

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, NOVEMBER 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 (CHAIR), TERI JACKSON (VICE CHAIR), SAMMY FARMER, MARK CRISP, JOE SPANO, TRAVIS STRIBLING

ABSENT: Ryan Smith, Planning Commissioner

STAFF: Rebeca Guerra, AICP, LEED-AP, CPD – Planning Manager
Dan Saluri – City Attorney's Office
Al Torres, Building Official
Joe Mangrem, Assistant City Engineer
David Fee, AICP – Senior Planner
Jeff Fisher – Planner I

I. Call to order.

Chair Valerie Priess called the meeting to order at 9:00 a.m. and established that a quorum of five (5) was present. *Teri Jackson arrived at 9:02 a.m. increasing the members present to six (6).*

II. Prayer and Pledge.

The prayer was delivered by Rev. Bea Torres with Nazareth Presbyterian Church. The pledge was led by Chair Valerie Priess.

III. Consent Agenda:

A. Consideration of approving the October 17, 2016, Planning Commission Regular Meeting minutes.

B. First Replat of Lots 1 and 2, Block 1A, Section 1A, Shahan Subdivision

A Motion to APPROVE the Consent Agenda was made by Commissioner Crisp. Commissioner Farmer seconded the Motion. The motion carried unanimously, 6-0.

IV. Regular Agenda:

1. Easement Releases

City Council has final authority for approval of Easement Releases.

A. Easement Release, Jack and Louisa Paugh (Athletes World)

Public hearing and consideration of a request for approval of an Easement Release of a 20-foot access and utility easement totaling 3,966 square feet in the Shahan Subdivision, Section 1A, generally located approximately 570 feet southwest of the intersection of Sherwood Way and Clare Drive, on 0.091 acres.

Jeff Fisher, Planner, outlined the proposed request to release a 20-foot wide access and utility easement which runs north-south through the middle of the property. Mr. Fisher explained that the applicants own the property which comprises of two platted lots, and are seeking to expand their existing Athletes World building from Lot 1 onto Lot 2. He further explained that the easement is no longer required because the applicant owns both lots and plans to replat into one lot. Mr. Fisher indicated that no public or private utility providers had any concerns with the easement release and there are no utility lines in the said easement. He outlined Staff's recommendation for approval based on this, and that there will be sufficient area along the west portion of the property for a future parking area and drive aisle if needed.

Louisa Paugh indicated that she was one of the applicants. She expressed her desire to release the easement in order to allow an expansion on the property for Athletes World.

There was no further public comment.

Commissioner Crisp made a Motion to APPROVE the Easement Release, subject to the four conditions outlined in the Staff Report. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.

2. Vision Plan Amendments

City Council has final authority for approval of Vision Plan Amendments.

A. VP16-02: City of San Angelo

Public hearing and consideration of a request for approval of an amendment to the City of San Angelo Comprehensive Plan (a.k.a. Vision Plan), changing the Future Land Use Category on eight properties: the south 330 feet of 2007 West Loop 306 and the south 330 feet of 2031 West Loop 306 from "Neighborhood" to "Commercial," 1981 West Loop 306 from "Neighborhood Center" and "Neighborhood" to "Commercial," 1883 and 1955 West Loop 306 from "Neighborhood Center" and "Neighborhood" to "Commercial," 4537- 4541 North Bentwood Drive and 4540-4544 North Bentwood Drive from "Neighborhood" to "Neighborhood Center," and the northwest three

acres of 1801 West Loop 306 from “Neighborhood Center” to “Transitional,” generally located southwest and southeast of the intersection of West Loop 306 and North Bentwood Drive, on 42.454 acres.

Jeff Fisher, Planner, outlined the proposed request for a Vision Plan Amendment on eight properties in the North Bentwood Drive/West Loop 306 area. He explained that the City of San Angelo is initiating the proposed amendments to bring consistency between the current General Commercial (CG) zoning on the properties and their long-term Comprehensive Plan designations. At present, several of the properties are designated all or in part “Neighborhood” in the Comprehensive Plan which is a residential classification. The proposed amendments would change the future land use from Neighborhood to Neighborhood Center or Commercial, with one property furthest east changing from Neighborhood Center to Transitional. The Principal LED and Crossfit gym properties fronting North Bentwood Drive would be redesignated “Neighborhood Center” consistent with their less-intense commercial uses. Mr. Fisher also explained how the redesignation was required for the Principal LED site which had submitted a Zone Change request to allow additional uses. Mr. Fisher concluded by outlining Staff’s recommendation to approve the proposed Comprehensive Plan Amendment on the grounds that the new designations would be consistent with the current zoning and existing development patterns.

There was no public comment.

Commissioner Farmer made a Motion to APPROVE the Vision Plan Amendment as presented. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.

3. Rezoning and Special Uses

City Council has final authority for approval of Rezoning and Special Uses.

Z16-08 Silvas was moved and heard after PD16-06 Principal LED.

A. PD16-06: Principal LED LLC

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial (CG) Zoning District to a Planned Development (PD) Zoning District to allow for all of those uses permitted in the Neighborhood Commercial (CN) Zoning District, and the additional uses of Warehouse and Freight Movement along with the assembly of goods, generally located approximately 400 feet southwest of the intersection of North Bentwood Drive and West Loop 306, on 1.30 acres.

Jeff Fisher, Planner, outlined the proposed request for a Planned Development (PD) Zone Change to allow the applicant Principal LED to have additional uses of warehousing and assembly on the subject property currently zoned General Commercial (CG) Zoning District. Mr. Fisher explained that a building permit was issued in error in 2015 for Phase 1 of the development which had a warehousing and assembly component, neither of which are permitted in the CG zone. The PD Zoning would essentially legalize the applicant's LED light assembly business, and facilitate construction of a new building, Phase 2, on the property. Mr. Fisher displayed photos of the site and surrounding area, and indicated that the applicant has agreed to construct Phase 2 of similar material and color as the Phase 1 building, and will install xeriscaping along the North Bentwood Drive right-of-way to match the xeriscaping for Phase 1. Mr. Fisher concluded by outlining Staff's recommendation to approve the proposed PD Zone Change on the basis that it will be consistent with the new Vision Plan designation of "Neighborhood Commercial" and existing development patterns.

There was no public comment.

Commissioner Crisp made a Motion to APPROVE the Zone Change as presented, subject to the 5 conditions outlined in the Staff Report. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.

B. Z16-08: Silvas

Public hearing and consideration of a request for approval of a Rezoning from the Heavy Commercial (CH) and the General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the General Commercial (CG) Zoning District, generally located along the northwest side of Executive Drive between Office Park Drive and Parkview Drive, on 1.010 acres.

David Fee, Senior Planner, outlined the proposed request for a Zone Change to General Commercial (CG) for the entire property. Mr. Fee explained that the applicant has an existing office building and a second office building under construction on the southerly portion of the property currently zoned General Commercial/Heavy Commercial (CG/CH), and a barbeque trailer on the northerly portion of the property zoned Heavy Commercial (CH). He explained that the CH zone does not allow the barbeque trailer which is considered retail, and the applicant's zone change request to CG for the entire site would allow the existing offices, the barbeque trailer, and future retail to be located on the property. Mr. Fee outlined Staff's rationale to approve the proposed request on the grounds it is compatible with the Commercial land use designation in the City's Comprehensive Plan, that the CG zoning district would legalize the existing

barbeque pit, and that the rezoning would allow future expansion of CG uses on the property.

Commissioner Stribling asked if the barbeque trailer was operating on a permanent basis. Mr. Fee affirmed the trailer was operating in a fixed location on the property on a permanent basis.

Commissioner Spano indicated that the site needed to be zoned for future growth.

Commissioner Stribling asked about the ownership structure and how parking arrangements were being made for the barbeque pit. Mr. Fee answered that Mr. Stribling's questions would best be addressed by the applicant.

The Planning Commission opened the item for public comment.

Johnny Silvas, Project Manager for the applicant, stated that the applicant was planning to relocate the barbeque trailer off the site in the near future. He said that the owner of the pit was the owner's son-in-law.

Bob Hicks, an owner of nearby properties, opposed the BBQ trailer but was not concerned with professional office uses on the subject property. He raised concerns of smoke from the barbequing which permeates inside his building, and indicated he had already lost a tenant because of the smoke.

Chair Priess asked how long the barbeque trailer could stay. Planning Manager, Rebeca Guerra, responded that the commissary associated with the barbeque trailer was issued for the CH portion which does not allow the barbeque trailer. She explained that a zone change to a CG zone would fix the issue and allow the barbeque trailer to remain indefinitely.

Commissioner Crisp asked what would be the most intense use that would be allowed in the CH zone. Ms. Guerra responded that a CH zoning could allow outside storage in unlimited amounts, as well as heavier, more intense uses that would generate more traffic.

Commissioner Spano raised concerns about the barbeque pit and said it should be removed from the site in future.

Ms. Guerra addressed Commissioner Stribling's earlier question regarding parking. She indicated that the site had enough parking under the Zoning Ordinance for the offices and the barbeque indicate that this was a private matter and that the neighbors could have those cars towed.

Mr. Hicks reiterated his desire to have the barbeque trailer removed from the subject property.

Debbie Hagelstein, a nearby business owner, stated that her employees stopped parking in front of her business because of the smoke from the barbeque. She also indicated that she was told by a real estate agent that the barbeque trailer would devalue her property.

Mr. Norvell Holveck, a partner in a business nearby, indicated that he had also lost tenants and income due to the barbeque trailer being located on the subject property. He added that their customers were parking in his parking lot as well.

Mr. Silvas attempted to reassure the Planning Commission and those in opposition that the barbeque trailer would be removed soon.

Commissioner Crisp indicated that a zone change to CG could allow another barbeque trailer or restaurant in future which also releases smoke exhaust.

Commissioner Farmer asked if the Planning Commission could impose a condition that they smoke the meat at night when there is no one there? Ms. Guerra answered that "straight" zoning, or any zoning other than a Planned Development, would not allow conditions to be imposed.

Mr. Holveck asked if the applicant could rezone to an Office Commercial (CO) Zoning District. Ms. Guerra indicated this was possible and an associated Conditional Use could be applied for to allow the retail/restaurant uses and require conditions of approval.

Mr. Silvas explained that with only a third of the property being rezoned, there would not be much room for another larger-scale use so a "Denny's" type restaurant would not be a possibility in the future. He said he wished the neighbors had contacted them about the parking problem so they could tell the barbeque customers not to park in neighboring parking lots. He said one neighbor had approached him about using one another's parking lots.

Commissioner Spano indicated that the Planning Commission did not regulate parking if there was already enough parking on a site.

Commissioner Jackson stated that the CH zone could allow more intense uses than the barbeque trailer. Ms. Jackson expressed her support of the request to zone all of the lands CG.

Mr. Silvas invited the neighboring owners who had concerns with the barbeque trailer to come out and meet the property owner.

Commissioner Spano indicated the need for consistency in having a uniform zoning for the property, and Commissioner Crisp agreed.

Chair Priess encouraged Mr. Silvas to work with the surrounding owners to attempt to accommodate their concerns.

Mr. Holveck asked if the rezoning could take place only after the barbeque trailer had been removed. He said he was not asking them to leave tomorrow, but wanted to be sure that they did move sooner, rather than later.

Dan Saluri, Deputy City Attorney, indicated that a nuisance was a separate issue from zoning, and that the Planning Commission can only be guided by criteria for a zone change when making a decision to rezone a property, not a nuisance.

Commissioner Spano made a Motion to APPROVE the Zone Change request as presented. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

C. PD16-07: Morse

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial / Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District for a short term and long term residential shelter / safe house, generally located at the southeast corner of the intersection of East 19th Street and Briant Street, on 0.804 acres.

Jeff Fisher, Planner, outlined the proposed request for a Planned Development (PD) Zone Change to allow a short and long term residential shelter/safe house on the subject property. Mr. Fisher explained that Planning Staff was recently approached by the applicants who sought to convert the former nursing home into a shelter for women and children. He explained that all of the current parking was in the public right-of-way and the Planned Development Zone Change would allow the proposed use, as well as flexibility in parking standards. Mr. Fisher presented a digital copy of the site plan which shows 5 new parking spaces on Lot 5, as well as a new driveway through Lot 4 to be installed by the applicant that will connect to the on-site parking area. He outlined Staff's recommendation to approve the request based on commercial and institutional uses already in the area, a community need for this type of facility, and that adequate parking will be provided using a site-specific parking standard.

Commissioner Spano indicated that the notification letters mailed out did not specify the proposed uses.

Planning Manager Rebeca Guerra explained that Staff did not wish to make the definition too narrow, and that the applicant had only recently provided more details of the proposed development. She explained that Staff will include further information on the second notification for City Council that will be sent to owners within 200 feet of the property and published in the local newspaper.

Commissioner Crisp expressed his support for the development.

There was no public comment.

Commissioner Crisp made a Motion to APPROVE the Zone Change as presented, subject to the 10 conditions outlined in the Staff Report. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

4. Discussion Item

- A.** Discussion regarding an amendment to *Chapter 5, Article 5.02 of the San Angelo Code of Ordinances, Alcohol and Beverage Regulations*, to introduce a minimum setback for the sale of any alcoholic beverage, liquor, beer, wine or vinous liquor from a religious institution.

Rebeca Guerra, Planning Manager, outlined Texas State Statute Title 4, Chapter 109, Subchapter A, Section 109.33 which allows local municipalities to implement ordinances to impose setbacks for alcohol sales. Ms. Guerra then outlined the current City Ordinance 5.02.033 which requires alcohol sales cannot be located within 300 feet of a tax supported elementary or secondary public school. There is currently no ordinance provision for setbacks from churches, and this discussion would examine whether a setback should be enacted to maintain a separation distance from alcohol sales, on or off-premise from churches.

Ms. Guerra displayed an electronic version of a map where pre-packaged liquor and spirits are allowed to be sold in San Angelo. She explained that in addition to the 300-foot setback requirement from schools for all alcohol sales, pre-packaged liquor and spirits were not allowed to be sold outside of the area shown on the map, regardless of setback. Ms. Guerra indicated that ten other nearby Texas cities have the 300-foot distance requirement.

Ms. Guerra explained that the discussion was prompted by several churches in San Angelo that have concerns about violence, vandalism, and noise coming from bars which are located near their churches.

Commissioner Stribling asked if the discussion was about bars or stores selling alcohol. Ms. Guerra confirmed the discussion covered both.

Mr. Stribling asked how many businesses were being effected negatively by alcohol sales. Ms. Guerra indicated this was something staff could find out.

Chair Priess opened the item for public comment.

Craig Myers of St. Mark Presbyterian Church stated that he had been engaged in revitalization efforts in certain areas with new projects and developments. He stated that there was a murder at a bar, Eva's Place, in the Martin Luther King Drive area, close to St Paul's Baptist Church. He indicated that the church expressed concerns about safety, noise, and vandalism. He expressed concerns about the "grandfathering," of existing bars that were in the area before the zoning changed. He concluded by indicating that he was not against bars downtown, but that he did not want them in the Martin Luther King Drive area which is predominantly residential.

Ms. Guerra reminded the Commission that the item was for discussion only.

Commissioner Crisp indicated that he was surprised that there were not already setbacks for bars from residential areas.

Chair Priess stated that an amendment to the alcohol ordinance was worth looking into.

There was no further discussion on this item.

V. Director's Report.

Rebeca Guerra, Planning Manager, stated that the recent American Planning Association (APA) State Conference in San Antonio was a successful learning opportunity for staff.

VI. Future meeting agenda and announcements.

Chair Priess indicated that the next regular meeting of the Planning Commission was scheduled to begin at 9:00 a.m. on **Monday, December 19, 2016**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

VII. Adjournment.

Commissioner Jackson made a Motion to adjourn at 10:40 a.m., and Commissioner Stribling seconded the Motion. The Motion passed unanimously, 6-0.



Valerie Preiss, Chair,
Planning Commission