

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, OCTOBER 17, 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), RYAN SMITH, SAMMY FARMER, MARK CRISP, TRAVIS STRIBLING

**ABSENT:** JOE SPANO

**STAFF:** Jon James, AICP – Planning and Development Services Director  
Rebeca Guerra, AICP, LEED-AP, CPD – Planning Manager  
Dan Saluri, Esq. – City Attorney's Office  
Al Torres, Building Official  
Joe Mangrem, Assistant City Engineer  
David Stallworth, AICP – Principal Planner  
David Fee, AICP – Senior Planner  
Jeff Fisher – Planner I

**I. Call to order.**

Chairwoman and Commissioner Valerie Priess called the meeting to order at 9:00 a.m. and established that a quorum of six (6) was present.

**II. Prayer and Pledge.**

The prayer was delivered by Ms. Bernadette Coffee with St. Paul Presbyterian Church. The pledge was led by Chairperson Valerie Priess.

**III. Consent Agenda:**

- A. Consideration of approving the September 19, 2016, Planning Commission meeting minutes.
- B. Bentwood Country Club Estates, Section Thirty-Seven
- C. Concho Valley Regional Food Bank Subdivision, Section One
- D. Tom Green County Business Park, Section One
- E. Final Replat of Lot 1A, Block 1, Wal-Mart North Addition

***Item E was moved to the Regular Agenda.***

**A Motion to APPROVE Items A, B, C, and D was made by Commissioner Jackson; Commissioner Smith seconded the Motion. The motion carried unanimously, 6-0.**

#### IV. Regular Agenda:

##### 1. Subdivision Plats

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

##### A. Final Replat of Lot 1A, Block 1, Wal-Mart North Addition

Public hearing and consideration of a request for approval of the First Replat of Lot 1-A, Block 1, Wal-Mart North Addition

David Stallworth, Principal Planner, outlined the proposed request for a Replat on the subject 1.310-acre property which will divide the existing lot into 2 separate lots to facilitate future development on the north lot adjacent to North Bryant Boulevard. Included in Staff's recommendation to approve the replat was a requirement to install a sidewalk along the North Bryant Boulevard right-of-way to allow more convenient pedestrian access to the site. Mr. Stallworth explained that the Planning Commission had the option to approve the sidewalk and should TxDOT determine a sidewalk could not be built there, the developer could revise their site plan to delineate a distinct pedestrian connection through Lots 1C and 1B to ensure pedestrian safety.

Commissioner Stribling asked for clarification what was being requested with respect to sidewalk connections.

Chairwoman Priess opened the meeting for public comment. Darrin Fentress of Bleyl Engineering, representing the applicant, expressed his opposition to recommended Condition number two requiring either a sidewalk along North Bryant Boulevard or an alternative pedestrian connection through the subject property, citing fairness to his client. Mr. Stallworth further clarified what steps would be necessary for the Petitioner to fulfill this Condition. Mr. Fentress noted that modifications to the existing development to the south would be necessary to fulfill the Condition. There was no further public comment, so Chairwoman Priess closed the public hearing, and entertained Motions.

**Commissioner Farmer made a Motion to APPROVE the Final Plat, subject to all Conditions except Condition number two. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.**

## **B. Final Plat, Kirby Park Subdivision**

Public hearing and consideration of a request for approval of a Final Plat, Kirby Park Subdivision and a variance from Chapter 10, Section III.A.2. to allow for a 36-foot paving width in lieu of 50 feet for Martin Luther King Drive, a Collector Street.

Jeff Fisher, Planner, outlined the proposed request for a Replat on the subject 5.116-acre property southwest of West 29<sup>th</sup> Street and Martin Luther King Drive. He explained the applicant received approval for a Planned Development (PD) on this property from City Council in July 2016. The PD approval required a replat as a condition of approval for a new multi-family apartment complex on the property. Mr. Fisher explained that Planning Staff was recommending approval of the replat subject to the seven conditions in the Staff Report, was supporting the variance from widening Martin Luther King Drive, but would be requiring a sidewalk along Martin Luther King Drive for greater pedestrian connectivity. He presented a visual plan to the Planning Commission showing future sidewalk connections in the area.

Chairwoman Priess opened the meeting to public comment. Michael Osbourne of KAW Valley Engineering, on behalf of the applicant, approached the podium, identified himself and made himself available for any questions. There was no further public comment, so Chairwoman Priess closed the public hearing, and entertained Motions.

**Commissioner Crisp made a Motion to APPROVE both the plat, subject to Conditions, and the accompanying Variance request. Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.**

## **C. Final Plat, Western Hills Annex, Section Three**

Public hearing and consideration of a request for approval of a Final Plat for the Western Hills Annex, Section Three and two variances from Chapter 10, Section III.A.2: (1) to allow for a 36-foot paving width in lieu of 50 feet for Junius Street, a Collector Street and (2) to allow for 36-foot paving width in lieu of the minimum 40 feet on Childress Street, a Local Street.

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

Chairwoman Priess opened the meeting to public comment. Herb Hooker from SKG Engineering, the representative for the applicant, approached the podium, identified himself, and made himself available for any questions. There was no further public comment, so Chairwoman Priess closed the public hearing, and entertained Motions.

**Commissioner Smith made a Motion to APPROVE the plat, subject to Conditions, and the accompanying Variance requests. Commissioner Stribling, seconded the Motion. The Motion passed unanimously, 6-0.**

**2. Rezoning and Special Uses**

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

**A. PD16-05: Darnell Construction, LLC**

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial (CG) Zoning District to the Planned Development (PD) Zoning District for a Construction Yard with an Office, Shop and Outdoor Storage, generally located along the northeast side of South Chadbourne Street, approximately 588 feet northwest of Texas Farm-to-Market Road 765, on 8.140 acres.

David Stallworth, Principal Planner, outlined the case. The Future Land Use of the site is Commercial and current zoning is General Commercial with Special Use approval for a contractor's office with outdoor and indoor storage, as well as the repair, refueling, and maintenance of equipment. He outlined Planning Staff's rationale to recommend approval of the application subject to thirteen conditions of approval. The rationale included that the request was consistent with the Future Land Use designation, that the PD would provide for a unified, cohesive development, and that the indicated uses are not incompatible with existing surrounding uses. No one from the public had any questions, nor did the Commission itself have any questions for Staff or the Petitioner.

**Commissioner Crisp made a Motion to recommend APPROVAL of the request, subject to the thirteen Conditions recommended by Staff. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.**

**3. Alley Right-Of-Way Abandonments**

*The City Council has final authority for approval of Alley Right-Of-Way Abandonments.*

**A. Alley Right of Way Abandonment (Oak Cliff Metals)**

Public hearing and consideration of a request to approve the following alley right-of-way abandonments: (a) all of the 10-foot-wide alley between Lots 20 – 23 and Lot 31 of the J.P. Holmes' Resubdivision of Blocks A and B, Baze Addition (Volume 1, Page 72, OPRTGCTX), consisting of approximately 1,912 square feet; (b) all of the 10-foot-wide alley between Lots 24-27 and Lot 29 of the J.P. Holmes' Resubdivision of Blocks A and B, Baze Addition (Volume 1, Page 72, OPRTGCTX), consisting of approximately 1,912 square feet; and (c) all of the 20-foot-wide alley between Lots 1-6 and Lot 7 and adjoining Lots 7 – 8 of the Malone Subdivision of the South ½ of Block C, Baze Addition (Volume 63, Page 621, OPRTGCTX), consisting of approximately 7,898 square feet, generally located north of Upton Street, east of North Baze Street, south of Veck Street and west of the Texas-Pacifico Railway line, on 0.27 acres.

David Stallworth, Principal Planner, outlined the case. Mr. Stallworth provided Planning Staff's rationale for recommending approval, which included satisfying Condition number six of a previously-approved Conditional Use, CU14-12, which required that alleyways "currently encroached upon by existing buildings shall be formally abandoned or said buildings relocated outside of these right-of-ways."

**A Motion to approve the proposed public right-of-way (alley) abandonment was made by Commissioner Smith and seconded by Commissioner Stribling. The motion carried unanimously, 6-0.**

**4. Text Amendments**

*City Council has final authority for approval of Text Amendments.*

**A. Zoning Ordinance Text Amendment – Intermodal Containers, Permanent and Temporary**

Discussion and possible action regarding a text amendment to *Chapter 12, Exhibit "A" Zoning Ordinance*, for Intermodal Containers.

Jon James, Planning and Development Services Director, outlined the proposed amendment and explained the steps taken to draft the proposed amendment. Mr. James provided photos of existing intermodal containers that have been placed on properties within the City of San Angelo to offer contrasts on the placement of such containers with respect to zoning districts as well as emphasizing their conspicuousness under current regulations. Mr. James then elaborated on how the proposed amendments would reasonably address different storage container typologies. Mr. James then proceeded with details on the

generalized application of the proposed amendments for permanent storage containers throughout the City.

Commissioner Crisp asked for clarification on land area thresholds for the placement of permanent storage containers in the Ranch and Estate zoning district. After responding to Commissioner Crisp, Mr. James proceeded to provide details on proposed amendments for temporary storage containers, both short-term and construction-related. Upon the conclusion of his presentation, several Commissioners had questions regarding the applicability of the proposed amendments with respect to zoning, land area and effectual date. Commissioner Farmer expressed concerns over penalties imposed on properties currently with containers as a result of the adoption of the amendments. Rebeca Guerra, Planning Manager, explained the current rules governing storage container placement in relation to the proposed amendments. Mr. James followed up with speaking about possible approaches to cataloguing existing properties with storage containers to preserve their rights while trying to reasonably enforce the new regulations. Mr. James concluded with a cursory comparison of regional cities and their handling of the placement of storage containers.

Chairwoman Priess opened the meeting to public comment. Wes Mikeska with Pro-Line Rentals approached the podium, identified himself, and made himself available for any questions. He expressed concerns similar to that of Commissioner Farmer with respect to grandfathering, as well as proposed numerical restrictions on the short-term placement of containers. Commissioner Smith had concerns over container placement and proper permitting with respect to zoning restrictions, to which both Mr. Mikeska and Mr. James offered a response and possible solutions. Commissioner Crisp had concerns over likely fees as a result of the proposed amendments.

Planning Manager Guerra identified at least three areas in the City where containers could be prohibited due to the sensitivity and visibility of these areas: those in historical overlays, those in the River Corridor, and those in the Central Business District (CBD) which have zero-foot setbacks allowing containers to be pushed up to the right-of-way.

Commissioners Crisp, Jackson, Smith and Stribling disagreed. Commissioner Stribling believed applicants with existing, permitted containers should be able to come in on a case-by-case basis to seek permanent placement.

Keith Covey of Eagle Containers approached the podium, identified himself and expressed concerns over enforcement timeframes. He indicated that his main concern was over the standards for commercial

properties and the maximum timeframe of 90 days for temporary short term storage containers in non-residential zoning.

Jon James, Director of Planning and Development Services indicated that applicants could request a 15-day extension.

The Planning Commission requested that an additional 30 days be allowed, up to 120 days for short term storage containers.

Mr. Covey also raised concerned about “grandfathering,” as the new provisions would require containers already permitted to be brought up to higher standards.

Planning Manager Guerra indicated that for applicants with containers already permitted, an option for a Conditional Use will be available, and that there would be no fee for a Conditional Use application.

The Planning Commission unanimously agreed on giving applicants with existing permitted containers one year to come into compliance with the new rules, as well as waiving the fee if they apply for a Conditional Use.

**Commissioner Jackson made a Motion to APPROVE the proposed text amendment, with three modifications: 1) allowing all sites with existing permanent Intermodal Containers up to 365 days from approval of the amendment to come into compliance; 2) applicants with existing permanent Intermodal Containers may apply for a Conditional Use at no cost to extend the approval period beyond 365 days; and 3) that temporary Intermodal Containers in non-residential zoning districts be allowed for periods of 30 consecutive days, up to four times per calendar year. Commissioner Crisp seconded the Motion. The Motion passed unanimously 6-0.**

**B. Zoning Ordinance Text Amendment – Accessory Structures in the Ranch and Estate (R&E) Zoning District**

Discussion and possible action regarding a text amendment to *Chapter 12, Exhibit “A” Zoning Ordinance*, for Accessory Structures

***(Commissioner Jackson left the meeting at 10:25am and did not return).***

Jon James, Director of Planning and Development Services, outlined the proposed text amendment. He indicated that the main issue is how large an accessory building can be in a Ranch and Estate (R&E) Zoning District, and that the current zoning limits an accessory building to 100%

of the principal structure. Mr. James explained how this provision penalizes large lots with smaller homes. The text amendment, he explained, would allow accessory building coverage of up to 5% of the site area when this calculation is greater than 100% of the size of the house. Mr. James indicated that this would allow larger lots to have more buildings and to avoid applicants having to come to the Zoning Board of Adjustment to add buildings on their property.

Mr. James summarized the other changes in the text amendment, including a required 5-foot side yard setback, 10-foot rear yard setback, and requiring the accessory building to be located to the rear of the principal building in the R&E zone.

Commissioner Priess asked if an accessory building could be located to the side of the house, but not behind it.

Mr. James clarified that “behind the house” meant that the accessory structure must be located fully behind the rear line of the house.

There was no public comment.

**Commissioner Stribling made a Motion to APPROVE the proposed text amendment as written. Commissioner Crisp seconded the Motion. The Motion passed unanimously 5-0.**

#### **V. Director’s Report.**

Jon James, Director of the Planning and Development Services Department, reminded the Planning Commissioners of the upcoming 2-day State Planning Conference which will take place from November 2<sup>nd</sup> to 4<sup>th</sup> in San Antonio. He indicated that in order to register, Planning Commissioners needed to notify the Planning Division within the next week as the meeting was fast approaching.

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

Chairperson Priess indicated that the next regular meeting of the Planning Commission was scheduled to begin at 9:00 a.m. on **Monday, November 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 10:30 a.m., and Commissioner Farmer seconded the Motion. The Motion passed unanimously, 5-0.



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Valerie Preiss, Chairperson,  
Planning Commission