 TOM GREEN COUNTY, TEXAS**

OWNER: Cole McCrory Family, LP  
 Being the west 10' of Lot 1 and all of  
 Lot 2, 3, & 4, Block 10, Santa Rita  
 Addition of San Angelo, Tom Green  
 County, Texas, according to the plat  
 recorded in Volume 112, Page 2, Deed  
 Records of Tom Green County, Texas.

**DEDICATION / ACKNOWLEDGEMENT**  
 We, Cole and Collin McCrory, do hereby adopt this plat as  
 the subdivision of my property and dedicate for the use  
 to the public the streets, alleys and easements as shown.

Cole McCrory  
 Collin McCrory

STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on the  
 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 By: \_\_\_\_\_  
 Notary Public in and for the State of Texas

Field: HB  
 Office: EC  
 Job # 20050032  
 Registered Prof. Land Surveyor  
 Texas Registration No. 6625  
**MCMILLAN AND QUINN, INC.** FIRM NO. 10194241 P.O. BOX 3506 SAN ANGELO, TEXAS PHONE: (325) 939-0043 EMAIL: info@mqlbx.com Copyright 2019 All Rights Reserved



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**

1st Replat of Lots 1-4, Block 10, Santa Rita Addition

Proposed Subdivision Name

Lot: 2,3,& 4 & WEST 10 FT OF LOT 1, Blk: 10, Subd: SANTA RITA ADDITION

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

23-42400-0010-002-00

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

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

Authorized Representative:  Tenant  Property Owner  Contractor  Engineer

Tenant:

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

Property Owner: Cole McCrory

325-716-3013

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

Architect/Engineer/Design Professional: Erica Carter

325-716-3013

ecarter@fentresseng.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? \_\_\_\_\_  
 City - utilizing existing services Existing size? 6"  
 Other Please specify: \_\_\_\_\_

Sewer:  City - requesting new services Proposed size? \_\_\_\_\_  
 City - utilizing existing services Existing size? 6"  
 Other Please specify: \_\_\_\_\_  
 Septic System Lot size? \_\_\_\_\_

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

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

If yes, briefly describe each, including the use and size: 10' utility easement for existing sewer main



**Section 3: Property Characteristics**

0.55 2

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

Existing Zoning:

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

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

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

Vacant \_\_\_\_\_    Single-Family Residential 0.55    Office \_\_\_\_\_  
 Multi-Family Residential \_\_\_\_\_    Industrial/Manufacturing \_\_\_\_\_    Commercial/Retail \_\_\_\_\_

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

Vacant \_\_\_\_\_    Single-Family Residential 0.55    Office \_\_\_\_\_  
 Multi-Family Residential \_\_\_\_\_    Industrial/Manufacturing \_\_\_\_\_    Commercial/Retail \_\_\_\_\_

Are there existing structures on the property?    Yes    No

If yes, how many structures exist? 2   What type of structures exist currently? 1 house and 1 pool  
Pool will be removed.

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

Are there existing deed restrictions?    Yes    No

If yes, provide deed reference information: \_\_\_\_\_

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

**Section 4: Variance Requests**

Are any variances for this application being requested?    Yes    No

If yes, provide all of the following information:

**Request 1:** Full ordinance citation from Subdivision Ordinance standard from which variance is requested: Ch. 10.III.A.2 to maintain deficient paving width

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 street has not been a problem area that is prone to multiple accidents or wrecks. The need for any improvement is not needed at this time in terms of safety because this street is experiencing little to no accidents.

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 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.

(Section 4 continues on next page)

**Section 4, continued**

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.  
 The physical condition of the land is mainly concrete, and extending the asphalt width would  
 \_\_\_\_\_  
 create a hardship to the owner.  
 \_\_\_\_\_

The variance will not, in any significant way, vary the provisions of applicable ordinances.  
Approval of these variances will not, in any significant way, cause the provisions of applicable ordinances because the existing roadway is identical to other roads in the area and is sufficient to provide safe and orderly flow of required traffic within this subdivision.  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

Owner's Signature \_\_\_\_\_ Date 6/24/20  
  
 Representative's Signature \_\_\_\_\_ Date 6/24/2020

**FOR OFFICE USE ONLY:**

Submitted to front desk: \_\_\_\_\_ Deemed preliminary complete: \_\_\_\_\_  
Date Date Time Initials

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

Completeness review passed?  Yes \_\_\_\_\_  No \_\_\_\_\_  
Date Date

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: \_\_\_\_\_  
 Date Recorded: \_\_\_\_\_

**PLANNING COMMISSION – July 20, 2020  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Replat		First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine	
<b>SYNOPSIS:</b>			
<p>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.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1938 South Concho Drive, Southeast of Knickerbocker Road and South Concho Drive		Lots 25 and 26 in Lake Nasworthy Addition, Group Nine	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District: Tommy Hiebert (SMD#1) Neighborhood: Nasworthy		RS-1	N – Neighborhood
			<b>SIZE:</b> 1.104 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>South Concho Drive</b> – 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</p>			
<b>NOTIFICATIONS:</b>			
6 notifications were mailed with a 200-foot radius on July 2, 2020 for this replat. No responses received.			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff recommends <b>APPROVAL</b> of a “First Replat of Lots 25 and 26, Lake Nasworthy Addition, Group Nine”; and <b>APPROVAL</b> of a <b>VARIANCE</b> 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 <b>four conditions of approval</b>.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Russell Gully, SKG Engineering LLC Owners: Timothy S. Riggan (Lot 25); City of San Angelo (Lot 26)			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			



**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 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.

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

**Attachments:**

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



**First Replat of Lots 25 and 26**  
**Lake Nasworthy Addition, Group Nine**

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

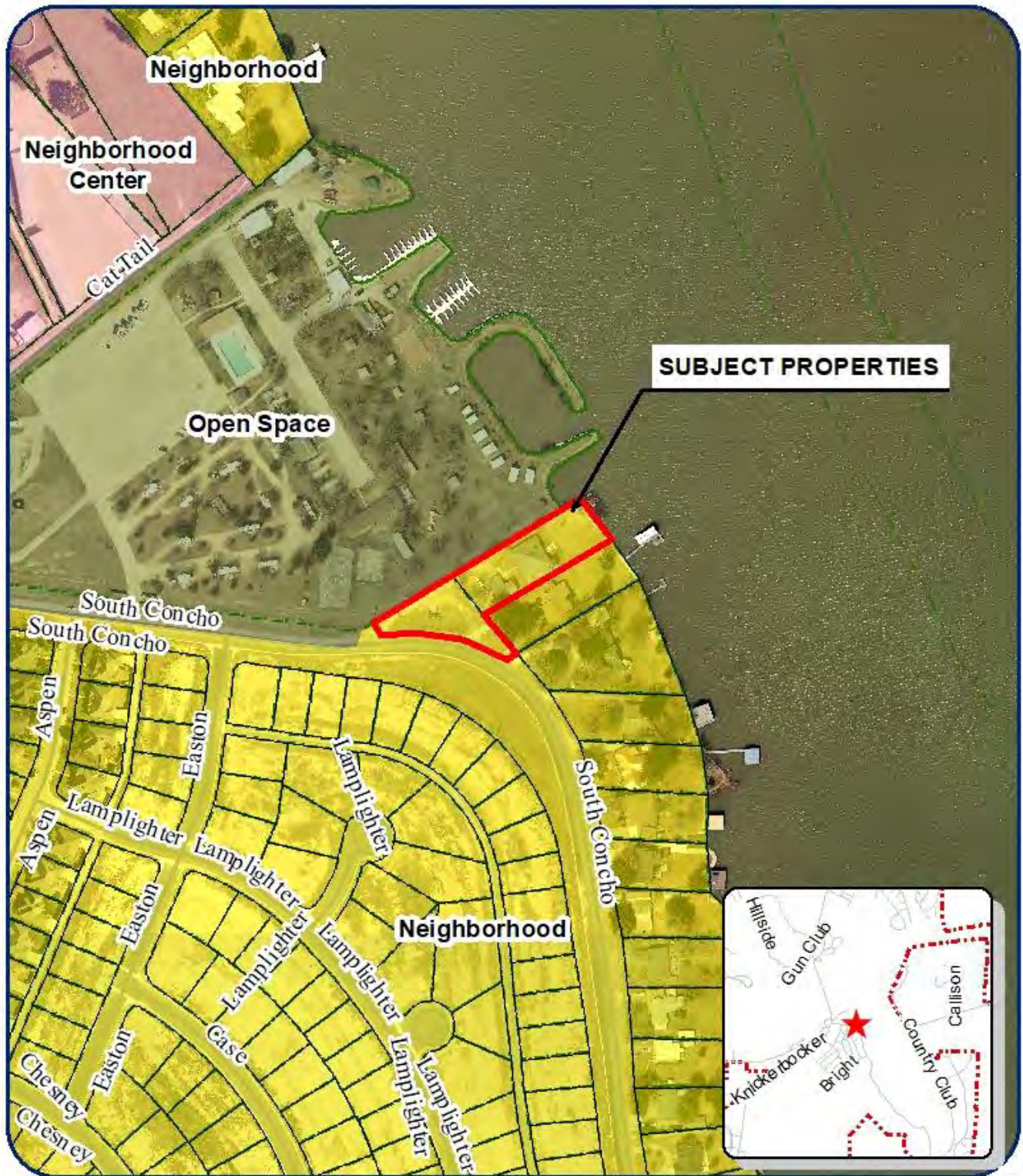
1938 S. Concho Drive and adjacent street ROW, total 1.104 ac.

**Legend**

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







**First Replat of Lots 25 and 26**  
**Lake Nasworthy Addition, Group Nine**

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

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

**Legend**

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







**First Replat of Lots 25 and 26**  
**Lake Nasworthy Addition, Group Nine**

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

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

**Legend**

Subject Properties: █  
 Current Zoning: **RS-1**  
 Requested Zoning Change: **N/A**  
 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)



SOUTHBOUND 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







SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

**Section 4: Variance Requests**

Request \_\_\_\_: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: \_\_\_\_\_

To widen the street by a portion of the full required incremental half width & install curb and gutter

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. The City granted themselves variances on these improvements when they platted the property in the past so they should be willing to do the same for this one small lot.

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.  
No other segments of South Concho Drive in close proximity have curb & gutter along the side of the street.

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



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



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

**Section 1: Basic Information**

First Replat of Lots 25 and 26 Lake Nasworthy Addition Group 9

Proposed Subdivision Name  
 Lot: 25, Blk: 1, Subd: LAKE NASWORTHY, GROUP 9; Lot: 26, Blk: 1, Subd: LAKE NASWORTHY, GROUP 9

Current Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))  
 28-04200-0000-025-00, 28-04200-0000-026-00

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

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

Authorized Representative:  Tenant  Property Owner  Contractor  Engineer

Tenant:

Name	Phone Number	Email Address
Property Owner: Timothy S. Riggan	(432) 664-2718	triggan@hotmail.com
Name	Phone Number	Email Address
Architect/Engineer/Design Professional: SKG Engineering	325-655-1288	rg@skge.com
Name	Phone Number	Email Address

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

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

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

**Section 2: Utility & Easement Information**

Water:  City - requesting new services Proposed size? \_\_\_\_\_  
 City - utilizing existing services Existing size? 1" - 2"  
 Other Please specify: \_\_\_\_\_

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

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

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

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



**Section 3: Property Characteristics**

1.104 1

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

Existing Zoning:

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

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

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

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

Vacant 0.436    Single-Family Residential 0.669    Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_    Industrial/Manufacturing \_\_\_\_\_    Commercial/Retail \_\_\_\_\_

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

Vacant 0.111    Single-Family Residential 0.993    Office \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_    Industrial/Manufacturing \_\_\_\_\_    Commercial/Retail \_\_\_\_\_

Are there existing structures on the property?  Yes    No

If yes, how many structures exist? 4   What type of structures exist currently? Frame Residence, Out Buildings, Covered Boat Dock

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   SEE ATTACHED

If yes, provide all of the following information:

**Request 1:** Section & subsection from Subdivision Ordinance from which variance is requested: \_\_\_\_\_

Full variance requested    Partial variance requested (proposed variation from standard): \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

(Section 4 continues on next page)

Section 4, continued

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plat 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.

*Smith Phelan*  
 Owner's Signature

*Ad Stelly*  
 Representative's Signature

6-22-2020  
 Date

6-22-2020  
 Date

**FOR OFFICE USE ONLY**

Submitted to front desk: \_\_\_\_\_ Date \_\_\_\_\_ Deemed preliminary complete: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Initials \_\_\_\_\_

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

Completeness review passed?  Yes \_\_\_\_\_ Date \_\_\_\_\_  No \_\_\_\_\_ Date \_\_\_\_\_

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

If no, what was rejection & list of deficiencies (if any only) sent to Authorized Representative? \_\_\_\_\_ Date \_\_\_\_\_ Initials \_\_\_\_\_

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

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

Approvals required for this application:


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

Date of Approval Expiration: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

**PLANNING COMMISSION – July 20, 2020  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Street Right-of-way Abandonment		South Marie Street (South of Roosevelt Street)	
<b>SYNOPSIS:</b>			
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).			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
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.	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
District #4 – Lucy Gonzales Fort Concho East Neighborhood	RS-1/CG	Commercial	0.688 ac. (30,000 sq. ft.)
<b>THOROUGHFARE PLAN:</b>			
<i>South Marie Street</i> – Urban Local Street, Required: 50' right-of-way, 40' pavement or 36' with 4' sidewalk; Provided: 60' right-of-way; unpaved street			
<b>NOTIFICATIONS:</b>			
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.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of the Street Right-of-Way Abandonment of the portion of South Marie Street, south of Roosevelt Street, subject to <b>two Conditions of Approval</b> .			
<b>PROPERTY OWNER/PETITIONER:</b>			
Owner/Petitioner: Earl Ayers			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Ext. 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			



**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.

- *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.

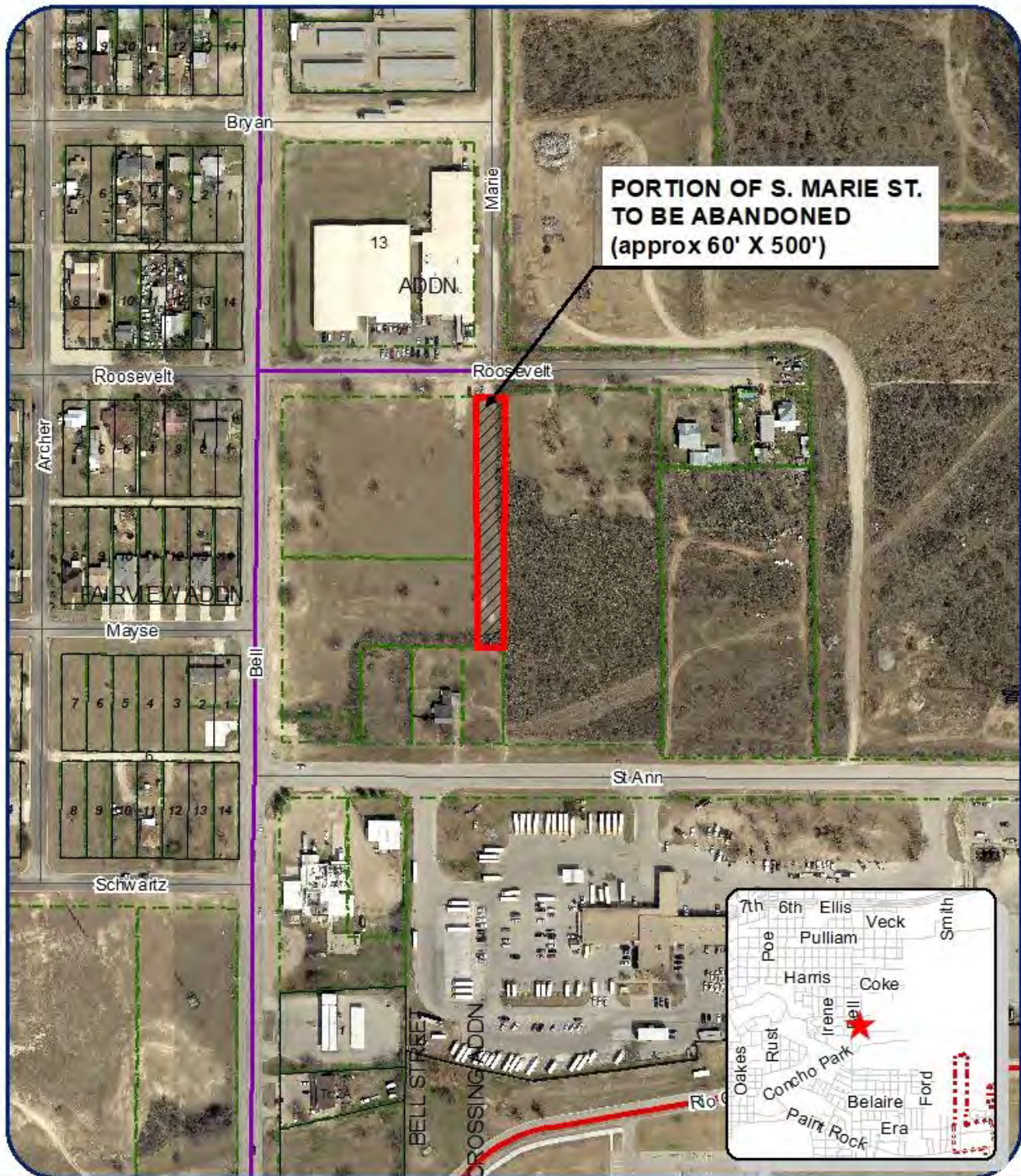
**Recommendation:**

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].

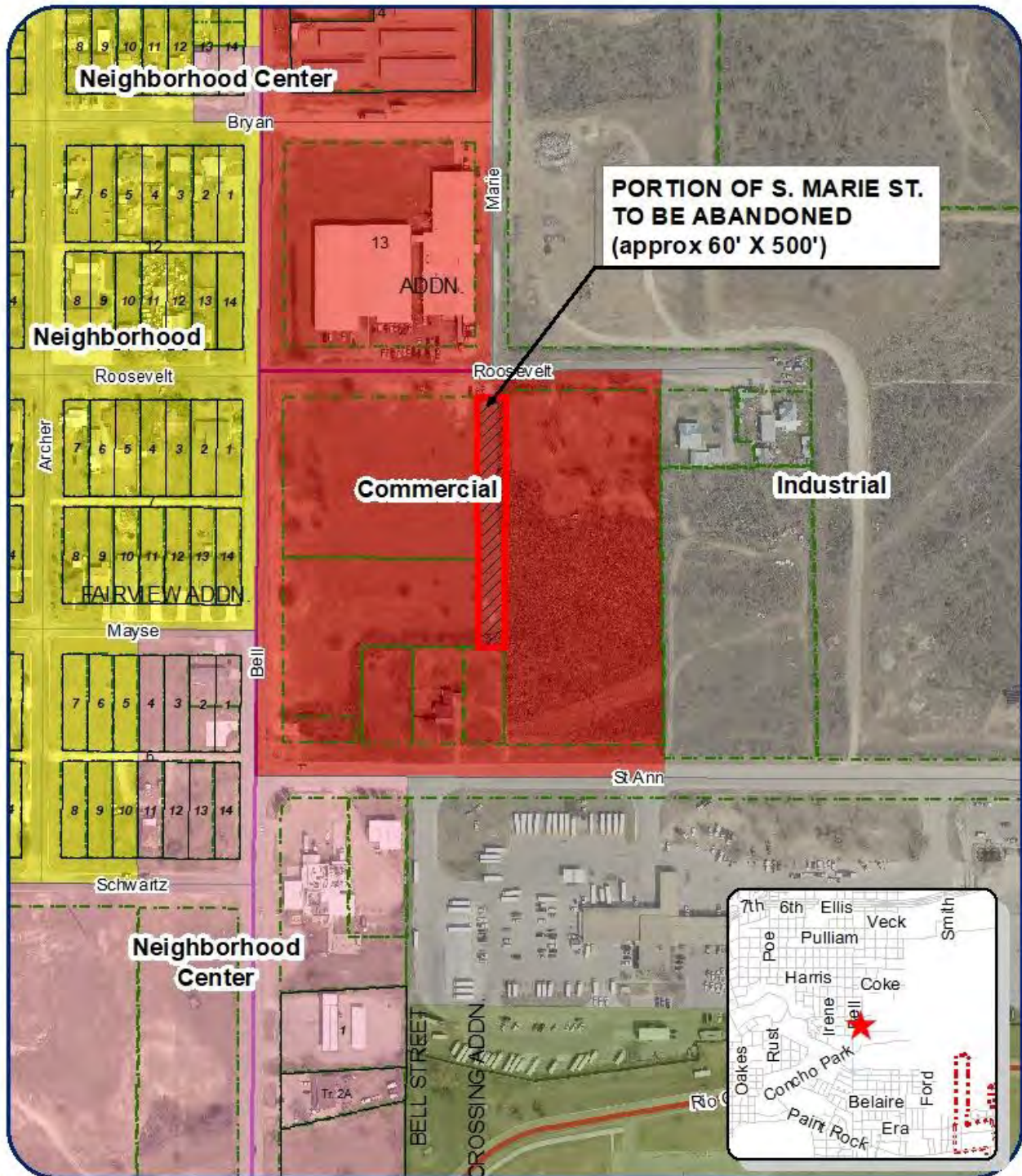
**Attachments:**




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



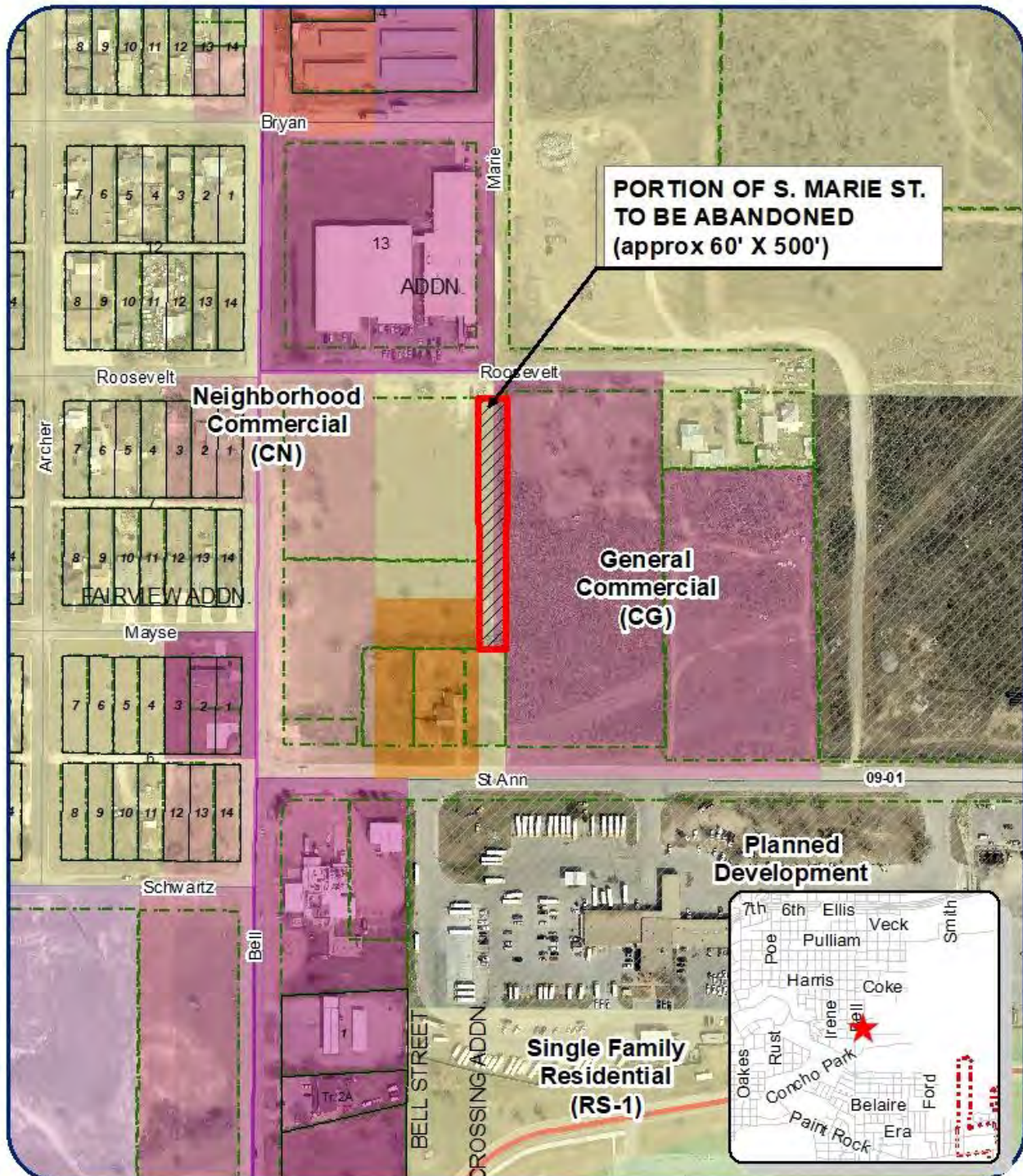
<b>Street Abandonment</b>		<b>Legend</b>		N 	
<b>Portion of S. Marie Street</b>		Subject Properties: 			
Council District: Lucy Gonzales - District 4		Current Zoning: <b>RS-1 and CG</b>			
Neighborhood: Fort Concho East		Requested Zoning Change: <b>N/A</b>			
Scale: 1" approx. = 250 ft		Vision: <b>Commercial</b>			
<b>Approx. 0.688 acres between Roosevelt Street and St. Ann Street</b>					





<b>Street Abandonment</b>		<b>Legend</b>		N 	
<b>Portion of S. Marie Street</b>		Subject Properties: 	Current Zoning: <b>RS-1 and CG</b>		
Council District: Lucy Gonzales -District 4		Requested Zoning Change: <b>N/A</b>			
Neighborhood: Fort Concho East		Vision: <b>Commercial</b>			
Scale: 1" approx. = 250 ft					
<b>Approx. 0.688 acres between Roosevelt Street and St. Ann Street</b>					





<b>Street Abandonment</b>		<b>Legend</b>		N ▲	
<b>Portion of S. Marie Street</b>		Subject Properties:			
Council District: Lucy Gonzales - District 4		Current Zoning: RS-1 and CG			
Neighborhood: Fort Concho East		Requested Zoning Change: N/A			
Scale: 1" approx. = 250 ft		Vision: Commercial			
<b>Approx. 0.688 acres between Roosevelt Street and St. Ann Street</b>					



**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.)

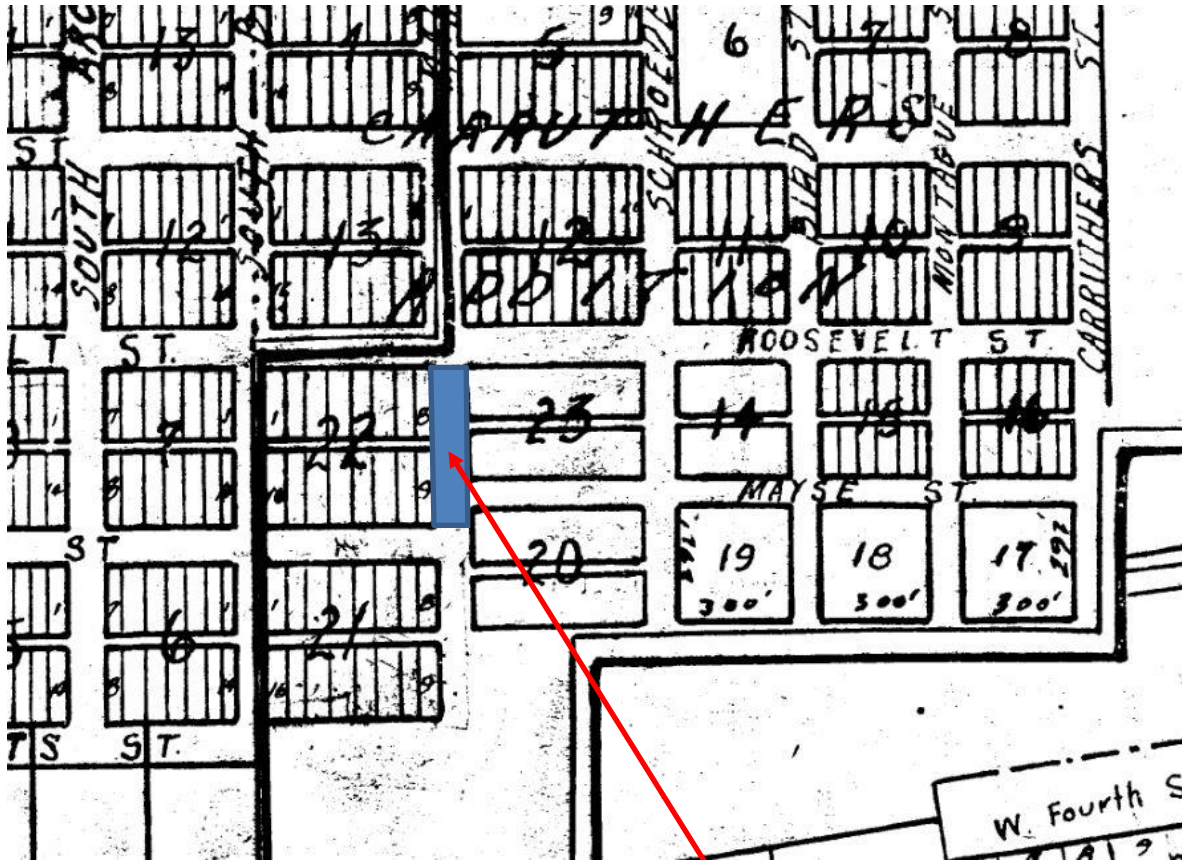


ROOSEVELT ST. LOOKING EAST





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



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

REGULATIVE JOURNAL



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



**Section 1: Basic Information**

Name of Applicant(s): Earl Ayers  
 Owner     Representative (Affidavit Required)

11438 Texas Oak                      Carslbud    Texas                      76934  
Mailing Address                      City                      State                      Zip Code

325-277-9353                              bayers@mayfieldpaper.com  
Contact Phone Number                      Contact E-mail Address

1619 Roosevelt                      San Angelo    Texas                      76903  
Subject Property Address                      City                      State                      Zip Code

**Legal: Acres: 5.000, Abst: A-1854 S-0326, Survey: G SCHUBITZ, 5.0000 ACRES**  
Legal Description (can be found on property tax statement or at [www.tourgis.com/](http://www.tourgis.com/))

Lot Size: 5 acres                              Zoning: RS-1

**Section 2: Site Specific Details**

Subdivision Name: \_\_\_\_\_

Lots and/or Blocks Affected\*: \_\_\_\_\_

\_\_\_\_\_

General Description of Location\*: abandoned street

\_\_\_\_\_

Reason for Abandonment\*: not in use

\_\_\_\_\_

\*Use attachment if necessary.

Effective January 3, 2017

**Section 3: Applicant's acknowledgement**

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

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

6-19-2020  
Date

Earl Ayers  
Printed name of licensee or authorized representative

\_\_\_\_\_  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

Non-Refundable Fee: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date paid: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date of hearing by Planning Commission: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of hearing by City Council: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: \_\_\_\_\_