

Memo

Meeting Date: June 23, 2014

To: Planning Commission members

From: Jeff Fisher & Roxanne Johnston, Planners

Subject: Windmill Addition, Sections One & Two, requests for a Final Plat to be located in a Light Manufacturing (ML) Zoning District and a variance from street improvements adjacent on the following properties:

Location: **Section One:** 1309, 1311 and 1313 North Bryant Boulevard and 500 West 13th Street; more specifically, these properties are a replat of the Pulliam and Johnson Addition encompassing the northwest parts of Block 1, Lot 1 and Block 2, Lot 2, and northwest half of Block 3, Lot 3; and also the L. G. Merrick Subdivision, Block 4, Lots 13-9.

Section Two: 1297, 1301, 1305 and 1309 N. Bryant Boulevard, located on the northeast corner of the intersection of N. Bryant Boulevard and West 11th Street. These properties are a replat of the Pulliam & Johnson Addition encompassing south half of Block 3, and part of Lot 3, and the west part of Blocks 4-6 and also the L.G. Merrick Subdivision; encompassing Section 3, Lots 3-5, and Section 2, Lots 4-13.

Both sections of this proposed subdivision, respectively, include portions of approved but not yet recorded via quit claim deed rights-of-ways which include a thirty-seven-foot wide right-of-way for Merchant Street extending north from West 11th Street, save for the northernmost 160 feet closest to West 14th Street; and a sixty-foot wide and 250-foot long dead-end segment of right-of-way for West 13th Street extending west from Merchant Street; and a sixty-foot wide and 200-foot long dead-end segment of right-of-way for West 12th Street extending west from Merchant Street **and** an unimproved segment of alley right-of-way extending west from an unimproved segment of Merchant Street situated west of North Bryant Boulevard between West 11th and West 14th Streets, being the east 250 feet of a 20-foot wide alley in Block 2 of L.G. Merrick Subdivision in north central San Angelo.

Size: Section One: 1.840 acres; Section Two: 3.910 acres

Contacts: Russell Gully, SKG Engineering, Representative (325) 655-7391
Jeff Fisher & Roxanne Johnston, Planners (325) 657-4210

Summary: The Planning Commission may:

- (1) **approve** the proposed subdivision with Variance subject to conditions; or
- (2) **modify** and **approve** the subdivision & variance to add conditions believed to be more appropriate;
- (3) **deny** the proposed subdivision and variance request.

Recommendation: City staff **recommends approving** the proposed replat, **subject to conditions** outlined in this staff report. City staff recommends **denial** of the variance from street improvements as outlined within this staff report.

History and Background:

On October 18, 2004, City Council approved right-of-way abandonments for portions of Merchant Street, 12th and 13th Streets, and an alleyway within the subdivisions referenced above. One requirement required in order to record the quit claim deeds associated with these abandonments is that the area be replatted. A plat application (the Wendland Properties Addition) was filed with the Planning Division and then approved, with conditions, on August 12, 2005. This plat approval expired three years later in 2008 because the plat was not filed with the Tom Green County Clerk's Office. The quit claim has not yet been recorded. Because the plat expired, a new plat has been resubmitted for approval under new names; Windmill Addition, Section One and Section Two.

When approving the Wendland Properties Addition plat, the Planning Commission ruled that they would recommend approving a partial variance from subdivision standards for improvement of the boundary street on W, 11th Street, stipulating that existing pavement must be enlarged by one half the incremental amount of additional pavement necessary to comprise a complete 40-foot wide pavement, with installation of an appropriate curb, on just the north side of W. 11th Street, adjacent to the one new lot in Wendland Properties Addition.

More recently, the Planning Commission approved a Conditional Use (CU14-01), with conditions, that allow for "Retail Sales and Service" on several of the existing lots as defined in Section 315.G of the Zoning Ordinance, in a Light Manufacturing (ML) zoning district because the applicant intends to construct a

motel on the property. This required the Conditional Use because retail sales and service are not allowed by right in ML zoning districts.

General Information

Existing Zoning: Light Manufacturing (ML)
 Existing Land Use: Vacant, currently undeveloped property
 Surrounding Zoning/Land Use:

North:	CG/CH	Angelo Stone & Masonry, RJ Bar-B-Que
West:	ML	Vacant lots, residential dwellings
South:	ML	Open space industrial use
East:	CG & RS-2	N. Bryant Blvd, commercial, vacant property, & residential uses

Thoroughfares/Streets: North Bryant Boulevard is identified as an “arterial street”, and is designed to connect collector streets to freeways and other arterials carrying large volumes of traffic at high speeds. Access is secondary and mobility is the primary function of these streets.

West 14th Street is identified as a “collector street”, and is designed to connect local traffic to arterials and generally carries traffic at a moderate rate of speed.

W. 11th Street and Merchant Street are identified as “local streets” and are designed to carry light neighborhood traffic at low speeds.

Required Right-of-Way Width: local streets- 50 feet
 collector streets- 60 feet
 arterial streets- 80 feet

Actual Right-of-Way Width: local- variable
 collector- 50 feet (below minimum)
 arterial- excess of 190 feet

Required Pavement Width: local streets: 40 feet or 36 feet with a 4 foot sidewalk installed on one side of the street right-of-way
 collector streets: 50 feet minimum
 arterial streets: 64 feet minimum

Actual Pavement Width:	Less than 25 feet for W, 11 th Street (below minimum). W. 14 th Street appears to be at least 50 feet N. Bryant Blvd: variable with adequate pavement widths
Conformance with Thoroughfare Plan:	North Bryant Boulevard appears to conform to the Thoroughfare Plan as an arterial street.
Development Standards:	The lot sizes meet all requirements outlined in Section 502 of the Zoning Ordinance pertaining to lot size in an ML Zoning District.
Storm Water/Drainage:	A drainage study is required and easements may be necessary on the plat depending upon the results of the study.
Topography:	This subdivision is not expected to create any topographic or elevation problems for the surrounding properties.
Fire Protection:	Fire protection and access management will be addressed during the site plan and permitting processing phase of the development.

Variance From Street Improvements:

In order to grant a variance from the Subdivision Ordinance, Planning Commission Members shall first find that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
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.
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.
4. The variance will not, in any significant way, vary the provisions of applicable ordinances.

The staff recommendation is based upon the statements listed below.

Upon review of the plats submitted with this request, particularly the Windmill Addition, Section Two, staff noticed that the applicant would be required to dedicate three specific lots that are not currently included within the boundaries of the proposed subdivision. These include the Merrick Subdivision, Block 3, Lot 2; the Merrick Subdivision Block 2, and Lots 14 and 3. Additionally, portions adjoining West 12th and 13th Streets; and the alleyway located between these two streets, running southwest to northeast; respectively, would also be required for improvement, but will not be included in the plat before recording. However, these portions and the lots mentioned above currently require improvements; improvements that the applicant wishes to be excluded from via a variance.

Staff found two central reasons for recommending denial of the requested variance from street improvements. The first reason is that this request is in opposition of Chapter 9, Section III of the Subdivision Ordinance, which specifically states:

“1. ...No lot shall be created in any subdivision or resubdivision unless the lot has direct abutting access to an approved, accepted and publicly dedicated street right-of-way.”

In light of this ordinance stipulation, the variance request is at odds with Criteria 4, because although the following seven properties are vacant and would not have access to an improved public street: Lots 14, 15, and 16 in Block 4 of the Merrick Subdivision and Lots 1, 2, 15 & 16 of Block 2 of the Merrick Subdivision. These lots would thus be landlocked in the event current and future owners wanted to develop their properties.

This situation where lots would be landlocked ties into the second main reason staff is opposed to this variance request, which is the fact that future development of these lots would require the owners to not only provide a minimum of 2 paved parking spaces for their project(s), but also the connection to an **improved** public right-of-way. If the variance were approved here, then these owners would most likely be solely responsible to bear the cost of development; hardly an *equitable* situation. Therefore, this variance request is not in agreement with Criteria 1.

Staff found no evidence that Criterion 3 & 4 were applicable here. There is nothing special about the property that would warrant a variance from street improvements. Furthermore, in applying for the partial street and alley right-of-way abandonments, the applicant has been aware of options for ensuring that remote lots adjoining and affected by area streets were available.

Should this variance request be approved, the following proposed Condition 5 of the Windmill Addition, Section One would require that the northeastern half of Merchant Street situated between Lot 1, Block 1 of the Pulliam and Johnson Addition and Lot 8, Block 4 of the L.G. Merrick Subdivision, be improved.

Also, if this variance is approved, Condition 5 for the Windmill Addition, Section Two would not apply (with exception to the segment on 11th Street for the Windmill Addition, Section Two as it is not included with this variance request).

Proposed Conditions

Windmill Addition, Section One

1. Providing the Planning Division with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this proposed subdivision.
2. Illustrate the dedication to the public of all of Lot 2 in Block 3 of the Merrick Subdivision, and all of Lots 3 and 14 in Block 2 of the Merrick Subdivision. *[Conditions of approval, 2004 right-of-way abandonment for segments of an alley, and 12th, 13th and Merchant Streets]*
3. A drainage study shall be submitted. *[Stormwater Ordinance, Sec 12.412; Stormwater Design Manual, Sec 2.13]* If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. *[Stormwater Ordinance, Sec 12.412; Stormwater Design Manual, Sec 2.13]*
4. Provide plans for extension of necessary water and wastewater mains to the site, for approval. *[Land Development and Subdivision Ordinance, Chapter 11, 12]* Once plans are approved, construct main to City specifications. *[Land Development and Subdivision Ordinance, Chapter 11, 12]* Alternatively, execute a performance agreement. *[Land Development and Subdivision Ordinance, Chapter 6]*
5. Provide plans for required improvements to streets (adjacent segment of Merchant St). *[Land Development and Subdivision Ordinance, Chapter 10]* Once plans are approved, construct street to City specifications. *[Land Development and Subdivision Ordinance, Chapter 10]* Alternatively, execute a performance agreement. *[Land Development and Subdivision Ordinance, Chapter 6]*
6. Recording of quit claim deed(s) officially abandoning the City's claim to segments of Merchant St, W 13th St, W 12th St, and the alley bisecting Block 2.

Windmill Addition, Section Two

1. Providing the Planning Division with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this proposed subdivision.

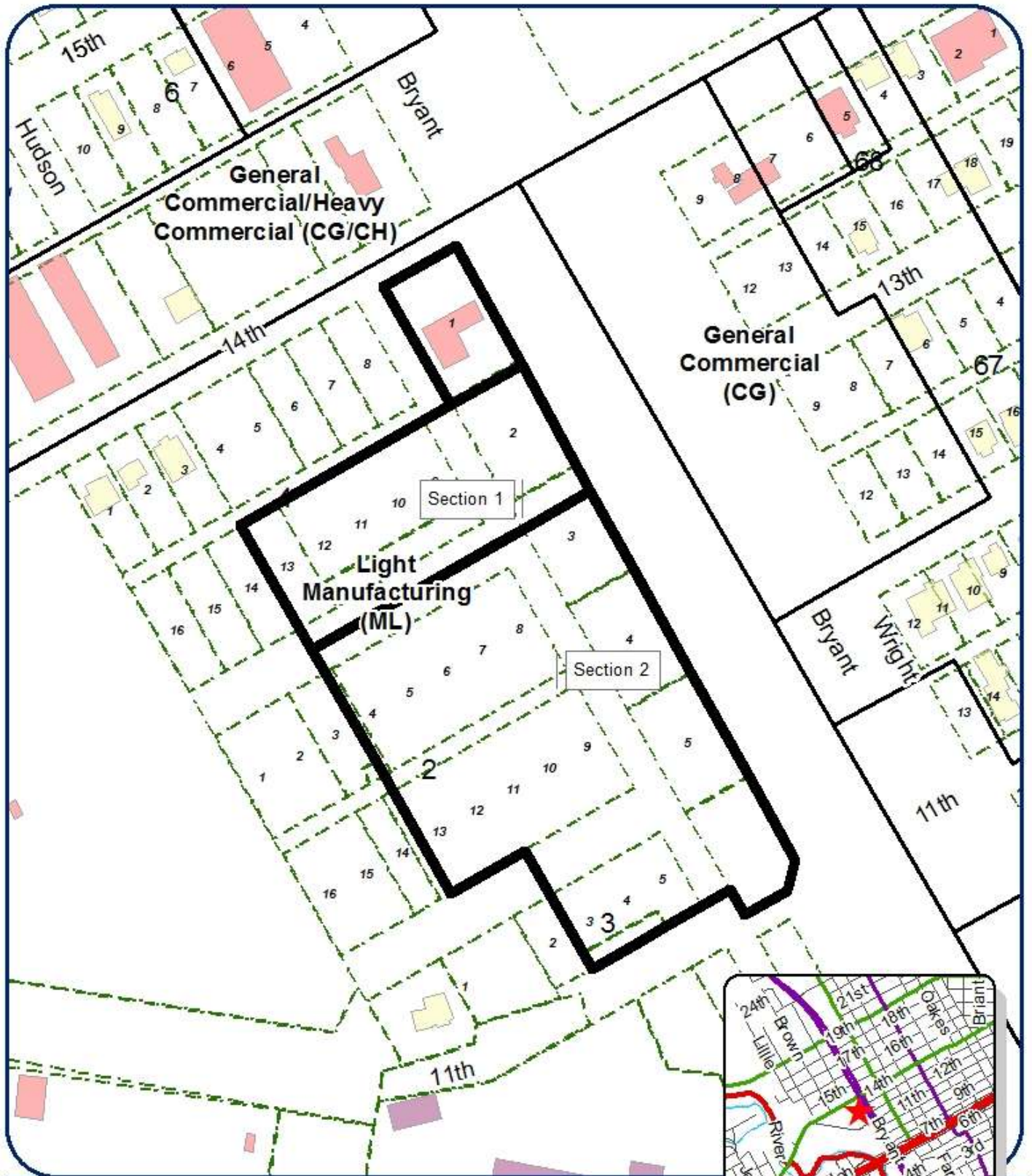
2. Illustrate the dedication to the public of all of Lot 2 in Block 3 of the Merrick Subdivision, and all of Lots 3 and 14 in Block 2 of the Merrick Subdivision. *[Conditions of approval, 2004 right-of-way abandonment for segments of an alley, and 12th, 13th and Merchant Streets]*
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5. Provide plans for required improvements to streets (adjacent segments of W 11th St, W 12th St, and an unnamed street providing access from W 11th St to W 13th St; this unnamed street would be formed by dedication of Lots 2 in Block 3, and Lots 14 & 3 - and the intervening alley - accomplished on the subdivision plat). *[Land Development and Subdivision Ordinance, Chapter 10]* Once plans are approved, construct streets to City specifications. *[Land Development and Subdivision Ordinance, Chapter 10]* Alternatively, execute a performance agreement. *[Land Development and Subdivision Ordinance, Chapter 6]*
6. Provide a name for the street that would be formed by dedication of Lots 14 & 13 in Block 1 of the L.G. Merrick Subdivision.
7. Recording of quit claim deed(s) officially abandoning the City's claim to segments of Merchant St, W 13th St, W 12th St, and the alley bisecting Block 2.

NOTES:

1. Confirm that the proposed 20' utility easement encompasses the existing main. Contact Earla Ahrens FMI at earla.ahrens@atmosenergy.com.
2. Both the Windmill Addition Section One and Section Two have existing Verizon cable in this location and the easement is required to maintain those existing cables. Should the developer want the lines removed, Verizon would relocate the lines with the Developer being responsible for 100% of the cost to relocate.

Attachments: Zoning map highlighting the subject properties,
 Aerial map, highlighting subject properties; and
 draft plat documents.

Presentation: Roxanne Johnston & Jeff Fisher, Planners



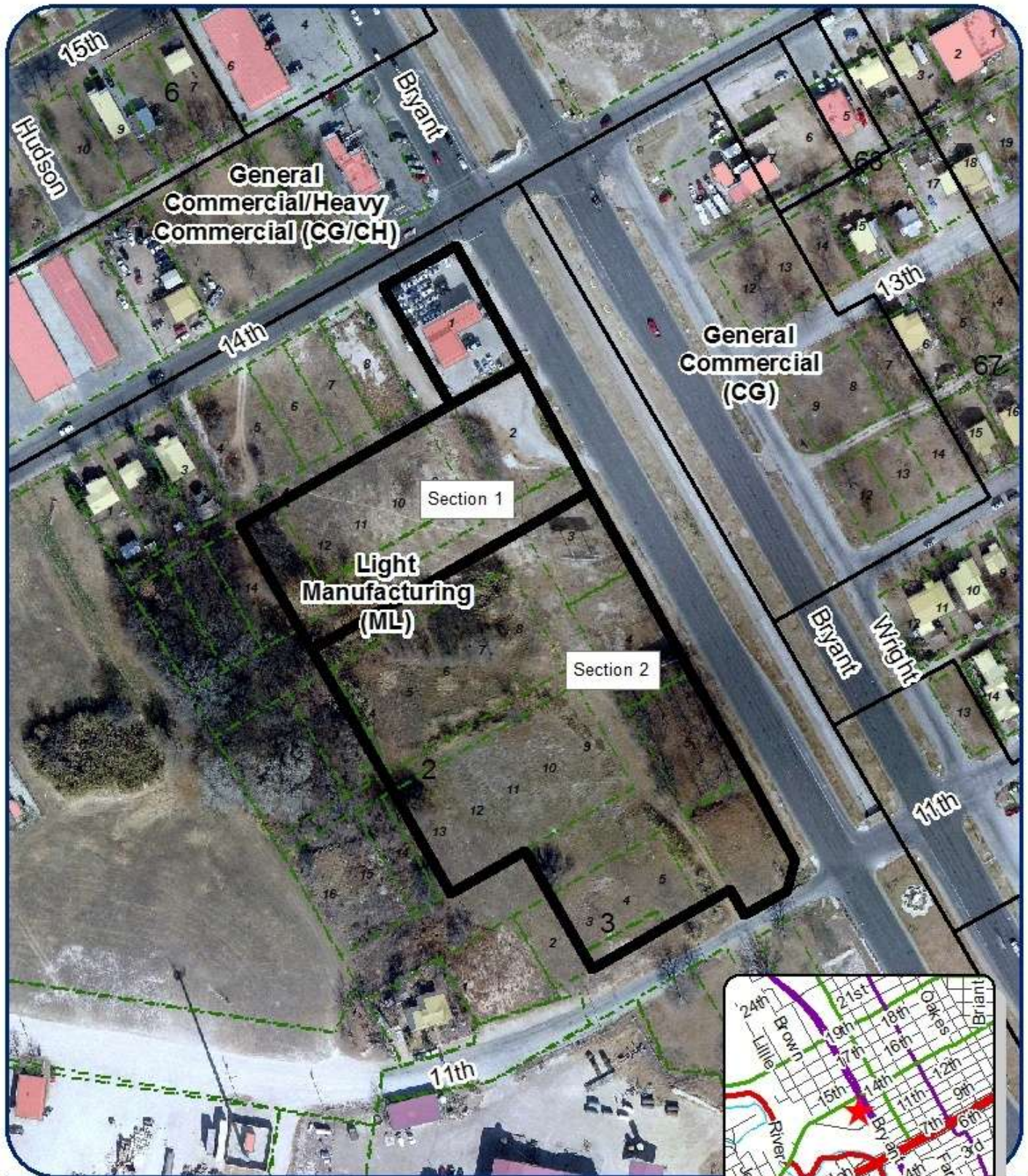
Subdivision

Windmill Addition, Sections 1 & 2

Council District: Don Vardeman
 Neighborhood: Blackshear
 Scale: 1" approx. = 150 ft
 Location: NW corner W. 11th St. & N. Bryant Blvd

Legend

Subject Properties: 
 Current Zoning: **ML**
 Requested Zoning Change: **N/A**
 Vision: **Industrial**




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