

STAFF REPORT



Meeting: June 15, 2015

To: Planning Commission

From: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Planner: Santiago Abasolo, AICP
Planner I

Request: A request for approval of a Replat and a Variance from Chapter 10, Section III.A.2 of the Subdivision Ordinance to allow for a pavement width of 40 feet in lieu of 50 feet for West 14th Street.

Location: An unaddressed tract, located approximately 50 feet to southwest from the intersection of West 14th Street and Irving Street.

Legal Description: Being 0.321 acre and being all of lots 8 and 9, Block 2, Lasker's Addition, as per plat recorded in Volume 23, Page 272, Deed Records of Tom Green County, Texas

Size: 0.321 acres

General Information

Future Land Use: Neighborhood

Zoning: Two-Family Residential (RS-2)

Existing Land Use: Residential

Surrounding Zoning / Land Use:

North:	Single-Family Residential (RS-1)	Single family dwellings
West:	Two-Family Residential (RS-2)	Single family dwellings, Multifamily dwelling
South:	Two-Family Residential (RS-2)	Single family dwellings
East:	Two-Family Residential (RS-2)	Single family dwellings

District: SMD#4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), West 14th Street is identified as a Collector Street. Collector Streets provide access to residential neighborhoods, commercial and industrial areas, distributing trips from the arterials through the area to the ultimate destination. The MTP requires West 14th Street to have a minimum paving width of 50 feet and a minimum right-of-way width of 60 feet.

Recommendation:

The Planning Division recommends **APPROVAL** of this Replat request **subject to the four (4) Conditions of Approval** listed below and **APPROVAL** of one (1) Variance request.

Background:

An application for a Replat was submitted to the Planning Division on May 14, 2015. It is the applicant's intent to Replat two existing tracts. The applicant is requesting a Variance to allow for a pavement width of 40 feet in lieu of 50 feet for West 14th Street. Per the Subdivision Ordinance, the applicant is required to improve his portion (half) of West 14th Street to the required 50 feet, or an extra 5 feet.

Analysis:

SECTION IV of the Land Development and Subdivision Ordinance requires that the Planning Commission consider, at minimum, four (4) factors in determining the appropriateness of any subdivision request variance.

- 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 has indicated that West 14th Street currently exists as a fully functional street. Engineering Services supports the requested paving width Variance based on the use of the surrounding properties, the required width compared to the existing width, the location of the lot on the street, and the proposed use. The existing use of the property is residential and the surrounding uses are mostly single family dwellings and vacant land. Currently, the property is zoned Two Family Residential (RS-2) as is the area to the south and east of the subject property. The area to the north is zoned Single Family Residential (RS-1). The Future Land Use designation of the surrounding area is "Neighborhood." The current width appears to be sufficient for emergency vehicles and the traffic loads of this single family residential area. Granting the paving width Variance will not appear to be detrimental to the public safety, health or welfare, or be injurious to other properties.

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

The applicant has indicated the property is unique in that it is the only property being, or having been, Replatted. Engineering Services supports the Variance based on the location of the lot on the street, the use of the surrounding properties, and the existing width. The paving width requirement that would apply to the subject property is unique to the property as it does not seem that other properties in this residential neighborhood have been subject to, or have complied with, similar requirements.

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

The applicant has stated that a hardship to the owner would result because the property is in the middle of the block and any change in the pavement width could also result in drainage problems. Based on feedback from the Engineering Services and Stormwater Division, hardship on the lot owner may result if a Variance is not granted. If the streets curbing is required to be moved in order for the street to be widened and paved, the subject property will be affected by a street pavement with a different configuration and width than the properties facing West 14th Street. This could lead to confusion resulting in potential traffic circulation issues.

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

The applicant has indicated that the requested Variance will allow the existing street in this established neighborhood to keep its present functionality. Other than the requested Variance of paving width, all other ordinances must be applied to the property in order to comply with all applicable City of San Angelo requirements.

Conditions:

1. Provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there are no delinquent taxes on the subject property of this subdivision.
2. Prepare and submit plans for required improvements to the subject street (adjacent segments of 14th Street) by half the additional increment necessary to comprise the minimum paving width, in this case, an 5 additional feet.

Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period

A second alternative would be to obtain approval of a Variance from the Planning Commission.

3. Submit a revised plat with the following modifications:
 - a. Provide a dimension of the width of the existing adjacent alley;
 - b. Add the second owner, Linda M. Gonzales, as a co-applicant on the proposed plat document.
4. Relocate or remove the existing 8' x 12' accessory storage building which is currently placed across the property line. A minimum 2-foot setback from the interior property line is required. Once completed, submit a new drawing with existing structures illustrating either the removal or relocation.

NOTE:

1. If construction is to occur prior to issuance of building permit, provide a plan identifying the erosion control measures to be used to meet Stormwater Pollution Prevention requirements.

Action Requested:

The action requested is for the Planning Commission to **APPROVE** the First Replat in Block 2 Lasker's Addition, **subject to four (4) Conditions of Approval**, and **APPROVE** a Variance from Chapter 10, Section III.A.2 of the Subdivision Ordinance to allow for a pavement width of 40 feet in lieu of 50 feet for West 14th Street.

Attachments:

Aerial Map
Future Land Use Map

Zoning Map
Major Thoroughfare Plan
Notification Map
Plat
Application



Subdivision Case File

1st replat Blk 2 Laskers Addn

Council District 4: Lucy Gonzales

Neighborhood: Blackshear

Scale: 1" approx. = 75 ft

Subject Property Legal Description(s): Laskers Addition Block 2

Legend

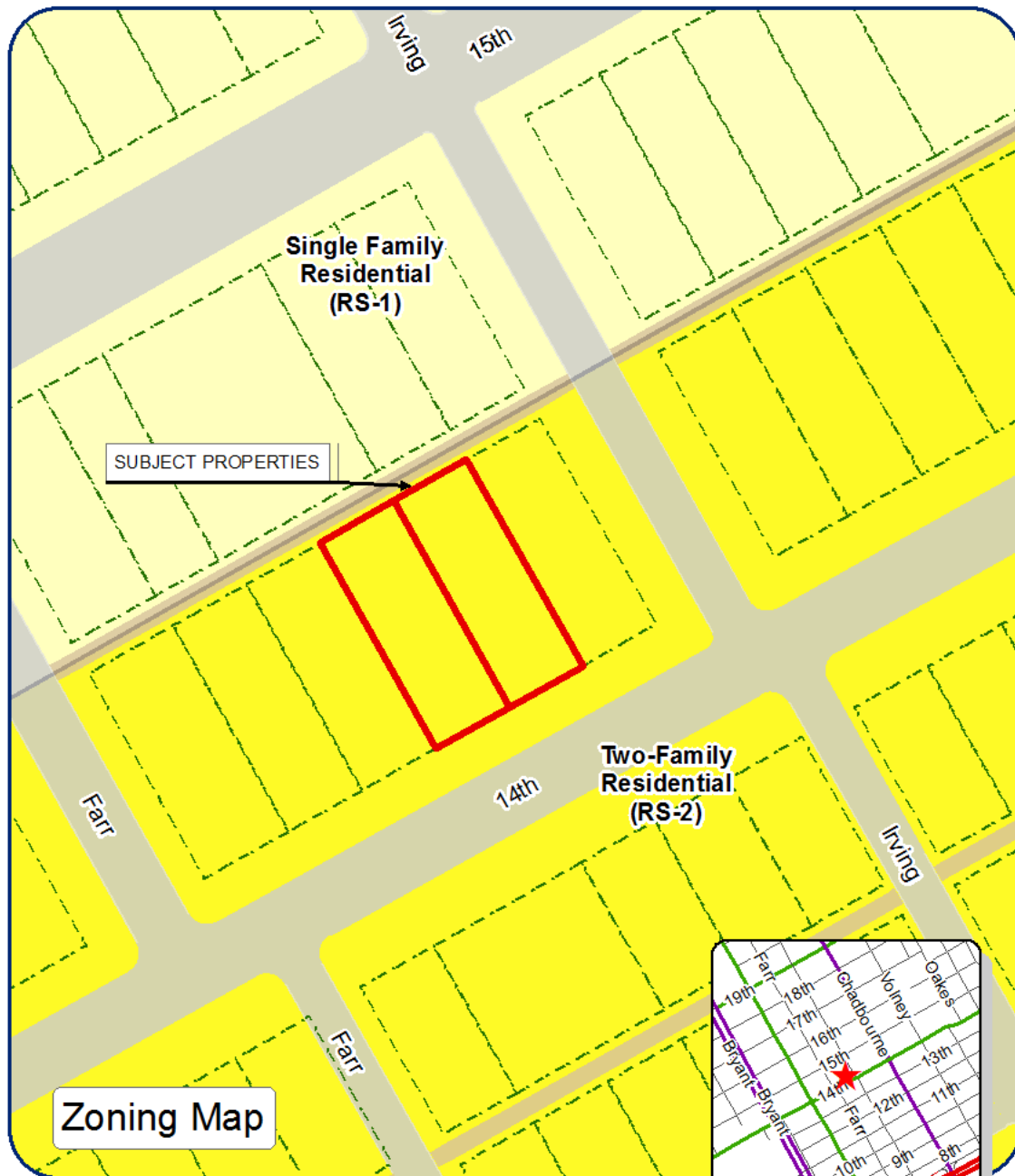
Subject Properties: —

Current Zoning: RS 2

Requested Zoning Change: N/A

Vision: Neighborhood





Zoning Map

Subdivision Case File

1st replat Blk 2 Laskers Addn

Council District 4: Lucy Gonzales

Neighborhood: Blackshear

Scale: 1" approx. = 75 ft

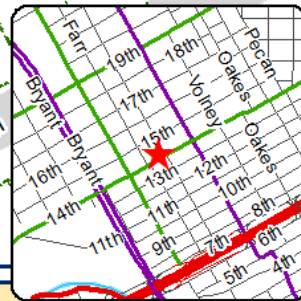
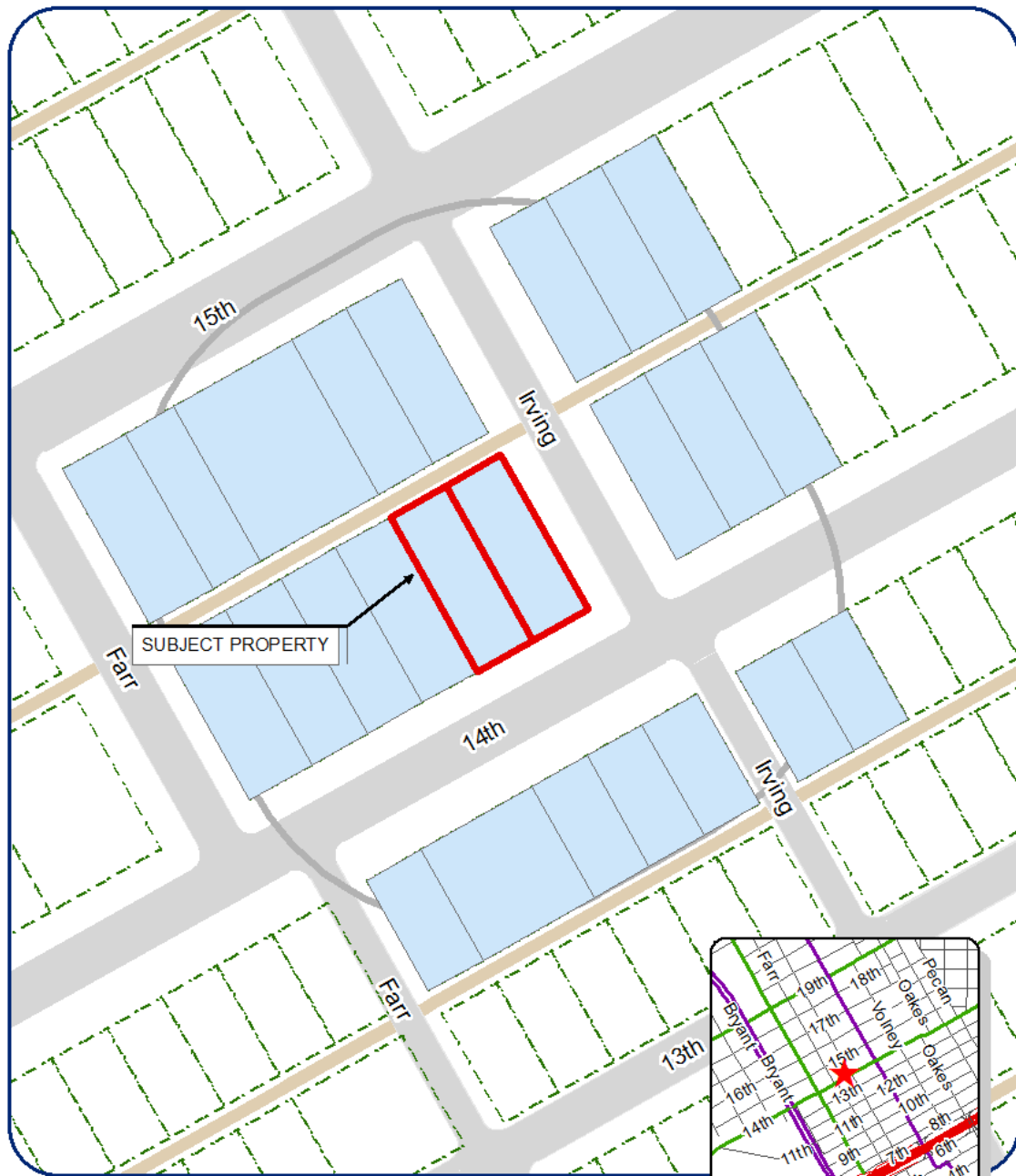
Subject Property Legal Description(s): Laskers Addition Block 2

Legend

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







Subdivision Case File

1st replat Blk 2 Laskers Addn

Council District 4: Lucy Gonzales

Neighborhood: Blackshear



Scale: 1" approx. = 100 ft

Subject Property Legal Description(s): Laskers Addition Block 2

Legend

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




SCALE: 1" = 40'

GRAPHIC SCALE - FEET
NOTE: Readings shown herein are based on
 that recorded in Volume 25, Page 272, Deed
 Records of Tom Green County, Texas.
 Distances shown are surface measurements.

LEGEND:

- Fixed 5" iron Pipe in Road
(crossed off with red)
- Set 2" iron Rod with Cap

PLANNING COMMISSION
 Approved for recording this ____ day
 of _____, 20____ City Planning
 Commission of San Angelo, Texas.

 Chairman

 Secretary

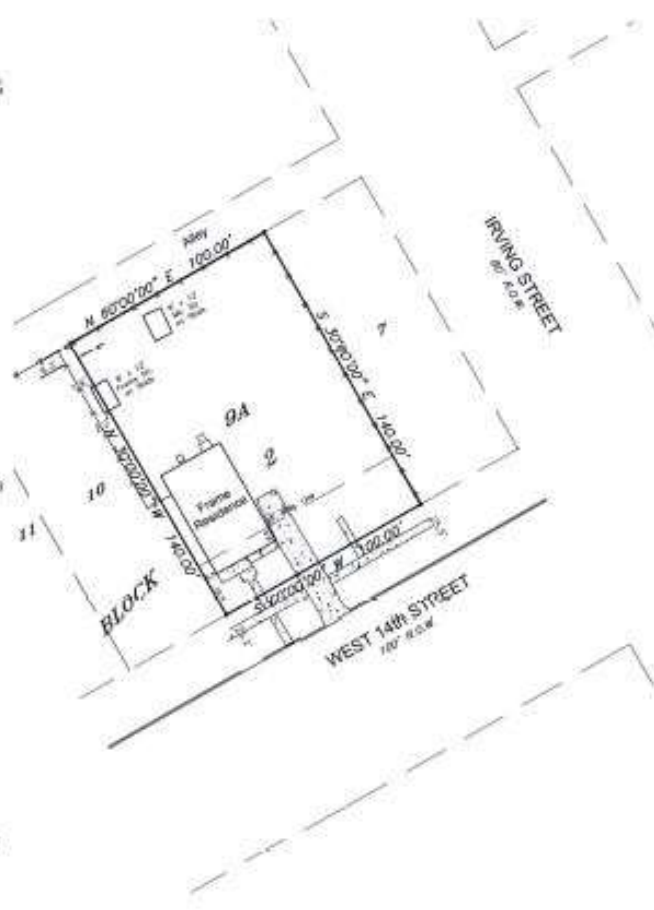
DEPARTMENT OF WATER UTILITIES
 Approved for recording this ____ day
 of _____, 20____
 By _____
Director of Water Utilities

COMMITTEE OF THE CITY OF SAN ANGELO
 Approved for recording this ____ day
 of _____, 20____
 By _____
Deputy City Clerk

COUNTY CLERK
 Filed for record this ____ day of
 _____, 20____
 County Clerk of Tom Green Co., TX.
 By _____

STATE OF TEXAS
COUNTY OF TOM GREEN
 This instrument was acknowledged before
 me as
 By Edward Gonzalez.

Notary Public, State of Texas



Preliminary, this document shall not be recorded
 for any purpose and shall not be used or viewed
 or relied upon as a final survey document.

FIRST REPLAT IN BLOCK 2 LASKER'S ADDITION

City of San Angelo, Tom Green County, Texas.

OWNER: Edward Gonzalez

DESCRIPTION: Being 0.321 acre and being all of lots 9 and 10, Block 2, Lasker's Addition, as per plat recorded in Volume 23, Page 272, Deed Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION:
 I, Edward Gonzalez, do hereby adopt this plat as the
 subdivision of my property.

 Edward Gonzalez

SURVEYOR'S CERTIFICATE
 Know all men by these presents,
 that I, Russell T. Gully, RPLS., do
 hereby certify that I prepared this
 plat from an actual and accurate
 survey of the land and that the corner
 monuments shown herein were
 properly placed, under my
 supervision, in accordance with the
 rules for land subdivision by the
 City Council of the City of San
 Angelo, and I further certify that the
 tract of land herein plotted lies
 within the city limits of the City of
 San Angelo, Texas.

10/27/2015

This Plat is Filed in Volume ____ Page ____
 Plat Records of Tom Green County, Texas.

SKG

ENGINEERING, LLC

SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ADE STREET PHONE: 337.666.1888
 SAN ANGELO, TEXAS 76901 FAX: 337.666.1888
 409 N. G. STORCK www.skg.com

City of San Angelo, Texas
Planning Division

Application for Approval of a SUBDIVISION

Proposed Name of Subdivision: FIRST REPLAT IN BLOCK 2, LASKER'S ADDN.

Location: NORTH OF W. 14TH ST., WEST OF IRVING ST.

Proposed Request Type: ☐ Preliminary ☐ Final ☒ Replat
☐ Amended ☐ Vacation ☐ Revised

☒ Owner ☐ Authorized Representative (Affidavit required)

Owner(s) of Subdivision: EDUARDO GONZALES

E-mail Address: _____

Mailing Address: PO BOX 3485 Telephone: 245-6485

City/State/Zip: SAN ANGELO, TX 76902 Total Acreage: 0.321

Existing Land Use: RESIDENTIAL

Proposed Land Use: SAME

Existing Structures on Property: YES - SHOWN ON ATTACHMENT

Number of Residential Lots: 1 Single-Family ☐ Two-Family ☐ Townhouse
☐ Zero Lot Line ☐ Other

Acres of: ☐ Multi-Family ☐ Commercial ☐ Industrial
☐ Open ☐ Other

Proposed Source of Water: ☒ City ☐ Individual Well ☐ Other

Proposed Sewage Disposal: ☒ City ☐ Individual Septic ☐ Private Septic

Are there existing deed restrictions? ☐ Yes ☒ No

Deed Reference Information (required): INST. NO. 732328

Are any off-site drainage, access or other easements necessary for this subdivision? ☐ Yes ☒ No
If yes, explain: _____

Are any exemptions or variances from regulations or policies requested? ☒ Yes ☐ No

If "yes", answer the questions below:

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

Explanation: WILL REMAIN AS EXISTING, FUNCTIONAL STREET

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.

Explanation: UNIQUE IN THAT IT IS THE ONLY PROPERTY BEING REPAIRED

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.

Explanation: HARDSHIP BECAUSE PROPERTY IS IN MIDDLE OF BLK. AND COULD ALSO RESULT IN DRAINAGE PROBLEMS

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

Explanation: THE VARIANCE WILL ALLOW EXISTING STREET, IN EXISTING ESTABLISHED NEIGHBORHOOD, TO KEEP ITS PRESENT FUNCTIONALITY.

The owner hereby designates: SKG ENGINEERING, LLC as the official representative(s).

Address: 706 S. ABE ST. SAN ANGELO, TX 76903 Phone: 655-1288

E-mail Address: HERB@SKGE.COM

All correspondence including billings are to be sent to: ☒ Owner ☒ Representative

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request.

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

Edward S. Anguiles
Owner's Signature

Date

Herb Hooker
Representative's Signature

05/14/2015
Date

OFFICE USE ONLY	
Date of application: <u>5/14/15</u>	Received by: <u>Jill Fisher</u>
<input checked="" type="checkbox"/> walk-in <input type="checkbox"/> by mail	Nonrefundable application fee: <u>\$212.00</u>
Planning Commission? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	River Corridor Commission? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Planning Commission hearing date: <u>6/15/15</u>	If yes, RCC meeting date: _____
Notifications Required? <input type="checkbox"/> yes <input type="checkbox"/> no	Notification fee: <u>\$100.25</u>