

**PLANNING COMMISSION – March 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Preliminary/Final Plat		Preliminary Plat for Arden Acres, Section Three	
SYNOPSIS:			
A request for approval of a Preliminary Plat for Arden Acres, Section Three; being 61.820 acres, generally located southwest of the intersection of Arden Road and Northwest Drive. The applicant is wanting to rezone portions of this section and in doing so may have to replat in the future. The proposed preliminary plat contains 61.82 acres containing 144 residential lots with a total of 28.929 acres; two multi-family lots with a total of 12.925 acres; streets and rights-of-way for a total of 10.107 acres; and drainage easements for a total of 9.859 acres.			
LOCATION:		LEGAL DESCRIPTION:	
Southwest of the Arden Road, Northwest Drive intersection		Lot 2, Section Three Arden Acres Addition, and 2 nd replat in Block 3, Section Three, Lot 1, Block 3	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #6 – Billie DeWitt Neighborhood: Bluffs	Single-Family Residential (RS-1); General Commercial (CG); Heavy Commercial (CH)	Neighborhood/ Commercial	61.82 acres
THOROUGHFARE PLAN:			
<u>Arden Road</u> – Urban Major Arterial Street, Required 80’ min. ROW (98’ existing), 64’ pavement width (64’ existing)			
<u>Northwest Drive</u> – Urban Minor Collector Street, Required 60’ min. ROW (60’ existing), 50’ pavement width (50’ existing)			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Preliminary Plat of Lot 2, Section Three Arden Acres Addition, and 2 nd replat in Block 3, Section Three, Lot 1, Block 3			
PROPERTY OWNER/PETITIONER:			
<u>Property Owner</u> SJWK, LLC			
<u>Representative</u> Russell Gully, SKG Engineering			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 sherry.bailey@cosatx.us			



Conformity with Comprehensive Plan and Purpose Statements: The proposed preliminary plat will be consistent with the Neighborhood Future Land Use in the City’s Comprehensive Plan, 2009 Strategic Plan update. The Neighborhood policies call to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo neighborhoods.” The associated RS-1 proposed zoning as indicated will facilitate the construction of 144 new single-family homes within the final plat associated with this preliminary plat, consistent with the above policy.

The Commercial Future Land Use in the City’s Comprehensive Plan and 2009 Strategic Plan Update specifies the creation of physical connections to neighborhoods and the integration of neighborhoods with commercial development. The proposed preliminary plat does exactly that. It provides integration of roadways and sidewalks while tying single family, multiple family and commercial together through planned connections.

In reviewing the Preliminary Plat for Arden Acres in comparison with the Intent and Purpose Statements the plan addresses many of the purpose statements. Three of the more significant statements are: **C.** “provides for the orderly, safe and efficient development” of a growing area in San Angelo; **E.** “assists in guiding future growth and development in this section of the city; and **G.**” provides for the efficient use and extension of municipal utilities”. This area of San Angelo is starting to develop and expand. The almost 62 acres represented by this development is a mixed use area that provides for housing and services in a compact and comprehensive approach.

The applicant has submitted a Comprehensive Plan amendment and a rezoning request that follows the proposed preliminary plat. Their approach is a comprehensive approach for this area of San Angelo that ties their property together.

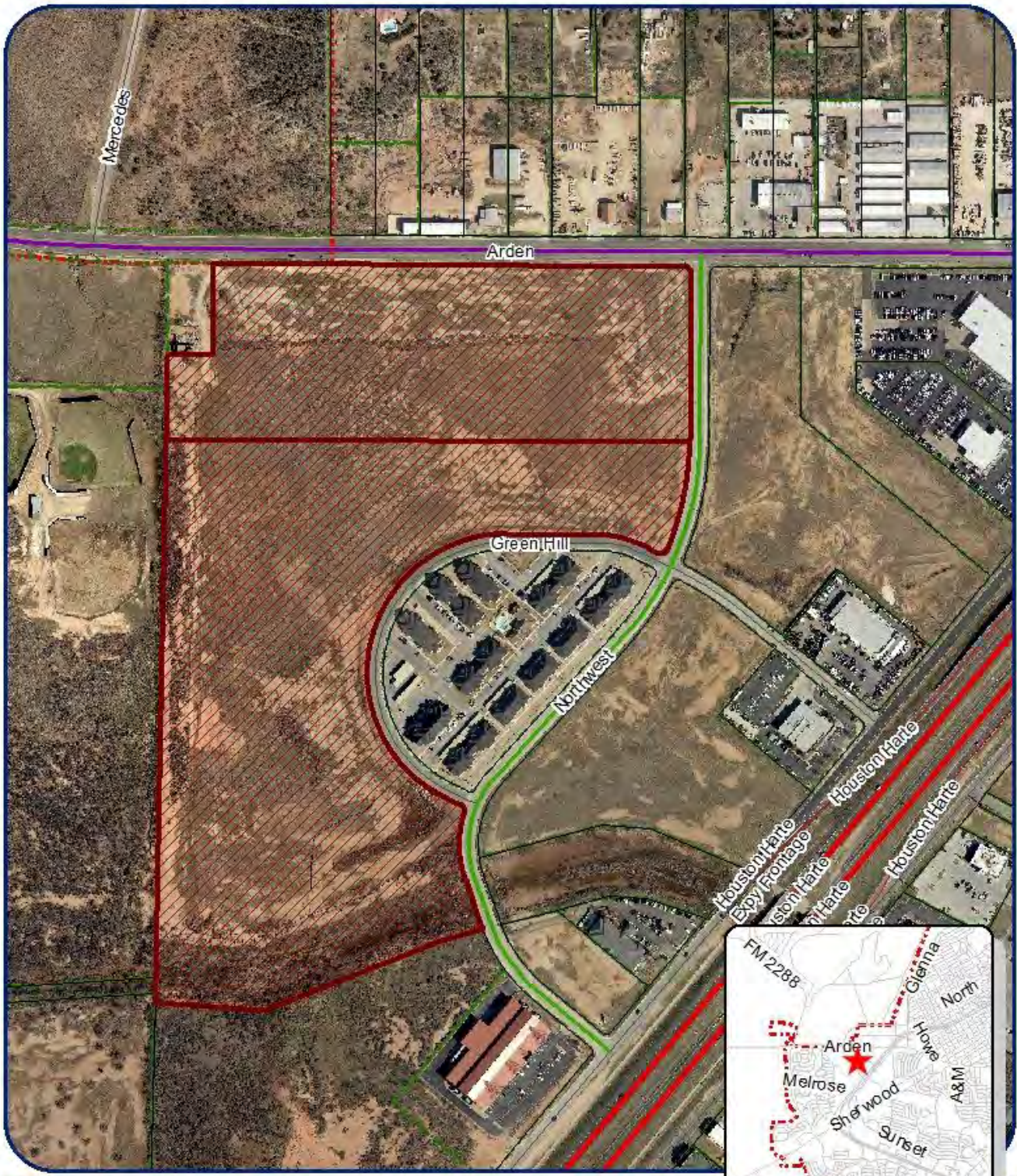
Recommendation: Staff recommends that the Planning Commission **APPROVE** a Preliminary Plat for Arden Acres, Section Three.

Notes:

1. Any additional future platting may require fire apparatus access roads and additional fire hydrants.
2. Sidewalk may be required in any future platting along Arden Road and Northwest Drive consistent with the City of San Angelo Land Development and Subdivision Ordinance.
3. Prior to plat signatures, a preliminary drainage study shall be submitted for approval. [Chapter 12, Planning and Development, Sec 12.05; Stormwater Design Manual, Sec 2.13]
4. Future connection of Street C to Arden Road will require TXDOT concurrence.
5. Future final platting will have infrastructure installation requirements.

Attachments:

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




Location Map Arden Acres

Arden Acres Preliminary Plat

Council District 6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 410 ft

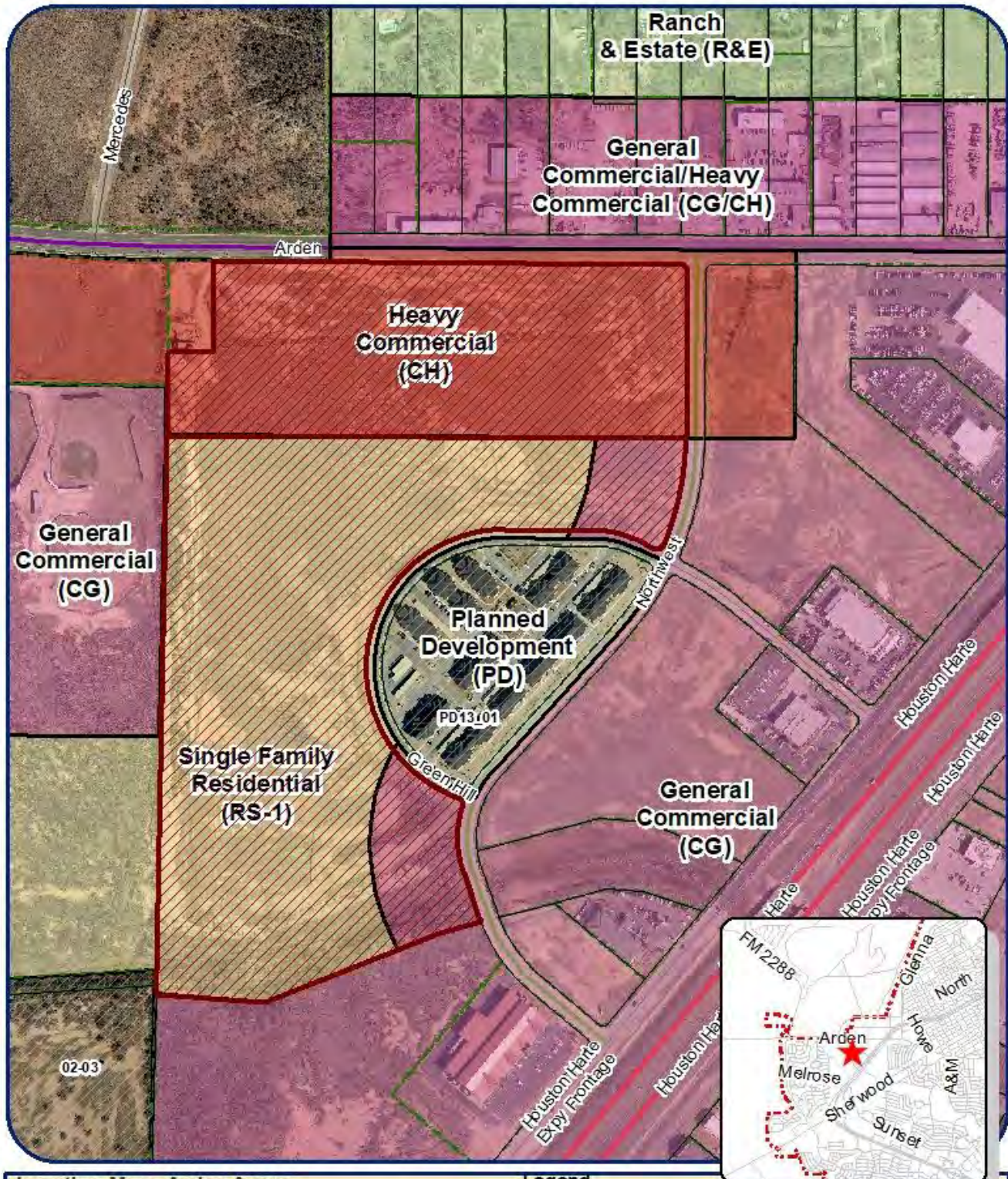
Arden Acres Section Three

Legend

Subject Properties: 
 Current Zoning: **RS-1, CG/CH, CG**
 Requested Action: **Preliminary Plat**
 Vision: **Neighborhood; Commercial**



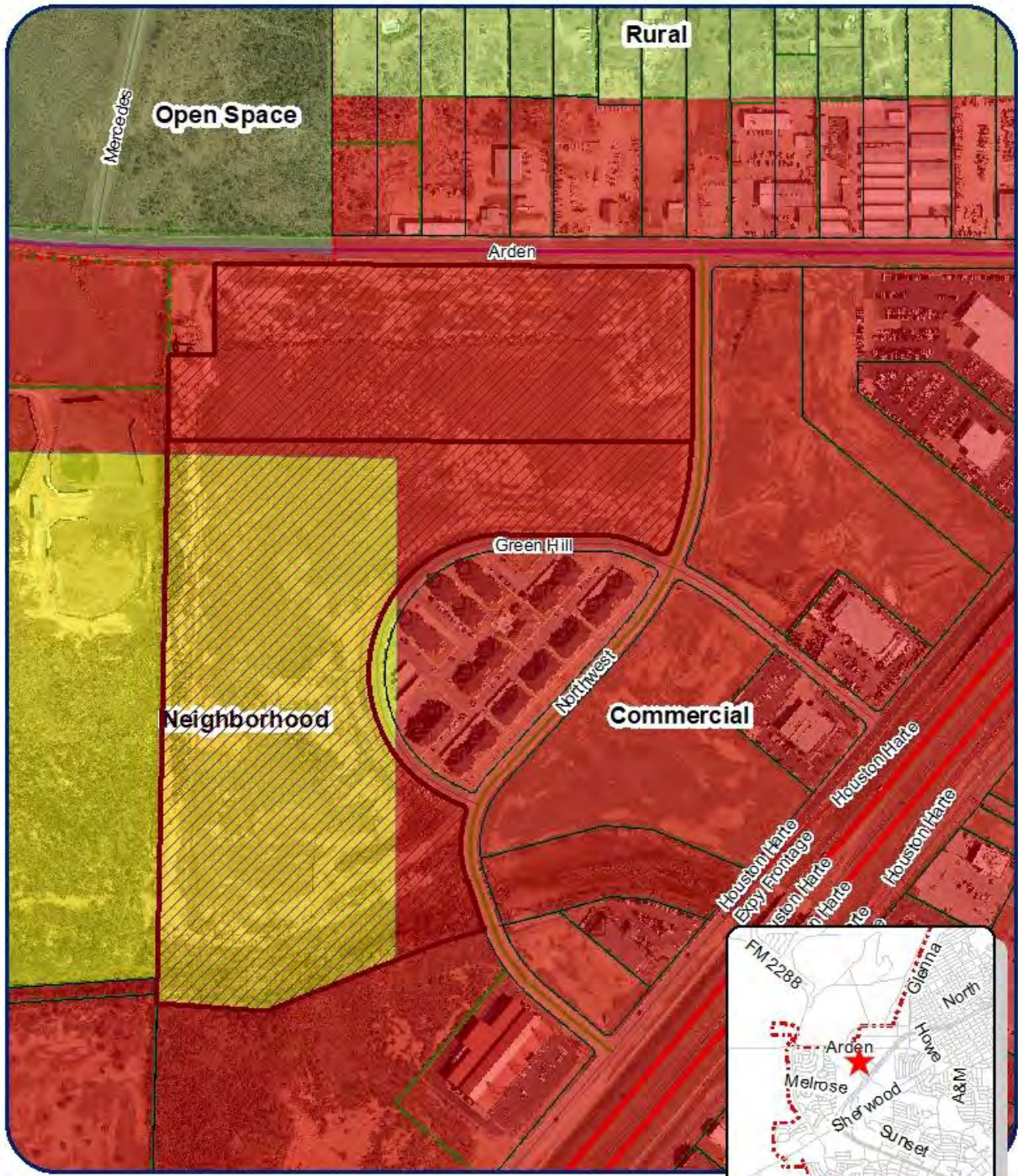
Aerial Map



Location Map Arden Acres
Arden Acres Preliminary Plat
 Council District 6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 410 ft
 Arden Acres Section Three

Legend
 Subject Properties:
 Current Zoning: RS-1, CG/CH, CG
 Requested Action: Preliminary Plat
 Vision: Neighborhood; Commercial
Zoning Map

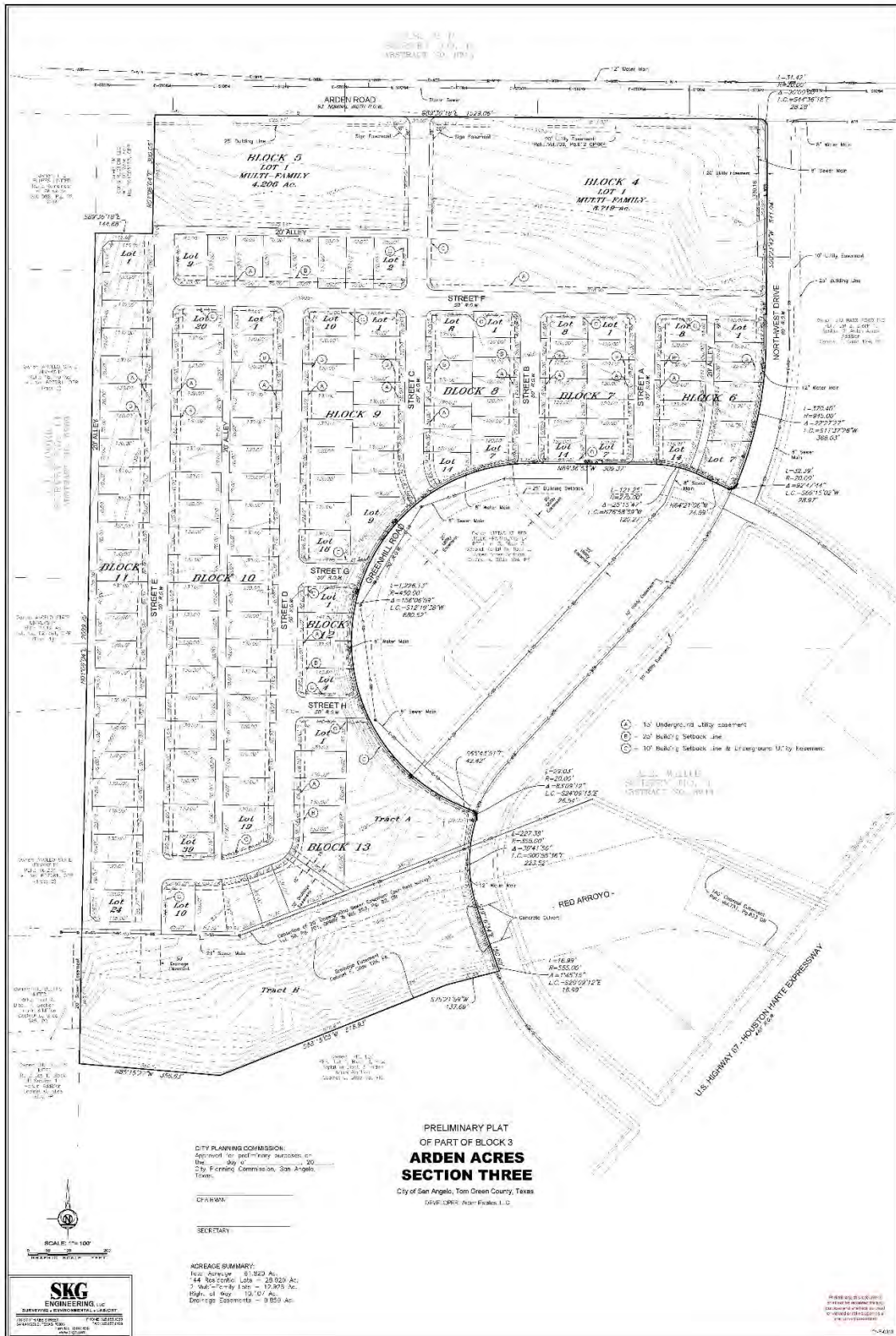




Location Map Arden Acres
Arden Acres Preliminary Plat
 Council District 6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 410 ft
 Arden Acres Section Three

Legend
 Subject Properties: 
 Current Zoning: **RS-1, CG/CH, CG**
 Requested Action: **Preliminary Plat**
 Vision: **Neighborhood; Commercial**
Zoning Map







City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

Preliminary Plat of Part of Block 3 Arden Acres Section Three

Proposed Subdivision Name

Lot: 2 SEC 3, Blk: 3, Subd: ARDEN ACRES, 2ND R/P IN BLK 3 SEC 3; Lot: 1, Blk: 3, Subd: ARDEN ACRES, SEC 3 2ND R/P IN BLK 3 SEC 3

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

02-11250-0003-002-00; 02-11250-0003-000-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
SJWK, LLC	713-334-5514	steve@resolutioninc.net

Property Owner:

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

Architect/Engineer/Design Professional:

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

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

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

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

Section 2: Utility & Easement Information

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

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

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

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

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

Section 3: Property Characteristics

61.820 146

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 61.820 Single-Family Residential _____ Office _____

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

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

Vacant 10.107 Single-Family Residential 28.929 Office _____

Multi-Family Residential 12.925 Industrial/Manufacturing _____ Commercial/Retail _____

Are there existing structures on the property? Yes No

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

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

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

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

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

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

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

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

(Section 4 continues on next page)

Section 4, continued

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

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

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

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

[Signature]
 Owner's Signature

2.17.2021
 Date

[Signature]
 Representative's Signature

2.17.2021
 Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
Date Date

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

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

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

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

Approvals required for this application:	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____

PLANNING COMMISSION – MARCH 15, 2021
STAFF REPORT



APPLICATION TYPE:		CASE:	
Replat		Mallena Heights Addition; First Replat of lots 37 & 38 and 40 – 48, Blk 1	
SYNOPSIS:			
<p>This is an application for the first replat of Lots 37 & 38 and 40 - 48, Blk. 1, Mallena Heights Addition, City of San Angelo, Tom Green County, Texas. The applicant has also requested two variances: (a) a variance from Section 9.111.A.5(3) allowing East 39th St. to have no curb or gutter, and (b) a variance from Section 10.III.A.2 to vary from the required paving width. The applicant is wanting to replat the existing lots into smaller single family lots with the minimum frontage required in the Single Family Residential (RS-1) Zoning District. This is the south side of East 39th St. east of Crockett St. and west of Ada St. This same request was approved on March 18 of 2019 with an approval of both variance requests. It was brought back with lot 39 included and now Lot 39 is again left out and there has been a change in ownership so it is returning for approval.</p>			
LOCATION:		LEGAL DESCRIPTION:	
South side of 39 th St. east of Crockett Street and west of Ada Street		First Replat of Lots 37 & 38 and 40 – 48, Blk. 1, Mallena Heights Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #2 – Tom Thompson Neighborhood - Lake View	Single Family Residential (RS-1)	Neighborhood	3.23 acres
THOROUGHFARE PLAN:			
<p><u>East 39th St.</u> – “Urban” Local Required: 50’ right-of-way; 36’ pavement with sidewalk or 40’ pavement with no sidewalk; curb & gutter Existing: 60’ right-of-way; 26’ pavement; no curb & gutter and no sidewalk Requesting: Keep existing 26’ pavement width with no curb and gutter or sidewalk</p>			
NOTIFICATIONS:			
29 notices were sent out. No notices, either in support or opposition, were returned.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the replat of Lots 37 & 38 and 40 – 48, Blk. 1 Mallena Heights Addition subject to five conditions of approval , and APPROVAL of both variances from Section 9.111.A.5(3) and Section 10.III.B of the LDSO.			
PROPERTY OWNER/PETITIONER:			
<p><u>Owner</u> – Mission Land Company, LLC <u>Representative</u> – Erica Carter</p>			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 sherry.bailey@cosatx.us			

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

The subject property is designated Neighborhood in the City’s Comprehensive Plan. The future land use as identified in the City of San Angelo Comprehensive Plan for the Lakeview area is residential neighborhood in character. Low Density residential extends from the commercial area along N. Chadbourne to State Highway 208. The land use provides the guidelines for a secure, livable area to nurture families in a neighborhood environment.

The proposed replat complies with the intent of Purpose Statements of Chapter 2 of the Subdivision Ordinance. The plat will provide for the orderly, safe and efficient development (Statement C) and will insure that future growth and development of the city is done in accordance with City plans and requirements.

The existing lots in this area are already platted and could be developed today with no requirement for street improvements. However, by proposing to replat the existing 11 lots into 17 lots to achieve more development, the requirement to bring the street up to the current standard is triggered. The developer has the choice either to develop 11 lots without a requirement to upgrade the street or get the additional lots but with the requirement to upgrade.

Variance: As indicated above, the applicant has submitted a variance from both Section 9.III.A.5 the requirement for curbs and gutters and Section 10.III.B of the Subdivision Ordinance to allow E. 39th Street to maintain its present use of a 26 ft. wide paving surface rather than meeting the City of San Angelo Paving Standards. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant believes that granting these variance requests would not be detrimental to the public safety, health or welfare, or be injurious to other property as the road is existing and seven individual homes were allowed in the 80’s constructed without having to improve the road. Engineering Services and the Planning Division did not originally support the variance from the City’s road construction standard for E. 39th St. since the roads in this entire area both to the north and to the west have between 30 and 40 feet of pavement. However, the Planning Commission did grant the variance in 2019. In keeping with that action, staff is supporting the variance request at this time.

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

The applicant has stated that none of the subdivided property in this area was required to widen the pavement at the time of platting/replatting. However, in staff’s research all we were able to identify were these seven homes at the end of east 39th St. and two homes on Ada St., a north/south street that ties 39th St. and 40th St.. The homes that developed along the street were individual homes built one at a time and they were not required to meet development standards. The Planning Commission

did grant the variance for no curbs and gutters and maintaining the 26 feet of paving in 2019. Therefore, staff is now in support of granting the variances. After the Planning Commission action there was discussion with the Engineering department about including this area in the overlay project for this next year. If the possibility works out, this area could be included in the overlay project and some additional paving width might result.

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 did not address this area of the ordinance. Staff believes there are no physical conditions that would meet this criteria.

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

The applicant believes that in a development meeting with City Staff it was agreed that they could develop without meeting development standards. The meeting took place on June 22, 2018, with both Planning and Engineering staff present. The Planning Commission at its 2019 meeting did concur with that general approach and voted to grant the variance requests.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the replat of Mallena Heights Addition with the following **five** conditions, and Staff recommends **APPROVAL** of the requested variance for no street improvements, and recommends **APPROVAL** of a partial variance to allow for a street paving width.

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 E. 39th St by half the additional increment necessary to comprise the minimum paving width. [Land Development and Subdivision Ordinance, Chapter 10]. For E. 39th Street, the minimum width is 36 feet with a 4 foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either 3 additional feet and a 4 foot sidewalk, or 5 additional feet). 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 IV.

3. Prior to plat recordation, a drainage study shall be submitted. [Chapter 12, Planning and Development, 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. [Chapter 12, Planning and Development, Sec 12.05.001; Stormwater Design Manual, Sec 2.13]

Alternatively, submit a request for approval to the City Engineer for a deferral of the requirement to a later stage of development. [Chapter 12, Planning and Development, Sec. 12.05.004]

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

Comments in reference to the original approval:

Erica Carter:

Last time, a preliminary drainage study was done and then they deferred the detention area to a later date as it was going to be done on the property do the back of the lots. It was deferred for 6 months, **the client is requesting is be deferred to 12 months so they can build out these lots and then put the detention area in on the other lot.**

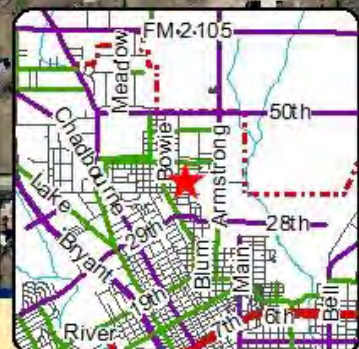
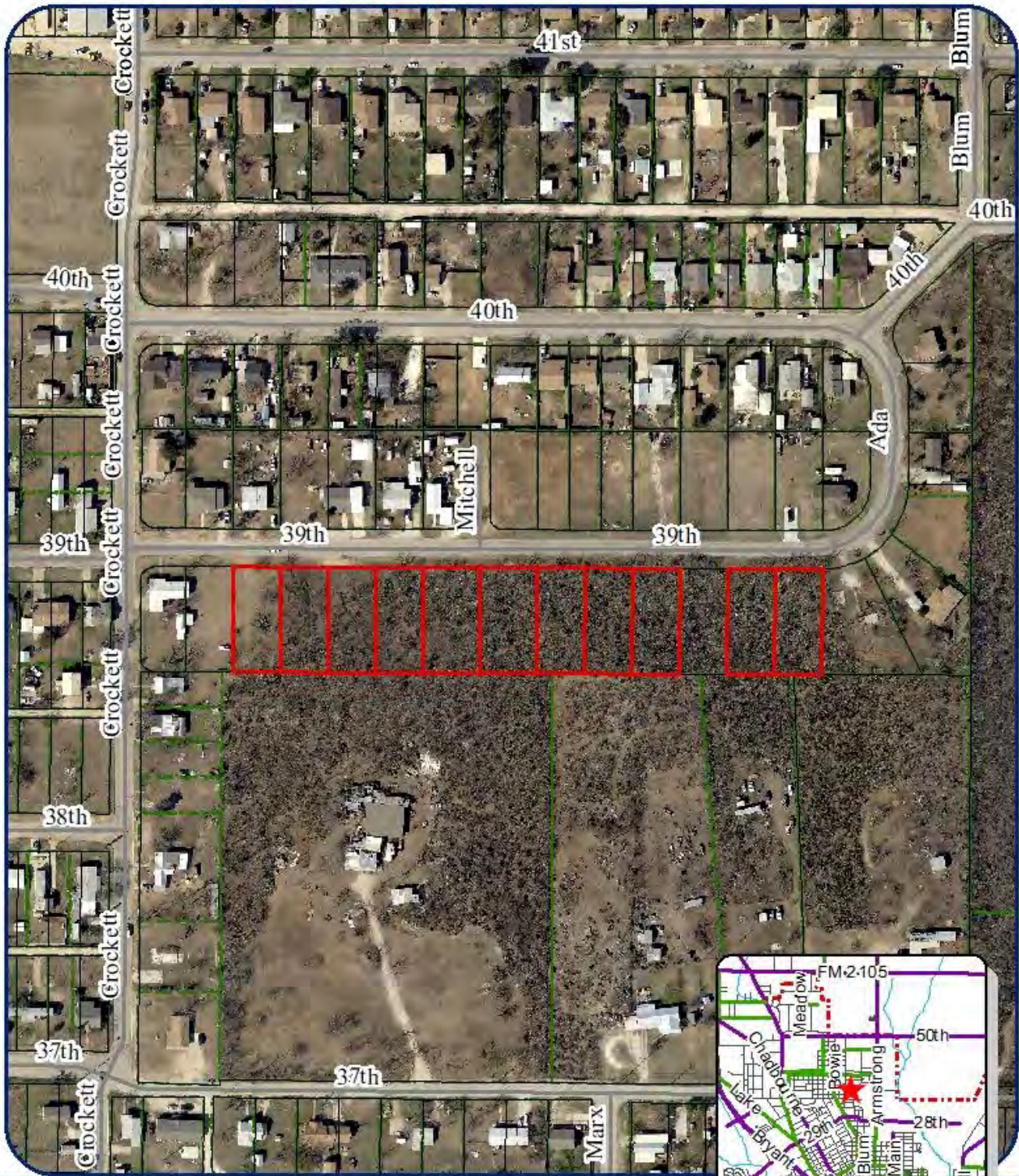
Also, another agreement was that the client would only have to put base per City Spec to widen 39th Street and no curb. The City agreed they would come out and put the asphalt material on it as part of their paving projects.

Engineering:

Based on the quick timeline, it appears that the placement of the 2-course surface as originally agreed on will be a part of the 2021 Seal Coat project. This will require some coordination, as the project window is from May to August. If the base material has not been placed and is adequate for construction within this window, the surfacing may have to be delayed untl the 2022 seal coat project. We are opening bids for this project this coming Monday (March 1, 2021) and will have a better idea of the schedule at that point. Some contractors can use the entire seal coat window for the project, others in the past have only been in town for 2 weeks. Heavy coordination will need to be implemented so that there are no delays or miscommunications through the development process.

Attachments:

Aerial Map
Future Land Use Map
Proposed Replat
Application



Replat of Lots 40-48 and 37-38 Blk. 1

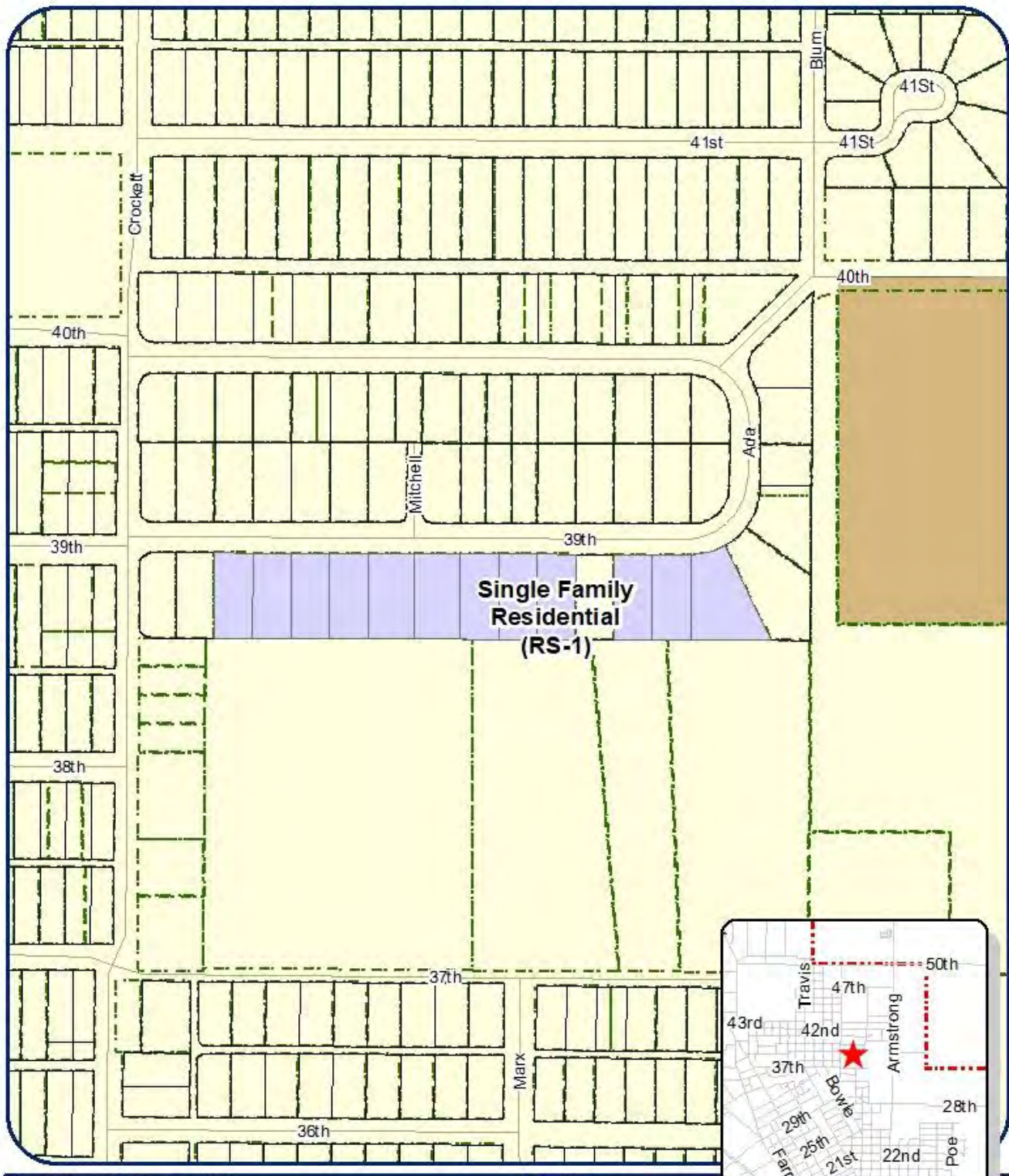
Mallena Heights Replat

Council District: Tom Thompson SMD #2
 Neighborhood: Lake View
 Scale: 1" approx. = 200 ft

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





Location Map Replat

Mellane Heights
 Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 245 ft

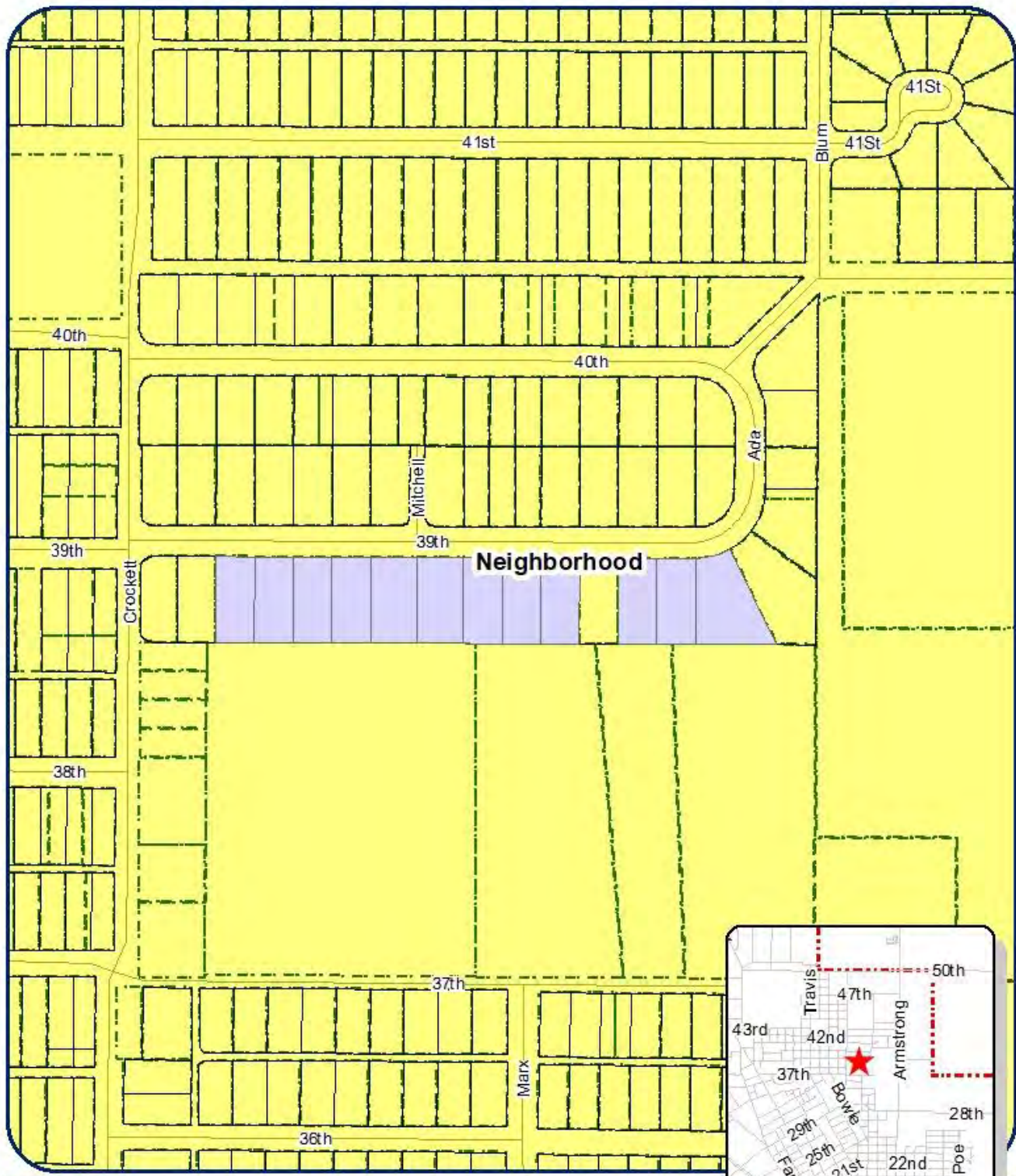
Lots 37, 38 & 40 thru 48 Mallena Heights Addition

Legend

- Subject Properties: _____
- Current Zoning: **Single Family Residence (RS-1)**
- Requested Action: **Replat**
- Vision: **Neighborhood**



Zoning Map



Location Map Replat

Mellane Heights
 Council District 2 - Tom Thompson
 Neighborhood: Lake View
 Scale: 1" approx. = 245 ft

Legend

Subject Properties: **Single Family Residence (RS-1)**
 Current Zoning: **Replat**
 Requested Action: **Neighborhood**
 Vision: **Neighborhood**



Lots 37, 38 & 40 thru 48 Mallena Heights Addition

Future Land Use

**FIRST REPLAT OF LOTS 37, 38,
 AND 40-48, MALLENA HEIGHTS**

City of San Angelo, Tom Green County, Texas

OWNER: Mission Land Company, LLC
 DESCRIPTION: Being Lots 37, 38, and 40-48, Mallena Heights, City of San Angelo, Tom Green County, Texas, according to the Plat recorded in Volume 1, Page 89 of the Plat Records of Tom Green County, Texas.

CITY PLANNING COMMISSION

Approved for recording this ____ day

of _____ 20

By: _____

Chairman

By: _____

Secretary

DEPARTMENT OF WATER UTILITIES

Approved for recording this ____ day

of _____ 20

By: _____

Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS

Approved for recording this ____ day

of _____ 20

By: _____

Director of Public Works

ACKNOWLEDGEMENT/DEDICATION
 We, Mission Land Company, LLC, do hereby adopt this plat as a subdivision of our property.

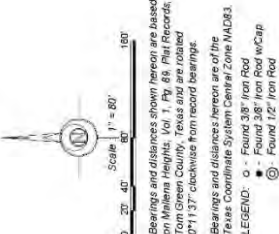
Eric Von Rosenberg

Ryan Newlin

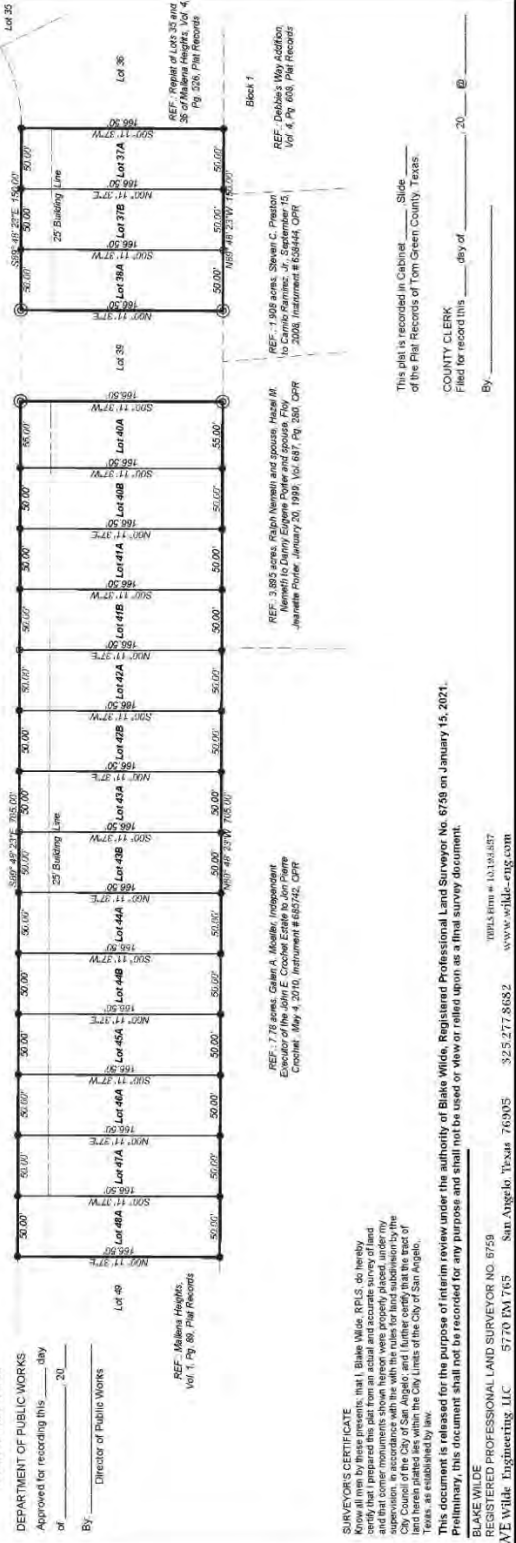
STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before me on

by Eric Von Rosenberg & Ryan Newlin

Notary Public, State of Texas



39th Street - 60' ROW per Vol. 1, Pg. 89, Plat Records



SURVEYOR'S CERTIFICATE
 Know all men by these presents that Blake Wilde RPLS do hereby certify that I have prepared this plat from an actual and accurate survey of land in accordance with the rules and regulations of the State Board of Survey and the rules of the City of San Angelo, and I further certify that the land shown on this plat is the same as established by law.

This document is released for the purpose of interim review under the authority of Blake Wilde, Registered Professional Land Surveyor No. 6759 on January 15, 2021. Preliminary, this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

BLAKE WILDE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6759
 WE Wilde Engineering LLC 5770 DM 765 San Angelo, Texas 76905 325.277.8682 www.wildie-eng.com

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

COUNTY CLERK
 Filed for record this ____ day of _____ 20 ____ @ _____

By: _____



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 37, 38, and 40-48, Mallena Heights

Proposed Subdivision Name

Lots 37, 38, and 40-48, Mallena Heights, City of San Angelo, Tom Green County, Texas

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

17-32600-0001-048-00, 17-32600-0001-047-00, 17-32600-0001-046-00, 17-32600-0001-045-00, 17-32600-0001-044-00, 17-32600-0001-043-00, 17-32600-0001-042-00, 17-32600-0001-041-00, 17-32600-0001-040-00, 17-32600-0001-039-00, 17-32600-0001-037-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner: Mission Land Company, LLC. 325-234-8471

Name	Phone Number	Email Address
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Architect/Engineer/Design Professional: Erica Carter 325-716-3013 ecarter@fentresseng.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? 4"
 City - utilizing existing services Existing size? _____
 Other Please specify: _____
 Septic System Lot size? _____

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

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

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

Section 3: Property Characteristics

3.268 17

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 3.268 Single-Family Residential _____ Office _____

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

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

Vacant _____ Single-Family Residential 3.268 Office _____

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

Are there existing structures on the property? Yes No

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

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

Are there existing deed restrictions? Yes No

If yes, provide deed reference information: _____

Is this proposed plat within the ETJ?* Yes No
 *NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 1/4 miles of it.

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

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

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

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

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

(Section 4 continues on next page)

Effective January 3, 2017



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



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Eric Von Rosenberg and Ryan Newlin, make this affidavit and hereby on oath state the following:
Print Property Owner Name

I, being the sole partial owner of the following property:

<u>East 39th Street</u>	<u>San Angelo</u>	<u>Texas</u>	<u>76903</u>	<u>325-234-8471</u>	<u>emvr11@hotmail.com</u>
<small>Property Address</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>Contact Number</small>	<small>E-mail Address</small>


Legal Description of Location (can be found on property tax statement or at www.tomgreencad.com):
Being Lots 37, 38, and 40-48, Mallena Heights, City of San Angelo, Tom Green County, Texas

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

Carter-Fentress Engineering, LLC.

(Please print) Representative's Organization or Entity

Signed this the 1 day of FE3, 20 21.

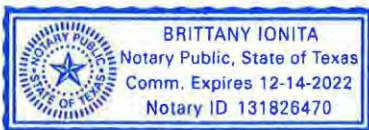

Signature of the Property Owner

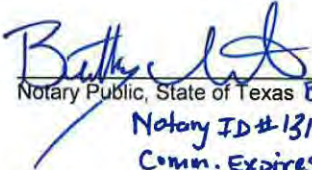
Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Ryan Newlin ; Eric Von Rosenberg and
Name

on oath stated that the facts hereinabove stated are true to the best of their knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 1st day of February, 20 21.




Notary Public, State of Texas Brittany Ionita
Notary ID # 131826470
Comm. Expires 12/14/2022



The intersection of E. 39th St. and Crockett St. Curb and gutter on all four corners.



E. 39th looking at the houses on the left side of the street and the applicant's property on the right.

39th St. one block down heading west.






E. 38th St. one block down.

**PLANNING COMMISSION – MARCH 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Replat		First Replat in Block 43, Lasker's Addition	
SYNOPSIS:			
<p>The proposed replat will merge four existing commercial lots into a single lot and add an additional 22 feet to the north of this lot as part of a street abandonment request. Two residential lots located immediately east will be part of this replat and also include an additional 22 feet on the north side from the associated abandonment. There will be three lots in total and replatting will facilitate new construction on the commercial lot and eliminate non-conforming front yard setbacks on the residential lots. As part of the request, the applicants are seeking variances to maintain the existing deficient paving widths on Martin Luther King Drive and Farr Street.</p>			
LOCATION:		LEGAL DESCRIPTION:	
Southeast of Martin Luther King Drive and West 23 rd Street		Being all of Lots 1-6 in Block 43, Lasker's Addition, and 6,582 sq. ft. of West 23 rd Street adjacent to Block 43.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District: Lucy Gonzales (SMD #4) Neighborhood: Reagan		General Commercial /Heavy Commercial (CG/CH)	C- Commercial and N – Neighborhood
SIZE:			
1.115 acres			
THOROUGHFARE PLAN:			
<p><u>Martin Luther King Drive:</u> Urban Collector Street, Required: 60' right-of-way, 50' pavement; Provided: 80' right-of-way, 36' pavement (variance requested)</p> <p><u>Farr Street:</u> Urban Local Street, Required: 50' right-of-way, 40' pavement or 36' with a 4' sidewalk; Provided: 80' right-of-way, 36' pavement and no sidewalk (variance requested)</p> <p><u>West 23rd Street:</u> Urban Local Street, Required: 50' right-of-way, 40' pavement or 36' with a 4' sidewalk; Provided: 100' right-of-way, 40' pavement</p>			
NOTIFICATIONS:			
23 notifications were mailed with a 200-foot radius on February 26, 2021 for this replat. No responses received in favor or against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a First Replat in Block 43, Lasker's Addition; and APPROVAL of two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a paving width of 36 feet with curb and gutter in lieu of the required 50 feet with curb and gutter for Martin Luther King Drive, an urban collector street, and to maintain a paving width of 36 feet with curb and gutter in lieu of the required 40 feet or 36 feet and a 4-foot sidewalk and curb and gutter for Farr Street, an urban local street, subject to seven conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Petitioner: Russell Gully, P.E., SKG Engineering LLC; Owners: Big Lake Ranch, L.P.; Juan & Emma Perez; Living Trust and Raymond Fields			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Conformity with Comprehensive Plan and Intent of Purpose Statements: Chapter 5.III.A.3(c)(3) of the Land Development and Subdivision Ordinance (LDSO) states that the Planning Commission may “deny approval of the plat, if the Planning Commission finds the plat does not comply with requirements of this or other applicable municipal ordinances, or if in the Commission's opinion, the proposal would not be in conformance with the City's Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance.”

Comprehensive Plan

The west three lots are designated commercial and the fourth lot that will be merged along with these three into a single lot will be redesignated “Commercial” as part of a Comprehensive Plan Amendment (CP21-01). Commercial properties are “often single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage onto the major street network.” It also calls to “where possible, plan for new pedestrian and/or vehicular connections through commercial areas to integrate them with the city-wide grid network of streets.” The proposed replat is consistent with these policies. The new commercial lot is the site of Franco’s restaurant which will continue to have frontage onto Martin Luther King Drive, an urban collector street that can accommodate large traffic volumes. Staff recommends as a note that a future sidewalk may be required on Martin Luther King Drive and this will be further examined at time of permitting. The Neighborhood policies will apply to the two residential lots. These policies call to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo neighborhoods.” The two lots contain existing single-family homes conforming to this policy. By adding an additional 22 feet of street right-of-way to the north side of these lots, the two houses will now comply with front yard setbacks.

Purpose Statements

Planning Staff believe that the replat will conform to the Purpose Statements of Chapter 2 of the LDSO, as the right-of-way dedication will provide a consistent and even lot configuration across West 23rd Street for orderly development (Statement C); an easement will be required for utility maintenance (Statement L); and the block layout will follow the existing street pattern with the new commercial lot having frontage onto both Martin Luther King Drive and West 23rd Street (Statement O).

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.** Staff supports both street variances. Martin Luther King Drive was recently repaved with roll curbing and a sidewalk along its west side as part of the City’s Capital Improvement Project (CIP). Both the City’s Engineering and Operations Divisions have deemed the 36-foot street width safe and acceptable. Farr Street at 36 feet wide with curbing on both sides is acceptable, serving this infill development. All of the surrounding lots are developed with homes and the street maintains this width and configuration for its entirety.

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 existing upgrade to Martin Luther King Drive through a CIP project makes this street unique and a candidate for a variance. Farr Street is also unique as this is an infill area fully developed.
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 City has invested in the recent upgrade to Martin Luther King Drive and curbing and a sidewalk is already installed. City Staff believe this configuration is acceptable and will not pose safety issues. Similarly, Farr Street is also functioning well to service the area and has existing curbs on both sides. Removal of these curbs for an additional two feet of paving (the required incremental half in the LDSO) would not provide any additional benefit to the neighborhood and create an irregular jog in the street leading to safety issues.
4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** Staff does not believe that applicable ordinances will be significantly varied if the variance was granted. Both streets function adequately to serve the area at their current street widths and with existing curbing in place.

Recommendations:

Staff recommends **APPROVAL** of a First Replat in Block 43, Lasker's Addition; and **APPROVAL** of two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a paving width of 36 feet with curb and gutter in lieu of the required 50 feet with curb and gutter for Martin Luther King Drive, an urban collector street and to maintain a paving width of 36 feet with curb and gutter in lieu of the required 40 feet or 36 feet and a 4-foot sidewalk and curb and gutter for Farr Street, an urban local street, subject to **seven conditions of approval:**

1. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 7, provide a copy of the Tom Green County Appraisal District certification indicating there are no delinquent taxes on the subject property of this subdivision.
2. Prior to plat recordation, per Street Right-Of-Way Abandonment conditions, West 23rd Street, obtain approval from City Council and complete all conditions for the associated street right-of-way abandonment of West 23rd Street.
3. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 7.II, increase the width of the easement to 25 feet to encompass the AEP utilities, and correct the name to "maintenance, utility and pedestrian access easement" to allow for a sidewalk.
4. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 7.II, make the following changes to the plat itself:

- a) correct the subdivision name to "First Replat in Block 43, Lasker's Addition";
 - b) correct the street name to "Martin Luther King Drive";
 - c) correct the street name to "Farr Street"; and
 - d) correct the total acreage and correct the closed portion of West 23rd Street to "6,582 sq. ft." in the legal description.
5. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to Martin Luther King Drive by half the additional increment necessary to comprise the minimum paving width. For Martin Luther King Drive, the minimum width is 50 feet (in this case requiring 7 additional feet). Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within 3 years. A second alternative per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
 6. Prior to plat recordation, per Land Development and Subdivision Ordinance, Chapter 10, prepare and submit plans for required improvements to Farr Street by half the additional increment necessary to comprise the minimum paving width. For Farr Street, the minimum width is 36 feet with a 4-foot sidewalk along one side, or 40 feet with no sidewalk (in this case requiring either construction of a 4-foot sidewalk, or 2 additional feet). Alternatively, per Land Development and Subdivision Ordinance, Chapter 6, submit a financial guarantee ensuring the completion of these improvements within 3 years. A second alternative per Land Development and Subdivision Ordinance, Chapter 1.IV, would be to obtain approval of a variance from the Planning Commission.
 7. Prior to plat recordation, Land Development and Subdivision Ordinance Chapter 9.III.A, submit plans for approval illustrating re-alignment of curbing on W. 23rd Street. Once approved, construct curbing as shown on the approved plan set.

Notes:

1. A drainage study shall be submitted if the impervious area changes by 5% and development* of a site exceeds 1 acre. [Chapter 12, Planning and Development, 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. [Chapter 12, Planning and Development, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] *note development is defined in ordinance as "Any man-made change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, clearing, or removing vegetative cover."
2. Prior to building permit issuance, a sidewalk may be required per Subdivision Ordinance, Chapter 9.V, City of San Angelo Standards and Specifications. If a sidewalk is required, prepare and submit plans for approval, illustrating the proposed installation of a sidewalk along the east

side of Martin Luther King Drive, and prior to occupancy, complete the installation in accordance with the approved version of these plans. If placement of sidewalks is not feasible within the public right-of-way, easement(s) shall be provided & illustrated on the plat.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Proposed replat

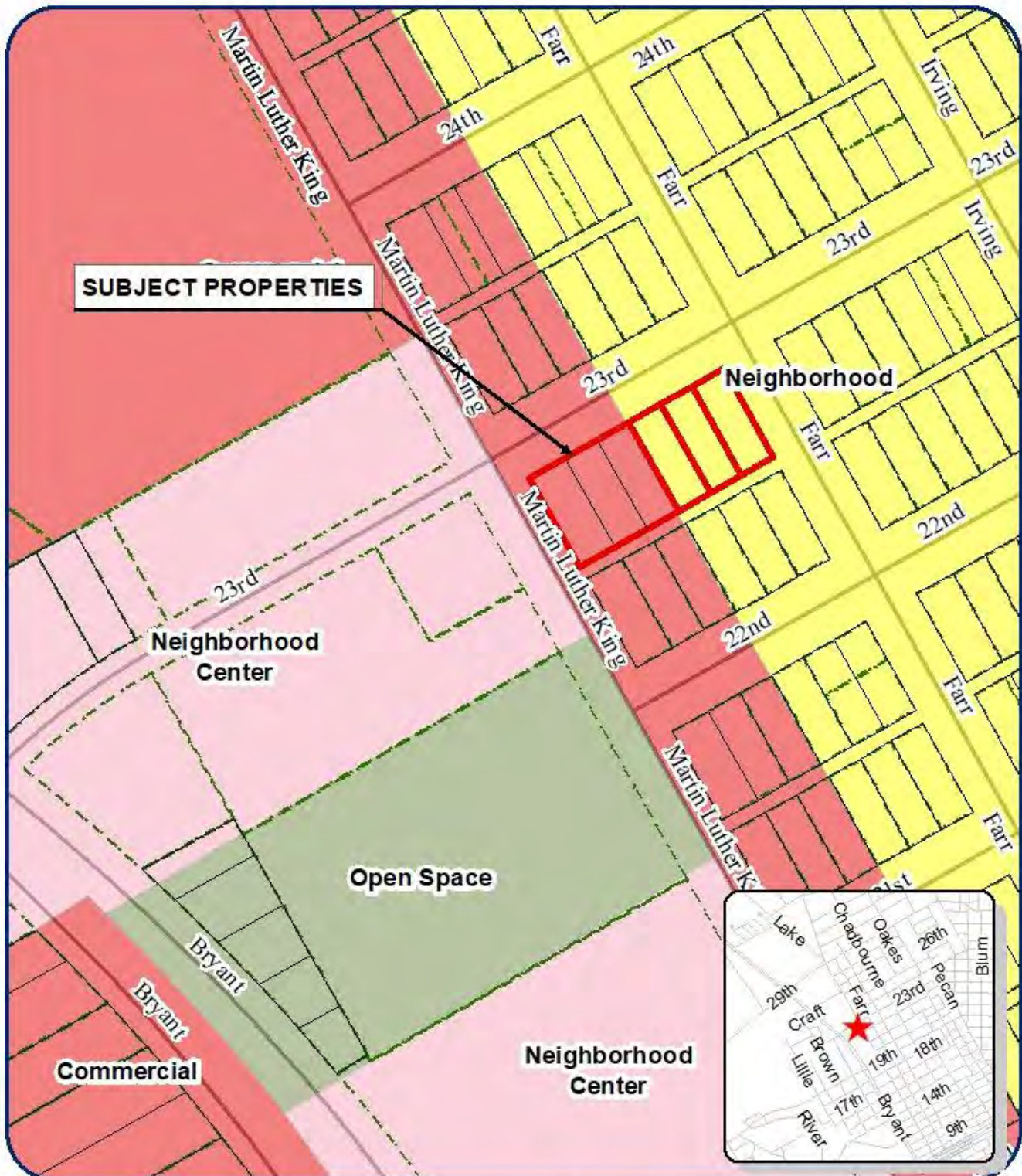
Application with Variance requests



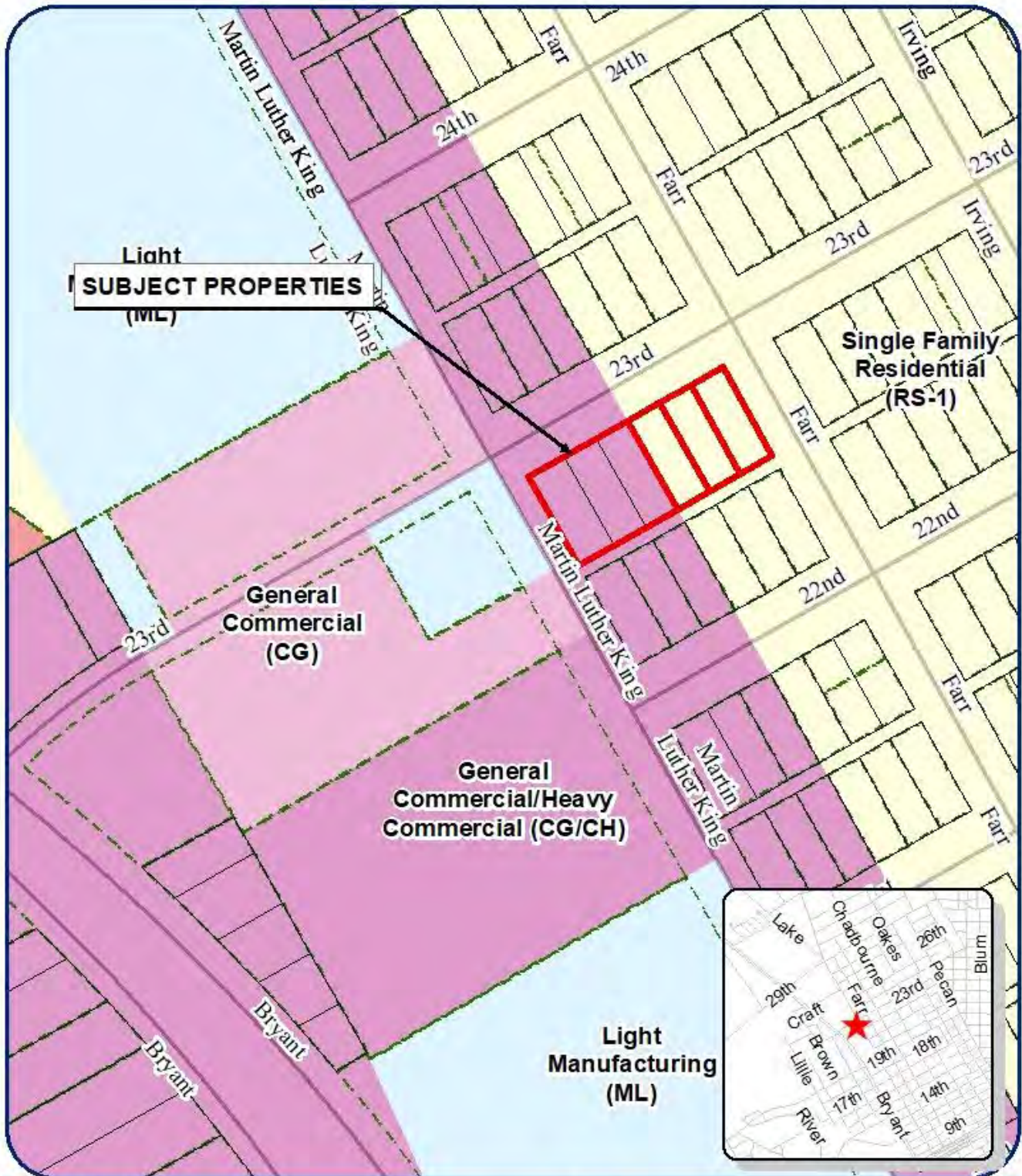
First Replat in
Block 43, Lasker's Addition
 Council District: Lucy Gonzales - District 4
 Neighborhood: Reagan
 Scale: 1" approx. = 175 ft
Martin Luther King Dr/W. 23rd St.

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

N



<p>First Replat in Block 43, Lasker's Addition Council District: Lucy Gonzales - District 4 Neighborhood: Reagan Scale: 1" approx. = 175 ft Martin Luther King Dr/W. 23rd St.</p>	<p>Legend Subject Properties: ▬ Current Zoning: CG/CH & RS-1 Requested Zoning Change: N/A Vision: Commercial and Neighborhood</p>	<p>N</p> 
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<p>First Replat in Block 43, Lasker's Addition Council District: Lucy Gonzales - District 4 Neighborhood: Reagan Scale: 1" approx. = 175 ft Martin Luther King Dr/W. 23rd St.</p>	<p>Legend Subject Properties: Current Zoning: CG/CH & RS-1 Requested Zoning Change: N/A Vision: Commercial and Neighborhood</p>	<p>N</p> 
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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.

Section 1: Basic Information

First Replat in Block 43, Lasker Addition

Proposed Subdivision Name

Lots 1 - 6, Block 43, Lasker Addition and closed portion of West 23rd Street

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

17-31200-0043-001-00; 17-31200-0043-002-00; 17-31200-0043-003-00; 17-31200-0043-004-00

Tax ID Number(s) (can be found on property tax statement or at www.tamarservcad.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
	Franco's	325-653-8010	
Property Owner	Name	Phone Number	Email Address
	2218 Martin Luther King Property, LLC	325-234-7777	lee.pflugel@cactushotel.net
Architect/Engineer/Design Professional	Name	Phone Number	Email Address
	SKG Engineering	325-655-1288	rg@skge.com

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

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

- includes no more than four new lots or tracts;
- no dedication of land (including right-of-way, right-of-way expansion, corner strip 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? unknown
 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 325-698-1024)

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

1.138 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 0.371 Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.767

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

Vacant _____ Single-Family Residential 0.371 Office _____
 Multi-Family Residential _____ Industrial/Manufacturing _____ Commercial/Retail 0.767

Are there existing structures on the property? Yes No

If yes, how many structures exist? 7 What type of structures exist currently? Restaurant
single family homes, & accessory structures

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 plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.II of the Subdivision Ordinance.

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

Adrian Lee Huggins
 Owner's Signature
David J. Joffe
 Representative's Signature

2-17-2021
 Date
 2-17-2021
 Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
 Date Date

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

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

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

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

Yes _____ No _____
 Date Date

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: _____
To widen the street by a portion of the full required incremental half width - MLK Drive

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 recently reconstructed MLK to this condition.

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.
There is curb and gutter present that would create a hardship to remove and replace.

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

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

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

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

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 recently reconstructed MLK to this condition.

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.


There is curb and gutter present that would create a hardship to remove and replace.

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 – March 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Replat		First Replat of Lots 29, 30 and 31, Block 3, Section 16E, Bentwood Country Club Estates	
SYNOPSIS:			
The applicant is seeking approval for a replat intended to divide three platted lot into two platted lots. The applicant is also seeking a variance from Chapter 9.III.A.1 of the LDSO to allow these lots to not have direct and abutting access to a dedicated and improved public street. The final plat for Bentwood Section 16E was originally recorded in August 2016.			
LOCATION:		LEGAL DESCRIPTION:	
1722, 1726 & 1729 Overhill Drive		Lot 29, 30 & 31, Block 3, Bentwood Country Club Estates, Section 16E	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Neighborhood: Country Club	Low-rise multi-family residential (RM-1)	Neighborhood	1.972 acres
THOROUGHFARE PLAN:			
<i>Overhill Drive</i> – Private Street, Required 50’ ROW (48’ existing), 40’ or 36’ with a 4’ sidewalk pavement width (40’ existing).			
NOTIFICATIONS:			
8 notifications were mailed to property owners within 200 feet on February 26, 2021.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the First Replat of Lot 29, 30 and 31, Block 3, Section 16E, Bentwood Country Club Estates, and APPROVAL of a variance from Chapter 9.III.A.1 to allow lots to not have direct access to a public road, subject to three conditions of approval .			
PROPERTY OWNER/PETITIONER:			
<u>Representative</u> Russell Gully, SKG Engineering			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Ext. 1533 shelly.paschal@cosatx.us			

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

The subject property is designated “Neighborhood” in the City’s Comprehensive Plan which intends to “preserve and reinforce the stability and diversity of San Angelo neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses, and ensure the City’s residential quality and economic vitality.” The purpose of the plat is to facilitate construction of a new home within an area dedicated to neighborhood uses. The proposed plat would allow the property owner to make improvements to their land consistent with the above policy.

The proposed plat 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).

Variance: As indicated above, the applicant has submitted a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance (LDSO) to allow the two lots to have direct and abutting access to a public street. In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

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

The applicant believes that since the subject lots have access to Overhill Drive, which is a private street and has an emergency access easement, then it meets the functional needs of the area so granting the variance will not be detrimental to the public safety or injurious to other property. While staff does not normally recommend approval of variance for a private street, Engineering Services and the Planning Division support the variance from Chapter 9.III.A.1. primarily based on the fact that it is a replat of lots on a street previously approved by the Commission as a private street. This replat proposes to reduce the number of lots from 3 to 2, which would decrease the amount of traffic in the existing 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 has stated that the conditions upon which this request for variances are based are that the existing condition of no dedicated street right-of-way is unique to this area and is generally not applicable to other properties. As indicated above, Engineering Services and the Planning Division support the variance for abutting access for this portion of Overhill Drive as this street was already approved as a private street and this replat would reduce the total

number of homes on the street.

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

The applicant believes due to the physical surroundings and shape of the subject property a particular hardship to the owner would result, and that Overhill Drive functions as a public street, but is not officially a publicly dedicated street right-of-way. City staff believes the existing private street will service the surrounding area adequately, and converting a private street to a public street for this replat represents a hardship. Also, this replat would result in a reduction of lots from the existing 3 lots to the proposed 2 lots.

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

The applicant believes as other conditions are met, the provisions of applicable ordinances would not vary in a significant way. Planning and Engineering staff both agree that the existing street, even being a private street, is currently sufficient and the limited traffic would not pose a safety risks to the public.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the First Replat of Lot 29, 30 and 31, Block 3, Section 16E, Bentwood Country Club Estates, and **APPROVAL** of a variance from Chapter 9.III.A.1 to allow lots to not have direct access to a public road, subject to **three 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.II.A]
2. Prior to plat recordation, install necessary water and wastewater service lines to each new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1] 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, please note on the plat the following statement: Fire hydrants and fire department access may need to be provided, depending upon the proposed layout of buildings, and should be addressed as part of the site plan review process. [2015 International Fire Code, Section 507.5, and Appendix D]

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Proposed Replat

Application




Location Map First Replat

BCCE Seciton 16E, Lot 29, Block 3

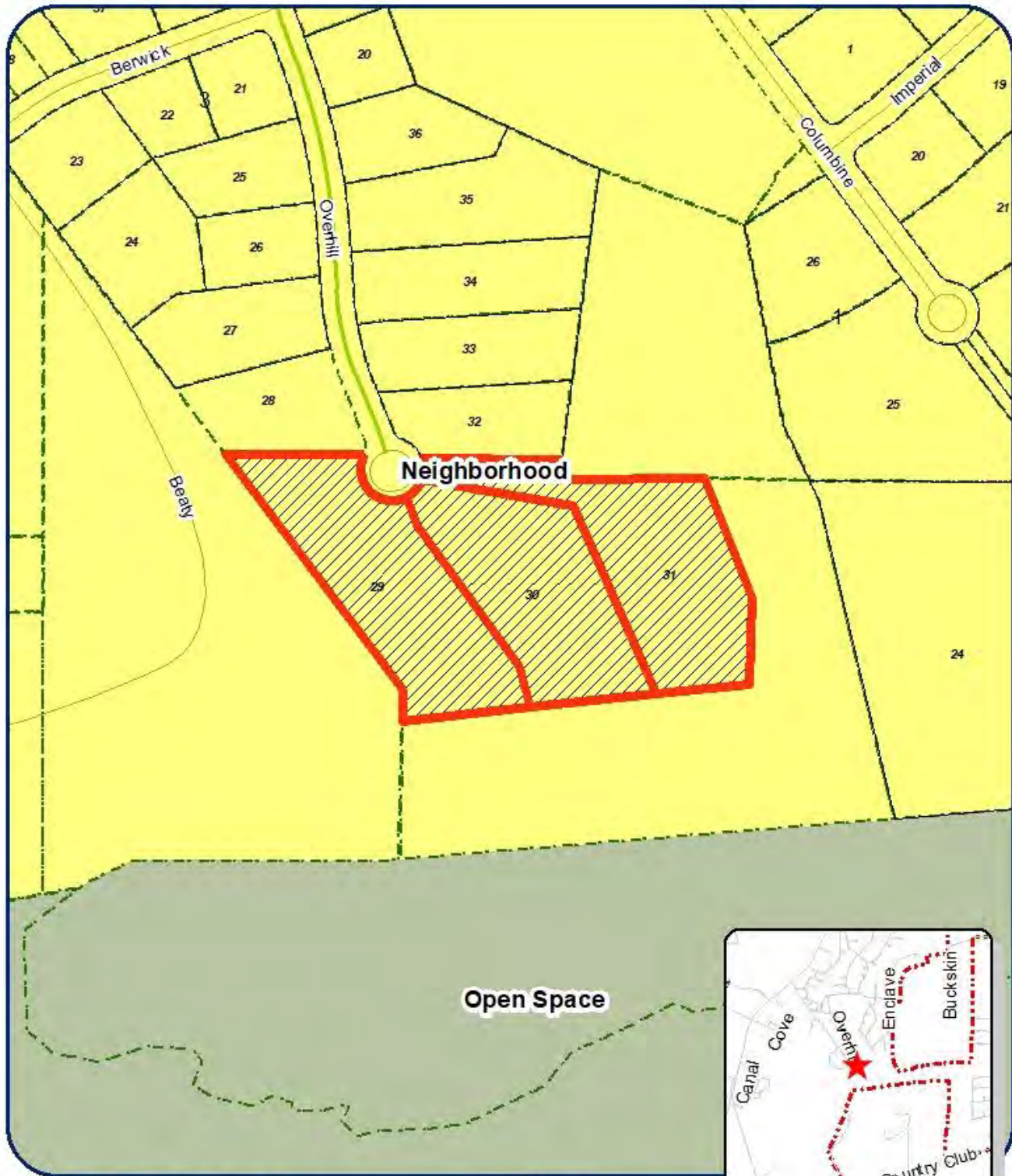
Council District 1 - Tommy Hiebert
 Neighborhood: Country Club
 Scale: 1" approx. = 200 ft

Legend

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

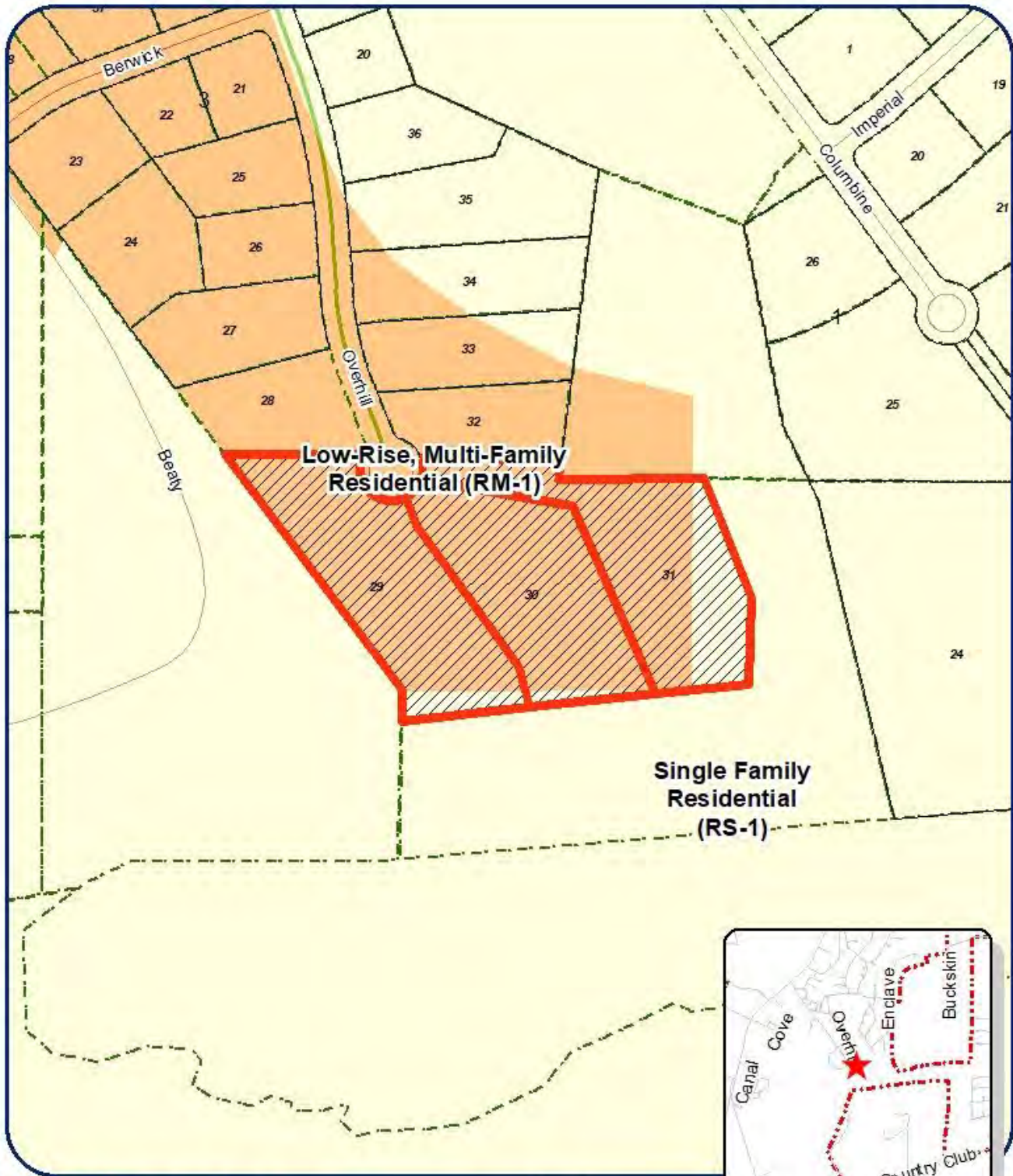


Being Lot 29, Block 3, Bentwood Country Club Estates, Section 16E



Location Map First Replat		Legend	
BCCE Seciton 16E, Lot 29, Block 3		Subject Properties:	RM-1
Council District 1 - Tommy Hiebert		Current Zoning:	RM-1
Neighborhood: Country Club		Requested Zoning Change:	N/A
Scale: 1" approx. = 200 ft		Vision:	Neighborhood
Being Lot 29, Block 3, Bentwood Country Club Estates, Section 16E			

N



Location Map First Replat		Legend	
BCCE Seciton 16E, Lot 29, Block 3		Subject Properties:	RM-1
Council District 1 - Tommy Hiebert		Current Zoning:	RM-1
Neighborhood: Country Club		Requested Zoning Change:	N/A
Scale: 1" approx. = 200 ft		Vision:	Neighborhood
Being Lot 29, Block 3, Bentwood Country Club Estates, Section 16E			

N



City of San Angelo, Texas - Planning Land Subdivision Application



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

Section 1: Basic Information

FIRST REPLAT OF LOT 29 BLOCK 3 BENTWOOD COUNTRY CLUB ESTATES SECTION SIXTEEN-E

Proposed Subdivision Name
 Lot: 29, Blk: 3, Subd: BENTWOOD COUNTRY CLUB EST, SEC 16-E

Current Legal Description (can be found on property tax statement or at www.tomgreencad.com)
 03-14050-0003-029-00

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

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

Authorized Representative: Tenant Property Owner Contractor Engineer

Tenant:

	Name	Phone Number	Email Address
Property Owner:	Bentwood Development, L.L.C.	325-315-7112	ken@klsenterprises.com
Architect/Engineer/Design Professional:	SKG Engineering	325-655-1288	rg@skge.com

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

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

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

Section 2: Utility & Easement Information

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

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

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

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

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

Section 3: Property Characteristics

1.972 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 1.972 Single-Family Residential _____ Office _____

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

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

Vacant _____ Single-Family Residential 1.972 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 ½ miles of it.

Section 4: Variance Requests

Are any variances for this application being requested? Yes No

If yes, provide all of the following information:

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

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.



 Owner's Signature 2-15-2021
Date



 Representative's Signature 2-15-2021
Date

FOR OFFICE USE ONLY:

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

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

Completeness review passed? Yes _____ No _____
Date Date

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

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

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

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

Approvals required for this application:

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

Date of Approval Expiration: _____

Date Recorded: _____

SHEET FOR ADDITIONAL VARIANCE REQUEST(S)

Section 4: Variance Requests

Request ____: Full ordinance citation from Subdivision Ordinance standard from which variance is requested: 9. III. A. 1.

Full variance requested Partial variance requested (*proposed variation from standard*): _____
Not to have direct abutting access to a publicly dedicated street right-of-way.

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.
This area will be served by Overhill Drive which is a private street and emergency access easement.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
This existing condition of no dedicated street right-of-way is unique to this area and is generally not applicable to other property.

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.
Overhill Drive functions as a public street, but is not officially a publicly dedicated street right-of-way .

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 – March 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP21-02 & Z21-03: Arden Acres	
SYNOPSIS:			
A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Commercial Future Land Use to the Neighborhood Land Use, being 11.761 acres and a request for approval of a rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 5.793 acres and Heavy Commercial (CH) Zoning District to General Commercial (CG) Zoning District, being 21.254 acres, generally located southwest of the Arden Road and Northwest Drive intersection.			
LOCATION:		LEGAL DESCRIPTION:	
Generally located southwest of the Arden Road and Northwest Drive intersection			
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD: District 6 – Billie DeWitt Neighborhood: Bluffs	RS-1/CH	Neighborhood & Commercial	11.761/ 27.047 acres
THOROUGHFARE PLAN:			
<u>Arden Road</u> – Urban Major Arterial Street, Required 80’ min. ROW (98’ existing), 64’ pavement width (64’ existing)			
<u>Northwest Drive</u> - Urban Minor Collector Street, Required 60’ min. ROW (60’ existing), 50’ pavement width (50’ existing)			
NOTIFICATIONS:			
14 notifications were mailed within a 200-foot radius of the property on February 25, 2021. No response was received in favor or against, to date.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a request to approve a Comprehensive Plan amendment to Neighborhood for 11.761 acres and the rezoning to General Commercial (CG) for 21.254 acres and Single Family Residence (RS-1) for 5.793, generally located southwest of the intersection of Arden Road and Northwest Drive.			
PROPERTY OWNER/PETITIONER:			
Owner: SJWK, LLC Petitioner: Russell Gulley, SKG Engineering			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information:

The subject property is designated “Commercial” in the City’s Comprehensive Plan. However, the applicant would like to develop residential along Northwest Drive and adjacent to the commercial along Arden Road, providing a transition from the commercial area to the residential and providing for connections to that commercial, both pedestrian and vehicular. The applicant is undecided on whether they intend to build a multiple family complex, which would then require a Conditional Use on the property along Arden Road, or do some smaller commercial adjacent to the multi-family, or just do commercial development along Arden Road while developing single family residential along Northwest Drive. The commercial land use along Northwest Drive is the area that they have asked to change to “Neighborhood” in keeping with their larger plan.

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The proposed General Commercial zoning will be consistent with the Commercial Future Land Use in the City’s Comprehensive Plan. The applicant is wanting to rezone from the Heavy Commercial to General Commercial which is more compatible with his intention to apply for a Conditional Use for multi-family housing. The proposed rezoning is a good example of a mix of uses that are compatible within an area. The area along Northwest Drive that is being rezoned from General Commercial to Single Family Residential is to continue the development of single family south of the Arden Road commercial/multi-family and the multi-family off Northwest Drive. The change in the Comprehensive Plan Future Land Use and the proposed accompanying rezoning are compatible with the City’s Comprehensive Plan and Vision Plan. The mix of uses provides for a service area for the residential and a residential area in need of services.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed zoning is a mix of commercial uses, including multiple family, generally on a smaller scale that separate residential from the more intense use areas along Arden Road . The Zoning Ordinance contains specific development standards that must be met by the zoning categories and those will be adhered to by this development. The overall mix of uses within the larger 61 acres is complementary. Staff concurs with the proposed development plan.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and**

is the appropriate zoning district for the land. This area of San Angelo is a growth area. New residential neighborhoods have evolved and uses have blended. The proposed uses are consistent with the City of San Angelo’s Comprehensive Plan and development staging.

4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** With the growth of the City to the southwest and the evolution of this area the neighborhoods have adapted to change. This area is a good example of uses working within an area to help keep the residential growth relevant and alive while waiting for Commercial growth or multiple family growth to meet the developing needs.

5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** As the development of this area continues some undisturbed habitat will be disturbed. It is up to the City of San Angelo to oversee and help developers mitigate that disturbance while meeting the needs of the community. Often a park located in a new growth area can fulfill that aspect of community development. This area is generally listed on the Park Master Plan for future development.

6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** Planning Staff believe there is a demonstrated community need for additional housing in this area both single family and multiple family and services that meet the needs of the new residential development. The proposed development is part of that growth element that is a result of community expansion.

7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The proposed zoning will result in a logical and orderly development pattern while still providing for choice and flexibility. The accesses to the site and the major traffic movement patterns are beneficial to the neighborhood as well as to the city. Continuing to develop within a neighborhood to encourage mixed development contributes to overall pattern of development and growth the City encourages. There is a large apartment complex in the process of being built to the west of this commercial proposal. With the mix of housing types comes the demand for additional services and the continued growth of an area. The development pattern for this area will follow established trends for this community.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a request for a Comprehensive Plan amendment from Commercial Future Land Use to the Neighborhood Land Use, being 11.761 acres and **APPROVAL** of a request for rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 5.793 acres and from the Heavy Commercial (CH) Zoning District to General Commercial (CG) Zoning District, being 21.254 acres on property generally located southwest of the intersection of Arden Road and Northwest Drive.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application



Location Map CP21-02/Z21-03

SJWF, LLC (4155 Arden Road)

Council District 6 - Billie DeWitt

Neighborhood: Bluffs

Scale: 1" approx. = 500 ft

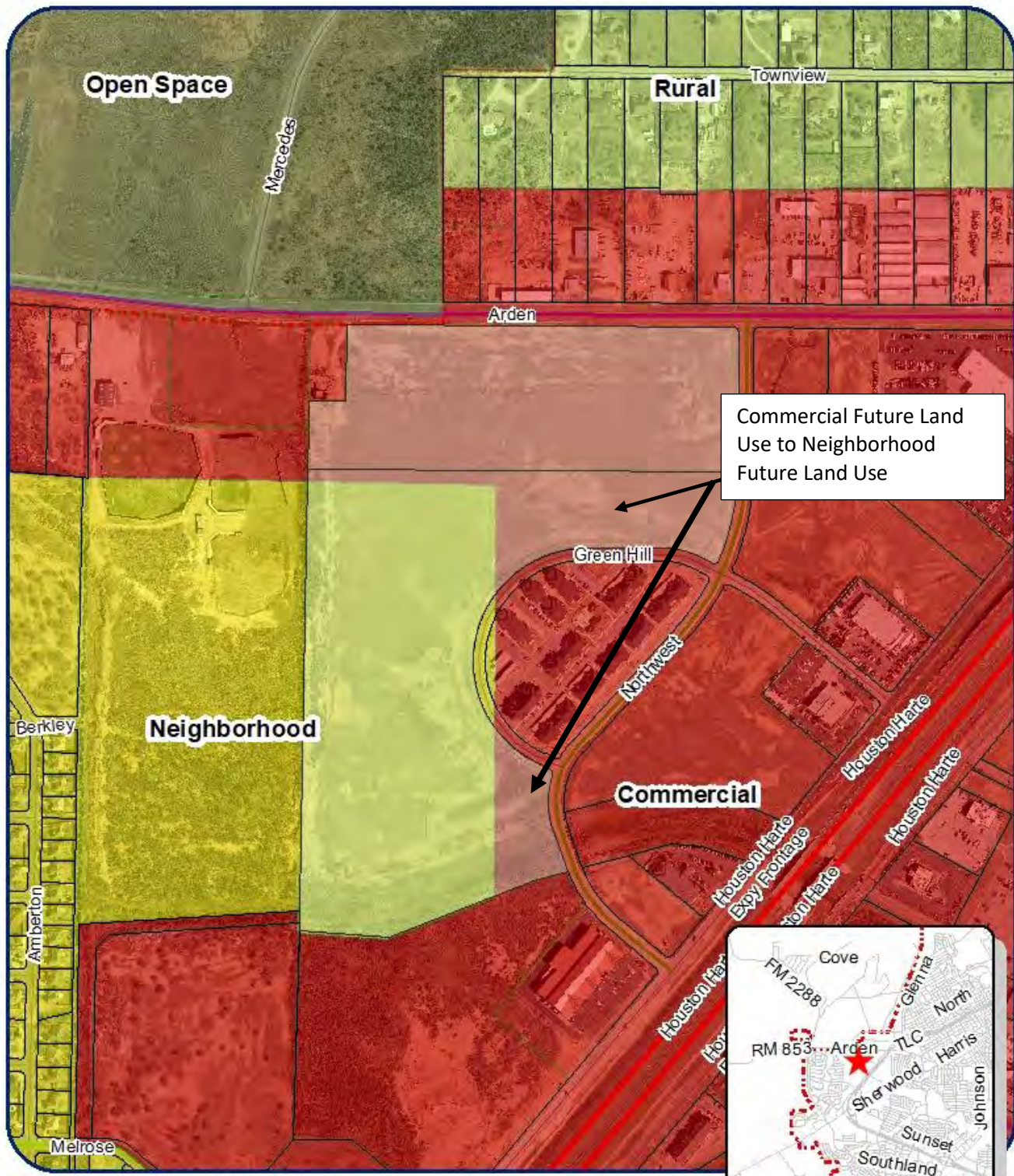
Lots 1 & 2, Sec. 3, Blk. 3 Arden Acres 2nd R/P in Blk. 3, Sec. 3

Legend

- Subject Properties: _____
- Current Zoning: **RS-1, CG, CH**
- Requested Action: **CP Amend./Rezoning**
- Vision: **Neighborhood, Commercial**



Aerial Map



Location Map CP21-02/Z21-03

SJWF, LLC (4155 Arden Road)

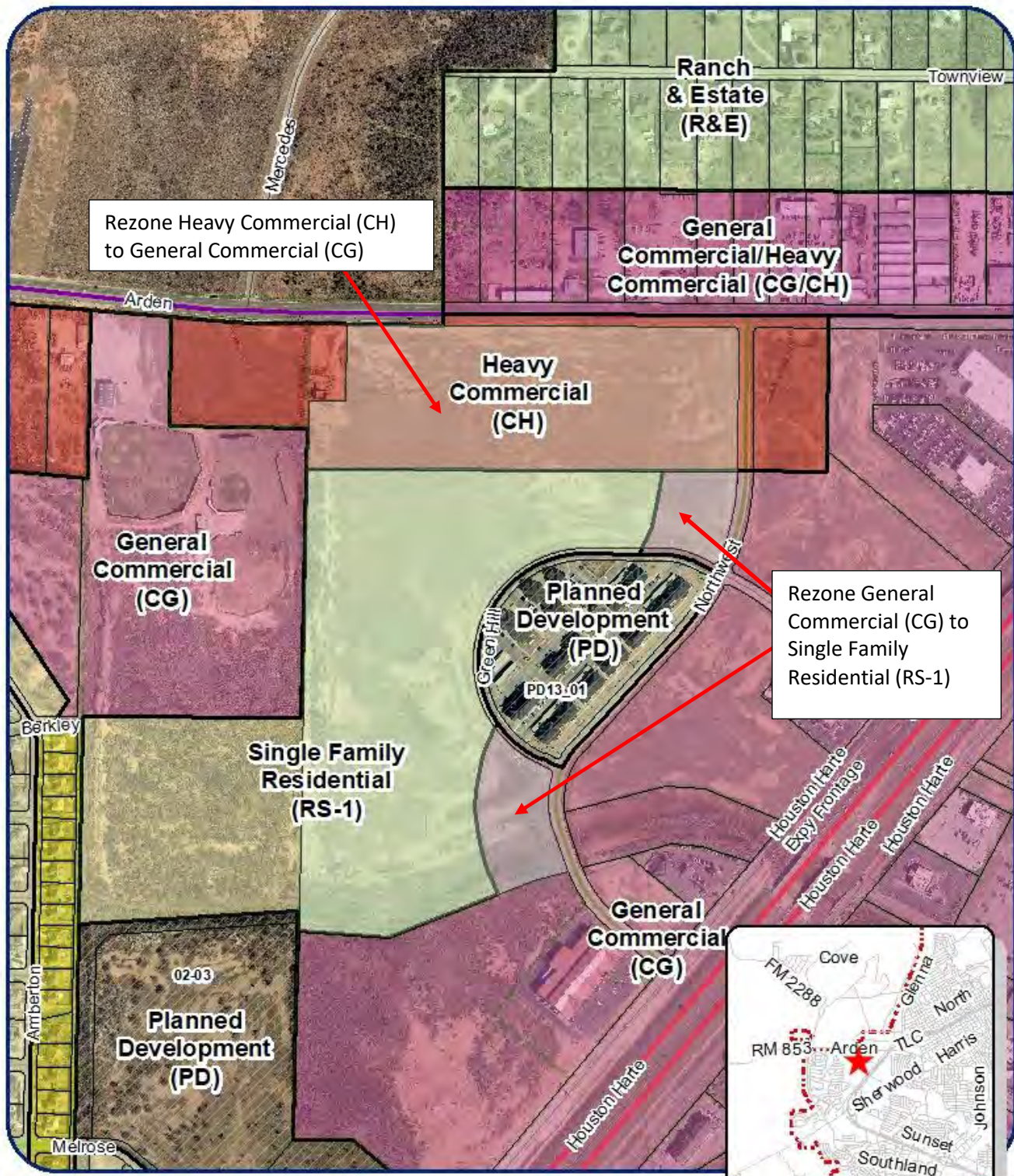
Council District 6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 500 ft
 Lots 1 & 2, Sec. 3, Blk. 3 Arden Acres 2nd R/P in Blk. 3, Sec. 3

Legend

Subject Properties:
 Current Zoning: RS-1, CG, CH
 Requested Action: CP Amend./Rezoning
 Vision: Neighborhood, Commercial



Future Land Use Map



Rezone Heavy Commercial (CH)
to General Commercial (CG)

Rezone General
Commercial (CG) to
Single Family
Residential (RS-1)



Location Map CP21-02/Z21-03		Legend	
SJWF, LLC (4155 Arden Road)		Subject Properties:	—
Council District 6 - Billie DeWitt		Current Zoning:	RS-1, CG, CH
Neighborhood: Bluffs		Requested Action:	CP Amend./Rezoning
Scale: 1" approx. = 500 ft		Vision:	Neighborhood, Commercial
Lots 1 & 2, Sec. 3, Blk. 3 Arden Acres 2nd R/P in Blk. 3, Sec. 3		Existing Zoning	



Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

JSF This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

JSF Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

JSF If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

JSF The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

JSF If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

JSF Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

JSF Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

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

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

J. Steve Ford 2-17-2021
 Signature of licensee or authorized representative Date
J. Steve Ford
 Printed name of licensee or authorized representative
SJWF, LLC
 Name of business/Entity of representative

FOR OFFICE USE ONLY:
 Case No.: CPA.: _____ -- _____ Planning Commission Date: ____/____/____
 City Council Date(s): ____/____/____
 Non-Refundable Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____
 Reviewed/Accepted by: _____ Date: ____/____/____

Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): SJWF, LLC

Owner Representative (Notarized Affidavit Required)

1500 N Post Oak Road Ste 190 Houston Texas 77055

Mailing Address City State Zip Code

713-334-5514 steve@resolution.net

Contact Phone Number Contact E-mail Address

Northwest Drive & Arden Road San Angelo Texas 76901

Subject Property Address City State Zip Code

Lots 1&2 SEC 3, Blk: 3, Subd: ARDEN ACRES, 2ND R/P IN BLK 3 SEC 3

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

Existing Zoning: RS-1, CG, CH Proposed Zoning: RS-1 & CG Lot size: varies

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

Section 2: Site Specific Details

Existing Use of Property: Vacant

*Proposed Use of Property: Single Family, Multi-Family, or Commercial

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

J. Steve Ford *J. Steve Ford* SJWF, LLC 2-17-2021
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

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

Case No.: Z____--____ Fully-dimensional site plan:

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

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

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

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

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

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

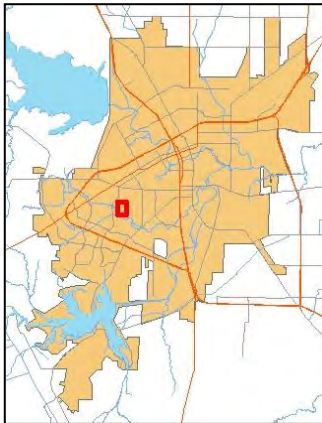
City Council hearing date: ____/____/____ Packets due date: ____/____/____

Publication date: ____/____/____

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

**PLANNING COMMISSION – MARCH 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Planned Development Amendment		PD07-03 (Amended): 2909 South A&M Avenue	
SYNOPSIS:			
This specific case was tabled at the February 22, 2021 Planning Commission meeting. On August 21 st of 2007, City Council approved PD07-03 from RS-1 to PD intended for assisted group living. On April 16 th of 2013, City Council approved Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy. The current proposed amendment is to specifically add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property.			
LOCATION:		LEGAL DESCRIPTION:	
2909 South A&M Avenue		Being 0.7.938 acres being out W. Nevels, Abstract-1755, Survey-2 and J. McNeese, Abstract-1641, Survey 176 ½.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter Neighborhood – ASU – College Hills	PD07-03	Neighborhood	7.938 acres
THOROUGHFARE PLAN:			
<u>South A&M Avenue</u> – Minor Collector Street – ROW 60’ Required (60’ Existing) – Pavement Width 50’ Required (36’ Existing)			
<u>Oxford Avenue</u> – Minor Collector Street – ROW 60’ Required (50’ Existing) – Pavement Width 50’ Required (36’ Existing)			
NOTIFICATIONS:			
35 notifications were mailed within a 200-foot radius of the property on February 2, 2021. Staff has received 2 responses in favor and 26 against the case.			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of a request for a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses.			
PROPERTY OWNER/PETITIONER:			
Jack Gabriel			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information: On August 21st of 2007, City Council approved PD07-03, a rezoning from Single-Family Residential (RS-1) zoning district to a Planned Development (PD) zoning district intended for assisted group living, subject to specific requirements (see attached Exhibit A). On April 16th of 2013, City Council approved Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy, subject to specific requirements (see attached Exhibit B). The current proposed amendment is to specifically add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property. This business will process water through a RO system and then bottle the water, all on site. After the water is bottled, it will be delivered to their customers.

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The proposed PD amendment is not in keeping with the Future Land Use of the City's Master Plan as being Neighborhood. The property is within a well-established neighborhood that has single-family homes and a church.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The underlying zoning for this property is RS-1. This proposed amendment to the PD is not consistent with the Zoning Ordinance. The zoning ordinance intent is to protect the existing uses from undue impact. In this case, the surrounding neighborhood would not be protected by adding a commercial use to the vacant building, but rather be a hindrance to the surrounding neighborhood.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The surrounding uses are single-family homes and a church. The proposed use would bring in more traffic and noise that is not intended for a neighborhood.
4. **Changed Conditions. *Whether and the extent to which there are changed conditions that require an amendment.*** The subject property was an elementary school, but most of the school buildings have been vacant for many years. The specific building that is the subject of this amendment was occupied by a gymnastics academy until mid-2019 and has remained vacant since. Approving the proposed PD, will allow a commercial use within a residential area and could generate more traffic and noise than what is expected in a residential area.

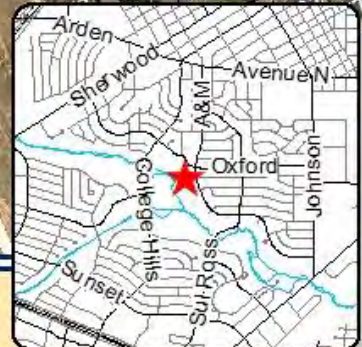
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not believe that there will be any adverse effects on the natural environment. The structure that will be used already exists.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Staff believes there continues to be a demonstrated community need of commercial uses. However, staff doesn't believe that this is the appropriate location for such a use that is being proposed, given its close proximity to single-family homes in a well-established neighborhood.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* As an area for a neighborhood, this application is not consistent with that pattern and could have a negative effect on the residence within this surrounding area.

Recommendation:

Staff recommends **DENIAL** of a request for approval of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
In Favor Petition (provided by applicant)
Opposition Letters
Layout Plan
Exhibit A – 2007 Amendment Exert
Exhibit B – 2013 Amendment Exert
Application



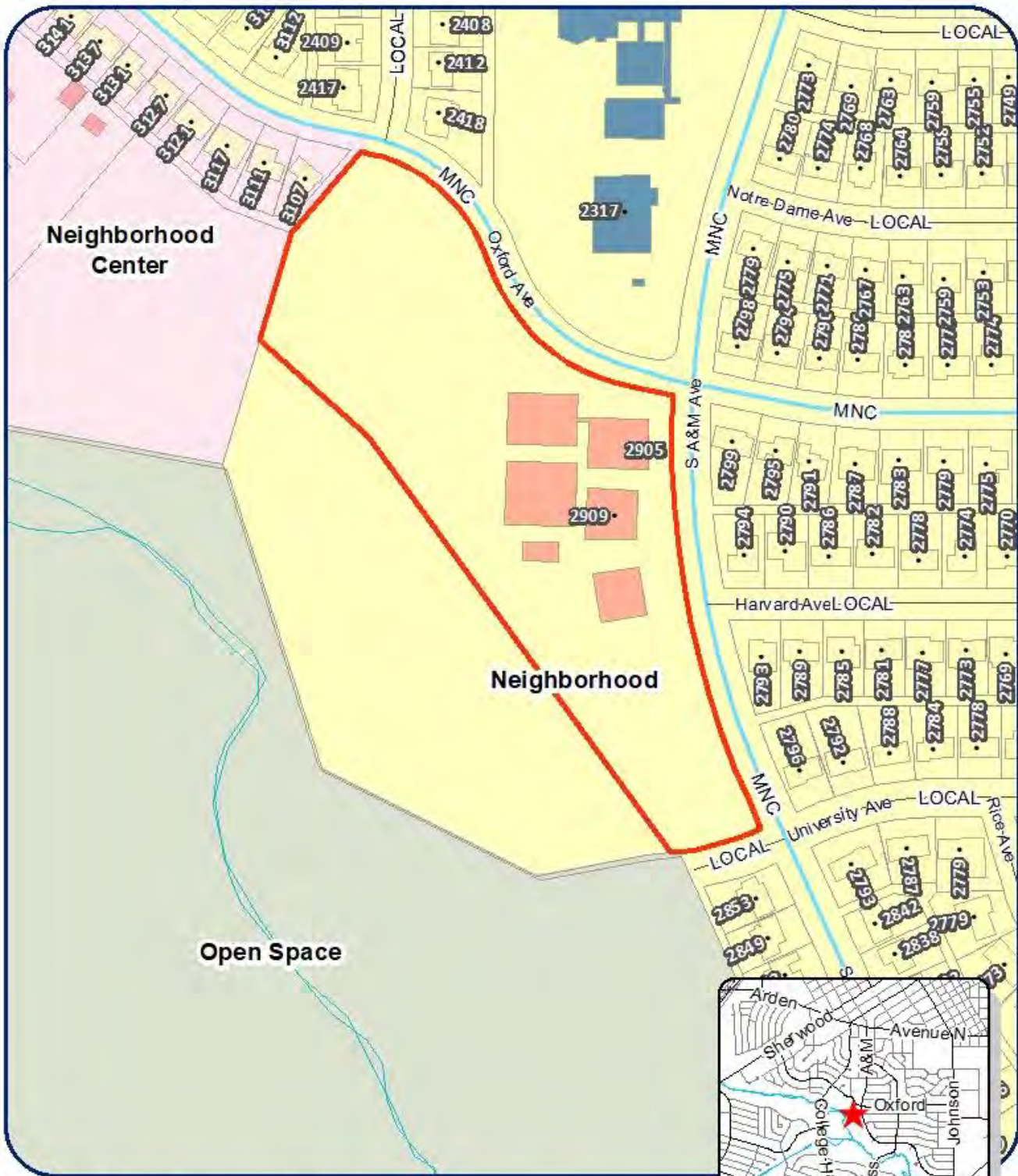
Planned Development Amendment
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

- Subject Properties: —
- Current Zoning: PD07-03
- Requested Zoning Change: N/A
- Vision: Neighborhood



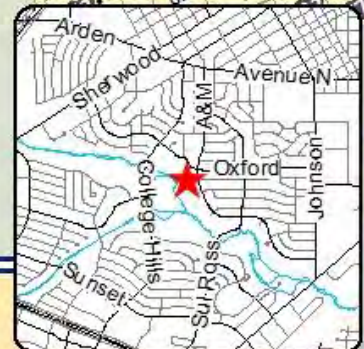


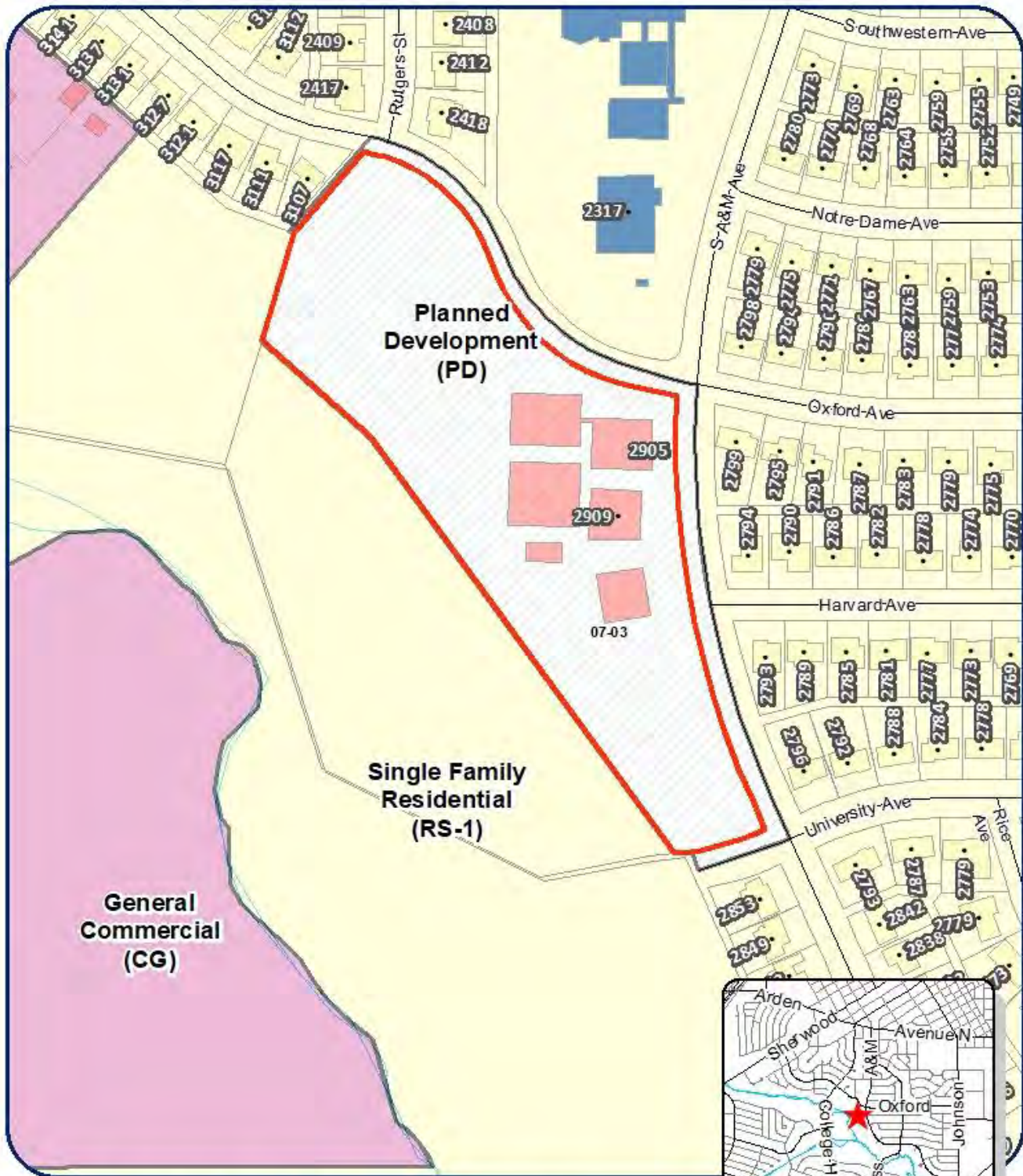
Planned Development Amendment
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

Subject Properties:
 Current Zoning: PD07-03
 Requested Zoning Change: N/A
 Vision: Neighborhood





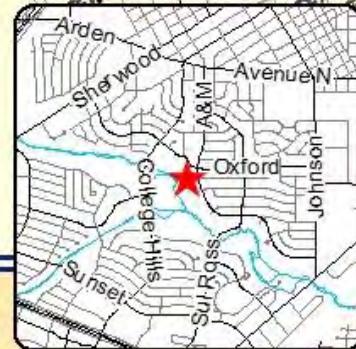
Planned Development Amendment

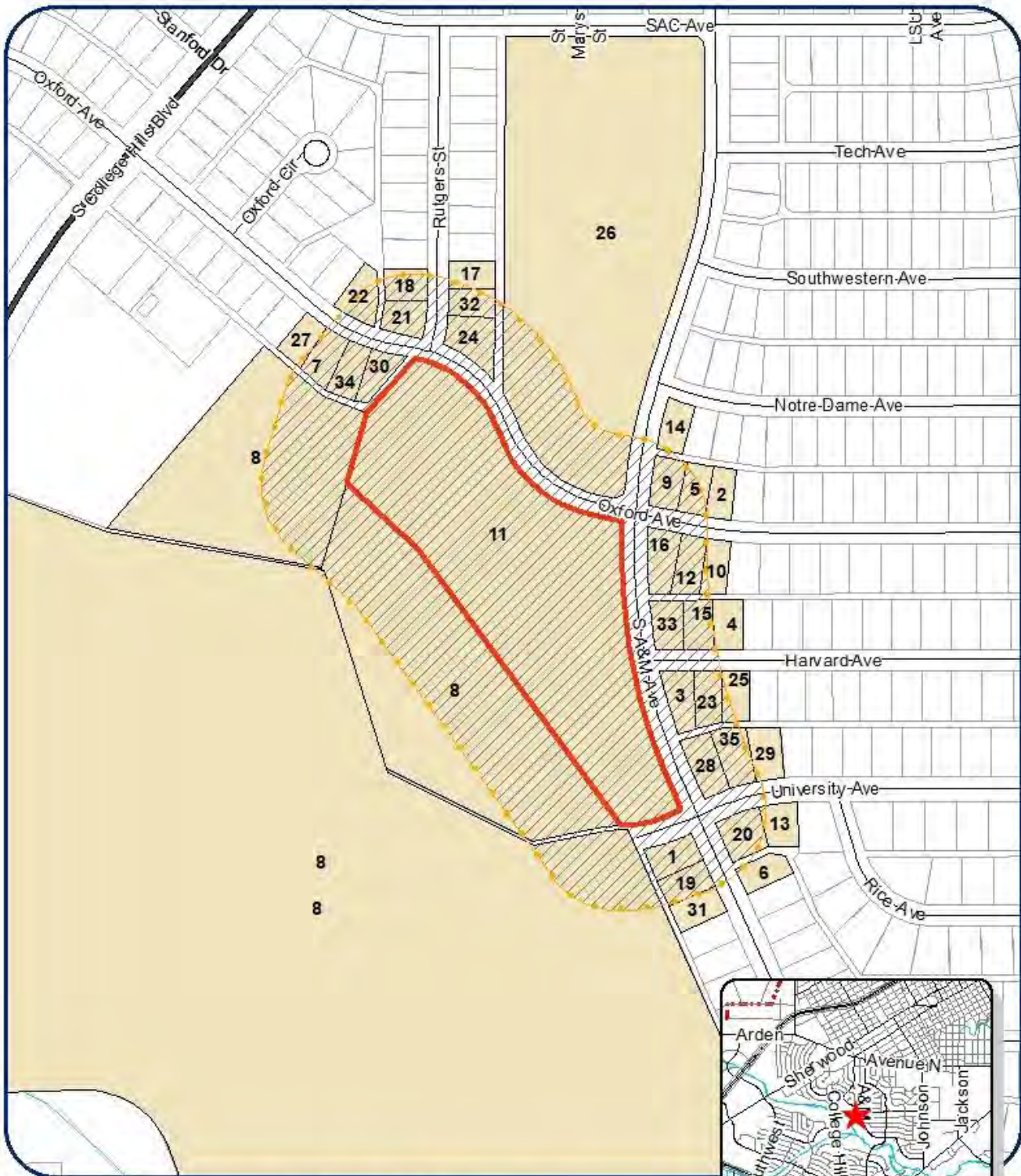
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

- Subject Properties:
- Current Zoning: PD07-03
- Requested Zoning Change: N/A
- Vision: Neighborhood






Planned Development Amendment
2905-2909 S A & M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 300 ft

Legend

Subject Properties: 
 Current Zoning: PD07-03
 Requested Zoning Change: N/A
 Vision: Neighborhood



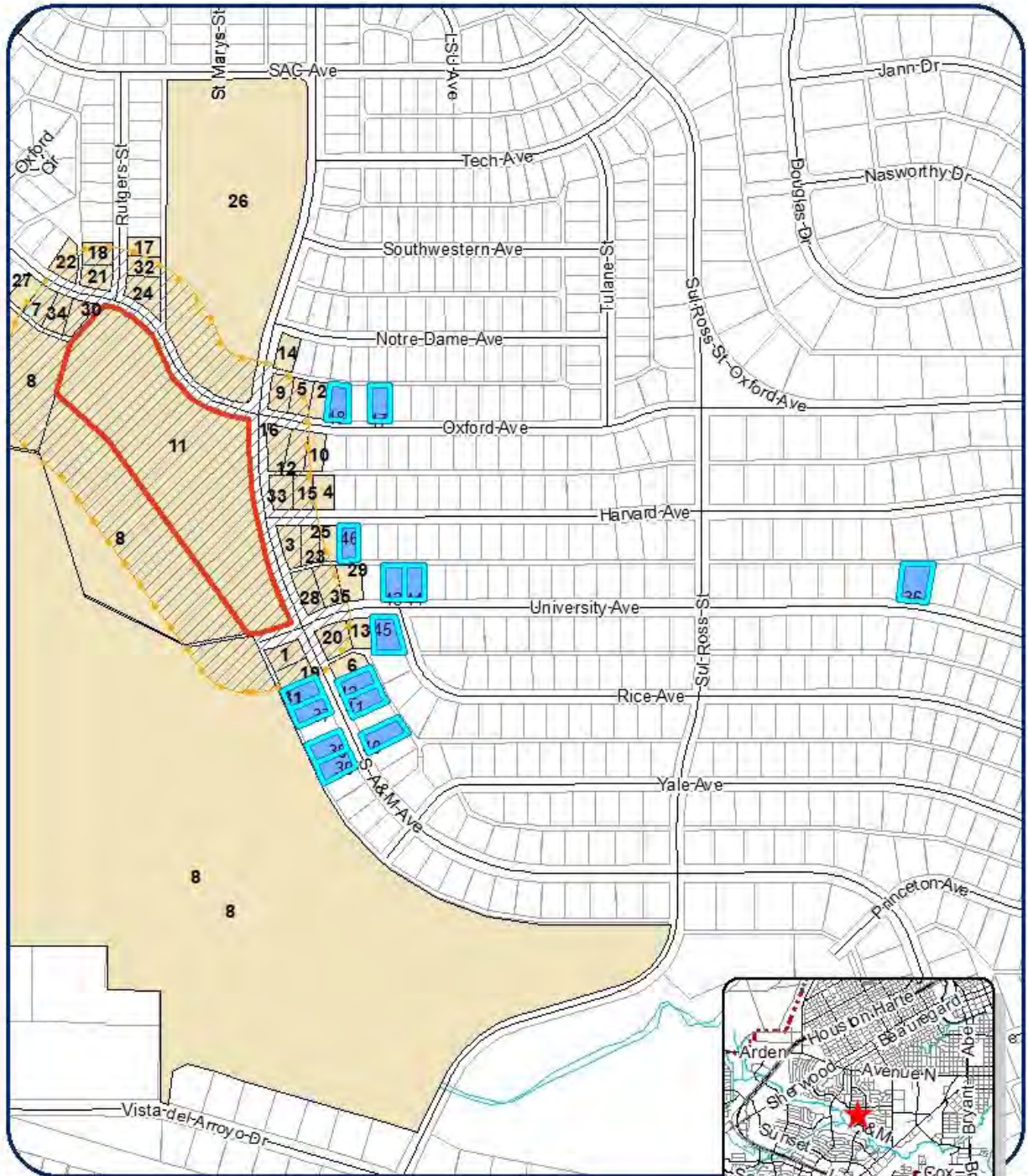
Photos of Site and Surrounding Area



In Favor Petition

WE, THE UNDERSIGNED ARE IN FAVOR
 OF A WATER PROCESSING AND DELIVERY
 BUSINESS FOR A PROPERTY LOCATED
 AT 2909 A&M AVENUE, SAN ANGELO, TX
 76904 PD07-03

NAME	ADDRESS	SIGNATURES
Laura Neill	2620 University Ave	Laura Neill
John	2620 University Ave	John
Kendall Downey	2543 A&M Ave	Kendall Downey
Matt Estin	2837 A and M Ave	Matt Estin
Jackie Rabb	2825 A & M Ave	Jackie Rabb
John H. Rab	2825 A&M Ave	John H. Rab
Maureen Millican	2821 A&M Ave	Maureen Millican
Susan Scott	2822 A & M Ave	Susan Scott
Bill Marr	2832 A&M Ave	Bill Marr
Philip FAVA	2838 S. A&M Ave	Philip Fava
CENADIA FAVA	2838 S. A & M AVE	Cenadia Fava
Kelli Kirk	2778 University Ave	Kelli Kirk
Ethan Wood	2778 university Ave	Ethan Wood
Skylar Stube	2778 university Ave	Skylar Stube
Kate Kirk	2778 University Ave	Kate Kirk
Sabrina Rojas	2774 University Ave	Sabrina Rojas
Michael Keeney	2779 University Ave	Michael Keeney
Todd Compton	2781 Harvard Ave	Todd Compton
Jean Whitehorn	2787 Oxford Av	Jean Whitehorn
Bradley Eoff Jr.	2786 Oxford Ave.	Bradley Eoff Jr.



Planned Development Amendment
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 427 ft

Legend

- Subject Properties: PD07-03
- Current Zoning: N/A
- Requested Zoning Change: N/A
- Vision: Neighborhood



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

() IN FAVOR () IN OPPOSITION

REASON(S) _____

I'm happy something will happen to maintain this property. I am not familiar with what water processing entails. I would not approve if it causes loud, ^{offensive} noises. Otherwise, go for it! Clean up that decaying building.

NAME: *Grace Rogers*

ADDRESS: *2785 Harvard Ave.*

SIGNATURE: *Grace Rogers*

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 25

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

Opposition letter

PAGE 1 OF

WE, THE UNDERSIGNED, ARE AGAINST A WATER
 PROCESSING + DELIVERY BUSINESS + RELATED
 ACCESSORY USES FOR A PROPERTY LOCATED AT
 2909 A.M AVE, SAN ANGELO, TX 76904
 PD07-03 (AMENDED)

	NAME	ADDRESS	SIGNATURE
15	FLO LOIKA	2790 HARVARD AVE	Flo Loika
4	Bobby Brant	2785 HARVARD	Bobby Brant
3	Aaron Bayer	2793 Harvard Ave	Aaron Bayer
33	THOMAS TWISS	2794 HARVARD	THOMAS TWISS
28	LYNN SIMON	2796 UNIVERSITY	Lynn Simon
29	Johna Burch	2788 University Ave.	Johna Burch
1	Ryan Koles	2853 A.M AVE	Ryan Koles
1	Jett Allen	2853 A.M AVE	Jett Allen
19	Callie Phillips	2849 A.M AVE	Callie Phillips
13	Rebyn Atwood	2787 University Ave	Rebyn Atwood
12	Angel Reyes	2795 OXFORD AVE	Angel Reyes
35	Robynn Womack	2792 UNIVERSITY AVE	Robynn Womack
35	Billy Womack	2792 UNIVERSITY AVE	Billy Womack
5	Handah Brown	2794 Oxford Ave	Handah Brown
-	Bryan Brown	2794 Oxford AVE - OWNER	Bryan Brown
2	Samantha Crumrine	2790 Oxford Ave -	Samantha Crumrine
9	Aria Murray	2798 Oxford Ave -	Aria Murray
24	Michael Riley	2418 Rutgers St.	Michael Riley
17	Tiffany Campbell	2408 Rutgers St	Tiffany Campbell
18	George O'Neal	2409 RUTGERS ST	GEORGE O'NEAL

PAGE 2 OF 2

	NAME	ADDRESS	SIGNATURE
32	Tyson Tucker	2412 Rutgers	Tyson Tucker
21	Walker Woolman	2417 Rutgers	Walker Woolman
27	Laredo Williamson	3121 S Oxford	Laredo Williamson
34	Clifton White	3111 S Oxford	Clifton White
30	Adam Steele	3107 S. Oxford	Adam Steele
22	Joshua Smith	3112 S. Oxford	Joshua Smith
23	CLIFF RICHEY	2789 HARVARD	Cliff Richey
26	Gracie Gonzales (CATHOLIC SCHOOL)	2315 AΦM AVE	Gracie Gonzales

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() IN FAVOR (✓) IN OPPOSITION

REASON(S) We bought our HOME 40yrs ago
when TRAVIS ELEMENTARY WAS A SCHOOL.
SINCE THE CLOSING APPROXIMATELY 12 YEARS AGO,
JACK GABRIEL HAS DONE LITTLE TO THE
PROPERTY. WINDOWS HAVE BEEN BROKEN OR
BOARDED UP, PROPERTY HAS BEEN VANDALISED
AND THE GROUNDS HAVE NOT BEEN KEPT UP
WE DO NOT WANT A COMMERCIAL BUSINESS
IN OUR NEIGHBORHOOD. WE DON'T WANT TO
LISTEN TO TRUCK NOISE; PROPERTY VALUE
GOING DOWN, TAXES GOING UP, SAFETY ISSUES
WITH CHILDREN IN THE NEIGHBORHOOD, NOISY LEVEL
NAME: FLO TARTER-LOTKA DIRECTLY ACROSS FROM
OUR HOME. WHAT
ADDRESS: 2790 HARVARD AVE DOES ACCESSARY MEAN?
SAN ANGELO, TX 76904

SIGNATURE: Flo Tarter-Lotka

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 15

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR (X) IN OPPOSITION

REASON(S) ANY COMMERCIAL OR LOW INCOME
HOUSING I AM AGAINST

NAME: THOMAS A. TWOMBLY

ADDRESS: 2794 HARVARD AVE.

SIGNATURE: Thomas A. Twombly

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 33

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() IN FAVOR (X) IN OPPOSITION

REASON(S) _____

1. INCREASE IN TRAFFIC VOL.

2. COMMERCIAL TRUCKS

3. BLOCKS MY VIEW OF TOWNHOMES

NAME: LYRA C. SIMMONS

ADDRESS: 2196 UNIVERSITY 76904

SIGNATURE: 

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 28

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR


IN OPPOSITION

REASON(S) I bought the house because of location + neighborhood in general. There are plenty of places in Angelo to open a business & one zoned for that purpose. I was hoping part of the land, 60 ft from my house, would one day be incorporated with the walking track for families to take their ~~children~~ children. But I am sure from the city, & council's point of view it's about money & not families. I am quite sure this will lower the resale value of my house. That not good for me + the other properties involved.

Businesses are usually on commercial property not residential. Thank you; ^{can} anyone call me if you'd like.

NAME: James Allen 325-348-7448

ADDRESS: 2853 A+M st

SIGNATURE: 

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 1

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() IN FAVOR (X) IN OPPOSITION

REASON(S) _____
* lose property value
* increase in traffic & noise
* destroy the already weak/ in dis repair water system we currently have
* Create more problems w/ the roads

NAME: Robyn Atwood (Griffith)
ADDRESS: 2787 University Ave
San Angelo, TX 76904

SIGNATURE: Robyn Atwood

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 13

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR (X) IN OPPOSITION

REASON(S) _____
We do not want the traffic, noise, or
the ugly view.

NAME: Billy + Robyn Womack
ADDRESS: 2792 University Ave
San Angelo, Tx 76904
SIGNATURE: Robyn Womack

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 35

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR () IN OPPOSITION

REASON(S) do not approve of the
re-zoning of this area.

NAME: GEORGE O'NEAL

ADDRESS: 2409 RUTGERS ST.
SAN ANGELO, TX 76904

SIGNATURE: George O'neal

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 18

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR () IN OPPOSITION

REASON(S) _____

Value of my property will decrease. Please
build a park here instead of manufacturing.
The safety of my children is also a concern.

NAME: Samantha Cummin

ADDRESS: 2790 Oxford Ave
San Angelo, TX 76904

SIGNATURE: 

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 2

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR () IN OPPOSITION

REASON(S) Traffic, noise, Property loss of value
Danger to Catholic School students -
I dont like any part of it!

AGAINST

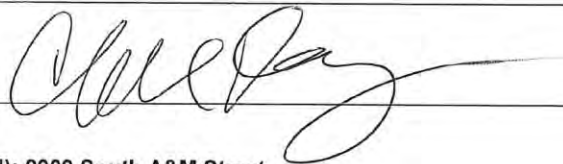
NAME:

CLIFF RICHEY

ADDRESS:

2789 HARVARD

SIGNATURE:



PD07-03 (Amended): 2909 South A&M Street

Property owner number: 23

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.


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() IN FAVOR (X) IN OPPOSITION

REASON(S) This is a neighborhood. Make
this lot houses. We don't need a
business here. This will hurt housing
values. This is a very poor idea for
our neighborhood.

NAME: Sarah Brzymialkiewicz

ADDRESS: 2842 A and M Ave
San Angelo, TX 76904

SIGNATURE: 

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 6

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

Layout Plan

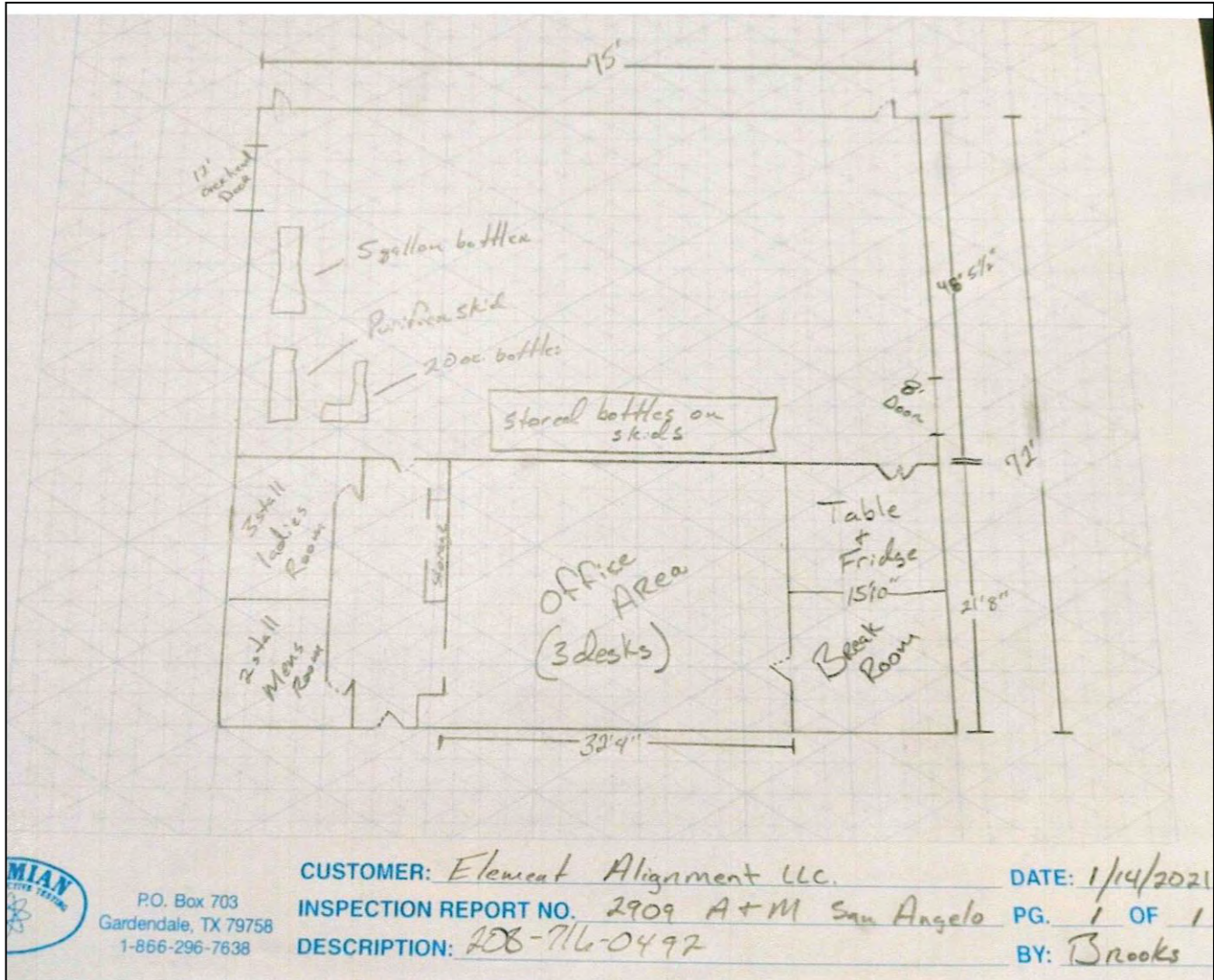


Exhibit A

Exert of the Ordinance approved by City Council on August 21st of 2007, PD07-03 (Amended) to change the zoning classification from a Single-Family Residence (RS-1) District to a Planned Development (PD) District intended for assisted group living.

SECTION 5: Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The subject property may be used for assisted group living; however, any such use or occupancy of this property shall not include residential treatment of persons with psychiatric, alcohol or drug problems.
- B. The use and improvement of this subject property shall furthermore be as generally shown on a graphic concept plan attached as Exhibit “B” to this amending ordinance.
- C. On-site signage shall be subject to limitations ordinarily applicable to Low-Rise Multi-Family Residence (RM-1) zoning districts, unless a specific variance from such limitations shall have been duly approved by the Planning Commission.
- D. At any time during this subject property’s occupancy for assisted group living, a minimum of one (1) off-street parking space shall be available for each residential unit in buildings on this property. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo’s Zoning Ordinance.
- E. Within each off-street parking area, rows of not more than ten (10) continuous parking stalls shall be separated by raised curb “islands” at least 9 feet wide and 18 feet long. Each such raised curb island shall, at a minimum, be required to be suitably landscaped with grass cover and a single shade tree of a variety well-suited to survive in San Angelo’s climate, with a minimum 3-inch caliper, and continually maintained in good condition.

Exhibit B

Exert of the Ordinance approved by City Council on April 16th of 2013, Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy.

SECTION 5: Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The property shall not allow any retail sales except to students and attendees of gymnastics showcases and or events. Invitation for the sole purpose of retail sales shall be prohibited. Said sales shall be limited to gymnastics activities and general concessions.
- B. Office space shall be allowed for the gymnastics academy and assisted group living uses only. Other types of offices not related to the allowed uses through this amendment and PD 07-03 shall not be permitted.
- C. Gymnasium shall only be used for gymnastics activities, showcases and training limited to those enrolled in lessons or the academy. Other types of athletic clubs, events, or sports unrelated to the operation of a gymnastics academy or assisted group living facility shall not be permitted.
- D. Appeals of what constitutes a gymnastics activities shall be directed to the Zoning Board of Adjustment if not addressed within this amendment to PD 07-03.

SECTION 6: The parking requirements for this gymnastics academy shall be as follows, and as in ordinarily required in the zoning ordinance for the City of San Angelo:

- A. 1 space per 400 square foot gross or 1 space for every 10 seats for patron use; whichever is greater for the gymnastics academy. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo's Zoning Ordinance.
- B. Before any activities allowed within this Planned Development District may commence, a Certificate of Occupancy form the Building Official shall be obtained and all parking spaces required for those uses shall be provided and maintained as Section 511 of the Zoning requires.

SECTION 7: Outdoor storage of any materials or equipment or any kind shall not be permitted at any location within the bounds of the Planned Development District.

Effective October 7, 2019



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



Planned Development (PD) - Zone Change or Site Plan

Shelly

Section 1: Basic Information

Name of Applicant(s): JACK Gabriel
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 2626 University Ave San Angelo TX 76904
City State Zip Code

Contact Phone Number: 325-374-3457 Contact E-mail Address: sp9gabriel21@yahoo.com

Subject Property Address: 2909 ATM San Angelo TX 76904
City State Zip Code

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

Existing Zoning: PD07-03 Proposed Zoning: Commercial Lot size: 1 Acre
(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: vacant, storage

*Proposed Use of Property: water distribution

*Use separate attachment if necessary

Section 2: Type of PD Request

1. New PD District (City Council approval required) Text Amendment to PD District (City Council approval required)
 Major Site Plan / Amendment (Planning Commission approval required) Minor Site Plan / Amendment (Planning Director approval required)

2. Site Plan attached? Yes No

* New and amended PD site plan applications require a separate scaled plan that includes all new and existing buildings and structures; location of all parking spaces to be painted and striped; and all driveway entrances, drive-thru areas, easements, and maneuvering areas

(For additional information refer to Zoning Ordinance or contact Planning Division at 325-657-4210)

Section 3: Applicant(s) Acknowledgement

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

- An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- If approved, a zone change is applied to the property, not the property owner.
- The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.

Effective October 7, 2019

Section 3 continued: Applicant(s) Acknowledgement

- One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.
- The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

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

Jack Cabral [Signature] 1-14-21
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete Date of Application: 1 / 15 / 21

Case No.: PD _____ Fully-dimensional site plan:

Select from the following:

New PD District nonrefundable fee	<u>paid \$370.00</u>	\$600.00	Receipt #:	_____	Date paid:	____/____/____
Text Amendment to PD Ordinance		\$225.00	Receipt #:	_____	Date paid:	____/____/____
PD Site Plan, major/minor amendment		\$125.00	Receipt #:	_____	Date paid:	____/____/____
Newspaper Notification Fee (PD District/Text Amd)		\$125.00	Receipt #:	_____	Date paid:	____/____/____
Sign Deposit (minor site plans exempt)		\$20.00	Receipt #:	_____	Date paid:	____/____/____

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

Previous Zone Change Inquiry? Yes No If yes, case no: Z _____ -- _____

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

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


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

Publication date: ____/____/____

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

**PLANNING COMMISSION – March 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU21-02: 1009 Rio Grande Street	
SYNOPSIS:			
<p>On March 16, 2020, the Planning Commission approved a Conditional Use for a Short-Term Rental (STR) on the subject property. The property is zoned Two-Family Residential (RS-2) and contains an existing single-detached dwelling built in 1958, according to the Tom Green County Appraisal District. A Short-Term Rental is allowed in the RS-2 with an approved Conditional Use, subject to the development standards of Section 406 of the Zoning Ordinance. This request is for a renewal of this approved STR.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1009 Rio Grande Street; generally located southwest of Rio Grande Street and North Park Street.		Being the west 37.25 feet of Lots 1 and 2 and an adjacent 50' x 100' abandoned alley in Block 54 of the Angelo Heights Addition, comprising a total of 0.131 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter Central Neighborhood	RS-2 – Two-Family Residential	N – Neighborhood	0.131 acres
THOROUGHFARE PLAN:			
<i>Rio Grande Street</i> – Urban Local Street - 50' ROW required (60' existing), 40' pavement required (36' provided)			
NOTIFICATIONS:			
19 notifications mailed within 200-foot radius on February 26, 2021. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use for a Short-Term Rental as defined in Section 406 of the Zoning Ordinance, in the Two-Family Residential (RS-2) Zoning District, on the subject property, subject to seven conditions of approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner:</i> Shae McClure <i>Operator:</i> Bianca McClure			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information: On September 17, 2018, the Planning Commission for the City of San Angelo approved, with two conditions, a Conditional Use for a Short-Term Rental. The applicant should have requested an application for a renewal by September 17, 2019. There was no application by this date; therefore, there was an application for a new Conditional Use approval for a Short-Term Rental, which was approved on March 16, 2020. This current application is for a renewal prior to the expiration of the first year. If this application is approved, then the applicant would only need to come back every two years for subsequent renewals. There has not been any Code Enforcement nor Police Department violations reported at this property since at least March 2020.

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

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** There does not appear to be any adverse impacts on surrounding properties if the proposed Short-Term Rental is approved. The Short-Term rental occupancy would be located within the existing single-detached dwelling built in the late 1950s. The property's rear yard faces a large rear yard of the adjacent property to the south and is screened by a 6-foot high privacy fence. Staff believes a Short-term Rental in this location would be compatible with the surrounding area.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The subject property, zoned RS-2, allows a Short-Term Rental with an approved Conditional Use, subject to the development standards of Section 501 of the Zoning Ordinance for single-detached dwellings, and Section 406 for Short-Term Rentals. The Short-Term Rental will be located within the existing single-detached dwelling and complies with all setbacks. The front unenclosed porch is 17 feet from the front property line, less than the 25-foot front yard setback requirement. However, the property is within the Open Structure Overlay Zone and the porch is allowed up to 5 feet from the front property line because its roof material and appearance is consistent with the main dwelling. The applicant paved the two required parking spaces along the west side of the home. There is also a caliche area to the rear where the applicant can park an additional two vehicles. The Short-Term Rental will comply with all requirements of Section 406 of the Ordinance. There are no other Short Term Rentals within 500 feet of the subject property as required. Rio Grande Street, a local street, is 36 feet wide, greater than the minimum 30 feet required for new Short Term Rentals.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.** The Short-Term rental property is compatible with the surrounding area. It is within walking distance of Civic League Park with a waterlily collection, Santa Fe Park, the Riverwalk, and many historically designated buildings. As indicated, the Short Term Rental will be located within the existing single-detached dwelling and will therefore blend into the existing residential neighborhood.

4. **Effect on Natural Environment.** Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment. Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use will be located within an existing residential structure and will maintain the existing building footprint on the property. The additional two parking spaces to be installed should not cause significant runoff.
5. **Community Need.** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. Staff believes there is a demonstrated community need for a Short Term Rental in this location given close proximity to local amenities including several parks and the River Walk. It will not change the residential character of the area, and there will be adequate on-site parking.
6. **Development Patterns.** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. The short-term rental should not have any adverse effect on existing development patterns. As indicated, the rental will utilize the existing single-detached dwelling and the applicant has agreed to install two parking spaces.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** a renewal of a Conditional Use to allow for a Short Term Rental in the Two-Family Residential (RS-2) Zoning District, **subject to the following seven conditions of approval:**

1. The owner shall maintain the required two (2) off-street parking spaces and maintain them in a manner consistent with Section 511 of the Zoning Ordinance.
2. The applicant shall register with the State of Texas and City of San Angelo for the purpose of Hotel Occupancy Tax and forward copies of the tax registration documents to the Planning Division.
3. No exterior evidence of the Short Term Rental shall be allowed.
4. The owner shall obtain a Certificate of Occupancy for the Short Term Rental from the Permits and Inspections Division.
5. The owner shall obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
6. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, and any subsequent permit renewals.
7. No commercial outdoor storage shall be allowed on the premises.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Photographs

Application



Location Map CU21-02

Biana McClure

Council District 5 - Lane Carter
Neighborhood: Central
Scale: 1" approx. = 100 ft

Legend

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



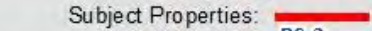
W37.25 ft of Lots 1 & 2 & 10'x100' of Abandoned alley adjacent on the west, Block 54, Angelo Heights Addition



Location Map CU21-02

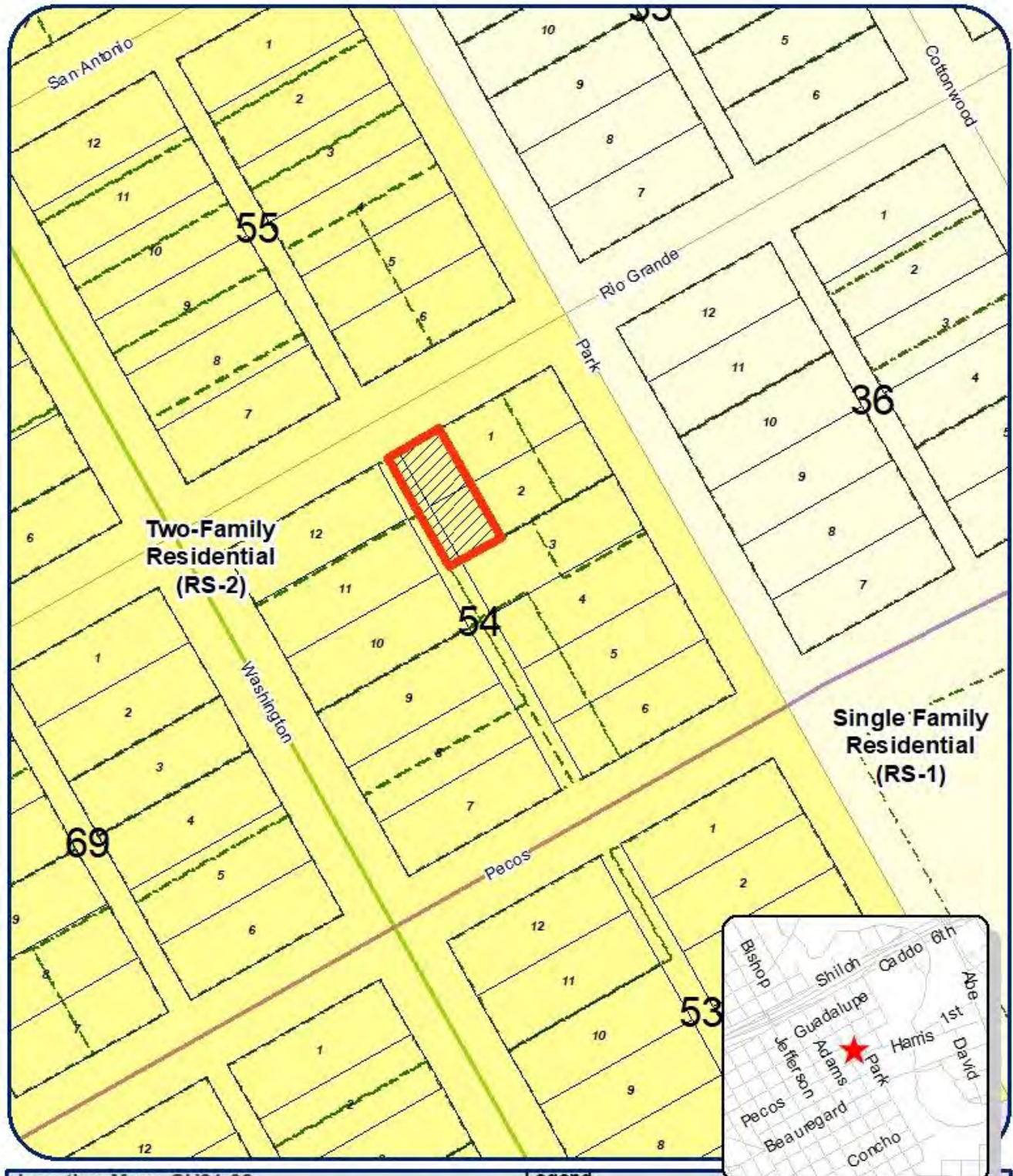
Biana McClure
 Council District 5 - Lane Carter
 Neighborhood: Central
 Scale: 1" approx. = 100 ft

Legend

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



W37.25 ft of Lots 1 & 2 & 10'x100' of Abandoned alley adjacent on the west, Block 54, Angelo Heights Addition



Location Map CU21-02

Biana McClure
 Council District 5 - Lane Carter
 Neighborhood: Central
 Scale: 1" approx. = 100 ft

Legend

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



W37.25 ft of Lots 1 & 2 & 10'x100' of Abandoned alley adjacent on the west, Block 54, Angelo Heights Addition

Photos of Site and Surrounding Area

Subject Property



Looking East of Subject Property



Looking West of Subject Property



Effective February 2, 2017



City of San Angelo, Texas – Planning Division
 52 West College Avenue
**Application for Conditional Use:
 Short-Term Rental Property**



Office Use Only - Date Accepted:

Section 1: Basic Information

SELECT ONE: Property Owner Designated Operator (Affidavit Required) Representative (Affidavit Required)

Name of Property Owner (s) Shae McClure Name of Operator (s) Bianca McClure

Property Owner Mailing Address PO Box 62828 City SAN ANGELO TX State TX Zip Code 76906

Property Owner Contact Phone Number 325-277-9742 Property Owner Contact E-mail Address SHAEMcCLURE@gmail.com

Designated Operator Mailing Address PO Box 62828 City SAN ANGELO TX State TX Zip Code 76906

Designated Operator Contact Phone Number 325-277-9561 Designated Operator Contact E-mail Address SHAEBSEEholdings@gmail.com

Short Term Property Address 1009 Rio Grande City SAN ANGELO TX State TX Zip Code 76906

Number of bedrooms: 2 Number of Off-street Parking Spaces: 2 Zoning: _____

Section 2: Site Specific Details

Provided Site Plan to include a Parking Table and any/all proposed lighting Yes No

Please initial and provide explanations for the following:

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

Impacts Minimized. Whether and the extent to which the short-term rental or Bed & Breakfast property use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: Does NOT create any adverse effects. Simple home one story.

Consistent with Surrounding Area. Whether and the extent to which the proposed short-term rental Bed & Breakfast property use is compatible with existing and anticipated uses, surrounding the subject property.

Explanation: Yes this is a simple cute one story house in the neighborhood.

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

Explanation: No adverse impact.

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

Explanation: Especially with Covid, having the option to rent a clean, comfortable home in each community. Our property is one block from the waterlily park and other wonderful

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

Explanation: Yes, it's already been running 2 years now well.

San Angelo Landmarks

Effective February 2, 2017

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

- BEM SM Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- BEM SM Unless exempt, a permit cannot be granted for a STR on a street less than 30 feet in width nor within 500 feet of another STR.
- BEM SM The applicant has designated an "Operator" who resides in Tom Green County, Texas and has furnish a telephone number for the named operator. This information must be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator must mail notice of the new contact information to owners of real property within 200 feet of the property.
- SM The operator shall keep a current guest register in compliance with State code.
- SM If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- SM The operator of a Short Term Rental must post conspicuously in the common area of each unit
 - 1) The name and contact information of the operator, and
 - 2) The occupancy limits and restrictions on noise as set out in the City Code of Ordinances
- SM Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- SM Meal service may not be provided.
- SM Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- SM Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- SM A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- SM Tents, trailers, cabin, lean-to or similar used for temporary living quarters are prohibited, with the exception of one "pup tent" for no more than two persons and no larger than 40 inches in height or 8 feet in length.
- SM All Bed and Breakfast and Short Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax.
- SM The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office
- SM The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- SM Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- SM If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- SM A certificate of occupancy through the City's Permits and Inspections division will be required

I/We, the undersigned, acknowledge and understand that the above information is not an exhaustive list of standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"]

I/We, the undersigned, acknowledge and understand that failure to comply with all applicable standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"] for such an establishment may result in revocation of the Certificate of Occupancy.

Shae McClure
Printed name and Signature of Property Owner or Authorized Representative

2/5/2021
Date

Bianca McClure
Printed name and Signature of Designated Operator

2/5/2021
Date

Effective February 2, 2017

FOR OFFICE USE ONLY:

Case No.: CU: 21 - 02 Planning Commission date: 3, 15, 21

Nonrefundable application Fee: \$ 405.00 Receipt #: 155311 Date paid: 2, 5, 21

Planning Commission: Approve Disapprove Date: ___/___/___

Appeal to City Council: YES NO Date and time of Appeal: ___/___/___ am/pm


City Council Approve Disapprove Date: ___/___/___

State Hotel Occupancy Tax Number: _____ City Hotel Occupancy Tax Number: _____

Date Forwarded to Building Permits & Inspections: ___/___/___

**PLANNING COMMISSION – March 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use/ Short Term Rental		CU21-03: 507 South Jefferson Street	
SYNOPSIS:			
<p>This is a request for approval of a Conditional Use for a Short Term Rental within an existing single-family home in the Single Family Residence (RS-1) Zoning District, for a property located at 507 S. Jefferson Street. The property was built in 1926 according to the Tom Green County Appraisal District. A Short-Term Rental is allowed in the RS-1 with an approved Conditional Use, subject to the development standards of Section 406 of the Zoning Ordinance. This request is for approval of this Conditional Use for a Short Term Rental.</p>			
LOCATION:		LEGAL DESCRIPTION:	
507 South Jefferson Street		Being the west 37.25 feet of Lots 1 and 2 and an adjacent 50' x 100' abandoned alley in Block 54 of the Angelo Heights Addition, comprising a total of 0.131 acres.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE: SIZE:
SMD District #5 – Lane Carter Neighborhood – Santa Rita		Single Family Residential (RS-1)	N – Neighborhood 0.193 acres
THOROUGHFARE PLAN:			
<i>South Jefferson Street</i> – Urban Local Street - 50' ROW required (60' existing), 40' pavement required (36' provided)			
NOTIFICATIONS:			
20 notifications mailed within 200-foot radius on February 26, 2021. 3 comments received in support; 2 comments in opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use for a Short-Term Rental as defined in Section 406 of the Zoning Ordinance, in the Single Family Residential (RS-1) Zoning District, on the subject property, subject to six conditions of approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner:</i> Alisa Denny <i>Operator:</i> Alisa Denny			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The applicant is building a house on Roosevelt Street in the Denny Addition. She is planning on retaining the ownership of her existing home on South Jefferson Street. Rather than rent her property on a long term basis she is wanting to try the Short Term Rental process. The house meets the ordinance requirements including parking availability and street width. Staff has also reviewed the other requirements including a local manager, Building and Fire Marshall Inspections, and the Hotel Occupancy Tax requirements.

We have received two statements objecting to the establishment of a Short Term Rental at this address. In speaking with one of the responders, he was objecting to any new rentals in the area. Staff was unable to speak with the second objector. Both comments are included in your packet.

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

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** There does not appear to be any adverse impacts on surrounding properties if the proposed Short-Term Rental is approved. The Short-Term rental occupancy would be located within the exiting single-detached dwelling built in the late 1920s. The property's rear yard faces an alley with an exterior fence. Staff believes a Short-term Rental in this location would be compatible with the surrounding area.
- 2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The subject property, zoned RS-1, allows a Short-Term Rental with an approved Conditional Use, subject to the development standards of Section 501 of the Zoning Ordinance for single-detached dwellings, and Section 406 for Short-Term Rentals.
- 3. Compatible with Surrounding Area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.** The Short-Term rental property is within walking distance of Santa Rita Park and Santa Rita Elementary School. It is also just over three blocks from the Concho River and six block from the Sunken Gardens. It is also just a short drive to Historic Downtown San Angelo and the available restaurants, bars and shopping sites in the area. It is also just nine blocks from Angelo State University.
- 4. Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use will be located within an existing residential structure and will maintain the existing building footprint on the property.

There is a long driveway that leads to the parking in the rear of the property.

5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* Staff believes there is a demonstrated community need for a Short Term Rental in this location given close proximity to local amenities including several parks and the River Walk. It will not change the residential character of the area, and there will be adequate on-site parking.
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* The short-term rental should not have any adverse effect on existing development patterns. As indicated, the rental will utilize the existing parking and the house itself is nestled back in the landscaping and on site large trees.

Recommendation:

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

1. The owner shall maintain the required two (2) off-street parking spaces and maintain them in a manner consistent with Section 511 of the Zoning Ordinance.
2. The applicant shall register with the State of Texas and City of San Angelo for the purpose of Hotel Occupancy Tax and forward copies of the tax registration documents to the Planning Division.
3. No exterior evidence of the Short Term Rental shall be allowed.
4. The owner shall obtain a Certificate of Occupancy for the Short Term Rental from the Permits and Inspections Division.
5. The owner shall obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
6. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, and any subsequent permit renewals.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Application



Location Map CU21-03: Short Term Rental

507 S. Jefferson Street
 Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 105 ft
 S 40 Ft. of Lot 8 * N 20 Ft. of Lot 9; Blk 49; Hyde Park Addition

Legend

Subject Properties: 
 Current Zoning: **Single Family Residence (RS-1)**
 Requested Zoning Change: **Conditional Use**
 Vision: **Neighborhood**



Aerial Map



Location Map CU21-03: Short Term Rental

507 S. Jefferson Street
 Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 65 ft

S 40 Ft. of Lot 8 * N 20 Ft. of Lot 9; Blk 49; Hyde Park Addition

Legend

- Subject Properties: —
- Current Zoning: **Single Family Residence (RS-1)**
- Requested Zoning Change: **Conditional Use**
- Vision: **Neighborhood**



Existing Zoning Map



Location Map CU21-03: Short Term Rental

507 S. Jefferson Street
 Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 65 ft
 S 40 Ft. of Lot 8 * N 20 Ft. of Lot 9; Blk 49; Hyde Park Addition

Legend

Subject Properties: 
 Current Zoning: **Single Family Residence (RS-1)**
 Requested Zoning Change: **Conditional Use**
 Vision: **Neighborhood**



Future Land Use Map



Location Map CU21-03: Short Term Rental

507 S. Jefferson Street

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 105 ft

S 40 Ft. of Lot 8 * N 20 Ft. of Lot 9; Blk 49; Hyde Park Addition

Legend

- Subject Properties: —
- Current Zoning: **Single Family Residence (RS-1)**
- Requested Zoning Change: **Conditional Use**
- Vision: **Neighborhood**



Notification Map

Reply Delete Junk Block ...

Notice of Public Hearing/CU21-03/507 S. Jefferson Street

Some content in this message has been blocked because the sender isn't in your Safe senders list. I trust content from griffin.sales@gmail.com. | Show blocked content

DG

David Griffin <griffin.sales@gmail.com>

Wed 3/3/2021 10:38 AM

To: Bailey, Sherry



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

Ms.
Sherry Bailey
City of San Angelo
Planning Division

Dear Ms. Bailey, we in receipt of the mailing on the above referenced matter. We show up on page 2 of this form letter as PROPERTY OWNER No. 5 and are being invited to participate in public comments concerning this requested variance. For the record, we are no longer owners of this property, having sold it to the current owner in November 2019.

However, since we were long time residents at this address for 35 years, (1984 to 2019) and being very familiar with the neighborhood, and with knowledge of the current ownership of the property, we certainly would be on record as being in opposition to such a request. It is my understanding that the current owner is already operating this property as a short term rental or bed and breakfast, prior to any request for change in zoning prior to any formal approval. Your office may consider looking into this.

My question therefore is since we received this invitation, can we still respond on record as Property Owner No. 5?

I shall look forward to your forthcoming reply. Best regards,

David A. Griffin
353 High View Court
Woodland Park, CO. 80863
Phone: 719-687-0911

 Reply  Delete  Junk  Block ...





Notice of Public Hearing CU21-03 507 S Jefferson Street

CK

clark kilpatrick <cgenek54@gmail.com>

Wed 3/3/2021 11:06 AM

To: *Planning

    ...

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

Gentlemen:

Please accept my recommendation to deny the zoning change for this property for the following reasons:

- (1) No control over registered sex offenders, (or transient predators)
- (2) This property is within 1 1/2 blocks of Santa Rita Elementary School
- (3) There are 7 elementary-age (or below) children and 1 secondary student that live on just the 500 block of S. Jefferson in the immediate proximity of this property.
- (4) Property owner is already renting this property out prior to being approved by the Planning Commission (4 new renters today).
- (5) Re-zoning this property will likely have a negative impact on property values in this neighborhood.

Thanks for your consideration.

Clark/Birgit Kilpatrick
502 S Jefferson (identified as 08)

Sent from my iPhone

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Reply | Reply all | Forward

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

() IN FAVOR (X) IN OPPOSITION

REASON(S) TRAFFIC, PARKING, NOISE, DISORDERLY
DRUNKS CAUSING THEFT AND VANDALISM, SAFETY,
PROPERTY VALUES, DETERIORATION OF PROPERTY,
THIS IS A NICE NEIGHBORHOOD OF FAMILIES,
IT DOESN'T NEED TRANSIENT RENTERS
TURNING INTO SOMETHING ELSE!

NAME: TRACY MANNING

ADDRESS: 131A LIVE OAK
76901

SIGNATURE: 

CU21-03: 501 S. Jefferson Street

Property owner number: 12

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-1546. The Planning Division staff may also be reached by email at sherry.bailey@cosatx.us.

 Reply  Delete  Junk  Block ...

507 S Jefferson Airbnb

GE Gerardo Esquivel <jerry_26_2006@yahoo.com>      ...
Thu 3/4/2021 1:37 PM
To: Bailey, Sherry

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

Ms. Bailey,

I've lived at 503 S Jefferson for the past 2 years and I concur with my neighbor A'lisa Denny using her home for Airbnb. I've never had any issues with her. A'lisa has always been real kind to me and responsible with the upkeep of her home. I don't expect anything to change while she is renting it out via Airbnb. Additionally, I've used Airbnb as a customer before and can't say enough good things about it. Recommend approving her request.

V/r

Gerardo Esquivel

Sent from my iPhone

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Reply | Forward

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() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Jim Bassford

ADDRESS: 4032 W. Houston Heights
San Angelo, TX. 76901

SIGNATURE: 

CP21-02/Z21-03: Arden Acres

Property owner number: 6

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-1546. The Planning Division staff may also be reached by email at sherry.bailey@cosatx.us.

 Reply  Delete  Junk  Block ...

507 S Jefferson Air BnB

ML

M'Kenna Landers <kenna.elise@gmail.com>

Thu 3/4/2021 2:41 PM

To: Bailey, Sherry

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

Greetings,

I live next door to 507 S Jefferson. I am happy for her to rent her house on Air BnB. Short term rentals are good for San Angelo because they bring money to our town and provide a unique experience for travelers. A'lisa is thoughtful and responsible, and I trust her to run her business well and fully screen her guests. I fully support 507 S Jefferson being a short term rental.

Regards,

M'Kenna Landers

511 S Jefferson

San Angelo, TX 76901

325-212-1953

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Reply | Forward


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

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Jim Bass Collision

ADDRESS: 4062 Arden Rd.
San Angelo, TX. 76901

SIGNATURE: 

CP21-02/Z21-03: Arden Acres

Property owner number: ?

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-1546. The Planning Division staff may also be reached by email at sherry.bailey@cosatx.us.

Photo of Site and Surrounding Area



Effective February 2, 2017



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

**Application for Conditional Use:
 Short-Term Rental Property**



Office Use Only - Date Accepted:

Section 1: Basic Information

SELECT ONE: Property Owner Designated Operator (Affidavit Required) Representative (Affidavit Required)

Alisa Denny		Alisa Denny	
Name of Property Owner (s)		Name of Operator (s)	
1010 Roosevelt St.	San Angelo Tx	76903	
Property Owner Mailing Address	City State	Zip Code	
7345167307	amdenny@tegna.com		
Property Owner Contact Phone Number	Property Owner Contact E-mail Address		
1010 Roosevelt St.	San Angelo Tx	76903	
Designated Operator Mailing Address	City State	Zip Code	
7345167307	amdenny@tegna.com		
Designated Operator Contact Phone Number	Designated Operator Contact E-mail Address		
507 S. Jefferson St	San Angelo Texas	76901	
Short Term Property Address	City State	Zip Code	
Number of bedrooms: 2	Number of Off-street Parking Spaces: 5	Zoning: rs1	

Section 2: Site Specific Details

Provided Site Plan to include a Parking Table and any/all proposed lighting Yes No

Please initial and provide explanations for the following:

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

Impacts Minimized. Whether and the extent to which the short-term rental or Bed & Breakfast property use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: There are no impacts on traffic, parking or otherwise

Consistent with Surrounding Area. Whether and the extent to which the proposed short-term rental Bed & Breakfast property use is compatible with existing and anticipated uses, surrounding the subject property.

Explanation: i have confirmed with neighbors whom are in compliance

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

Explanation: same as rs 1

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

Explanation: there is a shortage of short term rental propertes as it relates to Shannon, the Base and ASU

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

Explanation: filling existing need

Effective February 2, 2017

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

- ad Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- ad Unless exempt, a permit cannot be granted for a STR on a street less than 30 feet in width nor within 500 feet of another STR.
- ad The applicant has designated an "Operator" who resides in Tom Green County, Texas and has furnish a telephone number for the named operator. This information must be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator must mail notice of the new contact information to owners of real property within 200 feet of the property.
- ad The operator shall keep a current guest register in compliance with State code.
- ad If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- ad The operator of a Short Term Rental must post conspicuously in the common area of each unit
 - 1) The name and contact information of the operator, and
 - 2) The occupancy limits and restrictions on noise as set out in the City Code of Ordinances
- ad Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- ad Meal service may not be provided.
- ad Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- ad Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- ad A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- ad Tents, trailers, cabin, lean-to or similar used for temporary living quarters are prohibited, with the exception of one "pup tent" for no more than two persons and no larger than 40 inches in height or 8 feet in length.
- ad All Bed and Breakfast and Short Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax.
- ad The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office
- ad The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- ad Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- ad If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- ad A certificate of occupancy through the City's Permits and Inspections division will be required

I/We, the undersigned, acknowledge and understand that the above information is not an exhaustive list of standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"]

I/We, the undersigned, acknowledge and understand that failure to comply with all applicable standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"] for such an establishment may result in revocation of the Certificate of Occupancy.

A. J. Isa Denny	2-9-2021
Printed name and Signature of Property Owner or Authorized Representative	Date
A. J. Isa Denny	2-9-2021
Printed name and Signature of Designated Operator	Date

Effective February 2, 2017

FOR OFFICE USE ONLY:

Case No.: CU: 21 - 03 Planning Commission date: 3, 15, 21

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

Planning Commission: Approve Disapprove Date: ____/____/____

Appeal to City Council: YES NO Date and time of Appeal: ____/____/____ am/pm


City Council Approve Disapprove Date: ____/____/____

State Hotel Occupancy Tax Number: _____ City Hotel Occupancy Tax Number: _____

Date Forwarded to Building Permits & Inspections: ____/____/____

**PLANNING COMMISSION – March 15, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		100 block of S. Oakes Street & S. Magdalen Street (Shannon Medical)	
SYNOPSIS:			
The applicant has applied to abandon an existing 10,000-square foot (0.229 acres) paved alley between the 100 block of South Oakes Street and South Magdalen Street. The abandonment will allow the applicant to acquire the additional land for future development.			
LOCATION:		LEGAL DESCRIPTION:	
North of East Twohig Avenue; east of South Oakes Street; south of East Beauregard Avenue; west of South Magdalen Street		Being a 10,000-square foot (0.229 acres) alley in Block 6 of the San Angelo Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
District #3 – Harry Thomas Fort Concho Neighborhood		PD, CBD	Downtown
			SIZE:
			0.229 ac. (10,000 sq. ft.)
THOROUGHFARE PLAN:			
<p>South Oakes Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 64’ pavement</p> <p>South Magdalen Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 64’ pavement</p>			
NOTIFICATIONS:			
10 notifications were mailed within a 200-foot radius of the property on March 1, 2021. No responses have been received for or against to date.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to four conditions of approval .			
PROPERTY OWNER/PETITIONER:			
Shannon Real Estate Services Mr. Dale Droll			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Ext. 1550 jeff.fisher@cosatx.us			

Analysis:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. Staff received several responses from outside agencies, including Frontier Communications, AEP, and Altice (formerly Suddenlink). Frontier indicated that there are underground and above-ground facilities in the alley including cooper cables, fiber optic cables, and manholes, and that these may require relocation and reimbursement from the applicant. At this time, Frontier is continuing to work with the applicant at providing an alternative solution which may include an easement and relocation of these facilities. AEP has indicated that they too have lines in the alley and require rerouting, or easements including a 90-foot easement from Oakes Street and a 30-foot easement from Magdalen Street. Atmos, which has underground equipment, and Altice, which has equipment on the existing poles had the same comment as AEP and Frontier – that they will only support with an easement or re-routing.

At this time, Staff is proceeding with the request to the Planning Commission to provide additional time for the applicant and the utility providers to work out a solution. As a condition of approval, Staff has added a condition to address the utility provider concerns, that the applicant reroute the facilities and provide reimbursement, or an approved alternative. Staff also received a response from City Engineering and have added their condition that their existing sewer main in the alley is re-routed, or a 20-foot sewer easement be provided when the alley is replatted along with the adjacent lots.

Staff also conducted a site visit to the subject area on Monday, March 2, 2021 and noted the large overhead Frontier lines but otherwise no deficiencies. Staff did note however that two of the adjacent properties are owned by different property owners than the applicant, Shannon Medical. As a note, Staff recommends that the two adjacent owners, the Roman Catholic Diocese and First Methodist Church provide their consent, and if necessary, a vehicular ingress/egress easement is provided to allow rear access to these properties which serve as parking.

The proposed abandonment would not contradict any applicable City Ordinance. The alley was originally platted as part of Block 6 in the San Angelo Addition. The applicant will be required to replat the alley 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:* Staff does not believe that traffic patterns would be negatively affected by the alley closure, provided the Diocese and First Methodist Church which own adjacent properties have no objections. Shannon Medical owns the remaining properties.
- *Utilities:* The applicant will have the option of relocating the existing sewer line or providing an easement. This leaves the issue of the utility provider facilities and will be required to be resolved prior to City Council. Staff will continue to monitor the situation and follow up with relevant providers and the applicant to see if a workable solution has been reached.
- *Community Impact:* There would be no negative community impact if this alley was abandoned

Staff Report – Alley ROW Abandonment, 100 block of S. Oakes St. and S. Magdalen St. (Shannon Medical)
March 15, 2021

provided the adjacent owners have no objection. As indicated the additional land will be to allow future development for the applicant. The alley is already paved and therefore, may be used for a driveway.

- *Public Benefit:* Abandoning this alley would not remove any current public benefit so long as the two other property owners have no objections since they currently can access parking through this alley.

Recommendation:

Staff recommends **APPROVAL** of the Alley Right-of-Way Abandonment of a 7,200 square-foot alley in Block 14 of the Millspaugh Addition, subject to **four conditions of approval:**

1. Per Land Development and Subdivision Ordinance, Chapter 1.V, 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.
 - a. On the replat, the area within the abandonment shall include an unobstructed utility, maintenance, and pedestrian access easement or rerouting of utilities to the satisfaction of each utility provider or a combination of both.
 - b. Prior to final recordation of the plat, submit plans for approval illustrating sewer main re-routing. Alternatively, illustrate a 20' sewer easement on required plat document.
2. Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.
3. After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned right-of-way.
4. Reroute all utilities and provide reimbursement as required, or approved alternative, to the satisfaction of all relevant utility providers.

NOTE: The Roman Catholic Diocese and First United Methodist Church of San Angelo own properties immediately north of the alley. The applicant shall obtain consent from these owners prior to approval, and if necessary, provide a vehicular ingress/egress easement to allow rear access to these properties.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Photographs

Previous Subdivision Plats

Application




Alley Abandonment

San Angelo Addition, Block 6

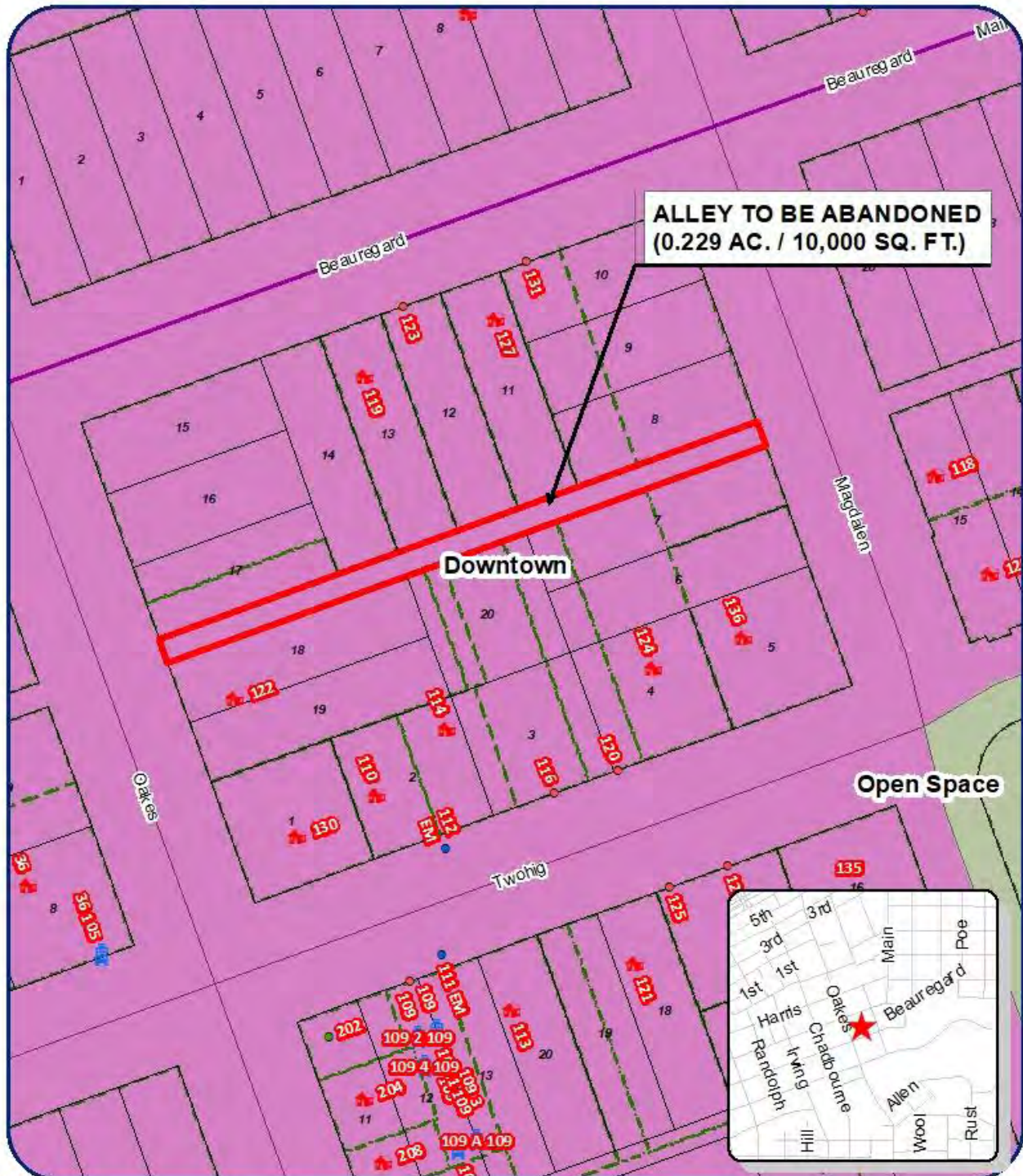
Council District: Harry Thomas - District 3
Neighborhood: Downtown
Scale: 1" approx. = 100 ft


Legend

Subject Properties: 
Current Zoning: PD, CBD
Requested Zoning Change: N/A
Vision: Downtown



0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.



Alley Abandonment		Legend		N 	
San Angelo Addition, Block 6		Subject Properties: 			
Council District: Harry Thomas - District 3		Current Zoning: PD, CBD			
Neighborhood: Downtown		Requested Zoning Change: N/A			
Scale: 1" approx. = 100 ft		Vision: Downtown			
0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.					



Alley Abandonment		Legend			
San Angelo Addition, Block 6		Subject Properties: 			
Council District: Harry Thomas - District 3		Current Zoning: PD, CBD			
Neighborhood: Downtown		Requested Zoning Change: N/A			
Scale: 1" approx. = 100 ft		Vision: Downtown			
0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.					

Photos of Site and Surrounding Area

LOOKING EAST ALONG ALLEY

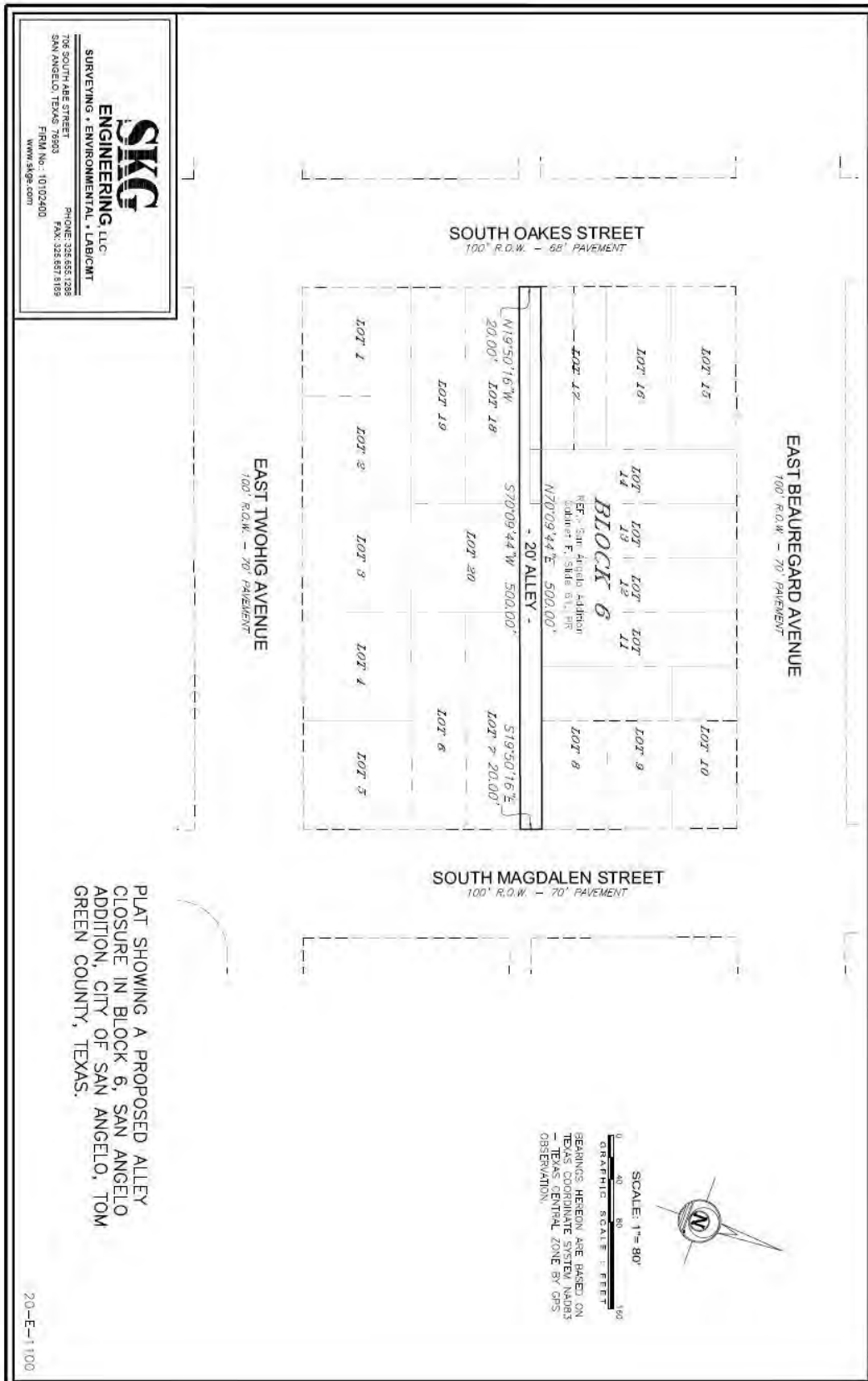


LOOKING WEST ALONG ALLEY



SHANNON PARKING LOT SOUTH OF ALLEY





Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Dale Droll

1-21-21

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

Date

Dale Droll

Printed name of licensee or authorized representative

Shannon Medical Center

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: _____

MEMO

**Meeting**

Date: March 15, 2021

To: Planning Commission

From: Jeff Fisher, AICP
Principal Planner

Request: Public hearing of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code.

Background: The Planning Division recently undertook a review of the City's process for allowing encroachments into the public right-of-way, including in the Central Business District (CBD), where the majority are approved. In particular, Staff examined what types of development standards would be appropriate, and whether some of these encroachments could be approved administratively. Staff believes that the proposed new process will assist in achieving the following objectives:

- To encourage investment in San Angelo and its downtown by allowing businesses to utilize a portion of the adjacent right-of-way;
- To provide a streamlined process including a faster, administrative option to allow minor encroachments;
- To ensure public safety by maintaining minimum construction and design standards;
- To protect and enhance the City's River Corridor, Downtown, and Cultural overlay districts, Historic Districts, and other overlay zones.

Current Process: Currently, all public right-of-way encroachments require City Council approval. The earliest records of encroachment reviews dates back to the early 1990s. Since that time, there has been no codified process, minimum standards, or administrative approval option (Planning Director approval) for encroachments. Applicants submit a site plan or survey with legal description of the encroachment area. Staff then prepares a report for Council and draft right-of-way license use agreement (for ongoing public use) and/or easement for physical encroachments such as awnings, building walls, and aerial projections. If Council approves, the adjacent property owner would enter into a right-of-way license agreement with the City. Since the early 1990s, there have been 41 private-initiated encroachments to allow structures or appurtenances within the public right-of-way, almost all of these located in the CBD. These requests included building wall projections into the public right-of-way; canopies and awnings;

outdoor seating and patios; attached signs and wayfinding (directional) signs; fences; ADA accessible ramps; and light fixtures.

Current timelines: These approvals currently take approximately two months from submission to completion and require at least one reading at City Council on consent agenda.

Development Task Force: A general outline, along with the proposed criteria and standards, was presented to the Development Task Force at their meeting on August 21, 2019. No concerns were raised by the group and they were supportive of these proposed changes.

City of San Angelo Interdepartmental Review: Staff conducted several meetings with internal staff from different departments to obtain feedback and recommendations, including Permits and Inspections, the Fire Marshal's Office, Code Compliance, and City Engineering. The attached Ordinances are a culmination of those meetings and all departments are in support of the proposed ordinances.

Proposed new process: Whereas major encroachments such as a physical building or large appurtenances would continue to warrant Council approval, Staff believes that minor encroachments (see below) could be approved administratively. This would:

- ***Reduce the amount of time for applicants to obtain their encroachment approvals, and expedite processing of their associated building permit(s) by at least one month.*** Minor approvals such as landscaping could follow current administrative timelines for other planning cases, approximately 10 days, and awnings and canopies which require for instance an aerial easement document to be prepared by Planning and the City Attorney's Office, could still be approved quickly given that the additional step of City Council approval is eliminated.
- ***Reduce required fees for applicants.*** The current encroachment fee is \$450.00 which requires Staff time to prepare staff reports, agreements, and presentation to City Council. Administrative requests would not require most of this additional preparation time. Encroachments that can be approved administratively but which may still require an agreement such as a canopy, would still reduce processing by approximately two weeks. Staff will propose a reduced fee(s) for administrative approval that reflect the shorter processing times for these requests.

Staff recommends that the following improvements may be approved administratively by the Planning Director (Director may defer to Council, or applicant may appeal a denial to Council):

All of the following if located on properties zoned Central Business District (CBD):

- a. All awnings and canopies, unencumbered without support posts or screening;
- b. All trees and landscaping;
- c. Freestanding, movable signs less than 6 square feet;
- d. Steps or ramps to comply with Texas Accessibility Standards;
- e. Outdoor temporary public art, with approval from the Public Art Commission, and previously authorized by City Council;

- f. Sidewalk furniture and surfacing, lighting, fixtures, and other appurtenances not associated with a patio or dining area.
- g. All trees and landscaping outside the CBD

Staff recommends the following development standards for all encroachments:

- Be incidental and accessory to a primary use located on an adjacent property.
- Shall not be located adjacent to any designated fire lane, loading or unloading zone, or block ingress or egress to any facility or utility.
- Maintain a minimum 5-foot unobstructed sidewalk clearance.
- Maintain a minimum 18 inches from back of curb, or 3 feet from the edge of pavement in the absence of a curb.
- Maintain a minimum vertical clearance of:
 - Between 2 and 9 feet adjacent to any 30-foot by 30-foot sight triangle at the intersection of two street property lines as defined in the Zoning Ordinance,
 - Between 2 and 9 feet adjacent to any 10-foot by 10-foot sight triangle:
 - i) located at the intersection of an alley and a street
 - ii) located on either side of a driveway
measured at a straight angle from where the driveway or alley entrance intersects with the edge of pavement or curb, excluding any flared approaches,
 - Notwithstanding a. and b. support posts with a maximum width of 8 inches may encroach into the required sight triangles.
- Maintain a minimum 7-foot vertical clearance for projecting signs, lights, and fixtures; and awnings and canopies except for support posts. Canopies and awnings shall be constructed of quality materials that meet the minimum flammability requirements adopted in the International Fire Code.

The entire new Right-Of-Way Encroachment Ordinance, including the related Sign Ordinance changes, is attached as **Exhibit “A”**.

Additional amendments: In order to approve these changes, Staff is including amendments to the Sign Ordinance (City Code of Ordinances, Chapter 12, Article 12.04); and Chapter 8 – Offenses and Nuisances of the City Code of Ordinances (Articles 8.05 and 8.06) which are outlined in **Exhibit “B”**.

Planning Commission Requested Action:

Staff recommends approval of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code.

Attachment:

Exhibit A - Draft Right-Of-Way Encroachment Regulations and Sign Ordinance revisions
Exhibit B – Draft amendment to City Code, Articles 8.05 and 8.06

EXHIBIT A

Article 12.04 “Signs”, Section 12.04.005 “Sign regulations”, Subsection (b)(1)(E) “Ground clearance” is hereby amended as follows:

(E) Ground clearance. The sign shall maintain a clearance from the ground of **seven** feet, unless the sign is a ground sign with the base of the sign within three feet of the average grade.

Article 12.04 “Signs”, Section 12.04.005 “Sign regulations”, Subsection (b)(2)(B) “Setback” is hereby amended as follows:

(B) Setback. No setback shall be required for any sign in the CBD zoning district. Projection over the public right-of-way shall be permitted in the CBD zoning district, provided the leading edge of any sign shall maintain a distance of at least 18 inches from the curb line or street edge. Any sign which projects into the public right-of-way shall maintain a minimum height of **seven** feet from the grade level to the bottom of the sign.

Article 12.04 “Signs”, Section 12.04.009 “Use of public right-of-way prohibited”, is hereby amended as follows:

No sign in any zoning district shall project into the public right-of-way in any street or alley, except as allowed elsewhere in this chapter and in compliance with Article 12.10 – Right-Of-Way Encroachments of the City Code of Ordinances if applicable. A public event banner is exempt from these provisions and may be hung in the right-of-way at locations designated by the city and with prior approval of the director of public works or his designee. Said banners shall only be hung in the manner and for the time period authorized by the director or his designee. The refusal of a request to hang a public event banner may be appealed to the city council if a written request for the appeal is received by the public works department no later than ten days from the refusal of the request. An appeal shall not be granted if the sole reason for refusal of the appellant's request is that another request was received prior to that of the appellant.

Article 12.04 “Signs”, Section 12.04.016 “Prohibited sign locations and types”, Subsection (a) “Prohibitions” (1)(E) is hereby amended as follows:

(E) Signs placed upon public rights-of-way, except as allowed elsewhere in this chapter and in compliance with **Article 12.10 – Right-Of-Way Encroachments of the City Code of Ordinances if applicable**, without the express permission of the city council are prohibited.

A new Article 12.10 “Right-of-way encroachments” is hereby added to Chapter 12 “Planning and Development” as follows:

ARTICLE 12.10 – RIGHT-OF-WAY ENCROACHMENTS

Sec. 12.10.001 - Purpose

To establish a process and set of standards that allows encroachments into the public right-of-way in order to:

1. Encourage investment in San Angelo and its Downtown by allowing businesses some limited use of the public right-of-way adjacent to their properties.
2. Provide an administrative option to allow minor encroachments to be approved in a shorter timeframe.
3. Ensure public safety by maintaining minimum construction and design standards in the public right-of-way.
4. Protect and enhance the streetscape in the City’s District Overlay Zones, Historic Landmarks and Districts, and its other overlay districts.

Sec. 12.10.002 – Application

1. Any person desiring to place or modify a structure, equipment, or other material on, above, or below a public right-of-way of the City of San Angelo, including but not limited to canopies and awnings, sidewalk furniture and surfacing, fencing, landscaping, parking, signs, lighting, fixtures, or other appurtenance, unless exempt, shall make an application to the Planning and Development Services Department for review and approval.
2. The Planning Director shall circulate an application to City departments and outside agencies as necessary to ensure compliance with applicable ordinances and statutes. All structural improvements shall be reviewed by the City Engineer, or designee.
3. Additional approvals may be required including a Certificate of Appropriateness for any encroachment within a historic district or attached to a historically designated building or landmark, and a district overlay approval if located in one of the City’s district overlay zones.
4. Any building or structure located in the public right-of-way shall also require a permit from the Permits and Inspections Division as required.

Sec. 12.10.003 - Exceptions

The following exceptions do not require an encroachment application:

1. Encroachments that project a maximum of 4 inches between 2 feet and 7 feet in height, and a maximum of 6 inches above 7 feet in height within the public right-of-way.
2. Freestanding mailboxes not located within a sidewalk, other pedestrian path, vehicle parking or maneuvering area, or sight triangle.
3. Stand-alone trees with a vertical clearance of 7 feet underneath their branches, and landscaping up to 2 feet in height, outside the Central Business District.
4. All projecting signs 16 square feet or less, consistent with the Sign Ordinance.
5. Encroachments already governed under a separate ordinance or process which may include but not be limited to signs, wireless communication facilities, utilities and utility poles, street and traffic-control signs or signals, temporary construction and barricades for public safety, and transit shelters.

Sec. 12.10.004 - Review by Planning Director and City Engineer

1. The Planning Director and the City Engineer, or their respective designees, may review and approve, conditionally approve or disapprove applications for the following types of encroachments located in the Central Business District:
 - a. All awnings and canopies, unencumbered without support posts or screening;
 - b. All trees and landscaping;
 - c. Freestanding, movable signs less than 6 square feet;
 - d. Steps or ramps to comply with Texas Accessibility Standards;
 - e. Outdoor temporary public art, with approval from the Public Art Commission, and previously authorized by City Council;
 - f. Sidewalk furniture and surfacing, lighting, fixtures, and other appurtenances not associated with a patio or dining area.

2. The Planning Director, or designee, and the City Engineer, or designee, may review and approve, conditionally approve or disapprove applications for all trees and landscaping outside the Central Business District.

3. An approval may require the applicant and/or adjacent property owner(s) to obtain a right-of-way license use agreement and/or an aerial easement, and certificate of insurance, as determined by the City Attorney.

4. The Planning Director or City Engineer may refer any application to the City Council for review and approval.

5. An applicant or designated representative may appeal a decision of the Planning Director and City Engineer made under this Section to City Council by filing a written, signed notice of appeal stating the grounds for appeal with the Planning Director within 30 days of the written decision.

Sec. 12.10.005 - Review by City Council

1. City Council shall review applications for all other encroachments not otherwise authorized administratively under this article, including those referred by the Planning Director or City Engineer.

2. An approval may require the applicant and/or adjacent property owner(s) to obtain a right-of-way license use agreement and/or an aerial easement, and certificate of insurance, as determined by the City Attorney.

Sec. 12.10.006 - Minimum Standards

All encroachments including the exceptions shall adhere to the following minimum development standards to the satisfaction of the Planning Director, or designee, and the City Engineer, or designee:

1. Be incidental and accessory to a primary use located on an adjacent property.
2. Shall not be located adjacent to any designated fire lane, loading or unloading zone, or block ingress or egress to any facility or utility.
3. Maintain a minimum 5-foot unobstructed sidewalk clearance.

4. Maintain a minimum 18 inches from back of curb, or 3 feet from the edge of pavement in the absence of a curb.
5. Maintain a minimum vertical clearance of:
 - a. Between 2 and 9 feet adjacent to any 30-foot by 30-foot sight triangle at the intersection of two street property lines as defined in the Zoning Ordinance,
 - b. Between 2 and 9 feet adjacent to any 10-foot by 10-foot sight triangle:
 - i) located at the intersection of an alley and a street
 - ii) located on either side of a drivewaymeasured at a straight angle from where the driveway or alley entrance intersects with the edge of pavement or curb, excluding any flared approaches,
 - c. Notwithstanding a. and b. support posts with a maximum width of 8 inches may encroach into the required sight triangles.
6. Maintain a minimum 7-foot vertical clearance for projecting signs, lights, and fixtures; and awnings and canopies except for support posts. Canopies and awnings shall be constructed of quality materials that meet the minimum flammability requirements adopted in the International Fire Code.

Sec. 12.10.007 –Revocation

1. Revocation.

- a. City Council reserves the right to revoke, in its sole discretion, any encroachment authorized under this article subject to the terms of any applicable written agreement or easement executed by the City.
- b. The Planning Director and the City Engineer, or their designees, may temporarily prohibit encroachments excepted under section 12.10.003 or authorized under section 12.10.004 subject to the same right of appeal granted by section 12.10.004(4). Encroachments may be temporarily prohibited when such encroachments interfere with public construction or improvement projects, emergency management measures, or any other matter pertaining to the public health, safety, and welfare.

EXHIBIT B

Article 8.05 “Obstruction and Injury to Public Property”, Section 8.05.004 “Obstructions prohibited; refusal to remove” is hereby amended as follows:

It shall be unlawful for any person to obstruct or encroach upon any streets, alleys, public highways, public grounds, or **public rights-of-way** within the city **without first obtaining approval pursuant to Article 12.10 of the Code of Ordinances. Within seven days of receiving a notice of violation, the responsible party shall either make an application for an encroachment approval or remove the obstruction or encroachment. In the event the application for an encroachment is denied, the responsible party shall immediately remove the obstruction or encroachment.**

Article 8.06 “View Obstructions”, Section 8.06.002 “Prohibitions” is hereby amended as follows:

It shall be unlawful to set out, maintain or permit or cause to be set out or maintained:

(1) Within the area between the "setback line" and the curb line, any portable sign, display, tire rack or other device which might obscure the view of the street.

(2) Within the area between the "right-of-way line" and the curb **or street line adjacent to any 30-foot by 30-foot sight triangle as defined in the Zoning Ordinance**, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.

(3) Within the area between the “right-of-way line” and the curb or street line adjacent to any 10-foot by 10-foot sight triangle on either side of a driveway measured at a straight angle from where the driveway intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.

(4) Within the area between the “right-of-way line” and the curb or street line adjacent to any 10-foot by 10-foot sight triangle located at the intersection of an alley or street, on either side measured at a straight angle from where the alley entrance intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.

Article 8.06 “View Obstructions”, Section 8.06.003 “Exceptions” is hereby amended as follows:

These restrictions shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs or signals, street signs or utility poles placed within such areas by authority of the city commission; to single trees having a single trunk and whose branches are pruned to a height of seven feet above the top of the curb; **and vertical sign support posts with a maximum width of eight inches.**