

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, FEBRUARY 15, 2016, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS**

**PRESENT:** HEIDI BROOKS, RYAN SMITH, TERI JACKSON, SAMMY FARMER, MARK CRISP

**ABSENT:** DARLENE JONES (AE), VALERIE PREISS (AE)

**STAFF:** Jon James, AICP – Planning and Development Services Director  
Rebeca Guerra, AICP, LEED-AP, CPD – Planning Manager  
Dan Saluri – Deputy City Attorney  
Charlie Kemp – Deputy Chief Building Official  
David Stallworth, AICP – Principal Planner  
Jeff Fisher – Planner I

**I. Call to order.**

Commissioner Teri Jackson, who was designated as Acting Chair, called the meeting to order at 9:08 a.m. and established that a quorum of five (5) was present.

**II. Prayer and Pledge.**

The prayer was delivered by Commissioner Sammy Farmer. The pledge was led by Commissioner Ryan Smith.

**III. Consent Agenda:**

A. Consideration of approving the January 25, 2016, Planning Commission meeting minutes.

**A Motion to approve the Consent Agenda was made by Commissioner Smith and seconded by Commissioner Crisp. The motion carried unanimously, 5-0.**

**IV. Regular Agenda:**

**1. Sign Variances and Right-of-Way Abandonments**

*The San Angelo Planning Commission has the authority for final approval of Conditional Uses, Sign Variances and Expansions of Non-conforming Uses. The San Angelo City Council has final authority for the approval of Special Uses, Comprehensive Plan Amendments, Right-of-way Abandonments and Rezonings.*

**A. SV16-01: San Angelo Medical Center**

A request for approval of a Sign Variance from Section 12.04.017(1)(a)(2)(C) of the Sign Regulations to allow for a freestanding sign to have 192 square feet of sign area in lieu of 75 square feet in the River Corridor. The subject area is located along the east side of North Bryant Boulevard, south of the Houston Harte Expressway (US 67), on approximately 0.95 acres.

David Stallworth, Principal Planner, provided a brief synopsis of the case. Mr. Stallworth indicated the location for the existing freestanding sign, showed existing site conditions as well as various perspectives of the surrounding area, and elaborated on details of the proposed modifications to the existing freestanding sign. Mr. Stallworth concluded his presentation with a recommendation of DENIAL, along with the following bases for the recommendation:

- There are no special circumstances driving the request. A business has operated and effectively advertised at the subject location using the current 136 square feet of sign area;
- The applicant has created the circumstance causing the Variance situation through a particular sign preference;
- Traffic safety could be compromised, inconsistencies with previous approvals will result, and undesirable precedents would be established if Variance approval is granted;
- The existing 136 square feet of sign area, which is legally non-conforming, would be the minimum action necessary for a Variance;
- Granting the Variance would be contrary to the current Sign Regulations and will be inconsistent with previous River Corridor approvals, as well as River Corridor guidelines set forth by City Council.

At the request of Planning Manager Rebeca Guerra, Mr. Stallworth further elaborated on the extent of the modifications to the existing freestanding sign and clarified the reason for denial based on previous Sign Variances granted by the Planning Commission. Mr. Stallworth explained that the existing sign consists of two canisters, a top canister consisting of 96 square feet in copy area and a secondary canister consisting of 40 square feet in copy area, for a total sign copy area of 136 square feet. The secondary canister will be replaced with a proposed 96 square feet LED sign. Mr. Stallworth explained that it was the applicant's intent to have the overall sign be consistent with similar business signage found at other locations outside of the River Corridor. Mr. Stallworth further noted that Staff advised the applicant to move the sign to another location on the subject property that was outside of the



150-ft River Corridor Sign Overlay in order to gain additional sign area and height as allowed under the current Sign Regulations, but the applicant had indicated his decision not to do so because a new sign structure would be cost-prohibitive and it was more convenient to use the current structure.

Mr. Stallworth then outlined examples of recent DHRC and Planning Commission approvals involving signs, with an emphasis on the Motel Six sign to the south which stands at about 80 feet in height and contains a limited purpose LED sign that substantially differs from the proposed LED sign in both functionality and proximity to the roadway. Mr. Stallworth also indicated a recently approved request for nearby Julio's Restaurant that involved a Variance to sign area but did not involve the use of an LED sign. In response to a question by Acting Chair Teri Jackson, Mr. Stallworth indicated that the applicant was requesting a Variance to the 75-ft sign area restriction imposed by the Sign Regulations, noting that the existing sign was approximately 30 feet and was set back at least 4 feet from the property line, thereby conforming to current height and setback provisions. In response to a question by Commissioner Brooks, Mr. Stallworth clarified that the use of an LED sign was not the subject of the Variance request, but rather the increase in copy area for the proposed LED sign.

Jon James, Planning and Development Services Director, stated that the examples of recent approvals cited by Staff did not involve increases in sign areas, which was vastly different from the request that was before them during this meeting. Ms. Guerra followed up by indicating that previous Variance approvals involved legal non-conforming signage that already exceeded the River Corridor sign area limitation of 75 square feet, but those approvals were based on "like-for-like" changes that preserved their previous legal non-conforming conditions, unlike the request before them at this meeting which involved an actual increase in sign area and was not "like-for-like."

In response to a question by Commissioner Crisp, Mr. Stallworth indicated the limits of both the River Corridor (in light green) and the surrounding 150-ft River Corridor Sign Overlay (in darker green), with a red dot indicating the location of the subject sign relative to the River Corridor. There was also a brief discussion about other signage along that stretch of North Bryant to the Expressway, including the neighboring industrial property to the north and the McDonald's site, and their relationship to the Corridor.

Barring further questions for Staff, Acting Chairperson Jackson opened the public hearing. Mr. Matt Muehlstein, the representative for San Angelo Medical Center, addressed the Commission to provide both

justification for the request and additional details about the request. Mr. Muehlstein took exception to his applicant's property, as well as three other properties along the east side of North Bryant, being subject to the 150-ft sign control perimeter for the Corridor. He cited a perceived lack of visibility along a high-traffic corridor with the use of a 40-square-foot LED sign as a hardship. He also alluded to a possible lack of fairness, citing that "everybody else's sign is going to be bigger..." than his, and that he should also be able to put a sign that will get noticed. He acknowledged that he could move the sign elsewhere on the property and utilize the Sign Regulations to his advantage, but the sign, as proposed, would otherwise meet all other requirements in its current location with the exception of the maximum sign area. He reiterated that a 40-square-foot LED sign would not be effective because the sign would be so small that passers-by wouldn't be able to read its contents.

Acting Chairperson Jackson noted that this particular segment of North Bryant is one of the most heavily trafficked areas in San Angelo, and as such an LED sign along there could pose a safety concern and a distraction to drivers; Mr. Muehlstein did not disagree with her statement, but he opined that a reduced LED sign area could potentially pose a bigger traffic hazard because it would force drivers to look longer and harder. Commissioner Smith disagreed and stated that, in general, scrolling LED signs along this segment of North Bryant will pose a safety hazard. Commissioner Farmer opined that the applicant was simply attempting to avoid having to spend "a whole lot of money and move it (out of the Corridor Sign Control Perimeter) to get exactly what he wants..." to which Commissioner Smith countered with his reluctance on setting an undesirable precedent by approving the request. Commissioner Brooks expressed her concerns about having these type of sign ordinances in place, only to have the Commission keep making changes to the rules for whatever reasons with its approval of these types of requests. She further opined that LED signs are highly distracting and cited a few local roadways with LED signage and their accompanying levels of distraction as examples. Ms. Guerra noted to the Commission that the majority of signage along this area had already existed prior to the inception of the River Corridor, and that previous approvals had taken these special, pre-existing circumstances into account, noting that "the rules have changed, but [the City] is not going to penalize you..." for changing a sign, although the City does not want your sign to get bigger. She further noted that it was the City Council who established the 75-ft sign area maximum in order to protect what it deemed a very special area of the City. Commissioner Smith expressed the importance of reducing "sign pollution" along a heavily trafficked thoroughfare to make it an enjoyable area.



Ms. Guerra clarified that if the secondary sign canister is replaced in its entirety, then the applicant will lose any legal non-conforming protections and will be required to seek a Variance to replace either "like-for-like" or larger in sign area. She also clarified what options were available to the applicant in the absence of a Variance approval, as well as what options may be available to the applicant to remain consistent with both Staff findings and previous Commission approvals. An extensive discussion took place between the Commission and the applicant regarding various potential sign reconfigurations and reapportionments to accommodate the applicant's desired outcome for comparable visibility in relation other "large" signs in the immediate area. It was acknowledged during the course of this discussion that the request would still require River Corridor design approval through the DHRC. Acting Chairperson Jackson acknowledged her agreement with an earlier statement from Commissioner Crisp that a larger LED sign may be easier to read and may not be as distracting, going further to suggest that changes to the LED sign's area or positioning could be considered, but Mr. Muehlstein insisted that the sign remain symmetrical as proposed. Further deliberation amongst the Commission ensued regarding LED design options and positioning. Mr. Muehlstein insisted on having the new signage remain as proposed as a matter of both visibility and perceived safety, adding that he would like to attract other customer traffic beyond the expected local customer base. Commissioner Brooks continued to express her reluctance on approving such Variances when there were reasons why such laws are enacted, despite understanding the applicant's position.

With no further public input, Acting Chairperson Jackson closed the public hearing and opened the floor to further deliberation. She sought clarification on the two-pronged process for approving the request from Ms. Guerra. Ms. Guerra explained that future requests such as this will be heard by the DHRC first before it moves forward to the Planning Commission for their consideration, per the direction of the Planning and Development Services Director. This prompted additional discussion regarding possible tabling of the item in order to obtain direction from the DHRC on how to proceed, which would result in an additional month wait. It was noted that this item was also scheduled for DHRC review on Thursday, February 18, 2016. Commissioner Farmer opined that the Commission was "splitting hairs" and that they were causing the applicant to "spend more money" to get the sign that (the applicant) desired. Acting Chairperson Jackson advised that Commissioner Farmer could move forward with a Motion to approve in lieu of tabling the request and let the DHRC address the design issue.

**Commissioner Farmer made a Motion to APPROVE the request, and Commissioner Crisp seconded the Motion, subject to two (2)**

conditions as modified by Ms. Guerra. The Motion passed, 3-2 (AYE – Farmer, Crisp, Jackson; NAY – Brooks, Smith)

**V. Director's Report.**

Jon James, Director of the Planning and Development Services Department, commenced with a discussion on staff report format to obtain feedback from the Commission with respect to adequacy. Commissioner Crisp indicated that color coding the Zoning Map would be very helpful. There was an overall consensus by the Commission that the current staff report format was thorough and satisfactory. Commissioner Crisp indicated that the receipt of the docket on Wednesday was extremely helpful and greatly appreciated.

Mr. James followed up with a discussion on future workshops and training for the Commission, as directed by City Council. Mr. James elaborated on the various resources available for Commissioner training. Commissioner Smith asked about the possibility of conducting special workshops on dealing with potential "hot topic" local items. Commissioner Farmer inquired on the availability of on-line training through the City's website, to which Mr. James responded that none was currently available on the City's website. Mr. James reminded the Commission about the timely fulfillment of State-mandated Open Meetings Act training, which is available through the State Attorney's General website.

**VI. Future meeting agenda and announcements.**

Acting Chairperson Jackson indicated that the next regular meeting of the Planning Commission was scheduled to begin at 9:00 a.m. on **Monday, March 21, 2016**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

**VII. Adjournment.**

Commissioner Crisp made a Motion to adjourn at 9:54 a.m., and Commissioner Smith seconded the Motion. The Motion passed unanimously, 5-0.



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Valerie Preiss, Vice Chair,  
Planning Commission