

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, MARCH 21, 2016, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS

PRESENT: VALERIE PREISS, TERI JACKSON, RYAN SMITH, SAMMY FARMER, MARK CRISP, TRAVIS STRIBLING, JOE SPANO

ABSENT: N/A

STAFF: Jon James, AICP – Planning and Development Services Director
Rebeca Guerra, AICP, LEED-AP, CPD – Planning Manager
Dan Saluri – Deputy City Attorney
David Stallworth, AICP – Principal Planner
David Fee, AICP – Senior Planner
Jeff Fisher – Planner I

I. Call to order.

Commissioner Valerie Priess, who was designated as Chair, called the meeting to order at 9:00 a.m. and established that a quorum of seven (7) was present.

II. Prayer and Pledge.

The prayer was delivered by Rev. Steve Davis of The Gathering United Church of Christ. The pledge was led by Commissioner Valerie Priess.

III. Consent Agenda:

A. Consideration of approving the February 15, 2016, Planning Commission meeting minutes.

A Motion to approve the Consent Agenda was made by Commissioner Jackson and seconded by Commissioner Smith. The motion carried unanimously, 7-0.

B. Election of Chair and Vice-Chair

A Motion to approve Valerie Priess as the new Chair of the Planning Commission was made by Commissioner Crisp and seconded by Commissioner Farmer. The motion carried unanimously, 7-0.

A Motion to approve Teri Jackson as the new Vice-Chair of the Planning Commission was made by Commissioner Crisp and seconded by Commissioner Farmer. The motion carried unanimously, 7-0.

New Planning Commissioners Travis Stribling and Joe Spano were introduced.

C. Subdivision Plats

The Planning Commission has authority for final approval; appeals may be directed to City Council.

- a. **Final Plat of E&B Bryant Properties North, Section One**
- b. **Fourth Replat in Tract 1, Section 29, Lot 2A, Block 46, The Bluffs Addition**
- c. **Replat of Lot 1, Block 1, Lake Nasworthy Addition, Group Red Bluff, Section One**

Jeff Fisher, Planner, requested that Item b. above be moved to the Regular Agenda. The Planning Commission agreed.

A Motion to approve Items a. and c. on the Consent Agenda was made by Commissioner Jackson and seconded by Commissioner Smith. The motion carried unanimously, 7-0.

IV. Regular Agenda:

1. Subdivision Plats

The Planning Commission has final authority for approval; appeals may be directed to City Council.

A. Fourth Replat in Tract 1, Section 29, Lot 2A, Block 46, The Bluffs Addition

A request for approval of the Fourth Replat in Tract 1, Section 29, Lot 2A, Block 46 of the Bluffs Addition.

Jeff Fisher, Planner, outlined the proposed Replat application. The property is 12.248 acres located at the northwest corner of Hunters Glen Road and West Houston Harte Expressway Frontage Road. The property is east of the new Chick-Fil-A at FM 1288 and Houston Harte Expressway Frontage Road, and immediately next to the 3rd Replat of the same subdivision which was approved by the Planning Commission at the January 15, 2016, Meeting. Staff is recommending approval of the application subject to the seven (7) conditions of approval as outlined in the Staff Report, with modifications to Condition #3 requiring sidewalks. The modifications added to the end of 3a, 3b, and 3c stated "that should any portion of this sidewalk be on private property, an

easement shall be required and delineated on a revised subdivision plat.”

Commissioner Smith made a Motion to APPROVE the request subject to the seven (7) Conditions outlined in the Staff Report, modifying Condition 3a, 3b, and 3c by adding the following sentence at the end of each: “that should any portion of this sidewalk be on private property, an easement shall be required and delineated on a revised subdivision plat.” The motion passed unanimously, 7-0.

2. Rezonings

The Planning Commission has authority for final approval of Conditional Uses, Sign Variances, and Expansions of a Non-Conforming Use; City Council has final authority for approval of Special Uses, Comprehensive Plan Amendments, Right-of-Way Abandonments, and Rezonings.

A. Z16-01: Matlock

A request for approval of a Zone Change from the Low Rise Multi-family Residential (RM-1) Zoning District to the Office Commercial (CO) Zoning District, located along the south side of West First Street, across from Farr Street, on approximately 0.14 acres.

David Stallworth, Principal Planner, provided a brief synopsis of the case. Mr. Stallworth indicated the location for the subject area, showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL, along with his basis for the recommendation.

Commissioner Stribling opened up deliberation by inquiring on whether or not there was adequate off-street parking on the premises. Mr. Stallworth responded by referencing the staff report, which indicated that there was room along the rear of the property to facilitate additional parking spaces. Barring further questions for Staff, Chairperson Preiss opened the public hearing for comments. With no public input, Chairperson Preiss closed the public hearing and opened the floor for a Motion.

Commissioner Farmer made a Motion to APPROVE the request, and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 7-0.

B. Z16-02: Burger

A request for approval of a Zone Change from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District, located at the east-northeast corner of Knickerbocker Road and South Jackson Street, on approximately 1.30 acres.

David Stallworth, Principal Planner, provided a brief synopsis of the case. Mr. Stallworth indicated the location for the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL, along with his basis for the recommendation. Chairperson Preiss opened the public hearing for comments. With no public input, Chairperson Preiss closed the public hearing and opened the floor for a Motion.

Commissioner Smith made a Motion to APPROVE the request, and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 7-0.

3. Text Amendment

City Council has final authority for approval of Text Amendments.

A. Zoning Ordinance Text Amendment

Discussion and possible action regarding a text amendment to Chapter 12, Exhibit "A," Zoning Ordinance, for Bed and Breakfast Establishments and Short Term Rentals.

Jon James, Director of Planning and Development Services outlined a possible text amendment to the Zoning Ordinance for Bed and Breakfasts and Short Term Rentals. He provided a background to the Planning Commission on some of the complaints that were raised in past about short term rentals including parking, large groups and parties, noise, trash and camping.

Mr. James explained that the current Zoning Ordinance considers short term rentals less than 30 days as Retail Sales and Services uses which needs to be located in a retail zoning district. He explained the proposed Amendment would allow Short Term Rentals in residential zoning districts if they can meet the definition and criteria outlined in the Amendment. They would also be allowed in the Central Business District, but would require a Conditional Use in other non-residential zones, the same as Household Living. Short Term Rentals would be defined as a dwelling rented for less than 30 days where the whole house is rented, for single occupancy, where there is no meal service, where there are gatherings of no more than 20 people, and

where there are no gatherings between 7:00am or after 10:00pm, among other standards outlined in the Draft Amendment.

Mr. James then explained that a Bed and Breakfast would essentially be the opposite of a Short Term Rental, in that it can rent multiple rooms, where it can be multifamily occupancy, can serve meals and can host gatherings of more than 20 people. He explained that both Short Term Rentals and Bed and Breakfasts will require registration and a change in occupancy from a single-family home into these uses.

Commissioner Smith asked why there why meal service was prohibited in short term rentals.

Mr. James indicated meal service was prohibited in short term rentals to treat them more like a single detached dwelling.

Commissioner Farmer thanked the Planning Division for their hard work.

Greg Gossett, solicitor and resident of Lake Nasworthy, spoke in opposition of the Amendment. He was concerned if approved, many more people will want to do short term rentals, creating conflict between neighbors. He believes it will reduce property values.

Randall Schkade, a resident in the area, spoke in opposition of the request. He said other jurisdictions that allow short term rentals found illegal substances and nudity. He said there should be penalties and they should be written into the Amendment.

Tad Logan, a resident of the Lake, expressed concerns with parking on the street.

Kim Leabo, a resident of the area, expressed her opposition, citing safety and security concerns.

Jeannie Danbert spoke in support of the Amendment to allow short term rentals. She explained she owns 3 of the 7 short term rental properties in this area, and rents them to Goodfellow Air Force families who use them to spend time with their family.

Debbie Powell, spoke in support of the Amendment. She said she rents out her home but vary sparingly, and makes sure that tenants are adequately screened.

Brianna Martinez spoke in support. She indicated that regular homes which have no restrictions could have worse results, and that short term rentals are often more expensive than a hotel.

Todd Yaffe spoke in support of the Amendment, and believes there is misinformation about short term rentals, such as meth labs being set up which is not true.

Pat Powell, owner of a house in the area, spoke in support of the Amendment, and said he only rents out his home 16% of the year.

Anna Martinez spoke in support of the Amendment. She indicated there was a high demand for short term rentals, and that these renters generate income for the city, and that many are military. She said there were no police reports for her unit.

Randall Schkade, spoke again in opposition of the request. He said that there is currently no fine and that many people will not call the police in fear of retribution.

Michelle Montez, spoke in support of the request. She said her family has a short term rental, and her renters also include military families.

Commissioner Smith believes it is too soon to vote on this Amendment. He recommended further discussion.

Commissioner Farmer suggested to restrict the amount of time a short term rental is allowed, such as one week instead of 30 days.

Greg Gossett, solicitor and resident of Lake Nasworthy, spoke again in opposition that even with criteria, it will not take away problems created by short term rentals.

Todd Yaffe indicated that times are changing, and not everyone that rents short term rentals wants a loud party.

Commissioner Priess indicated that she did not think this item could be voted on today. She thanked the Planning Division for their hard work.

Commissioner Stribling asked if there were any provisions for signage.

Mr. James responded that signage for short term rentals would be the same as those allowed for Bed and Breakfasts.

Commissioner Smith made a Motion to TABLE the request to do more research on required guidelines for Short Term Rentals, and Commissioner Spano seconded the Motion. The Motion passed unanimously, 7-0.

V. Director's Report.

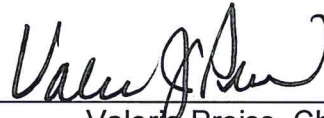
Jon James, Director of the Planning and Development Services Department, indicated there was no information to report this month.

VI. Future meeting agenda and announcements.

Chairwoman Priess indicated that the next regular meeting of the Planning Commission was scheduled to begin at 9:00 a.m. on **Monday, April 18, 2016**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

VII. Adjournment.

Commissioner Smith made a Motion to adjourn at 10:17 a.m., and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 7-0.



Valerie Preiss, Chairperson,
Planning Commission