

PLANNING COMMISSION – November 1, 2021
STAFF REPORT



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| APPLICATION TYPE: | | CASE: | |
| Final Plat | | Campos Subdivision, Section 1 | |
| SYNOPSIS: | | | |
| <p>The applicant has applied to replat one (1) large tract of property that has never been previously platted, into five (5) new lots. This will allow the applicant to construct new homes or sell off the newly created lots. There is an existing residence on proposed Lot 1. As part of the request, the applicant has applied for variances to maintain a paving width of 48 feet on Coliseum Drive and to maintain a paving width of 24 feet for E. 40th Street.</p> | | | |
| LOCATION: | | LEGAL DESCRIPTION: | |
| Northwest of Coliseum Dr./E.40 th St. | | Being 1.089 acres of land out of W. M. Bullock Sur. No. 9, Abstr. 8046 | |
| SM DISTRICT / NEIGHBORHOOD: | | ZONING: | FUTURE LAND USE: |
| SM District: SMD 2- Tom Thompson Neighborhood: Lakeview | | RS-1 | N – Neighborhood |
| SIZE: | | | |
| 1.089 acres | | | |
| THOROUGHFARE PLAN: | | | |
| <p>Coliseum Drive: (collector street), Required: 60’ right-of-way; 50’ pavement; E 40th Street: (local street), Required: 50’ right-of-way; 40’ pavement, or 36’ with a 4’ sidewalk</p> | | | |
| NOTIFICATIONS: | | | |
| N/A | | | |
| STAFF RECOMMENDATION: | | | |
| <p>Staff recommends APPROVAL of the “Campos Subdivision, Section 1” and APPROVAL of a variance to allow a 48-foot paving width for Coliseum Drive (a minor collector street) subject to seven (7) conditions of approval, and DENIAL of a variance to maintain the existing paving width of E. 40th Street.</p> | | | |
| PROPERTY OWNER/PETITIONER: | | | |
| <p>Owner: Danny Campos Petitioner: Jack Downey SKG Engineering, LLC</p> | | | |
| STAFF CONTACT: | | | |
| <p>Zack Rainbow Planning Manager (325) 657-4210, Extension 1547 zachary.rainbow@cosatx.us</p> | | | |

Conformity with Comprehensive Plan and Purpose Statements: The proposed replat will allow the construction of new single-family homes, consistent with the Neighborhood Policies of the 2009 Update to the City Comprehensive Plan. The **plat** will conform with the purpose statements outlined in Chapter 2 of the Land Development and Subdivision Ordinance (LDSO).

Variance (Coliseum Drive): As indicated above, the applicant has submitted a request for a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance (LDSO) to allow Coliseum Dr. to maintain a 48-foot pavement width in lieu of the required 50 feet (in this case, requiring 1 additional foot). In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

1. **The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.** The applicant believes that Coliseum Dr. currently meets the functional needs of the area so granting the variance will not be detrimental to the public safety or injurious to other property. City Staff agrees that the 48 foot wide roadways (curb and gutter) are in an area that has been built out and developed and meet the functional needs of the area.
2. **The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.** City Staff believes that the proposed variance for Coliseum Drive would further allow for new residential, buildable lots within an area of town that is already built out and developed with improved (48' wide/curb and gutter) roadways. Allowance of the variance would allow the applicant to plat the property and develop it in conformance with the surrounding area.
3. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** There are no known topographical conditions. Coliseum Dr. is built out, with curb and gutter at 48' in width and the requirement to add one foot of width would create a hardship and is unnecessary.
4. **The Variance will not, in any significant way, vary the provisions of applicable ordinances.** City Staff believes that the variances will not, in any significant way, vary the provisions of applicable ordinances.

Variance (E. 40th Street): In accordance with Chapter 1, Section IV.A, the Planning Commission shall not approve a variance unless the request meets the four criteria below based upon the evidence that is presented:

1. **The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.** City Staff is recommending that the applicant pave the full incremental half of E. 40th St. The minimum width is 36 feet with a 4 foot sidewalk along one

side, or 40 feet with no sidewalk (in this case, requiring either 6 additional feet and a 4 foot sidewalk, or 8 additional feet). Additionally, there are some significant drainage issues along this right-of-way (ROW) in this area. Staff believes that the road improvements are necessary in this case.

2. **The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.** Staff does not believe that the subject property is unique. A site visit on Friday, October 8, 2021, confirms that the topography is relatively flat. Granting a variance would set a negative precedent, leaving a critical under-improved gap in the street network and encouraging other variances, leaving San Angelo taxpayers to pay to improve these gaps in future.
3. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** As indicated, there are no topographical gaps along this straight, even portion of the street that would warrant a variance. Staff finds no hardship that would warrant a variance to this requirement.
4. **The variance will not, in any significant way, vary the provisions of applicable ordinances.** Staff believes that applicable ordinances will be significantly varied if the variance is granted. The Purpose Statements in Chapter 2 of the LDSO require “orderly, safe, and efficient development (Statement C”, and to “provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation (Statement D)”. Staff does not believe granting a variance achieves these objectives. As mentioned, there are significant drainage issues in this area and along this ROW, which road improvements would help to alleviate.

Recommendation: Staff recommends that the Planning Commission **APPROVE** the Campos Subdivision, Section 1, subject to seven (7) Conditions of Approval, **APPROVAL** of the variance request from **Chapter 10.III.A.2** for Coliseum Drive, and **DENIAL** of the variance request from **Chapter 10.III.A.2** for E. 40th Street.

1. Prior to plat recordation, provide a copy of the Tom Green County Appraisal District certification indicating there are no delinquent taxes on the subject property of this subdivision. [Land Development and Subdivision Ordinance, Chapter 7].
2. Prior to plat recordation, prepare and submit plans for required improvements to Coliseum Drive by half the additional increment necessary to comprise the minimum paving width. [Land Development and Subdivision Ordinance, Chapter 10]. For Coliseum Drive, the minimum width is 50 feet (in this case, requiring 1 additional foot).

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].

A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

3. Prior to plat recordation, prepare and submit plans for required improvements to E. 40th Street by half the additional increment necessary to comprise the minimum paving width. [Land Development and Subdivision Ordinance, Chapter 10]. For E. 40th Street, the minimum width is 36 feet with a 4-foot sidewalk along one side, or 40 feet with no sidewalk (in this case, requiring either 6 additional feet and a 4 foot sidewalk, or 8 additional feet).

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].

A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

4. Prior to plat recordation, prepare and submit plans for installation of curb and gutter for the adjacent segment of E. 40th Street. [Land Development and Subdivision Ordinance, Chapter 9.III.A.5].

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period [Land Development and Subdivision Ordinance, Chapter 6].

A second alternative would be to obtain approval of a variance from the Planning Commission [Land Development and Subdivision Ordinance, Chapter 1.IV]

5. Prior to plat recordation, install necessary water and wastewater service lines to each new lot. [Land Development and Subdivision Ordinance, Chapter 11.I.B.2 & Chapter 12.I.A.1]
6. Prior to plat recordation, a drainage study shall be submitted. [Chapter 12, Planning and Development, Sec 12.05.001; Stormwater Design Manual, Sec 2.13] If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. [Chapter 12, Planning and Development, Sec 12.05.001; Stormwater Design Manual, Sec 2.13]

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

7. Prior to plat recordation, prepare and submit plans for approval, illustrating the proposed installation of a sewer main and required service connections [Land Development and Subdivision Ordinance, Chapter 12.I.A, City of San Angelo Standards & Specifications] and complete the installation in accordance with the approved version of these plans [Land

Development and Subdivision Ordinance, Chapter 12.I.B].

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18-month period [Land Development and Subdivision Ordinance, Chapter 6].

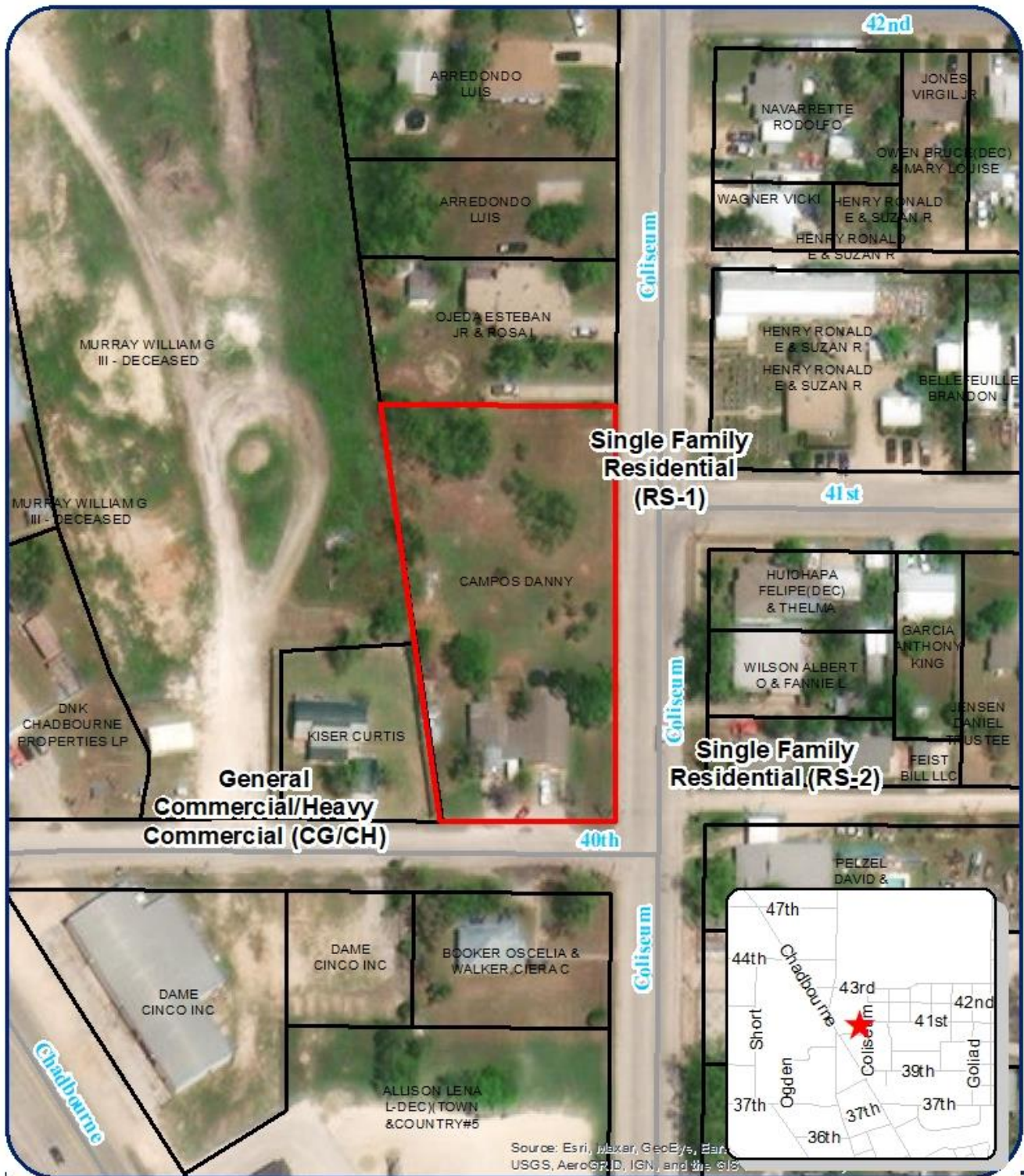
Attachments:

Aerial Map

200' notice map

Replat

Application



Source: Esri, Plexar, GeoEye, Earthstar, USGS, AeroGRID, IGN, and the GIS User Community

Campos Addition Area Map

Council District: Tom Thompson- District 2
 Neighborhood: Lakeview
 Scale: 0 0.00478.0095 0.019 0.0285 0.038
 Miles

Legend
 Subject Properties:
 Current Zoning: **RS-1**



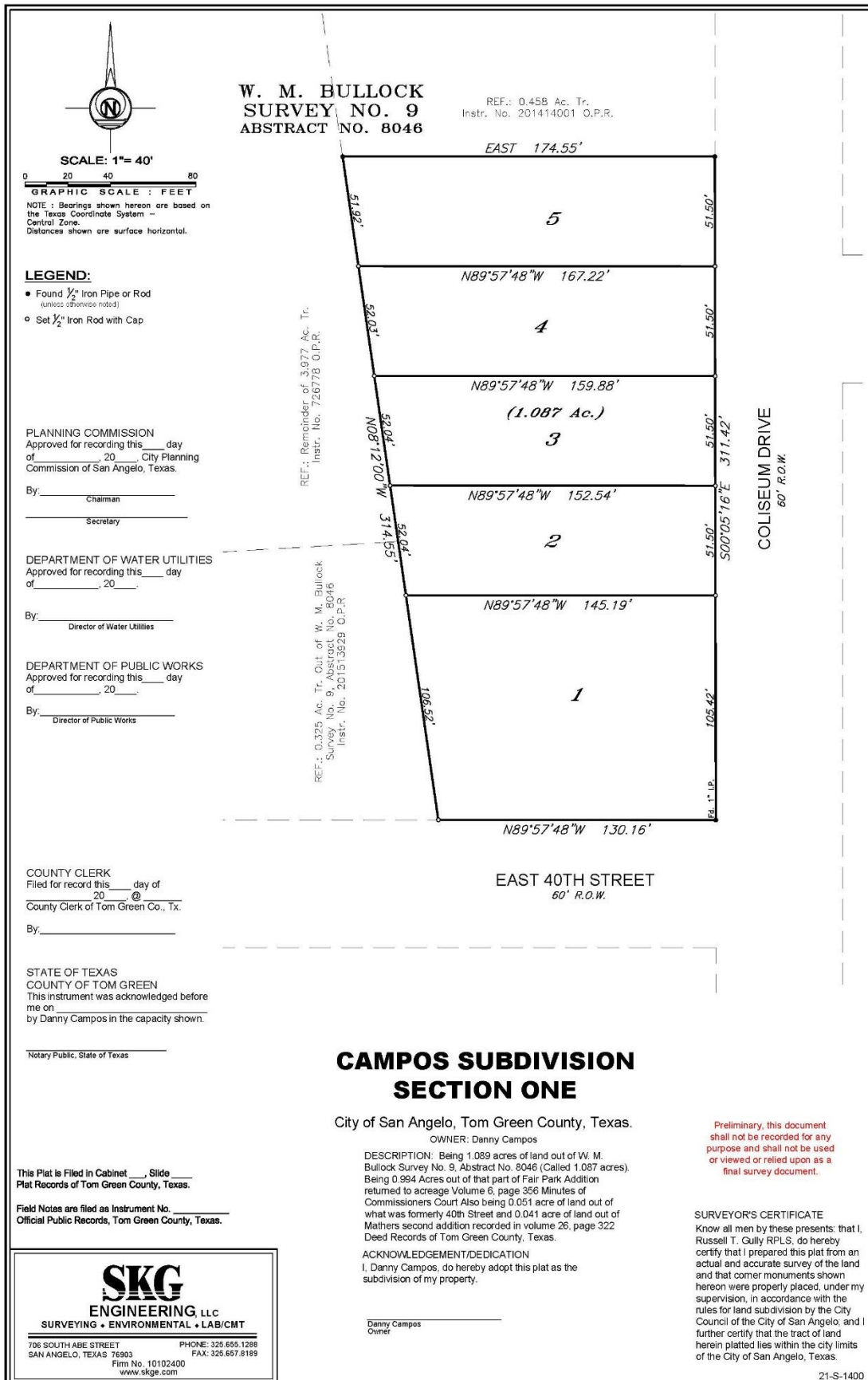


Source: Esri, Maxar, GeoEye, Earthstar, USGS, AeroGRID, IGN, and the GIS User Community

Campos Addition Buffer Map
 Council District: Tom Thompson- District 2
 Neighborhood: Lakeview
 Scale: 0 0.005 0.01 0.02 0.03 0.04 Miles

Legend
 Subject Properties: —
 Current Zoning: RS-1, CG/CH







View looking down E 40th St.



**View of the intersection of E. 40th St.
and Coliseum Dr.**