


**PLANNING COMMISSION – May 17, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Rezoning		Z21-05: 2321 South Bryant Boulevard/504 West Avenue T	
SYNOPSIS:			
A request for approval of a rezoning from the Single Family (RS-1) zoning district to the Neighborhood Commercial (CN) Zoning District. The applicant is proposing to use an existing structure that historically was a bakery and restaurant. The applicant’s grandmother ran the bakery/restaurant from the 1980’s. She is supportive of his grandson caring on the family legacy. Since this building has been closed for a while it cannot continue as a legal conditional use and must be rezoned.			
LOCATION:		LEGAL DESCRIPTION:	
2321 South Bryant Boulevard/504 West Avenue T		La Villita Heights, Block 4, Lots 7 & 8	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	CN	Commercial	0.398 acres
THOROUGHFARE PLAN:			
<u>South Bryant Boulevard</u> – State Highway: Four lanes with a turn lane, 150 ft. of right of way, 80 ft. of pavement.			
NOTIFICATIONS:			
16 notifications were mailed within a 200-foot radius of the property on April 30, 2021. No response was received in favor or against for the case.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Single Family (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.			
PROPERTY OWNER/PETITIONER:			
Applicant: Daniel Avila/COSA			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 Sherry.bailey@cosatx.us			

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The proposed rezoning to Neighborhood Commercial is in keeping with the Future Land Use of the City’s Comprehensive Plan which is designated Neighborhood Center land use. “Neighborhood Centers take on a more pedestrian friendly character and are more integrated with and connected to their surroundings, and cluster buildings to generate synergies between complementary uses.” The proposed use, neighborhood restaurant, meets the intent of the comprehensive plan and this rezoning will allow additional future development possibilities.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** Once the property is rezoned the development requirements for the Neighborhood Commercial District will apply, including commercial and retail uses. This will allow the applicant to develop/utilize the property as desired. Part of the intent of the zoning ordinance is to help protect existing uses from undue impact. In this case the remodeling of this structure in keeping with the intent of the zoning code and the end result will allow compatibility with the surrounding uses.
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.** Most of the surrounding uses are commercial in nature. The restaurant is intended to be a walkup service area or a drive through, so there is minimal anticipated impacts to the surrounding area. The frontage of the structure is on S. Bryant Blvd. but the main entrance may be off of W. Ave. T. The site lends itself to walkability also.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The subject property has been a restaurant for many years. Changing its use back should not be difficult and should not be much of a change. This entire area is in transition and moving more towards commercial.
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 area is already developed and is part of the commercial area.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Commercial areas that service local neighborhoods are rare. Although this area is off of South Bryant Boulevard and will pull activity from that busy street it is also intended to meet local area needs and as such will meet a community need for this area.

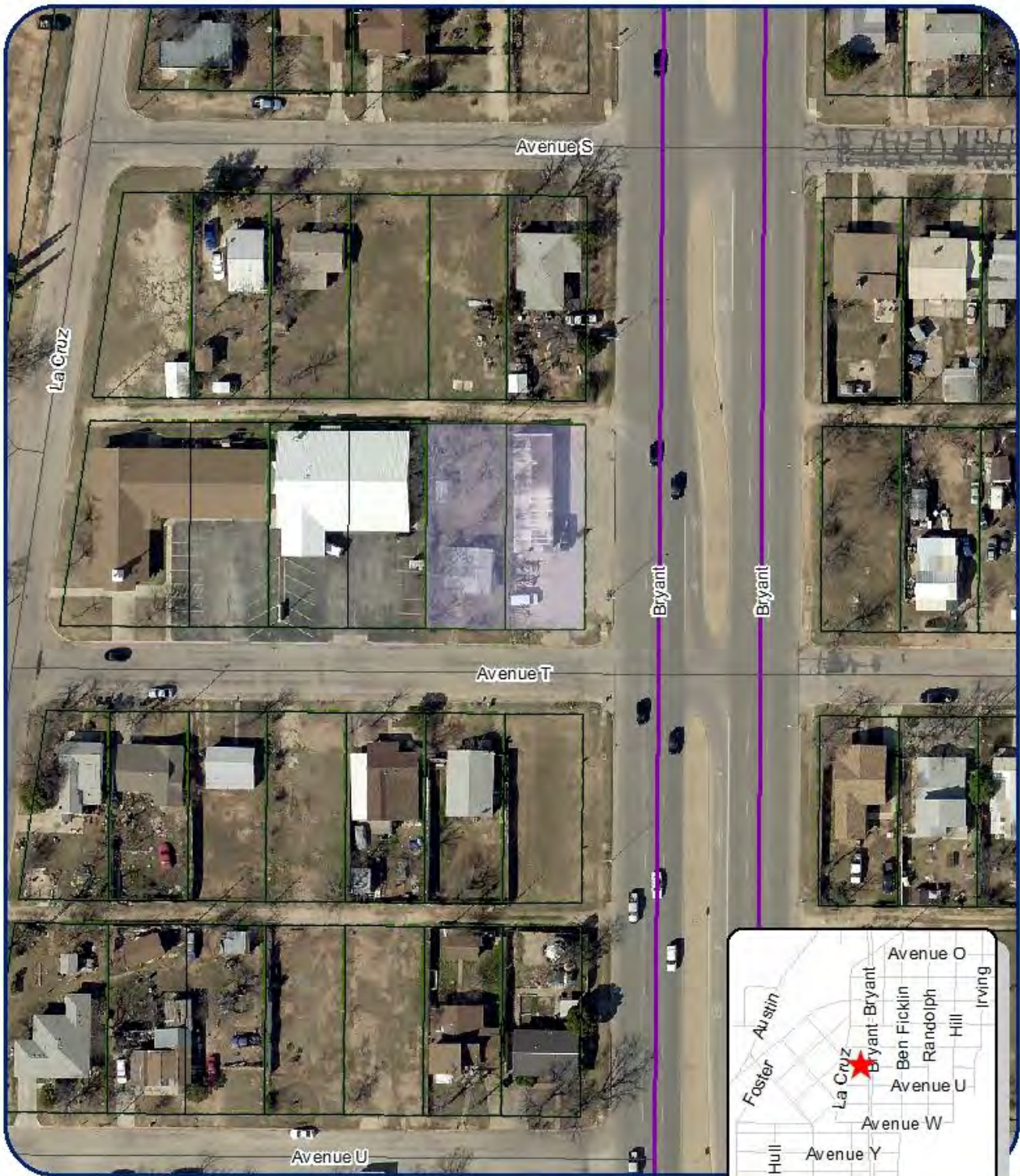
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* As an area in transition, this application is consistent with that pattern and should not have a negative effect on the development within this area. This area backs up to a larger church site with a Fellowship Hall and meeting area. A major General Commercial area begins just one block north.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Single Family (RS-1) Zoning District to Neighborhood Commercial Zoning District (CN).

Attachments:

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



Zone Change - ZC21-05

2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 80 ft

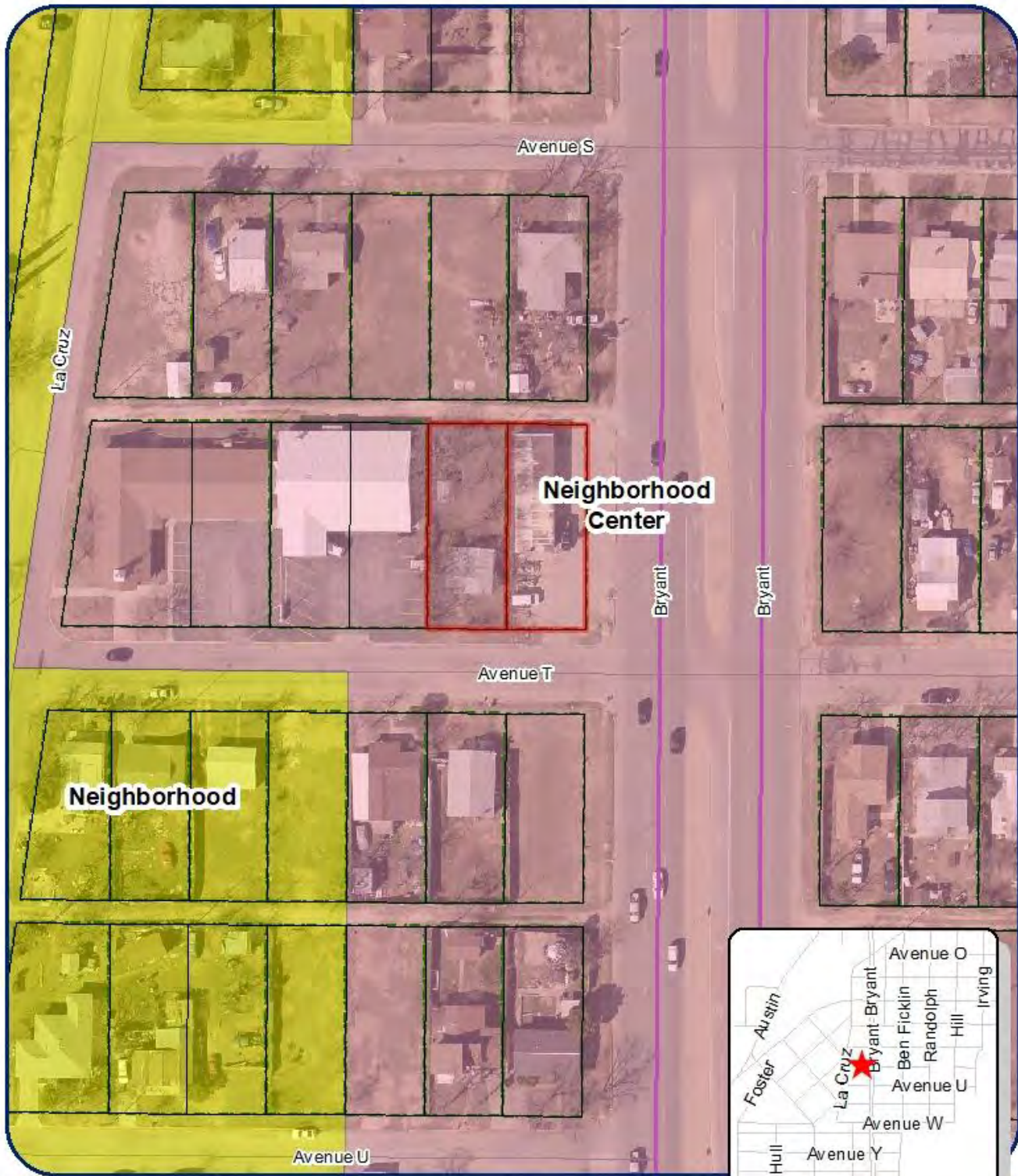
La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties: 
 Current Zoning: **Single Family District**
 Requested Zoning Change: **Neighborhood Commercial**
 Vision: **Neighborhood Center**



Aerial Map



Zone Change - ZC21-05

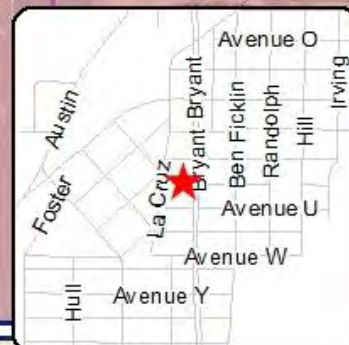
2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 80 ft

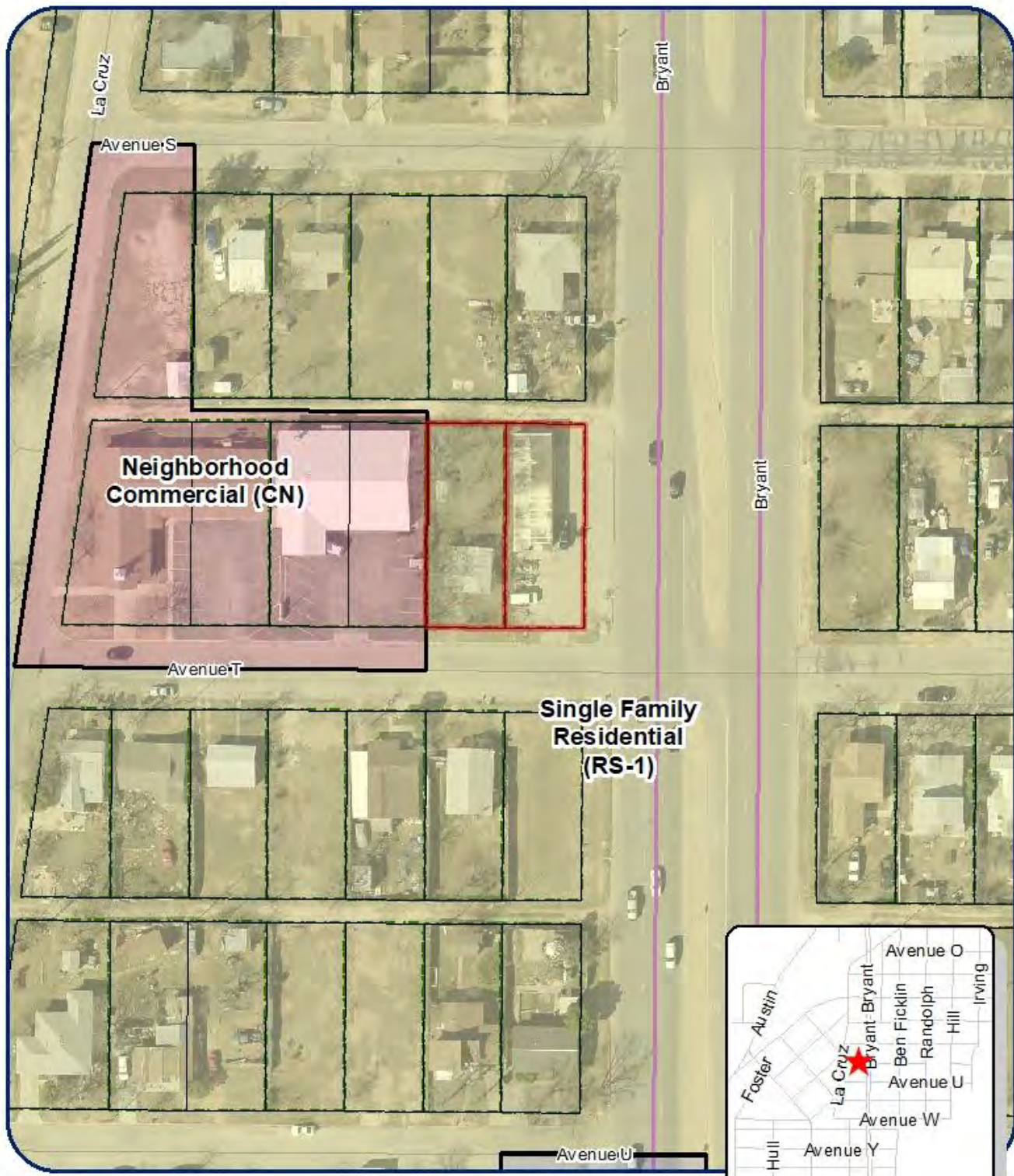
La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties: **Single Family District**
 Current Zoning: **Neighborhood Commercial**
 Requested Zoning Change: **Neighborhood Center**
 Vision: **Neighborhood Center**



Future Land Use



Zone Change - ZC21-05

2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 80 ft

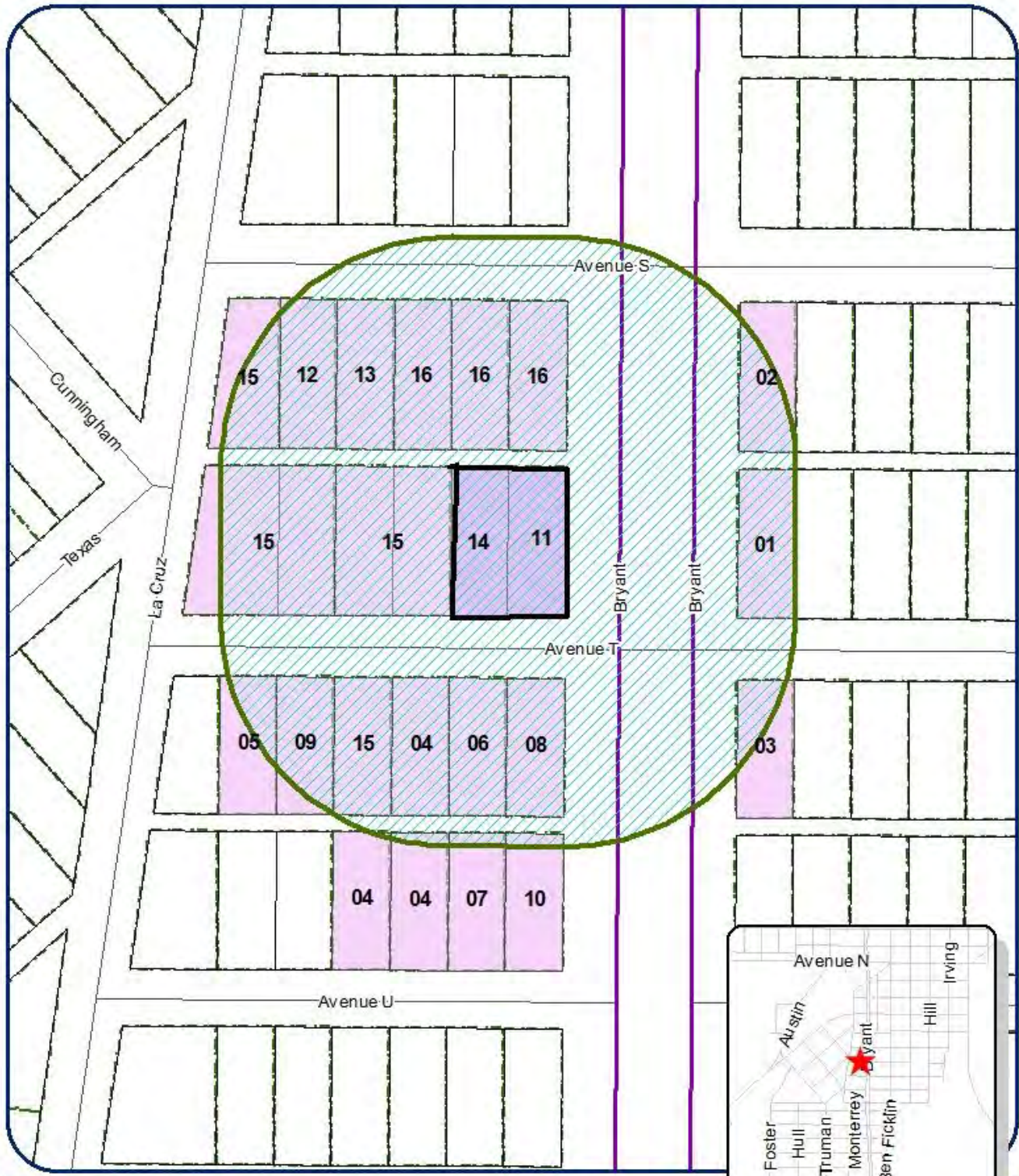
La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties: **Single Family District**
 Current Zoning: **Neighborhood Commercial**
 Requested Zoning Change: **Neighborhood Center**
 Vision: **Neighborhood Center**



Existing Zoning Map



Zone Change - ZC21-05

2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 110 ft

La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties: **Single Family District**
 Current Zoning: **Neighborhood Commercial**
 Requested Zoning Change: **Neighborhood Center**
 Vision: **Neighborhood Center**



Notification Map

Photos of Site and Surrounding Area



2321 South Bryant Blvd. existing access curb cut off Bryant.



504 W. Ave. T. Second property that is included in the rezoning. It back up to 2321 S. Bryant Blvd.




**Church property on W. Ave. T adjacent to 504 W. Ave. T.
This property is CN to the end of the block.**




Residential property across the street from 2321 S. Bryant and 504 W. Ave. T.

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): Daniel J. Anla

Owner Representative (Notarized Affidavit Required)

2321 Wilson San Angelo TX 76901
 Mailing Address City State Zip Code

325-482-7234 daniel.anla0704@gmail.com
 Contact Phone Number Contact E-mail Address

2321 S. Bryant San Angelo TX 76903
 Subject Property Address City State Zip Code

LA Villa Heights ADDN BLK 4 LOT 7
 Legal Description (can be found in property tax statement or at www.lomgreencad.com)

Existing Zoning: mer. Proposed Zoning: Restaurant Lot size: 0.149 acres
RS-1 CN

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

Section 2: Site Specific Details

Existing Use of Property: Restaurant / La Villa bakery / Julius chips & salsa
Then was tile shop

*Proposed Use of Property: Restaurant

*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.

Daniel Avila [Signature] [Company/Organization] 4/13/21
 Owner Name (Print) Signature Company/Organization (If Applicable) Date
~~4/18/21~~

 Representative Name (Print) Signature Company/Organization Date
4/13/21

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: 4 / 13 / 21

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: ____/____/____



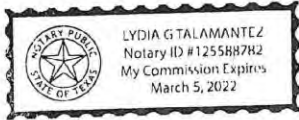
Planning Commission hearing date: 5 / 17 / 21 Date notifications due: ____/____/____

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

Publication date: ____/____/____

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

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, <u>Rachel Villarreal Avila (Garcia)</u> make this affidavit and hereby on oath state the following: <small>Print Property Owner Name</small>		
I, being the <input checked="" type="checkbox"/> sole <input type="checkbox"/> partial owner of the following property:		
<u>2321 S. Bryant Blvd</u>	<u>San Angelo</u>	<u>Texas</u>
<u>76905</u>	<u>325 BIA 9 218</u>	<u>rvalv1a1945@gmail.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) :		
<u>LA Villita Heights ADDN BIK 4 LOT 7</u>		
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.		
<u>Rachel V Avila</u> <small>(Please print) Representative's Organization or Entity</small>		
Signed this the <u>13</u> day of <u>April</u> , 20 <u>21</u> .		
<u>Rachel V Avila</u> <small>Signature of the Property Owner</small>		
Section 2: Notary Public Information		
BEFORE ME, the undersigned authority, this day personally appeared ^{LT} <u>Dante Rachel Villarreal Avila</u> and <small>Name</small>		
on oath stated that the facts hereinabove stated are true to the best of <u>Her</u> knowledge or belief. <small>His/Her</small>		
SWORN TO AND SUBSCRIBED before me on this the <u>13</u> day of <u>April</u> , 20 <u>21</u> .		
	<u>Lydia G. Talamantez</u> <small>Notary Public, State of Texas</small>	

**PLANNING COMMISSION – MAY 17, 2021
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Rezoning		Z21-06: 4125 Dan Hanks Lane	
SYNOPSIS:			
<p>The applicant has applied for a rezoning on the subject properties from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District. The applicant is a chemical manufacturing company that currently leases the property immediately west, 3820 Christoval Road, but is seeking to relocate onto the new properties. The business manufactures and processes chemicals which requires Heavy Manufacturing (MH) Zoning. The subject properties include three tracts, one legally platted Tract E in the Old Christoval Road Industrial Park, Section Two subdivision, and the other two remainders of Tracts C and D. Staff has communicated to the applicant that any new development on the remainder tracts would require replatting the lots, but this would not affect the proposed rezoning.</p>			
LOCATION:		LEGAL DESCRIPTION:	
Southeast of Christoval Road and South Chadbourne Street		Tract E and the east 400' of Tracts C and D in Old Christoval Road Industrial Park, Section Two	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood	CH	Industrial	7.353 acres
THOROUGHFARE PLAN:			
<i>Dan Hanks Lane</i> - Urban Collector Street, Required: 60' right-of-way, 50' pavement; Provided: 80' right-of-way, 24' pavement (complied at time of platting).			
NOTIFICATIONS:			
10 notifications for Z21-06 were mailed within a 200-foot radius on May 3, 2021. One response was received concerning drainage but was neither for nor against the request.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District, being approximately 7.353 acres, located at 4125 Dan Hanks Lane, as identified on the attached maps.			
PROPERTY OWNER/PETITIONER:			
Owner: Patterson Drilling Company Petitioner: Special Materials Company (VP Charlie Neale)			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

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

- 1. Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The proposed rezoning is located within an area designated on the Future Land Use Plan as “Industrial” in the City’s Comprehensive Plan. This industrial area encompasses 1.5 square miles between Christoval Road to the west; South Chadbourne Street to the north; and south past W. Loop 306. The properties are surrounded by other industrial or heavy commercial uses including a drywall business, construction contractor, truck accessories, and towing company to the west; oilfield services, construction company, and energy company to the north; a compression services company to the east; and a windmill company to the south. The Industrial policies recommend to “cluster industrial and intensive agricultural businesses into several large areas by specifying boundaries within which such uses may be incentivized to locate, remain and thrive, while establishing increased business diversity.” The subject property is located in the center of this industrial cluster which has existed since the 2009 Strategic Plan update to the Comprehensive Plan. Therefore, Planning staff believe that the proposed business and rezoning is appropriate in this location, surrounded by industrial uses in either direction.
- 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 chemical manufacturing company is a permitted use in the MH zoning which allows the “manufacture and processing of chemicals”, a subsidiary of heavy manufacturing in the Zoning Ordinance. Manufacturing activities will include repackaging of bulk containers, blending biocide solutions, and diluting and dissolving of chemicals, all of which fit within heavy manufacturing (MH). As indicated, the applicant currently operates the same business from the property immediately west, 3820 Christoval Road, which is zoned MH and allows the use. The three properties encompass a total of 7.353 acres, providing adequate space to comply with all zoning setbacks, required parking, etc. The MH zoning requires a 25-foot front yard setback facing Dan Hanks Lane and the nearest building is approximately 50 feet from the front property line in compliance. According to the Tom Green County Appraisal District, the entire site contains 10,300 sq. ft. of warehousing/storage floor area, and 4,080 sq. ft. of office area. Warehousing and storage requires 1 parking space/1,000 sq. ft. (10 parking spaces) and the offices require 1 parking space/500 sq. ft. (8 parking spaces), a total of 18 spaces. There are currently 22 paved parking spaces on the property in compliance, and there is ample space for additional parking to accommodate any future expansions. While the zoning ordinance requires parking to paved, Section 511.H.1 of the Zoning Ordinance allows for vehicle storage and equipment areas to be an all-weather surface, so long as it is not used for customer or employee parking.
- 3. Compatible with Surrounding Area. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** As indicated, the proposed use and zoning are

compatible with the surrounding area which is exclusively industrial or heavy commercial uses. Since the subject area was designated Industrial in the Comprehensive Plan, first in 2003 and later expanded in 2009, a series of rezonings have taken place to allow industrial uses (Z10-12 – 3820 Christoval Road – from CH to ML); and Z13-27 (3710 Christoval Road, 4001 and 4003 S. Chadbourne Street – from ML, CH, and R&E to ML). Further, the subject property has remained CH since 1978 with a conditional use option for ML, allowing heavy commercial uses. There is an existing multi-family residential apartment complex to the northwest, but staff believes that the subject rezoning is appropriate given it is buffered from the housing complex by an energy company and that the MH zoning is located in an area that has been designated for industrial uses for almost twenty years.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The previous use was an oilfield company, and the property is currently vacant. The proposed business requires the MH zoning because of its processing and manufacturing of chemicals. Staff believes that rezoning to MH is appropriate given the surrounding area includes mainly intense industrial uses already. Further, San Angelo City Council, at the recommendation of staff, approved the MH zoning immediately to the west in 2010 (Z10-12), where the applicant currently operates.

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.* While any manufacturing use has the potential for negative environmental impacts, this is one reason that specific areas are designated for such uses, typically away from non-industrial uses. As noted above, this proposed rezoning is within a larger area specifically designated for industrial activity and is an appropriate location for such uses. At the request of staff, the applicant has provided a summary of their proposed manufacturing activities. These were discussed with City staff including the Fire Marshal, Permits, Engineering, and Planning on Thursday, April 22, 2021:
 - Noise – the loudest noise will be a tractor or truck at 95db on occasion (approx. noise of a motorcycle);
 - Traffic – anticipated 6 inbound truck trips/day; 11 outbound truck trips per day; 20 other vehicles from contractors, suppliers per day;
 - Odor and Smoke – vapor recovery used to limit odor when unloading chemicals; no smoke;
 - Dust and Vibration – from operations are only a few feet from source inside buildings only; no significant vibration;
 - Sewage – None. All rinsate collected and recycled into finished products; hazardous materials recycled or collected for disposal.

Staff believes that environmental impacts should be minimal, based on any allowed use following industry practices and environmental regulations.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning staff believe that there is a demonstrated community need for this business. According to the applicant, the business will provide employment for San Angelo residents. It will also provide an additional industrial tax base, and necessary products for the oilfield sector helping the local economy.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The property is a short drive to the intersection of Christoval Road and South Chadbourne Street, both urban arterial streets designed to carry large traffic volumes. The current development patterns would not change, with continued access being provided from Dan Hanks, a public road that was dedicated to the City in 1988.




Recommendation:

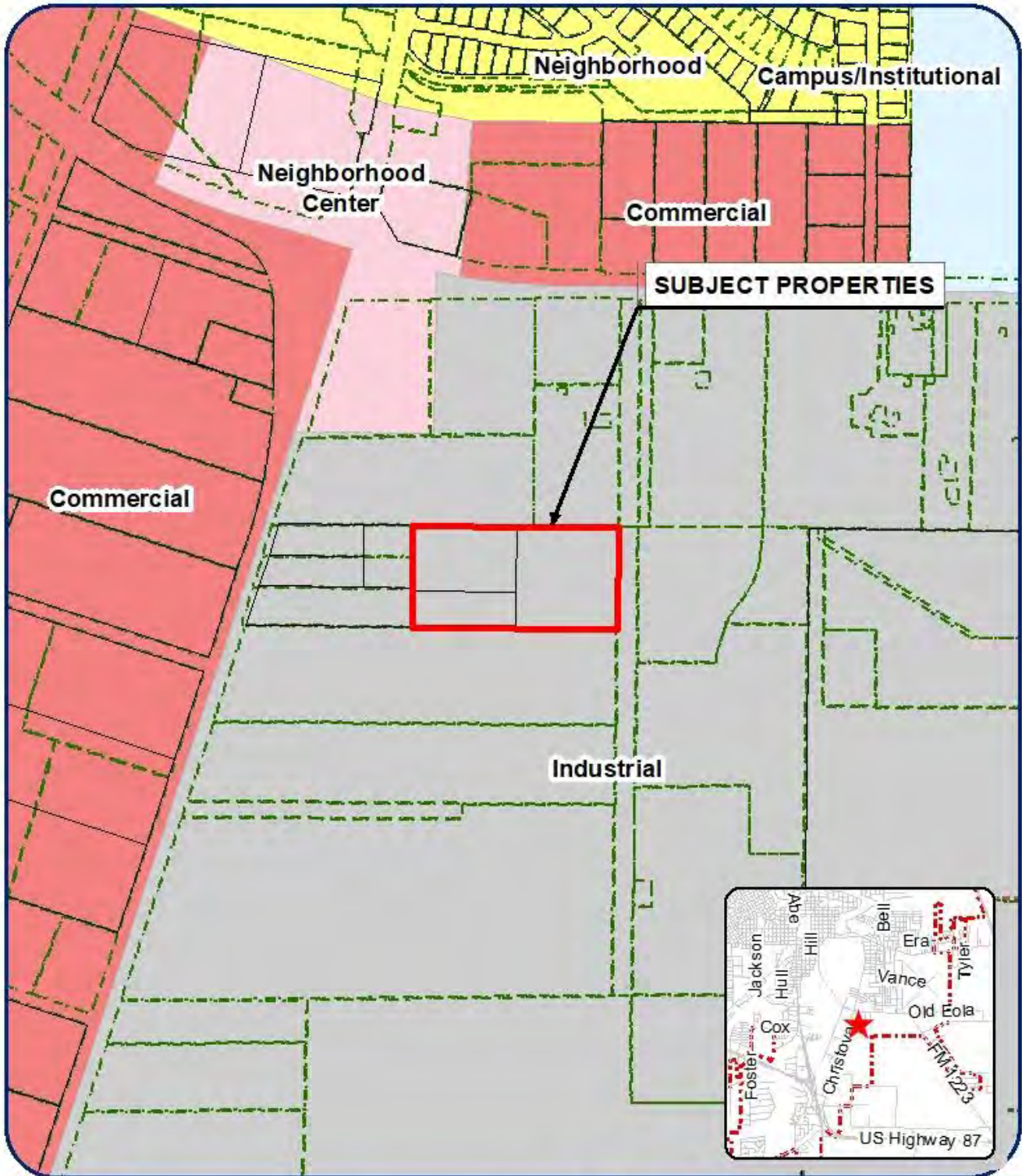
Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District, being approximately 7.353 acres, located at 4125 Dan Hanks Lane, as identified on the attached maps.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letter
Applicant's Rationale for Approval
Applications



Rezoning	Legend	 
Z21-06: 4125 Dan Hanks Lane Council District: Tommy Hiebert - District 1 Neighborhood: Glenmore Scale: 1" approx. = 500 ft 4125 Dan Hanks Lane, 7.353 ac.	Subject Properties:  Current Zoning: CH Requested Zoning Change: MH Vision: Industrial	




Rezoning

Z21-06: 4125 Dan Hanks Lane

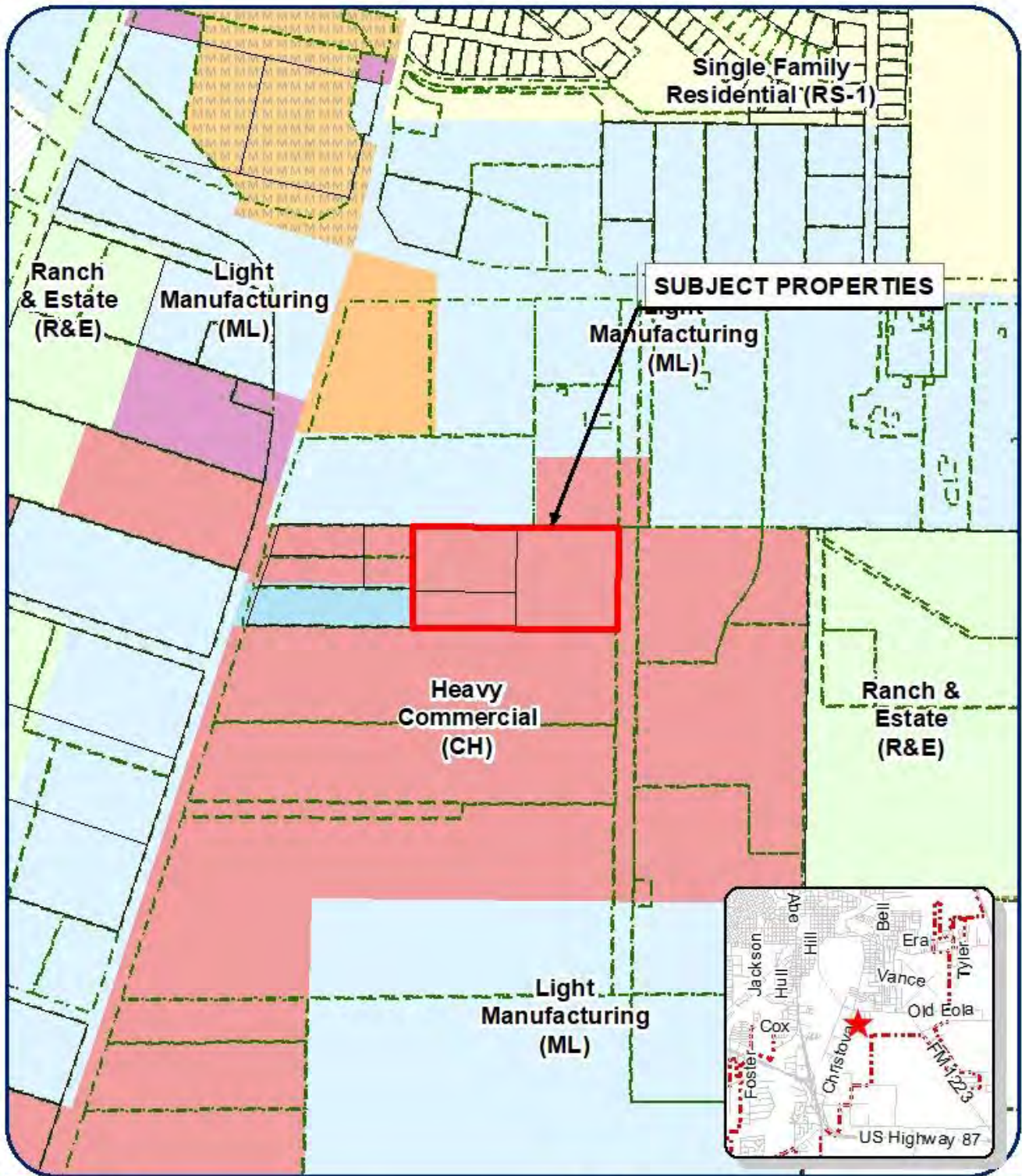
Council District: Tommy Hiebert - District 1
Neighborhood: Glenmore
Scale: 1" approx. = 500 ft

4125 Dan Hanks Lane, 7.353 ac.

Legend

Subject Properties: 
Current Zoning: **CH**
Requested Zoning Change: **MH**
Vision: **Industrial**





Rezoning

Z21-06: 4125 Dan Hanks Lane

Council District: Tommy Hiebert - District 1
Neighborhood: Glenmore
Scale: 1" approx. = 500 ft

4125 Dan Hanks Lane, 7.353 ac.

Legend

- Subject Properties: █
- Current Zoning: █ CH
- Requested Zoning Change: █ MH
- Vision: █ Industrial



Photos of Site and Surrounding Area

NORTH OF CHRISTOVAL ROAD



EXISTING LOCATION (3820 CHRISTOVAL RD)



NORTH ON DAN HANKS LANE



SOUTH ON DAN HANKS LANE



NORTHWEST AT SUBJECT PROPERTY



SOUTHEAST AT SUBJECT PROPERTY



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

() IN FAVOR () IN OPPOSITION

REASON(S) I am not in favor or oppose. The problem I have is water runoff from PLOT (6) and this needs to be addressed and fixed. When it rains the WATER from this plot (6) floods my plot (3). It has flooded my shops several times and is washing away the dirt causing erosion. WATER retention needs to be addressed and fixed.

NAME: Randy and Melody Crooks
Shop: _____ Home: _____
ADDRESS: 3800 Christoval Road 2701 Christoval Road
San Angelo, TX 76903 San Angelo, TX 76903

SIGNATURE: Melody Crooks

Z21-06: 4125 Dan Hanks Lane
property owner number: 3
If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

Applicant's Rationale for Approval

Sec. 212. Amendments to Text or Official Zoning Map

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

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

The proposed zone change is compatible with the comprehensive plan. This chemical manufacturing company is in line with the types of businesses that should set within the Vision Plan Map's industrial area. The zone change will allow an existing industrial business to expand, which is in line with the Comprehensive Plan.

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 change from CH to MH is consistent with the zoning ordinance.

The Applicant currently leases an abutting property to the west of the Subject Property that is already zoned MH. The Subject Property is also further away from any residential housing that its existing location.

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 zone change is compatible with the surrounding industrial area. It will assist in allowing the area's existing uses to expand in scale, and in allowing for ancillary needs of expanding businesses, such as on-site professional offices for the industrial sector.

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

No changed conditions known.

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

The zone change will not result in adverse effect on natural environment, as the

intended use by Applicant is already in effect at Applicant's current location to the

west of and abutting the Subject Property.

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

Economic development for San Angelo requires the expansion of existing industrial

businesses, just like Applicant. Such expansion will result in more jobs in the area,

many of which will help elevate the standard of living in San Angelo through higher

paying jobs.

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

The existing Comprehensive Plan seeks to keep industrial activity and businesses away from Downtown San Angelo and from visitor traffic. The zone change at this location is in line with the Plan.

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): Special Materials Company (VP Charlie Neale, Local Counsel Amy Zatzman)

Owner Representative (Notarized Affidavit Required)

44 North Main Street Lambertville New Jersey 08530
 Mailing Address City State Zip Code
225-933-1502 (Neale), 325-895-8030 (Zatzman) cneale@smc-global.com; amy@ghtxlaw.com
 Contact Phone Number Contact E-mail Address
4125 Dan Hanks Ln. San Angelo Texas 76904
 Subject Property Address City State Zip Code
 Acres: 7.353, Blk: 2, Subd: OLD CHRISTOVAL IND PK-C&S, EAST 400' OF TRACTS C & D & ALL OF TRACT E SEC 2
 Legal Description (can be found on property tax statement or at www.tamcmassnsd.com)

Existing Zoning: CH Heavy Commercial Proposed Zoning: MH Heavy Manufacturing Lot size: 7.353 ac (320,297 sf)

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

Section 2: Site Specific Details

Existing Use of Property: The property is primarily used as a storage and maintenance site for Patterson-UTI Drilling Company LLC, in support of the pressure pumping, land drilling, and oilfield services business of the owner and its affiliates.

*Proposed Use of Property: Manufacture of specialty chemicals used in various industries, including the oil and gas industry.

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

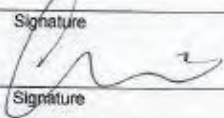
- An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner.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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Charlie Neale, VP		Special Materials Company	4/8/2021
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: ____/____/____

Case No.: Z____-____ Fully-dimensioned 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: ____/____/____

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, Patterson-UTI Drilling Company LLC, make this affidavit and hereby on oath state the following:
Print Property Owner Name

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

4125 Dan Hanks Ln. San Angelo TX 76904 281-765-7100 / Andy.Smith@patterson.com
Property Address City State Zip Code Contact Number E-mail Address

Legal Description of Location (can be found on property tax statement or at www.tomgreencad.com)
Acres: 7.353, Blk: 2, Subd: OLD CHRISTOVAL IND PK-C&S, EAST 400' OF TRACTS C & D & ALL OF TRACT E SEC 2

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.

Special Materials Company

(Please print) Representative's Organization or Entity

Signed this the 8th day of April, 2021.

[Signature] CFO, on BEHALF OF PATTERSON-UTI DRILLING COMPANY LLC
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Andy Smith, CFO and
Name

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

SWORN TO AND SUBSCRIBED before me on this the 8th day of April, 2021.



[Signature]
Notary Public, State of Texas

MEMO



Meeting

Date: May 17, 2021

To: Planning Commission

From: Jeff Fisher, AICP
Principal Planner

Request: An appeal of the Planning Director's decision to partially deny an amendment to UDR19-04 which approved new landscaping, internal sidewalks, and paint color changes, but denied a 6-foot tall privacy fence built to the front property line, located at 5702 Melrose Avenue.

Background:

The applicant submitted an amendment to an approved Urban Design Review (UDR19-04) for a new 6-foot tall wooden opaque privacy fence that was not shown on the original plans. The fence was built against the front sidewalk facing Melrose Avenue. The amendment also included replacement of front grass with hardscape rock in three of the front landscape islands, and a revised color scheme for one of the rows of homes. On May 6, 2021, the Planning Director approved the requested changes to landscaping and building colors, but **denied** the fence height and location for the following reasons:

- The front 25 feet is defined as a front yard in the Zoning Ordinance and a 6-foot tall fence would reduce visibility and be inconsistent with the views and sight lines of other properties along Melrose Avenue which are open without front fences (see attached photos). *(NOTE: Even if this revision is approved, a variance to the zoning ordinance fencing standards would also be necessary from the Zoning Board of Adjustment.)*
- The 6-foot tall fence also does not allow the applicant's front landscaping to be seen from the street. That landscaping was an aesthetic element in the original plan that was intended to ensure an attractive "streetscape", which the new fence now obscures. Typical design for streetscapes includes a landscape buffer area between a sidewalk and fencing, parking, or buildings in a suburban setting like this.
- The placement of the fence is within a dedicated utility easement. While fences are not expressly prohibited within such easements, they are discouraged since the fence creates a barrier to access to and repair of any utilities within the easement, now or in the future.
- In addition, the location of the fence immediately against the sidewalk does not provide the standard "shy distance" typically required adjacent to sidewalks (i.e., standard sidewalk design does not allow for buildings or fences immediately adjacent to a sidewalk, at least

without providing a wider sidewalk, to avoid such a barrier for pedestrians, wheelchairs, strollers, etc.).

- Finally, the fence as built does not promote the aesthetics of the original plan and is not compatible with the overall appearance of the existing development pattern of the Bluffs Neighborhood.

Urban Design Review Appeal: Section 204.F of the Zoning Ordinance allows an applicant to appeal an urban design review decision to the Planning Commission within 30 days from the mailing of the Planning Director's decision (May 6, 2021). The applicant submitted his appeal letter later the same day citing his reasons in the attached appeal letter.

Zoning Board of Adjustment (ZBA) Variance: In addition to this request to approve the design and location of the fence, the applicant has also applied for an associated ZBA variance to allow the fence to remain 6 feet in height in the required front yard in the PD02-03 Zoning District which applies the CG zoning standards allowing a maximum 4-foot tall fence in the front 25 feet. Therefore, in order for the fence to remain 6 feet tall in its current location, the applicant requires both approval from the Planning Commission (Urban Design Review Appeal) and the Zoning Board of Adjustment (Variance). The ZBA meeting is tentatively scheduled for June 7, 2021.

Recommendation:

Staff's recommendation is for the Planning Commission to **DENY** the appeal of the Planning Director's decision to partially deny an amendment to UDR19-04, denying a 6-foot tall privacy fence built to the front property line, located at 5702 Melrose Avenue, and **APPROVE** the following alternative:

1. That the applicant submit a revised Site Layout Plan to the Planning Director for approval with the following changes to the front fence:
 - a. Reduce the fence height to 4 feet within the front 25 feet facing Melrose Avenue; and
 - b. Relocate the fence to 10 feet from the front property line, outside the utility easement.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Site Layout Plan showing fence – subject to appeal
Approved Landscape Plan
Appeal Letter
Decision Letter
Application



Urban Design Review Appeal

UDR19-04: 5702 Melrose Ave.

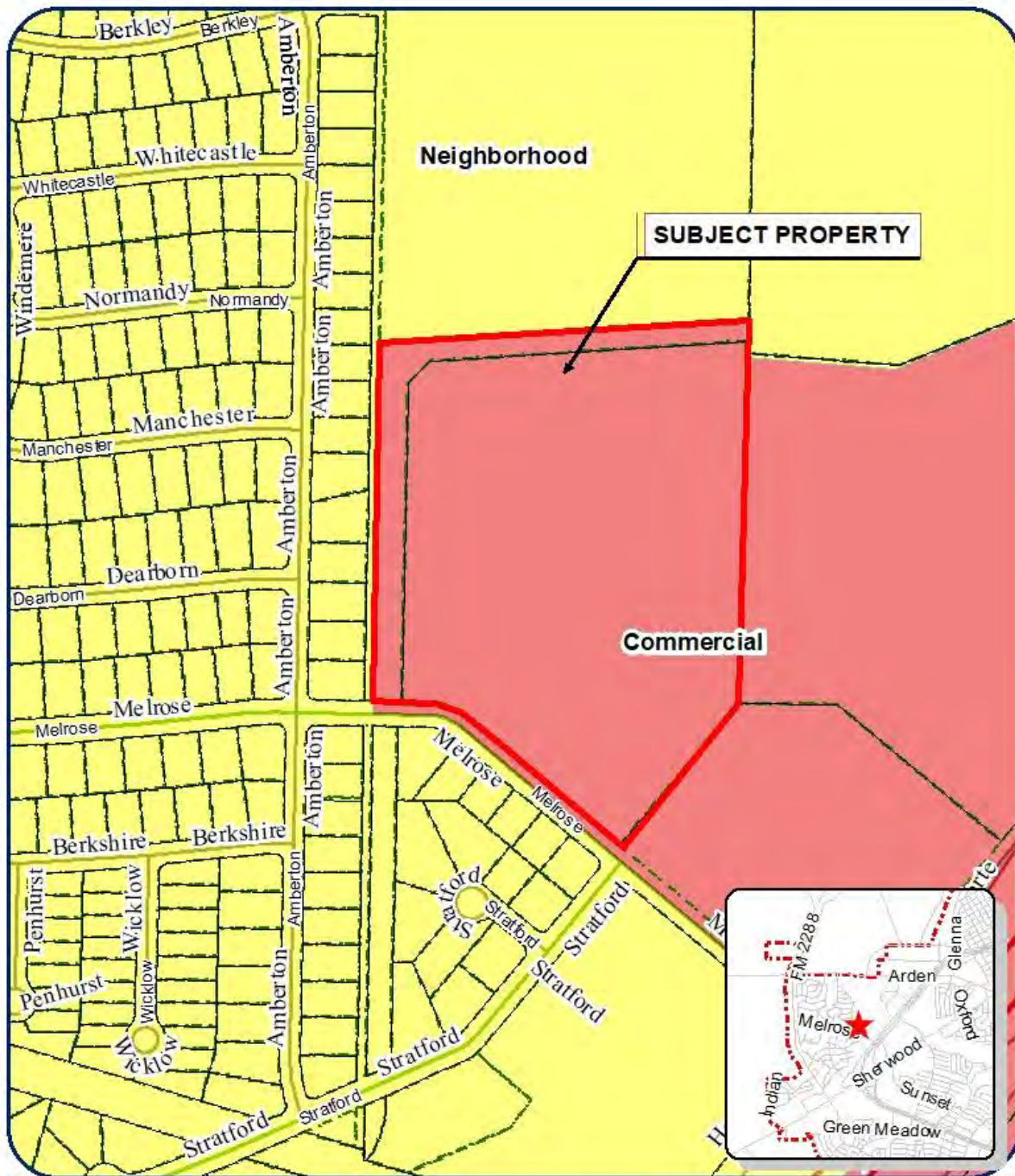
Council District: Billie DeWitt - District 6
 Neighborhood: Bluffs
 Scale: 1" approx. = 300 ft

Legend

Subject Properties: —
 Current Zoning: **Planned Development (PD-02-03)**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**

Unaddressed tract 20.432 acres north of Melrose/Stratford Ave



Urban Design Review Appeal

UDR19-04: 5702 Melrose Ave.

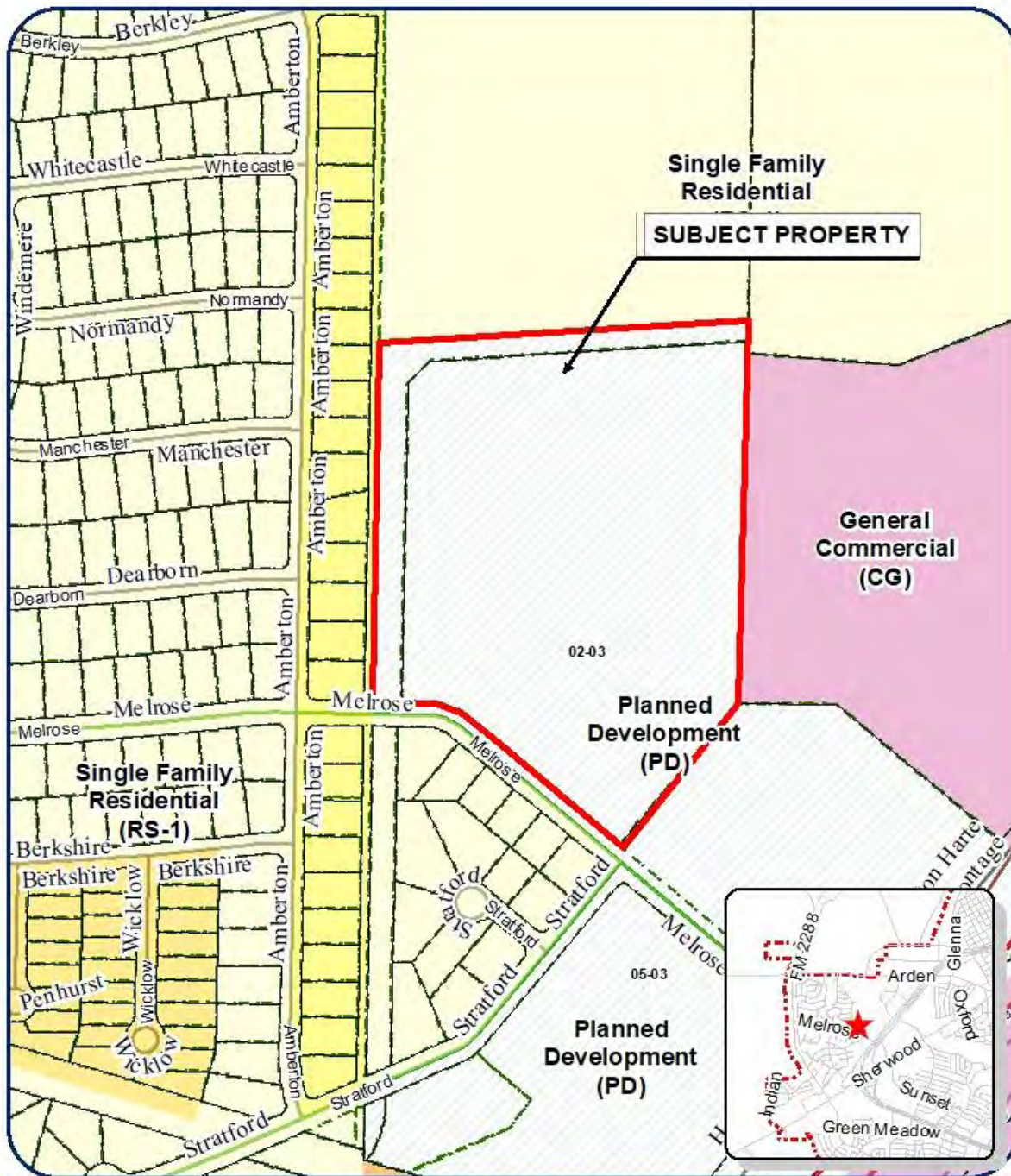
Council District: Billie DeWitt - District 6
 Neighborhood: Bluffs
 Scale: 1" approx. = 300 ft

Legend

Subject Properties:  **Planned Development (PD-02-03)**
 Current Zoning: **N/A**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**

Unaddressed tract 20.432 acres north of Melrose/Stratford Ave





Urban Design Review Appeal

UDR19-04: 5702 Melrose Ave.

Council District: Billie DeWitt - District 6
 Neighborhood: Bluffs
 Scale: 1" approx. = 300 ft

Legend

Subject Properties: —
 Current Zoning: **Planned Development (PD-02-03)**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**

Unaddressed tract 20.432 acres north of Melrose/Stratford Ave



Photos of Site and Surrounding Area

SOUTHWEST PORTION OF 6' TALL FRONT FENCE AND HARDSCAPE AREA



SOUTHWEST PORTION OF 6' TALL FRONT FENCE AND HARDSCAPE AREA



MIDDLE VIEW OF FRONT FENCE



4-FOOT TALL INTERNAL FENCES



MIDDLE ROW HARDSCAPE AREA



NORTHWEST HARDSCAPE AREA



Approved Landscape Plan





Justin Hardin
Member
Creek27 LLC

050621

UDR – PL21-20500002 – 5702 Melrose Ave.

Jon James,

I am writing this letter to appeal the decisions made by the UDR Committee for 5702 Melrose Ave in San Angelo, TX. Our desire is to make Creek27 appealing aesthetically for our residents and the community of San Angelo, while maintaining a high level of safety for the residents. During the design phase of this project, we understood that there could potentially be “field changes” that were necessary to uphold our standards and expectations. Below are the comments made by the UDR Committee and my responses are followed in BLUE. Creek27 and its members would like to appeal the decision to make the fence along Melrose 4’ in height compared to the 6’ that we have currently built. We would also like to appeal the decision to move the same fence away from the street by 2’. Thank you everyone for your understanding and efforts made to continue the goal of making Creek27 a positive addition to San Angelo, Texas.

Comment from UDR

“Submit a revised site layout plan that delineates the following:

- a. Reduce the fence height to a maximum of four feet in the front 25 feet facing Melrose Avenue; shift the fence back 2 feet from the sidewalk; and reduce the fence height to no taller than 2 feet within 10 feet on either side of each driveway per the City’s Encroachment Ordinance. This revision is required for public safety; consistency with the Urban Design Review criteria of the Zoning Ordinance to maintain views and sight lines consistent with surrounding residential homes along this street; to enhance the visual appearance of the property; and to allow the landscaped areas to be seen;
- b. All interior 4-foot tall fences that will constructed [Zoning Ordinance, Section 204.E].”

My Response

I have attached the revisions that were made to C1.1 and C1.2 in my effort to appeal the decisions made by the UDR Committee. Creek27 built a 6’ high fence, shown on the plans, along Melrose. This decision was made in an effort to not only maintain a uniform look for the property, but we felt the safety of the residents came in to question due to the “green space” acting as the back yard, even though the house was flipped for aesthetic and functionality purposes. The UDR requested a 6’ high cedar post fence around the exterior of the property to match “The Bluffs” neighborhood during the original approval process. During the build, we found that there would be a 4’ elevation drop from the back of the porch to the street along Melrose. This elevation drop leaves the porches and back door of the unit exposed to the public sidewalk access that was required by the UDR. With this elevation change, following the 4’ city code for front yards would not only be a safety issue, but would be following the code in reverse or backwards, as the yard facing Melrose is actually the “back yard”. Melrose happens to be a boundary, but is not a part of the property and the design of the property faces the back yard toward Melrose. We would also like to appeal the moving of the fence along Melrose in towards the units by 2’. We want to maximize the area on the property for the residents, and losing this 2’ would not be advantageous to anyone, as it will be a waste of land as it would not bring any value to the residents, and would be an additional expense for no other reason than someone believes it would be more aesthetically pleasing.

The 4’ fences that were added along the interior of the property around the back porches in the “green spaces” have been added to C1.1 and C1.2 at the request of the UDR Committee



Justin Hardin
Member
Creek27 LLC

050621

Comment from UDR

“The front yard fence must be adjusted prior to any new CO’s being issued.”

My Response:

Once we get through the appeal process, whatever decision is made, the changes will be made. The purpose of the property is to help with the need for housing in San Angelo. Holding up the CO’s should not happen, as we are prepared to move 34 more families in to Creek27 in June.

Comment from UDR

“The front sidewalk and all remaining site improvements (internal sidewalks, landscaping, buildings with approved colors and materials, etc.) for Phases 1-4 as identified on the attached reference map shall be installed prior to the last CO of Phase 4.”

My Response:

Front sidewalk, approved by city engineers, has been updated on the attachments, and will be updated on the final engineered plans once the appeal process is finalized.



The City Of

San Angelo, Texas

Planning Division

52 West College Avenue, 76903

May 6, 2021

Mr. Justin Hardin
Flat Creek Builders, LLC
9610 West Amber Bluff Lane
Katy, TX 76901
justin@flatcreekbuilders.com

Subject: **Amendment to UDR19-04:** Flat Creek Builders, LLC, L.P: An amendment to an approved Urban Design Review (UDR19-04) for installation of a 6-foot tall front yard privacy fence; new and revised landscaping; adjustment of the front sidewalk; and paint color changes on the residential buildings; located at 5702 Melrose Avenue.

Dear Sir:

On April 15, 2021, the Planning Division received an amendment request for an approved Urban Design Review (UDR19-04) for installation of a 6-foot tall front yard privacy fence; new and revised landscaping; adjustment of the front sidewalk; and paint color changes on the residential buildings; located at 5702 Melrose Avenue. The applicant provided a revised site layout plan, revised landscape plan, fence details, and color details showing the proposed changes. Such plans were provided at this Division's request, in accordance with Section 204.B.1.d. of the San Angelo Zoning Ordinance, which requires a UDR for construction of more than one principal building for single-family or two-family residential use on one lot where allowed in a commercial district.

After reviewing the attached plans and documents, I hereby **APPROVE** the revised color changes; the change in sidewalk location; and the revised landscape plan (with at least three additional shrubs not shown on the plan in each hardscape area adjacent to Melrose Avenue, as agreed).

However, the following element of the revised plan is **DENIED** for the reasons below:

1. **Site Layout Plan C1.1:** The 6-foot tall cedar fence within the front 25 feet of the property facing Melrose Avenue shown on the Site Layout Plan.
 - *Rationale for denial [per UDR criteria in Section 204.E of the Zoning Ordinance]:*
 - *The front 25 feet is defined as a front yard in the Zoning Ordinance and a 6-foot tall fence would reduce visibility and be inconsistent with the views and sight lines of other properties along Melrose Avenue which are open without front fences. (NOTE: Even if this revision is approved, a variance to the zoning ordinance fencing standards would also be necessary from the City's Zoning Board of Adjustment).*

- o The 6-foot tall fence also does not allow the applicant's front landscaping to be seen from the street. That landscaping was an aesthetic element in the original plan that, as revised with a 6' fence, no longer provides the same "streetscape" aesthetics. Typical design for streetscapes includes a landscape buffer area between a sidewalk and fencing, parking, or buildings in a suburban setting like this.
- o In addition, the location of the fence immediately against the sidewalk does not provide the standard "shy distance" typically required adjacent to sidewalks (i.e., standard sidewalk design does not allow for buildings or fences immediately adjacent to a sidewalk, at least without providing a wider sidewalk, to avoid such a barrier for pedestrians, wheelchairs, strollers, etc.).
- o Finally, the fence as built does not promote the aesthetics of the original plan and is not compatible with the overall appearance of the existing development pattern of the Bluffs Neighborhood.

In accordance with Section 203.F of the Zoning Ordinance, revisions must be made to the front fence to the satisfaction of the Planning Director that achieves the design objectives of the Zoning Ordinance, or, the applicant may appeal this decision within 30 days from the mailing of this decision to the Planning Commission, by June 5, 2021. No new Certificate of Occupancy may be issued for this development until revisions to the front fence have been approved, and a revised landscape plan showing the additional approved shrubs is submitted.

Notes:

1. Colors and materials shall be consistent with these final plans as stamped approved "May 6, 2021." These will be reviewed prior to final occupancy to ensure compliance [Urban Design Review UDR19-04].
2. The front sidewalk and all remaining site improvements (internal sidewalks, landscaping, fencing, buildings with approved colors and materials, etc.) for Phases 1-4 as identified on the attached reference map shall be installed prior to the last CO of Phase 4.
3. All remaining site improvements (internal sidewalks, landscaping, buildings with approved colors and materials, etc.) for Phases 5-8 as identified on the attached reference map shall be installed prior to the last CO for Phase 8.
4. A 6-foot high fence in the 25-foot front yard will also require an application and approval by the Zoning Board of Adjustment. (The application deadline is May 7 for the June 7 Board Meeting)
5. All landscaping must be maintained as shown on the approved landscaping plans, including maintaining rock areas as weed-free.

Please contact the Planning Division at (325) 657-4210, Extension 1550, if you have any questions regarding this approval.

Sincerely,



Jon James, AICP
Planning and Development Services Director



City of San Angelo, Texas – Planning Division
 52 West College Avenue
Application for Urban Design Review



Section 1: Basic Information

Name of Applicant(s): Justin Hardin

Owner Representative (Notarized Affidavit Required)

9610 W Amber Bluff Ln Katy TX 76901
 Mailing Address City State Zip Code

832-483-9283 justin@flatcreekbuilders.com
 Contact Phone Number Contact E-mail Address

5702 Melrose Ave San Angelo TX 76901
 Subject Property Address City State Zip Code

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

Zoning District:

- CN CO CG CH CG/CH CBD OW ML MHS MHP PD
 RS-1 RS-2 RS-3 RM-1 RM-2 R&E

(Zoning Map available on City Maps)

Lot size: 18+ acres Future Land Use Designation: Multi-Family

Section 2: Site Specific Details

Scope of Work:

- Proposed construction comprising of 25,000 square feet or more of gross floor area.
- Expansion of an existing building resulting in a total gross floor area of 25,000 square feet or more.
- Proposed construction of more than one principle building for multi-family use on a single tract.
- Proposed construction of more than one principal building for single-family or two-family residential use on one lot on a RM-1 district or where allowed in a commercial zoning district.

Specific Details or Request: Landscaping changes, fence addition, sidewalk adjustment, and paint color placement
changes due to the nature of the build with the intention of making the property more aesthetically pleasing,
comfortable, and safer for the residents of Creek27

Required Items:

- Site plan, to scale, of proposed work
- Elevations, to scale, of proposed work
- Landscaping plan, to scale.
- Samples or examples of materials and colors as proposed.
- Elevation(s) of any proposed signage, fencing, or other screening types.

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 www.cosatx.us/planning

Section 3: Applicant(s) Acknowledgement

I understand that the Planning manager will review the submission based upon the following:

Basic compliance with all dimensional standards, any specific use regulations, and all other applicable provisions of the Zoning Ordinance.

Whether and the extent to which the proposed construction and site improvements minimize adverse effects on adjacent properties. The maintenance of views and sight lines are valid considerations.

Whether and the extent to which the proposed construction and site improvements would result in a logical and orderly pattern of development.

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

Signature of licensee or authorized representative

04.15.2021
Date

Justin Hardin
Printed name of licensee or authorized representative

Creek27, LLC
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Verified Complete Verified Incomplete

Date of Application: ____/____/____

Case No.: UDR ____-____

Fully-dimensioned and scaled site plan: ___Yes ___No

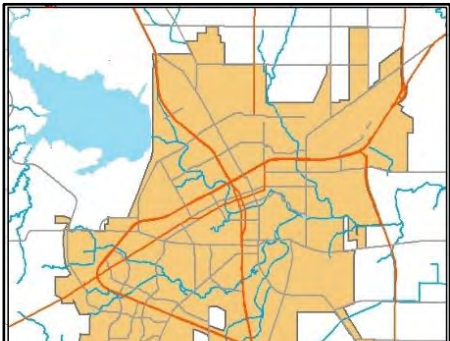
Nonrefundable fee: \$ ____

Receipt #: _____ Date paid: ____/____/____

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

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

**PLANNING COMMISSION – May 17, 2021
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Conditional Use		CU21-07: 2458 Fisherman’s Road (Favre)	
SYNOPSIS:			
A request for renewal of a Conditional Use for a Bed and Breakfast in the Single-Family Residence (RS-1) Zoning District, on a property located at 2458 Fishermans Road. The bed and breakfast has been operating since 2015 and the applicant has been paying hotel occupancy tax since that time. After the 2018 ordinance change, the applicant applied for and received a Bed & Breakfast Conditional Use. The subject property has one single family residence where the owner/operator lives in one bedroom and rents the other two bedrooms out for less than 30 days at a time.			
LOCATION:		LEGAL DESCRIPTION:	
2458 Fishermans Road		Being Lot 10, Block 1, Lake Nasworthy Subdivision, Group 14	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND
SMD District 1 – Tommy Hiebert Nasworthy Neighborhood		RS-1 – Single-Family Residential	N – Neighborhood
			SIZE:
			0.69 acres
THOROUGHFARE PLAN:			
<i>Fishermans Road</i> – Urban Local Street, <u>Required</u> : 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot sidewalk, <u>Provided</u> : Existing public road with no right of way (annexed in 1997), 30’ pavement			
NOTIFICATIONS:			
7 notifications mailed within 200-foot radius on May 3, 2021. Zero have been received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the renewal of a Conditional Use for a Bed and Breakfast in the Single-Family Residential (RS-1) Zoning District, on the subject property, subject to two Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
Owner: Sammee Favre			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 shery.bailey@cosatx.us			

Additional Information: The applicant has provided evidence demonstrating that she has been paying the Hotel Occupancy Tax and maintaining meeting the residency requirements. The subject property, per the Appraisal District, contains a 2,959 sq. ft. house, a 1,200 sq. ft. boat house, carports and storage all constructed in 1967. Staff called the Police Department and was told that there were no calls to this residence and no complaints lodged with Code Compliance. The applicant is having the required Fire Marshall inspection done.

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

- 1. Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The subject property is zoned Single-Family Residential. Bed and Breakfast uses are allowed in this zoning district with an approved Conditional Use. The requirement of a Conditional Use intended to identify and mitigate potentially adverse impacts between a somewhat intensive land use and nearby residential uses. There have been no complaints from the adjoining property owners on record.
- 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 is zoned Single-Family Residential, or RS-1. Bed and Breakfast uses are considered acceptable in this zoning district with an approved Conditional Use. The parking requirement and building occupancy conditions imposed with the Conditional Use help ensure that a proposed bed and breakfast meets the spirit and intent of the Zoning Ordinance.
- 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 Conditional Use becomes the means through which some form of compatibility between a somewhat intense land use and nearby residential uses may be maintained. The existing Bed and Breakfast is an established use and there have been no impacts on the surrounding residential structures on record with this department.
- 4. Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use continues to be located within an existing residential structure and maintains the existing building footprint on the property. The required parking spaces are already paved and there are no plans to change the topography of the property.

5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* According to the 2013 Master Plan and Implementation Strategy for Lake Nasworthy, the overall lake area is ripe to become a tourist and “action sports” destination area. Each year the activities and tourism uses on the lake grow and benefit the community. A Bed & Breakfast is in keeping with the established tourism accommodations.

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 subject property is zoned Single-Family Residential, and that zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The size of this Bed & Breakfast and the total guests it can accommodate at one time does not distinguish it from existing single family homes.

Recommendation:

Staff’s recommendation is for the Planning Commission to **APPROVE** a renewal of a Conditional Use to allow for a Bed and Breakfast in the Single-Family Residential (RS-1) Zoning District, **subject to the following two Conditions of Approval:**

1. The owner shall maintain all off-street parking on the premises in a manner consistent with Section 406 & 511 of the Zoning Ordinance.

2. The property owner shall maintain the bed and breakfast operation in a manner consistent with Section 406 of the Zoning Ordinance including a required renewal in two years.

Attachments:

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




Location Map 2458 Fisherman's Road

CU21-07: Favre

Council District 1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 165 ft

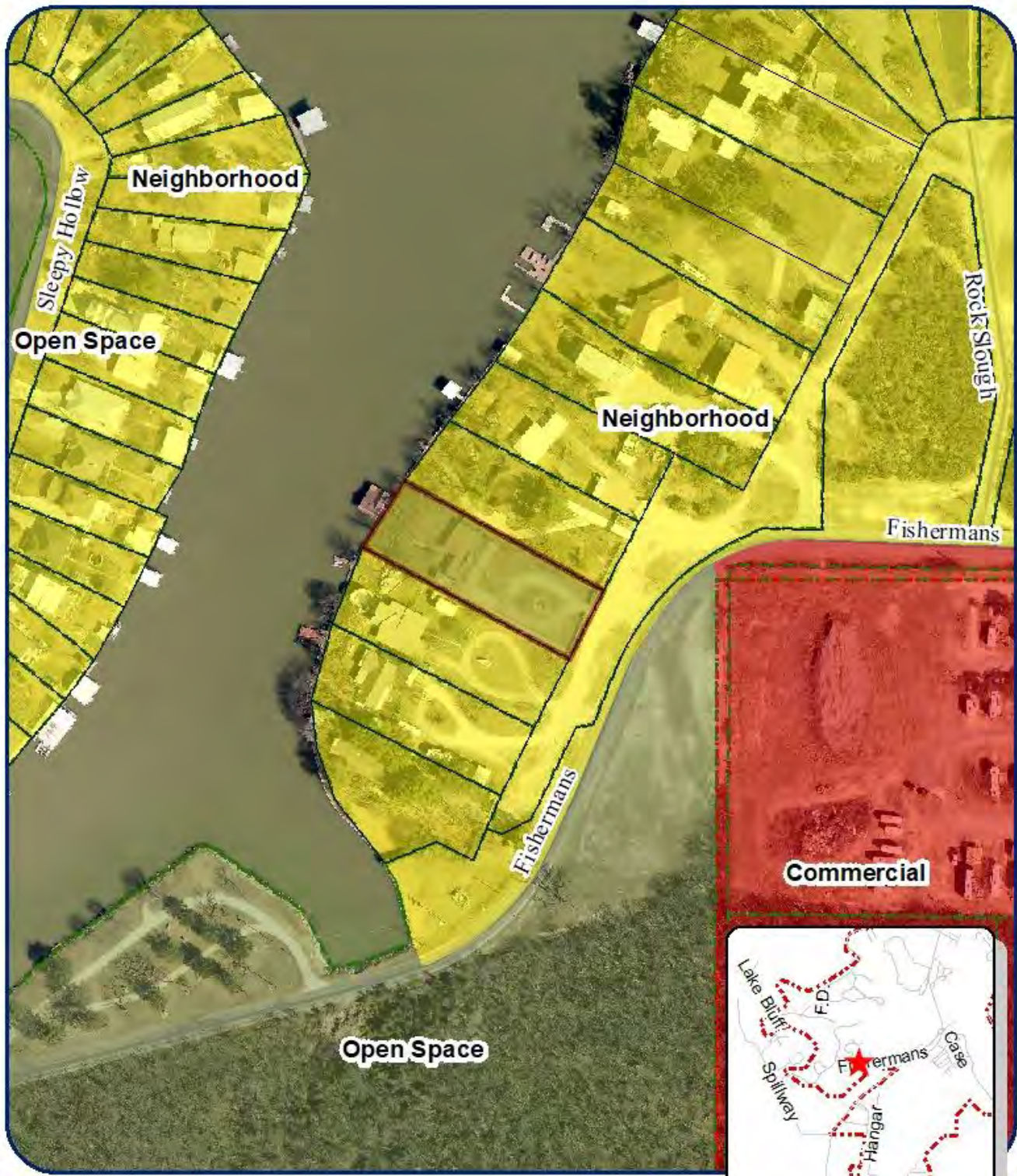
Bed and Breakfast renewal

Legend

Subject Properties: 
Current Zoning: **RS-1**
Requested Zoning Change: **Conditional Uset**
Vision: **Neighborhood**

Aerial Map






Location Map 2458 Fisherman's Road

CU21-07: Favre

Council District 1 - Tommy Hiebert
 Neighborhood: Nasworthy
 Scale: 1" approx. = 165 ft

Legend

Subject Properties: 
 Current Zoning: **RS-1**
 Requested Zoning Change: **Conditional Uset**
 Vision: **Neighborhood**

N



Bed and Breakfast renewal

Future Land Use map




Location Map 2458 Fisherman's Road

CU21-07: Favre

Council District 1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 165 ft

Legend

Subject Properties: 
Current Zoning: **RS-1**
Requested Zoning Change: **Conditional Uset**
Vision: **Neighborhood**

Bed and Breakfast renewal

Existing Zoning



Photos of Site and Surrounding Area

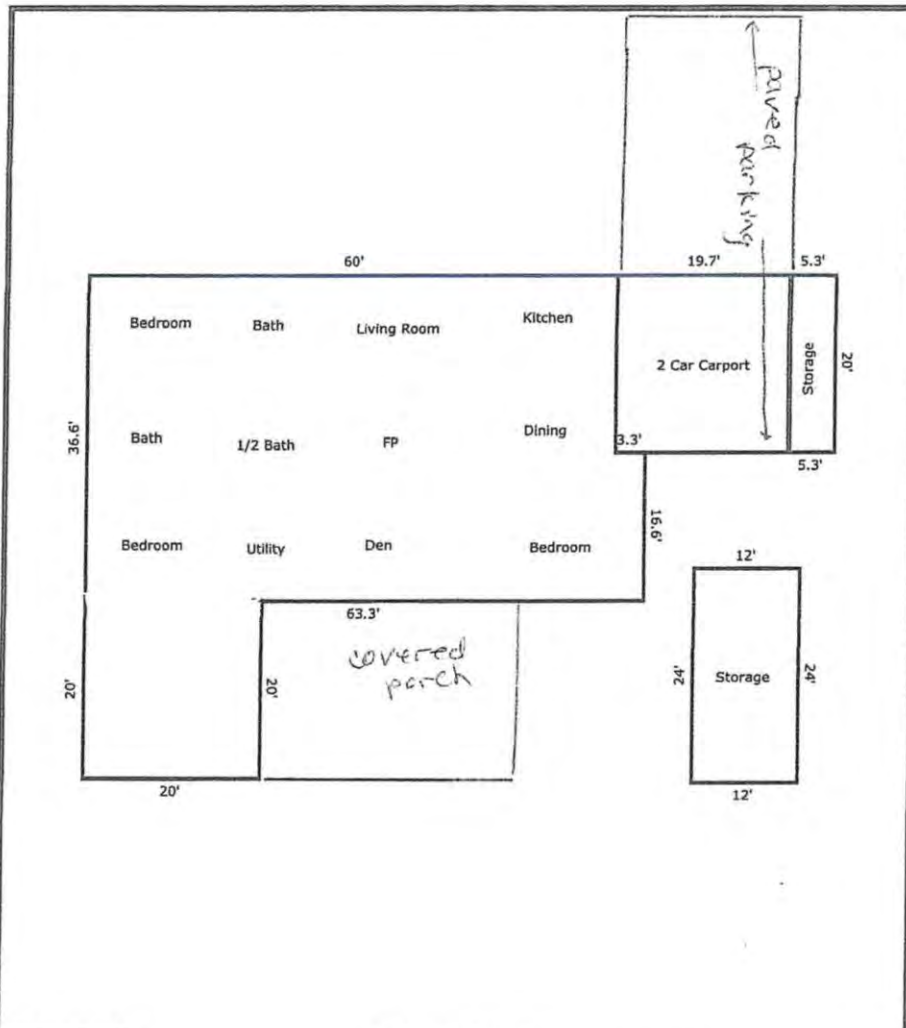




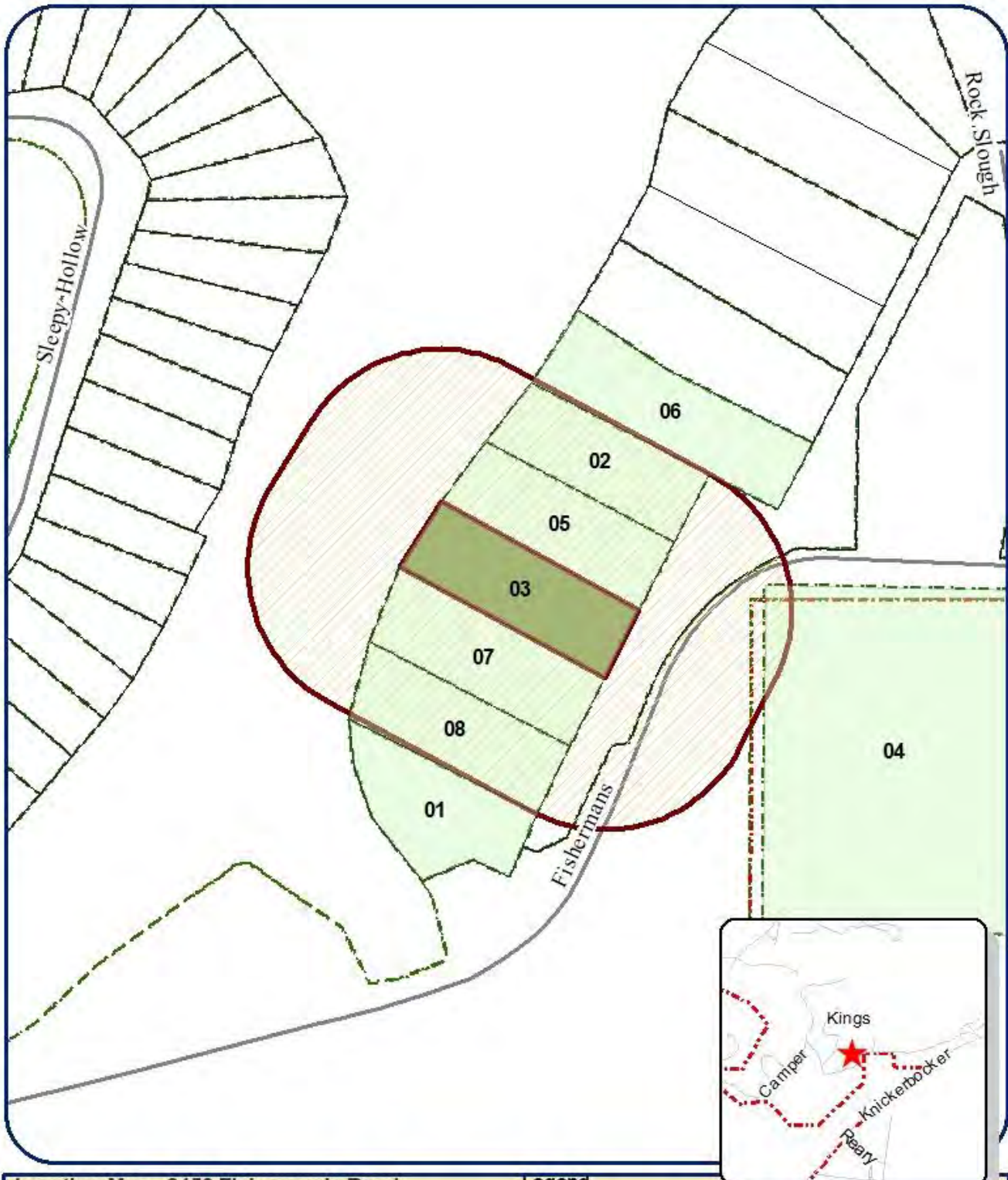
Plans

Building Sketch (Page - 1)

Borrower	Favre, Sammee and Jerod				
Property Address	2458 Fishermans Rd				
City	San Angelo	County	Tom Green	State	TX
Zip Code	76904				
Lender/Client	Mortgage Financial Services, LLC				



TOTAL Sketch by a la mode, inc.		Area Calculations Summary	
Living Area			Calculation Details
First Floor	2250.78 Sq ft		36.6 x 60 = 2196
			3.3 x 16.6 = 54.78
Total Living Area (Rounded):	2251 Sq ft		
Non-Living Area			
2 Car Attached	394 Sq ft		20 x 19.7 = 394
storage	288 Sq ft		12 x 24 = 288
Concrete Patio	400 Sq ft		20 x 20 = 400
storage	106 Sq ft		20 x 5.3 = 106




Location Map 2458 Fisherman's Road

CU21-07: Favre

Council District 1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 165 ft

Bed and Breakfast renewal

Legend

Subject Properties: 
Current Zoning: **RS-1**
Requested Zoning Change: **Conditional Uset**
Vision: **Neighborhood**

Notification Map



N



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:
042021

Section 1: Basic Information

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

<u>Sammee Favre</u> Name of Property Owner (s)	<u>Sammee Lou Favre</u> Name of Operator (s)
<u>P.O. Box 5245</u> Property Owner Mailing Address	<u>San Ange TX</u> <u>76902</u> City State Zip Code
<u>325-374-1959</u> Property Owner Contact Phone Number	<u>sammee81@suddenlink.net</u> Property Owner Contact E-mail Address
<u>same</u> Designated Operator Mailing Address	City State Zip Code
<u>same</u> Designated Operator Contact Phone Number	Designated Operator Contact E-mail Address
<u>2458 Fisherman's Road</u> Short Term Property Address	<u>San Ange TX</u> <u>76904</u> City State Zip Code
Number of bedrooms: <u>2 plus</u> Number of Off-street Parking Spaces: <u>4 pave</u> 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:

_____ 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: Property fits in well with neighborhood. Nothing to make it adversely stand out.

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: Lake Nasworthy is known for recreational amenities so a bed and breakfast is compatible for this ar

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 impacts on natural environment. Property is nestled in a neighborhood and activities ar

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

Explanation: This Bed and Breakfast aligns with the city's plans for Lake Nasworthy and helps meet the needs o

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: Whereas the property is zoned single-family residential, the clientel of the Bed and Breakfast is mostly family oriented.

Effective February 2, 2017

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

- Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- 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.
- 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.
- The operator shall keep a current guest register in compliance with State code.
- If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- 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
- Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- Meal service may not be provided.
- Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- 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.
- 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.
- The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office
- The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- 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.

Sannee Favre Sammu Favre
Printed name and Signature of Property Owner or Authorized Representative

4-9-2021
Date

Printed name and Signature of Designated Operator

Date

Effective February 2, 2017

FOR OFFICE USE ONLY:

Case No.: CU: 21 -- 07 Planning Commission date: 5, 17, 21

Nonrefundable application Fee: \$ 405 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: ____/____/____

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) _____

This Bed and Breakfast is right next to me. The owner stays on sight and manages the property well. She nets her guests and takes great care of the property. This is also her home so it doesn't feel like anything commercial. She usually only rents during late Spring and summer so the guests fit in with the normal activities of the lake. I have never had any problems with any of her guests.

NAME: Ron and Sharon Mecklenburg

ADDRESS: 2462 Fisherman's Road
San Angelo, TX 76904

SIGNATURE: Sharon Mecklenburg

CU21-07: 2458 Fisherman's Road

Property owner number: 7

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or by email at sherry.bailey@cosatx.us.

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) Two boys (6 or 7 yrs. old) ended up ^{off} our deck in a flooded kayak. Neither boy had a life jacket. I had to pull them out and grab the sinking kayak. Then I got them back to the Bo & B.

A woman with a two mon. old baby was on a board paddling around. The woman had no safety vest and neither did the baby.

Of one of these 2 incidents, ends in an accident whose is responsible?

NAME: Steve and Jan Lancaster

ADDRESS: 2446 Fisherman's Rd.
San Angelo, TX 76904

SIGNATURE: Steve Lancaster Jan Lancaster

CU21-07: 2458 Fisherman's Road

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 (325) 657-4210 ext. 1546 or by email at sherry.bailey@cosatx.us.

**PLANNING COMMISSION – May 17, 2021
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Conditional Use		CU21-08: 4630 Permian Drive	
SYNOPSIS:			
<p>The applicant has applied for a Conditional Use to allow a communication tower facility (150-foot tall tower with the possibility of some co-location) as defined in Section 317.H of the Zoning Ordinance. The subject property is in the General Commercial (CG) Zoning District. The new tower will be a telecommunications tower. The tower will be a single pole, 150 feet in height, 129 feet from the front property line, 31 feet from the side property lines and 35 feet from the rear property line. The tower will be self-supporting and will not require guy wires.</p>			
LOCATION:		LEGAL DESCRIPTION:	
4630 Permian Drive; 500 feet west from S. Bryant Blvd.		Arroyo Vista Addition; Block 2, Lot 1B	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Rio Vista Neighborhood	General Commercial	C – Commercial	4.630 acres
THOROUGHFARE PLAN:			
<p>Permian Drive – Urban local Street Required: 50’ right-of-way, 40’ pavement or 36” with a 4 ft. sidewalk Provided: 50’ right-of-way, 40’ pavement</p>			
NOTIFICATIONS:			
10 notifications mailed within 200-foot radius on April 30, 2021. No letters received to date in favor or against.			
STAFF RECOMMENDATION:			
<p>Staff’s recommendation is for the Planning Commission to APPROVE the proposed Conditional Use to allow a communications tower facility (150-foot tall and related equipment facilities) as defined in Section 317.H of the Zoning Ordinance in the General Commercial (CG) Zoning District on the subject property, subject to five Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner:</i> Don Cassaro <i>Applicant & lease agent:</i> Cuellar Investments, LLP</p>			
STAFF CONTACT:			
<p>Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us</p>			

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 are no known broadcasting communication towers within the immediate area. This area is a heavy commercial area adjacent to a light manufacturing area. Although there is a motel just to the east, the nature of the area and the multiple parking lots and outdoor storage presents a backdrop that keeps a cell tower from standing out.
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 applicant has provided a concept plan demonstrating that the proposed tower would comply with all required setbacks and standards of Section 426 of the Zoning Ordinance, including the minimum 100 foot setback from any residential zone since there are none in the area.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.* Staff believes that a new tower in this location is compatible with the surrounding area. The tower will be the only one in the immediate area.
4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not believe that the tower itself will have any negative environmental effects. The tower height at 150 feet is not intrusive.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* The applicant indicates that a tower for communication services is needed in this area to offer customers more comprehensive service. Technology is changing significantly and this new tower is part of the anticipated change.
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 placement of the tower is removed from the traffic generated in the city since this area is mainly a heavy commercial or industrial area. A tower in this area is an appropriate use.

Recommendation:

Staff's recommendation is for the Planning Commission to **APPROVE** the proposed Conditional Use to allow a telecommunication facility (150-foot tall telecommunication tower and related equipment facilities) as defined in Section 317.H of the Zoning Ordinance in the General Commercial (CG) Zoning District on the subject property, **subject to the following four Conditions of Approval:**

1. No more than one broadcasting communications tower shall be permitted on this subject property. The tower shall not exceed a height of 150 feet, including any apparatus attached to the tower itself.
2. The proposed tower facility shall comply with all applicable standards set forth in Section 426 of the Zoning Ordinance.
3. The Petitioner shall indicate the final latitudinal and longitudinal coordinates related to the set placement of the broadcasting tower on their building permit application for GIS tracking purposes.
4. The tower and all accompanying equipment shall be contained within the triangle identified on the site plan. The platform/pad that is part of the mounting support area shall also be contained within the identified triangle.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Applicant Rationale Email
Site Concept Plan
Application



Location Map CU21-08

4630 Permian Drive

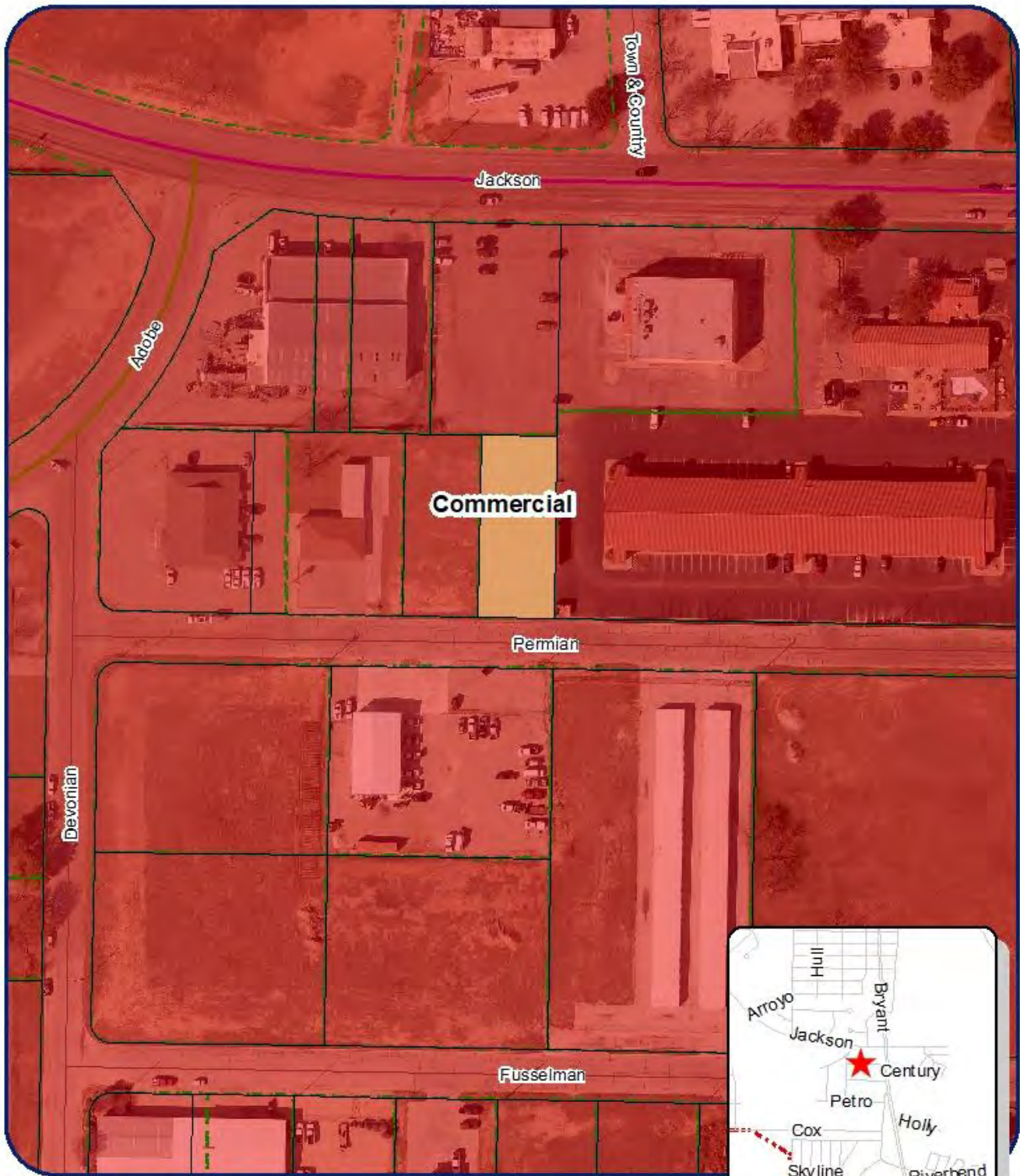
Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 115 ft

Legend

Subject Properties: █
 Current Zoning: █ General Commercial
 Requested Zoning Change: █ Conditional Use
 Vision: █ Commercial



Lot 1B, Blk. 2, Arroyo Vista Addition. Replat of Lot 1, Blk. 2 of Replat of A Part of Tract 1, Blk. 2



Location Map CU21-08

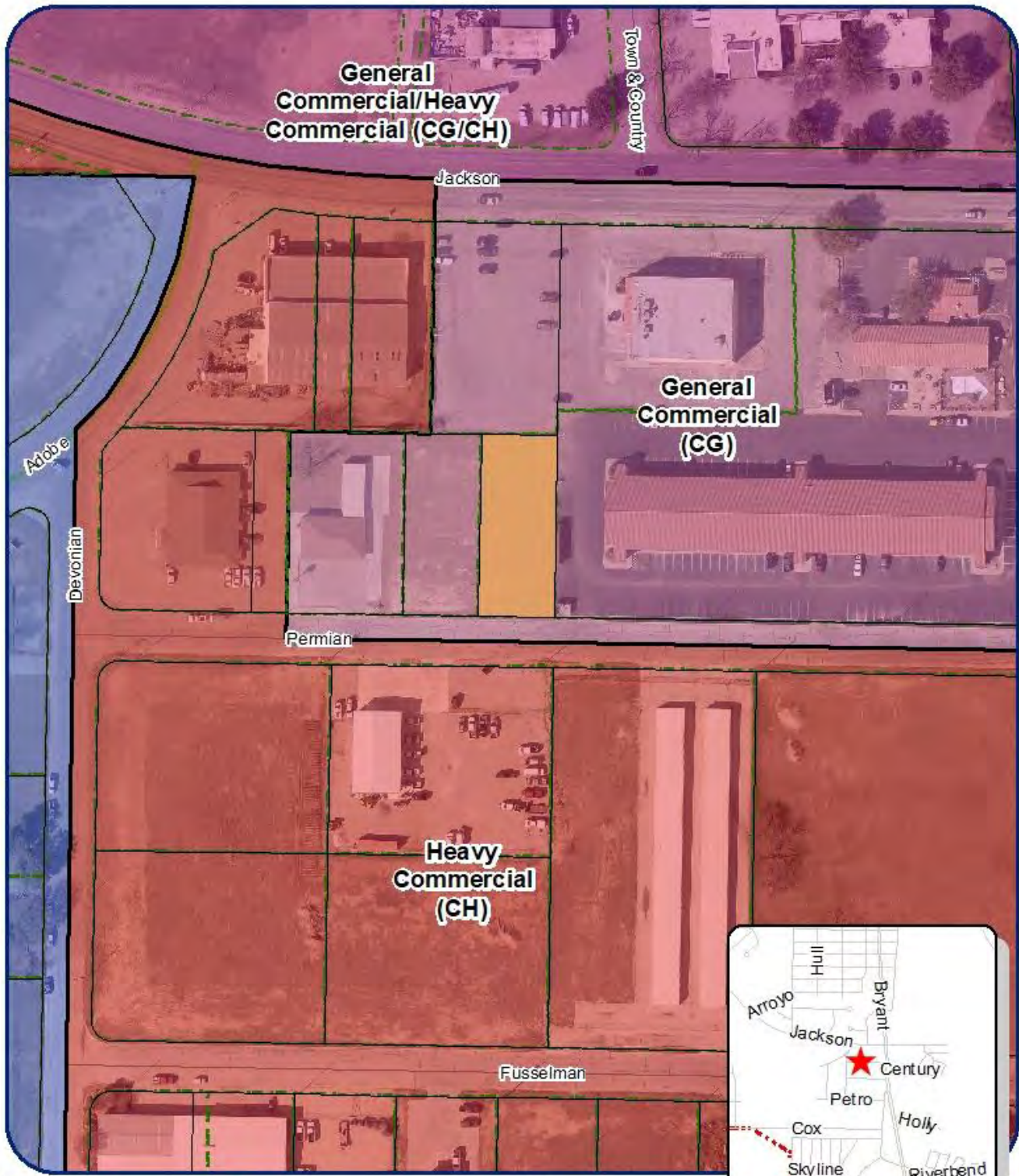
4630 Permian Drive
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

Legend

Subject Properties: 
 Current Zoning: **General Commercial**
 Requested Zoning Change: **Conditional Use**
 Vision: **Commercial**



Lot 1B, Blk. 2, Arroyo Vista Addition. Replat of Lot 1, Blk. 2 of Replat of A Part of Tract 1, Blk. 2



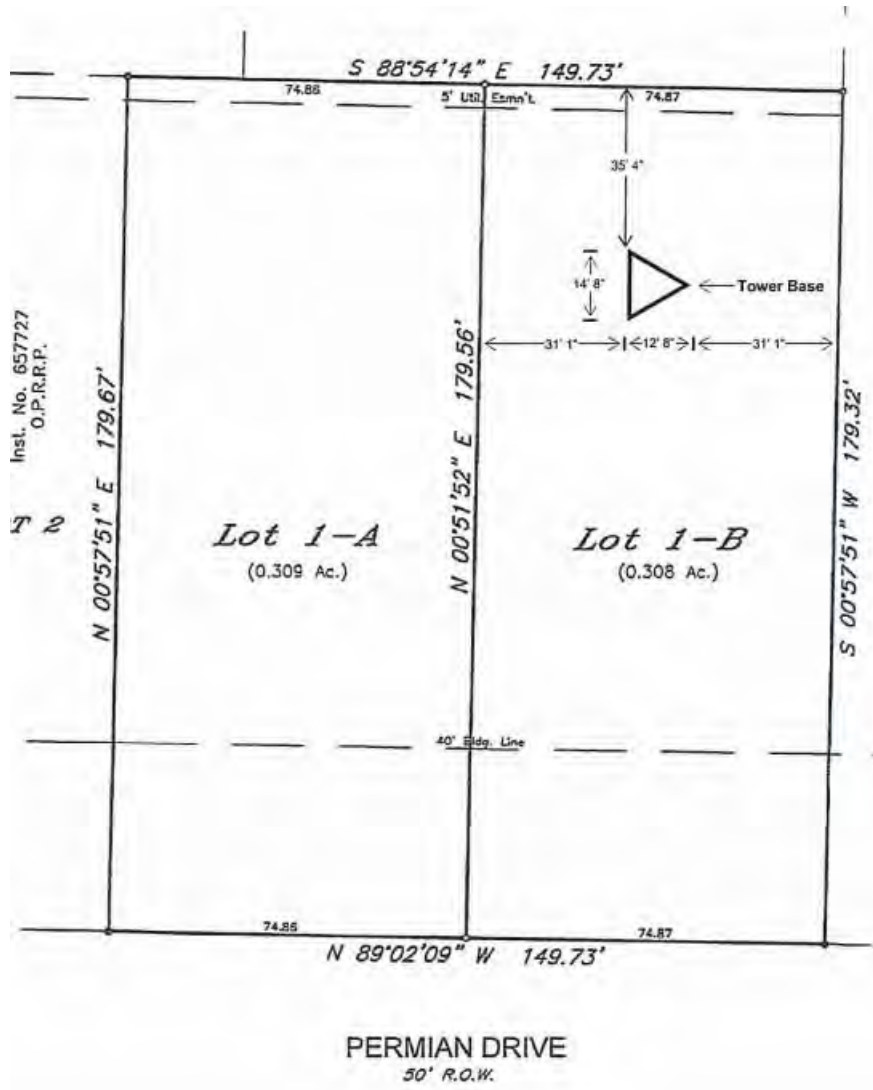
Location Map CU21-08
4630 Permian Drive
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

Legend
 Subject Properties:
 Current Zoning: **General Commercial**
 Requested Zoning Change: **Conditional Use**
 Vision: **Commercial**

North Arrow



Lot 1B, Blk. 2, Arroyo Vista Addition. Replat of Lot 1, Blk. 2 of Replat of A Part of Tract 1, Blk. 2





Location Map CU21-08
4630 Permian Drive
 Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 125 ft

Legend
 Subject Properties:
 Current Zoning: **General Commercial**
 Requested Zoning Change: **Conditional Use**
 Vision: **Commercial**

Lot 1B, Blk. 2, Arroyo Vista Addition. Replat of Lot 1, Blk. 2 of Replat of A Part of Tract 1, Blk. 2

N





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

Application for Approval of a Conditional Use

Section 1: Basic Information

Name of Applicant(s): Cuellar Investments LLP Tony Cuellar

Owner Representative (Affidavit Required)
tet.rucking72@yahoo.com

Mailing Address City State Zip Code
601 Culwell San Angelo Tx 76903

Contact Phone Number Contact E-mail Address
Tony Cuellar 325 895-1618 N/A

Subject Property Address City State Zip Code
4630 Permian DR San Angelo Tx 76904

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

Lot width (in feet): 74.87 Lot depth (in feet): 174.56 Lot area (in acreage or square feet): N/A

Existing Zoning: GC (Zoning Map available on City.Maps) Concept Plan attached? Yes No (see notes below)

- Notes:**
1. The concept plan shall be drawn to scale and shall include but not be limited to: locations of new and existing buildings on the property with required zoning setbacks; outdoor uses and storage areas; location of all drive approaches and maneuvering areas; layout, striping and surfacing of all parking and loading spaces; sidewalks; and required fencing. Additional requirements such as landscaping, dumpster screening, and lighting may be provided on the concept plan or separate plan as determined by the Planning Director at time of submission or afterwards.
 2. At the discretion of the Planning Director, on properties with existing buildings and uses, and where no new expansion of floor area, uses, or parking is taking place, an aerial photograph of the property showing all existing buildings and parking areas may substitute for a concept plan.

Section 2: Specific Details (Use attachment if necessary)

Existing Vacant Use 150ft Tower of 4630 Permian Property:

Proposed Conditional Use of Property (See [Zoning Ordinance, Section 313 Use Table](#)):
Communication Tower

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

1. **Impacts Minimized.** Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: 150 ft Communication Supporting Tower

2. **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: There is no conflicts and it's an allow use

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.

Explanation: This is a commercial area and commercial use.

Section 2: Specific Details continued

4. **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, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: No negative impact

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

Explanation: Communication need for the city

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.

Explanation: Consistent with developing need

Section 3: Applicant(s) Acknowledgement
(By checking the boxes you indicate that you understand below rules and regulations for the Planning case.)

An application for a conditional use on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, City Manager, 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 conditional use. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.

If approved, a conditional use is applied to the property, not the property owner.

One or more notice sign(s) will be placed on the subject property by the Planning Department. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the conditional use request, and within 1,000 feet for certain waste-related uses outlined in Section 429 of the Zoning Ordinance.

A public hearing and final decision will be made by the Planning Commission. The Planning Commission shall approve, approve with conditions, or deny the proposed conditional use.

Appeal to City Council of the Planning Commission decision shall be made within 30 days in writing to the Planning Director. The City Council may approve, approve with conditions, or deny the proposed conditional use.

All permits required for a conditional use shall be acquired within 12 months from date of approval or shall be revoked. The Planning Director may grant a one-time extension of up to 12 months with evidence that the special use cannot be realistically implemented within this period.

If a conditional use request is granted, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.

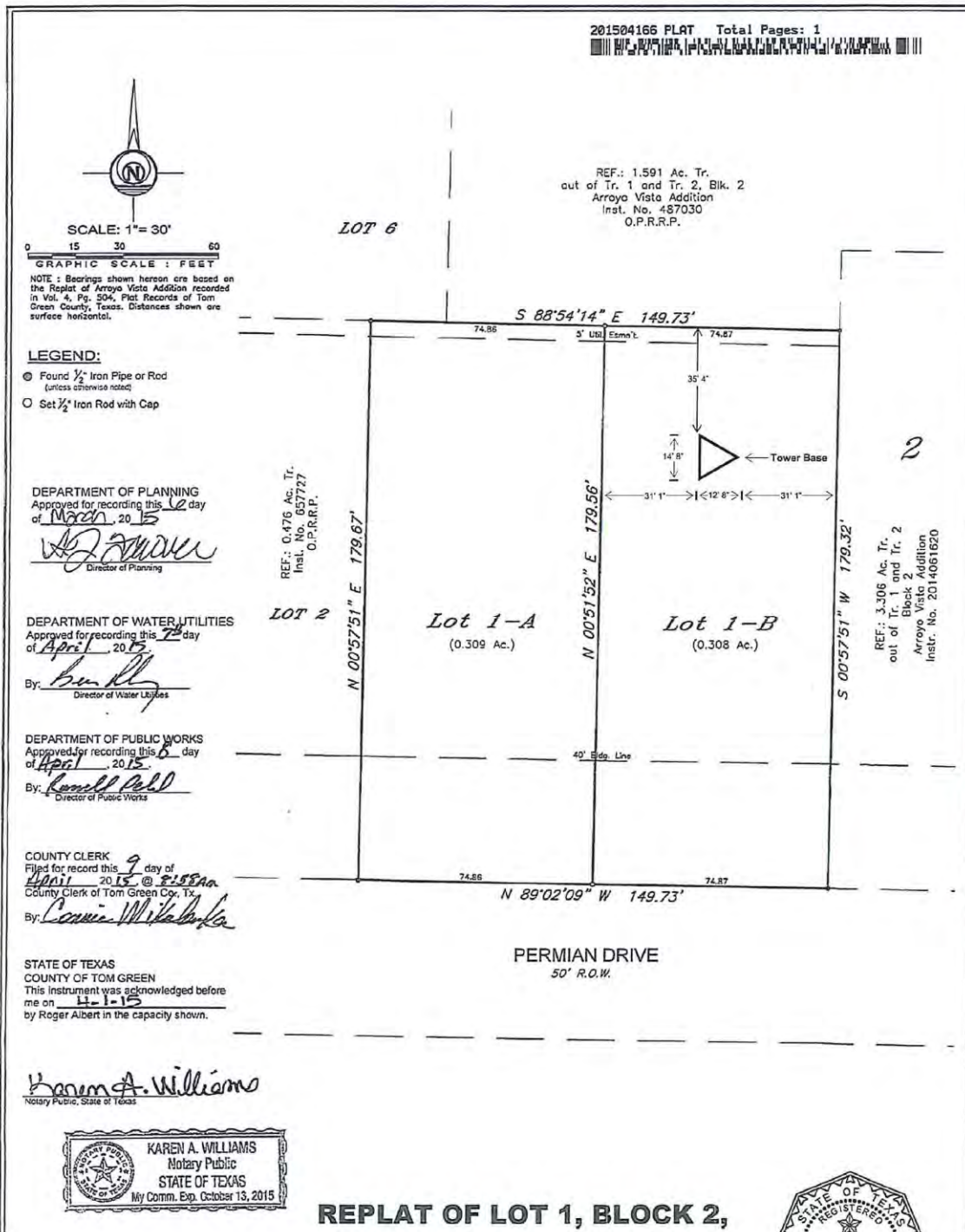
The applicant shall ensure at the time of permitting, that the proposed uses and buildings comply with all applicable conditions of approval; the development standards of the zoning district(s); and the general development standards of the Zoning Ordinance including setbacks, parking, and any required privacy fencing. These requirements are outlined in San Angelo's Zoning Ordinance.

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

 _____ 4-8-21
Signature of licensee or authorized representative Date

Tony Cuellar
Printed name of licensee or authorized representative

TC Trucking and Const. LLC
Name of business/Entity of representative



PLANNING COMMISSION – May 17, 2021

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		500 Block of E. 41 st Alley-Abandonment	
SYNOPSIS:			
The applicant has requested the abandonment of a 15' x 150' unpaved alley within Block 58 of the Lake View Addition. The purpose of the abandonment is to add additional land to erect a carport. The applicants owns the properties on both sides of the alley, and are requesting to abandon the entire alley.			
LOCATION:		LEGAL DESCRIPTION:	
South of East 41 st Street; west of Bowie Street; north of East 40 th Street; and east of Oaklawn Street		Being a 2,250-sq.ft. alley within Block 58 of the Lake View Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #2 – Tom Thompson Lake View Neighborhood		RS-1 – Single-Family Residential	Neighborhood
			SIZE: 0.052 acres
THOROUGHFARE PLAN:			
N/A. Alley was approved as part of the Lake View Addition, filed for record September 11, 1908 with the Tom Green County Clerk.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to four Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Bobbie Root/Nathan Englehart			
STAFF CONTACT:			
Cooper Carroll Intern - Planning & Development Services (325) 657-4210 cooper.carroll@cosatx.us			



Public Comments:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. There are no City services within the alley area to be abandoned. The City's Operations Department expressed their support for the alley abandonment as it is undeveloped and not being used by the City.

Frontier and Atmos responded and indicated they had no objections. All other utility companies did not respond.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on April 29, 2021, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent owner which owns properties on both sides of the alley. A site visit confirms that the alley is unpaved (caliche or grass) and there are no rear access drives to abutting land owners or rear garages or carports.
- *Utilities:* There are no City utilities in the alley. Water lines are located along E 41st Street and E 40th Street. Sewer lines are located along the alleyway that runs between Oaklawn Street and Bowie Street which also runs parallel to East 41st and E 40th Streets.
- *Community Impact:* The City sent abutting alley owners, and those within 200 feet, a notice of the meeting. There have been no responses to date.
- *Public benefit:* The abandonment of this alley will not be detrimental to the surrounding neighborhood. The alley abandonment would prove to increase the benefit of the land owner because she could adjoin her to properties into one and allow her to place a new carport in the abandoned area.

Recommendation:

Staff's recommendation is to:

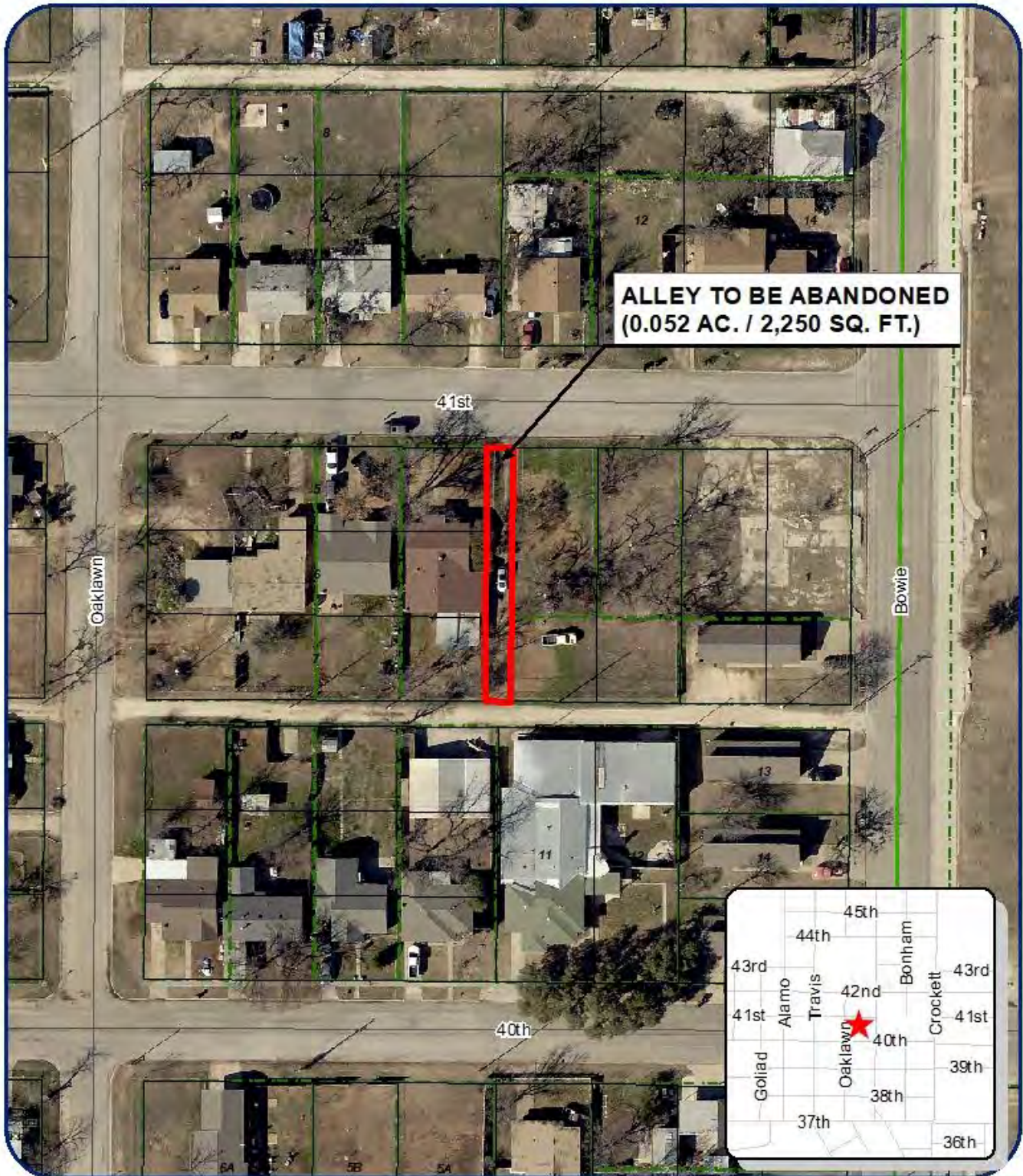
Recommend **APPROVAL** of the proposed abandonment and vacation of a 15-foot wide by 150-foot long, 0.052-acre (2,250-square foot) public alley; generally located south of East 41st Street; west of Bowie Street; north of East 40th Street; and east of Oaklawn Street; **subject to three Conditions of Approval:**

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.

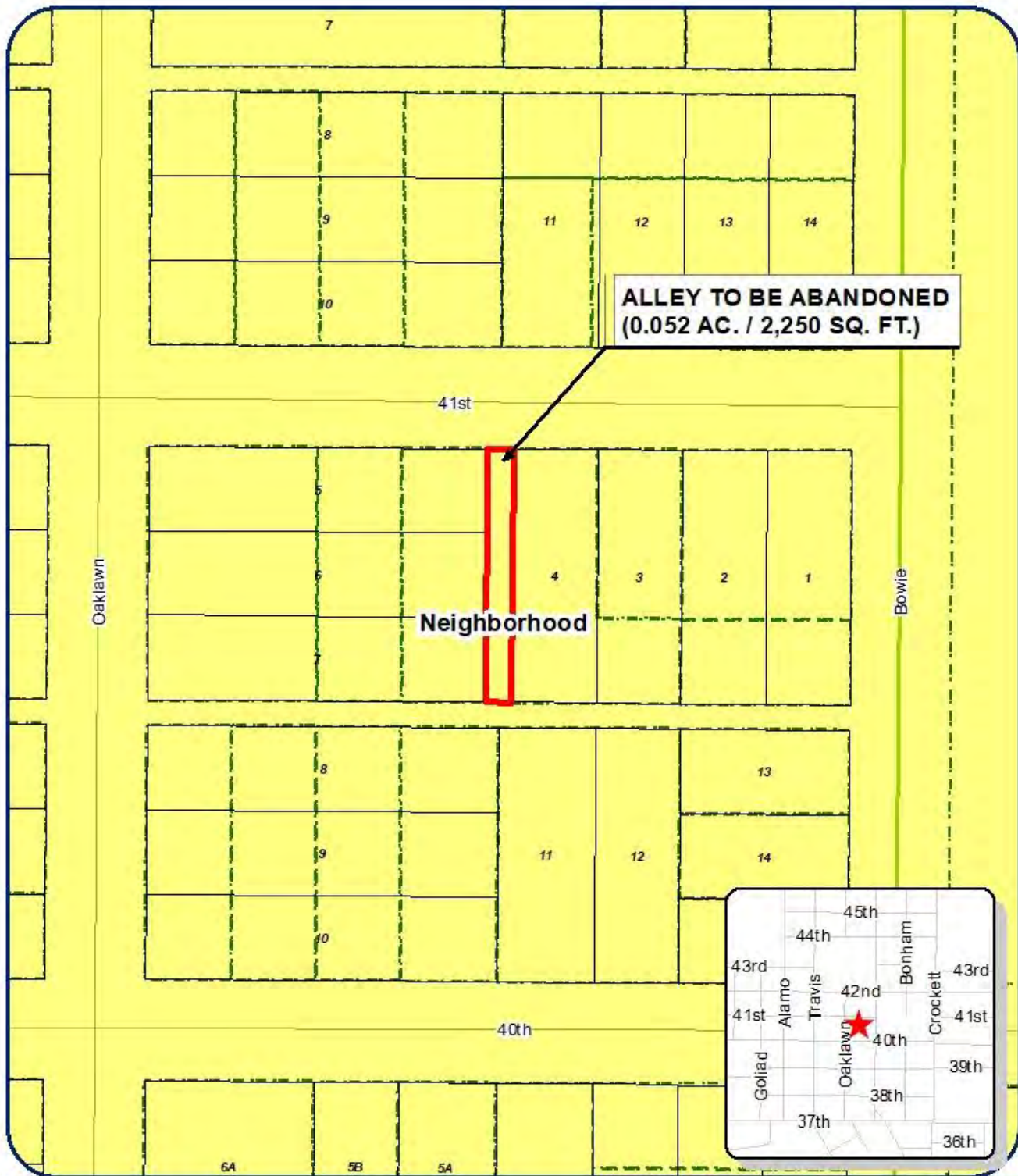
2. Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.
3. After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned alley(s).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Alley Abandonment Exhibit
Applicant Letter
Application



Alley Abandonment	Legend		
500 Block of E. 41st St.	Subject Properties:		
Council District: Tom Thompson - District 2	Current Zoning: RS-1		
Neighborhood: Lake View	Requested Zoning Change: N/A		
Scale: 1" approx. = 75 ft	Vision: Neighborhood		
0.052 acres south of E. 41st St between Oaklawn St and Bowie St			



Alley Abandonment

500 Block of E. 41st St.

Council District: Tom Thompson - District 2

Neighborhood: Lake View

Scale: 1" approx. = 75 ft

0.052 acres south of E. 41st St between Oaklawn St and Bowie St

Legend

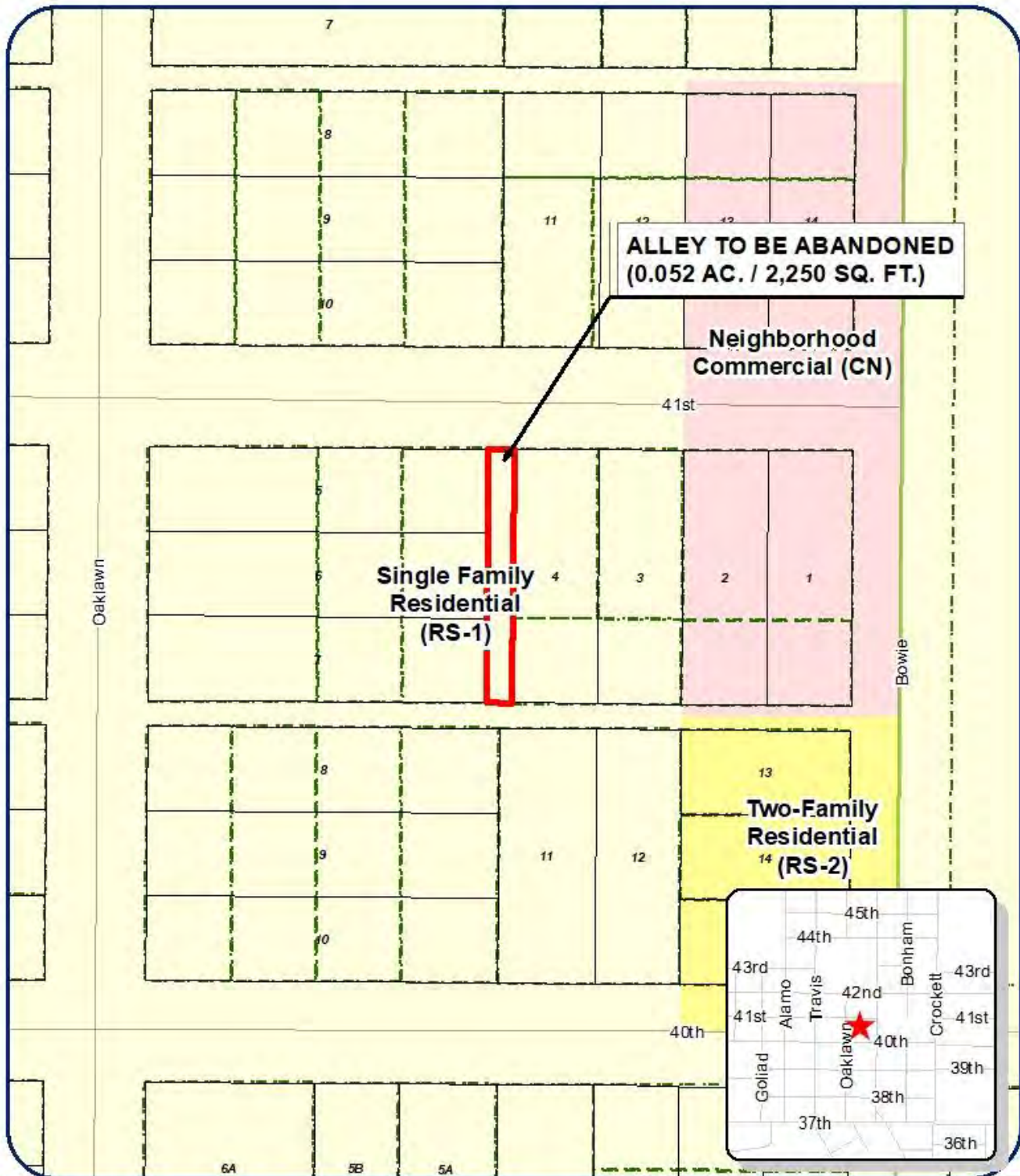
Subject Properties:

Current Zoning: **RS-1**

Requested Zoning Change: **N/A**

Vision: **Neighborhood**





Alley Abandonment

500 Block of E. 41st St.

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

0.052 acres south of E. 41st St between Oaklawn St and Bowie St

Legend

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



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): Robbie Root Nathan Englehart
 Owner Representative (Affidavit Required)

Mailing Address: 513 E 41st San Angelo Tx 76903
City State Zip Code

Contact Phone Number: 571-354-3988
Contact E-mail Address: nodami@verizon.net

Subject Property Address: 513 E 41st San Angelo Tx 76903
City State Zip Code

Legal Description (can be found on property tax statement or at www.tcompraonline.com): 0.172, Blk 58 Sub Lake View Addition 250' of lots 5-7

Lot Size: 0.172 Zoning: _____

Section 2: Site Specific Details

Subdivision Name: Lake View Addition

Lots and/or Blocks Affected*: lots 3,4,5,6,7

General Description of Location*: Alley runs between 5,6,7 and 3,4

Reason for Abandonment*: To use as a driveway and add a
carport. To connect the property as one.

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

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

4-14-2021
Date

Bobbie Root
Printed name of licensee or authorized representative

BOBBIE ROOT
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 4, 14, 21

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

Date of hearing by Planning Commission: 5, 17, 21 Date of hearing by City Council: 6, 15, 21

Reviewed/Accepted by: _____

Effective January 1, 2017

Section 3: Applicant's acknowledgement

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

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

4/15/21
Date

Nathaniel L Englebert
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

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


Date of hearing by Planning Commission: ____/____/____ Date of hearing by City Council: ____/____/____

Reviewed/Accepted by: _____

PLANNING COMMISSION – May 17, 2021

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		500 Block of E. 44 th Street Alley-Abandonment	
SYNOPSIS:			
The applicant has requested the abandonment of a 15' x 150' unpaved alley within Block 34 of the Lake View Addition. Reasons for the request include no public use of the alley, and the area is an unimproved unmaintained area.			
LOCATION:		LEGAL DESCRIPTION:	
North of East 44 th Street; west of Bowie Street; south of East 45 th Street; and east of Oaklawn Street		Being a 0.172 acres, Lot 11, located within Block 34 of the Lake View Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lake View Neighborhood	RS-1 – Single-Family Residential	Neighborhood	0.172 acres
THOROUGHFARE PLAN:			
N/A. Alley was approved as part of the Lake View Addition, filed for record September 11, 1908 with the Tom Green County Clerk.			
NOTIFICATIONS:			
6 notifications mailed directly adjacent the proposed abandonments on May 1, 2021. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Alley Right-of-Way Abandonment request, subject to four Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Calixto A. Rodriguez/ Beatriz Alvarado Hernandez			
STAFF CONTACT:			
Cooper Carroll Intern - Planning & Development Services (325) 657-4210 cooper.carroll@cosatx.us			

Additional Information:

There is a city sewer line located within the alley subject to abandonment, the City's Operations Department would require a 20' unobstructed easement in the form of a condition of approval of the abandonment.

Public Comments:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. The City does have a sewer line within the alley area to be abandoned. The City's Operations Department expressed their support for the alley abandonment but an easement would be required to be unobstructed (no buildings, structures, or fences allowed) and a minimum of 20 feet wide. There were no other responses from private utility companies.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on May 3, 2021, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent land owners. A site visit confirms that the alley is unpaved (caliche or grass) and there are no rear access drives to abutting land owners or rear garages or carports.
- *Utilities:* There is a 6" city sewer line within the alley area to be abandoned. Other water and sewer lines are located along Bowie Street and East 44th Street. If a 20' unobstructed easement would be provided as a condition of approval City staff would support the alley abandonment.
- *Community Impact:* The City had sent abutting alley owners and those within 200 feet public notice of the meeting. There have been no responses to date. As a condition of approval, Planning Staff recommends that all abutting owners comply with the abandonment requirements within 12 months of approval.
- *Public Benefit:* The Planning Division believes that the abandonment of this alley would not prove to be detrimental to the public benefit of the surrounding neighborhood. The alley abandonment would prove to increase the benefit of the applicant because she is already maintaining the subject right-of-way.

Recommendation:

Staff's recommendation is to:

Recommend **APPROVAL** of the proposed abandonment and vacation of a 15-foot wide by 150-foot long, 0.052-acre (2,250-square foot) public alley; generally located North of East 44th Street, west of Bowie Street, south of East 45th Street; and east of Oaklawn Street; more specifically located between Lots 8-11 within Block 34 of the Lake View 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. The applicant shall provide as part of the replat a minimum 20-foot, unobstructed sewer main easement to the satisfaction of the city's engineers.
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 alley(s).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Alley Abandonment Exhibit
Applicant Letter
Application



Location Map ROW Abandonment

Alley - 518 East 44th Street

Council District 2 - Tom Thompson

Neighborhood: Lakeview

Scale: 1" approx. = 60 ft

15 ft. by 150ft. alley adjacent to Lots 8-10 & 11, Blk. 34, Lakeview Addition

Legend

Subject Properties:

Current Zoning: **Single Family (RS-1) Zoning District**

Requested Zoning Change: **Abandonment of alley**

Vision: **Neighborhood**



Aerial Map





**Location Map ROW Abandonment
 Alley - 518 East 44th Street**

Council District 2 - Tom Thompson
 Neighborhood: Lakeview
 Scale: 1" approx. = 60 ft

15 ft. by 150ft. alley adjacent to Lots 8-10 & 11, Blk. 34, Lakeview Addition

Legend

Subject Properties: █
 Current Zoning: Single Family (RS-1) Zoning District
 Requested Zoning Change: Abandonment of alley
 Vision: Neighborhood

N



Future Land Use





Alley area request for abandonment adjacent to 518 East 44th Street



Area on the west adjacent to proposed alley abandonment.

Effective January 3, 2017

		City of San Angelo, Texas – Planning Division 52 West College Avenue			
Application to Abandon Right-of-way for Street(s) and/or Alley(s)					
Section 1: Basic Information					
Name of Applicant(s): <u>Calixto A. Modiguez</u> <u>Beatriz Alvarado Hernandez</u>					
<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Representative (Affidavit Required)					
Mailing Address		City	State	Zip Code	
<u>518 E 44th</u>		<u>San Angelo</u>	<u>TX</u>	<u>76903</u>	
Contact Phone Number		Contact E-mail Address			
<u>830-212-3741</u>		<u>830-308-0674</u> <u>CalixtoA.Modiguez85@Gmail.com</u>			
Subject Property Address		City	State	Zip Code	
<u>Abandoned alley</u>					
Legal Description (can be found on property tax statement or at www.tomgreencad.com)					
Lot Size: <u>10 FT</u> Zoning: <u>RS-1</u>					
Section 2: Site Specific Details					
Subdivision Name: <u>Lakeview Addition</u>					
Lots and/or Blocks Affected: <u>Lot 11, Block 34</u>					
General Description of Location*: <u>Alley directly west of 518 E 44th</u>					
Reason for Abandonment*: <u>to expand existing lot</u>					
*Use attachment if necessary.					

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Calixto A. Rodriguez Beatriz Alvarado Hernandez 4-15-2021
Signature of licensee or authorized representative Date
affirming the truth of the above statement.

Calixto A. Rodriguez Beatriz Alvarado Hernandez
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

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

Date of hearing by Planning Commission: ____/____/____ Date of hearing by City Council: ____/____/____

Reviewed/Accepted by: _____