

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, DECEMBER 19, 2016, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS

PRESENT: TERI JACKSON (VICE CHAIR), SAMMY FARMER, MARK CRISP, JOE SPANO, TRAVIS STRIBLING

ABSENT: Valerie Priess, Chair

STAFF: Jon James, AICP, Director of Planning and Development Services
Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager
Brandon Dyson, Assistant City Attorney
Al Torres, Building Official
Russell Pehl, City Engineer
Joe Mangrem, Assistant City Engineer
Lance Overstreet, Project Engineer
David Stallworth, Principal Planner
Jeff Fisher, Planner I

I. Call to order.

Acting Chair Teri Jackson 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 Rev. Julian Falcon with Word of Life Assembly of God. The pledge was led by Acting Chair Teri Jackson.

III. Consent Agenda:

- A. Consideration of approving the November 21, 2016, Planning Commission Regular Meeting minutes.
- B. First Replat of Tract 62, Section One, Fuessel Farms Tracts
- C. River Lots 12, 13 and 14, Fort Concho Addition

Items B and C were moved to the Regular Agenda.

A Motion to APPROVE Item A, the November 21, 2016, Planning Commission Minutes was made by Commissioner Farmer. Commissioner Crisp 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. First Replat of Tract 62, Section One, Fuessel Farms Tracts

Public hearing and consideration of a request for approval of the First Replat of Tract 62, Section One, Fuessel Farm Tracts; generally located outside of the San Angelo municipal corporate limits and within the City's Extra-territorial Jurisdiction (ETJ) at the intersection of Herbert Road and Lorine Lane, on 12.73 acres.

David Stallworth, Principal Planner, outlined the proposed replat request.

Acting Chair Teri Jackson opened the meeting for public comment.

Herb Hooker with SKG Engineering, the applicant's representative, indicated that he is available for comment.

David Ramirez, a resident of Tract 61, stated that he did not understand how Tract 62 could subdivide when there were covenants and restrictions which indicated that such subdividing was not allowed.

Acting Chair Jackson asked Staff if there were deed restrictions for the property. Mr. Stallworth answered that there were deed restrictions.

Commissioner Stribling asked if Staff was recommending approval. Mr. Stallworth responded that Staff was recommending approval because the proposed replat complied with the stipulations outlined in the Subdivision Ordinance.

Commissioner Smith indicated he would support the request if it met City guidelines. Commissioner Crisp stated that those opposed to the replat being approved based on deed restrictions could take private legal recourse.

Commissioner Smith made a Motion to APPROVE the proposed Replat, subject to the one condition outlined in the Staff Report. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

B. River Lots 12, 13 and 14, Fort Concho Addition

Public hearing and consideration of a request for approval of the First Replat in River Lots 12, 13 and 14, Fort Concho Addition; generally located on the northwest side of Rio Concho Drive approximately 775 feet east of the intersection of Rio Concho Drive and South Magdalen Street, on 2.216 acres.

Jon James, Director of Planning and Development Services, outlined the proposed replat request. He explained that there was an existing sidewalk along the park trail behind the proposed Replat. He also indicated there was existing crushed granite and footpaths along Rio Concho Drive. Mr. James outlined Staff's recommendation for approval, subject to the two conditions of approval outlined in the Staff Report, which include the installation of a sidewalk along the right-of-way of Rio Concho Drive.

Commissioner Stribling asked if the sidewalk was going through just the unimproved section or the parking lot also. Mr. James responded that the sidewalk ran across the entire site, but that the City's Engineering Services Division could determine other options if they deemed them appropriate.

Herb Hooker with SKG Engineering, the applicant's representative, indicated that this sidewalk request was not a condition of the Subdivision Ordinance as it pertains to road width. He stated that he was not in support of installing a sidewalk across the existing parking area.

James Campbell, the applicant and owner of the Robert Massey Funeral Home, spoke and indicated that joggers and walkers have already been using the existing sidewalk behind the property for over 20 years.

Mr. Hooker stated that his client would agree to install to a sidewalk in front of his property, but only if the City would continue a sidewalk from the west end of his property to the sidewalk at the bridge, closing this gap. Mr. Hooker also indicated he would prefer a crushed granite sidewalk instead of concrete.

Lance Overstreet, Stormwater Engineer, indicated that the City did not receive grant funding for sidewalks for this area, only for multi-use trails, and that the latter was not an option given a deficient right-of-way available. He stated that a granite chat trail would not be suitable either given the road meandering and raised pavers which can create tripping hazards. Overall, Mr. Overstreet indicated that while his Division was not opposed to a chat trail, he believed there simply was insufficient room to meet the 14-foot width required for one to be installed.

Commissioner Jackson asked if the City had looked at installing sidewalks with other monies in this location. Mr. Overstreet responded that the adjacent bridge was not wide enough, but that the City was looking into improvements in future.

Commissioner Spano asked if the applicant was responsible for the entire length of the sidewalk, including the City-owned property to the bridge. Mr. James clarified that the applicant was only responsible for sidewalk installation in front of his property.

Commissioner Spano then asked if this was the case, then the applicant could build the required sidewalk, leaving a gap to the bridge. Mr. James answered that while this was correct, it is a common development occurrence that the first sidewalk to be built in an area may not have connectivity.

Commissioner Spano asked about the timeframe for a City sidewalk to be constructed. Mr. James responded that while there was no specific timeframe, the City considers prioritizing areas where short gaps exist.

Commissioner Farmer asked if the Commission could make the requirement for a sidewalk contingent on constructing only after the City constructs its portion first.

Russell Gully with SKG Engineering indicated that he was aware of a mechanism where an applicant could put monies into a fund for future sidewalks. Mr. James clarified that a financial guarantee was an option, and that the monies would go into a fund for up to seven years. If the monies are not used by the City after those seven years, the monies would go back to the applicant.

Mr. Campbell indicated that he understood the situation and was willing to work with the City, but didn't want there to be a gap in the sidewalk.

Council Member Harry Thomas stated that there were no funds available at this time for such construction, and may be a year or more away. He acknowledged that many residents walk along the footpaths along the Rio Concho Drive right-of-way.

Joe Mangrem, City Engineer, stated that there were three options available to the applicant: they could build the improvements before the plat was recorded; they could provide funds to the City via a letter of credit; or they could defer improvements and give the City monies to place into a 7-year fund. He also indicated that the parking may need to be restriped if a future sidewalk was proposed along the portions of the right-of-way where the existing parking encroached.

Mr. Campbell indicated he did not want to put money into a fund and restated his position that he wanted the City to install a sidewalk first on its property. Mr. Hooker stated that he desired the option to provide a sidewalk or give a financial guarantee.

Commissioner Stribling made a Motion to APPROVE the Replat, modifying the first sentence of Condition 2 to read: “The applicant shall have the option to submit a financial guarantee to ensure completion of a sidewalk along the right-of-way for Rio Concho Drive, except for the portions adjacent to the parking area.” Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.

C. Preliminary Plat, Hoelscher Farm Estates

Public hearing and consideration of a request for approval of a Preliminary Plat, Hoelscher Farms; generally located south of the intersection of Country Club Road and Hilton Head Boulevard in the City of San Angelo’s Extraterritorial Jurisdiction (ETJ), on 103.288 acres.

Planner Jeff Fisher outlined the case for the proposed preliminary plat for single family dwelling lots. The property is located within the City of San Angelo’s Extraterritorial Jurisdiction (ETJ). Mr. Fisher explained that while the applicant had the required 60-foot right-of-way, the existing road width was deficient and there was a 3.41-acre tract that was not part of the plat which would separate the plat into two parts, leaving a deficient road width and an irregular jog in the road. Mr. Fisher summarized Planning Staff’s position recommending denial based on the irregular jog that would be created, which is inconsistent with the City’s Comprehensive Plan and Intent of Purpose Statements in the Subdivision Ordinance.

Russell Gully with SKG Engineering, the applicant’s representative, indicated that the City had built Country Club Road with a deficient road width. He discussed another plat off of Twin Mountain Drive which had a greater road differential than this proposal. He indicated that the developer was not willing to annex the property into the City.

Acting Chair Teri Jackson asked if the applicant was willing to move the future Collector Street over to align with one of the proposed streets shown on the plat. Mr. Gully agreed that he would move the future Collector Street to line up with the street shown as “Hilton Head Boulevard” on the plat.

Jon James, Director of Planning and Development Services, indicated that that the Collector Street realignment was only a Condition of Approval if Planning Commission to approve the plat, but was not a reason for Staff’s recommendation of denial.

Commissioner Smith asked what would be the consequences if the City built a road in a manner which was less than required. Mr. James answered that it was not uncommon for a city to only build a street with the minimum width for public safety, with the expectation that the remaining portion would be built by adjacent property owners as they develop.

Commissioner Smith expressed concerns about public safety with an existing deficient road width. Mr. Gully responded that this was only a preliminary plat and that the applicant would be back with a final plat in future which could address the street issue. Mr. James clarified this statement by indicating that once a preliminary plat was approved, a final plat would only have to conform to the preliminary plat.

Commissioner Stribling asked what the City's position was if two plats were approved, one west of the missing property, and one east of the missing property. Mr. James answered that because the subject property was under one ownership, the City now had the opportunity to prevent this problem.

Joe Mangrem, Assistant City Engineer, indicated that he understood the applicant would be responsible for developing the full ten additional feet of Country Club Road because the north side of the street was already developed. Mr. Gully clarified that the plat could have been done in separate pieces and the same problem would exist.

Commissioner Crisp indicated that he was in favor of the application as submitted and believes this was not the same situation as the Twin Mountain plat example stated earlier.

Steve Hoelscher, the property owner, indicated that the 3.41-acre tract excluded from the plat was owned by his brother and being farmed and would likely stay that way for the foreseeable future. He also believed that if the street was widened in front of this tract, there would be accidents.

Commissioner Crisp made a Motion to APPROVE the Preliminary Plat, eliminating Condition 1 as outlined in the Staff Report, and modifying Condition 2 to read "The applicant shall submit a revised Preliminary Plat which delineates the future minor Collector Street as part of the plat, providing the required right-of-way width of 60 feet. The applicant may use one of the streets shown on their original plat submission for this Collector Street." Commissioner Farmer 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. VP16-03: Holveck

VP16-03 and PD16-08 were presented and heard concurrently.

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 certain lands from the Neighborhood Future Land Use Category to the Neighborhood Center Future Land Use Category, on the property generally located along the north side of West Loop 306 Frontage Road, between Brook Hollow Lane and Southwest Boulevard, and being 0.5510 acres out of Block 103, College Hills Addition.

At the request of City Staff, the Planning Commission also heard associated case number PD16-08 (Holveck), a request for approval of a Rezoning from the Office Commercial (CO) Zoning District to the Planned Development (PD) for uses permitted in the Office Commercial (CO) Zoning District, a Contractor's Office with Indoor Storage, and the provision of a Master Sign Plan to include a billboard, on the property generally located along the north side of West Loop 306 Frontage Road, between Brook Hollow Lane and Southwest Boulevard, and being 0.5510 acres out of Block 103, College Hills Addition.

David Stallworth, Principal Planner, provided a brief synopsis of both cases. Mr. Stallworth indicated the location of the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with recommendations of approval for both cases, along with the bases for each recommendation.

Barring further input from City Staff, Vice Chairperson Jackson opened the public hearing. Mr. Russell Gully, of SKG Engineering, the Petitioner's authorized representative, approached the podium, identified himself, and made himself available to the Commission for questions. Without any further public comment, Vice Chairperson Jackson then closed the public hearing and entertained further discussion and Motions.

Commissioner Smith made a Motion to recommend APPROVAL of an amendment to the City of San Angelo Comprehensive Plan (a.k.a. Vision Plan), changing certain lands from the Neighborhood Future Land Use Category to the Neighborhood Center Future Land Use Category. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Smith made a Motion to recommend APPROVAL of a request for approval of a Rezoning from the Office Commercial (CO) Zoning District to the Planned Development (PD) for uses permitted in the Office Commercial (CO) Zoning District, a Contractor's Office with Indoor Storage, and the provision of a Master Sign Plan to include a billboard, subject to the Conditions outlined in the staff report. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

3. Rezoning

City Council has final authority for approval of Rezoning.

A. Z16-09: 1225 Knickerbocker, LLC

Z16-09 and CU16-09 were heard concurrently as they pertain to the same request.

Jeff Fisher, Planner, outlined the proposed requests for a Rezoning to the General Commercial (CG) Zoning District and for a Conditional Use to facilitate the development of a new Bush's Chicken restaurant on the property. The proposed Bush's Chicken would be located on Lot 2 with Lot 3 remaining vacant for future separate development. Mr. Fisher explained how this area south of Knickerbocker Road went through various zone changes to allow commercial development. He also indicated that this specific property received three previous Conditional use approvals for retail uses, but which expired due to inactivity. He outlined Staff's recommendation to approve the proposed Rezoning and Conditional Use on the grounds that both applications were consistent with the "Commercial" designation in the City's Comprehensive Plan, were compatible with the surrounding commercial development, and complied with all CG District zoning standards. Mr. Fisher displayed a draft Site Plan provided by the applicant which delineated the proposed Bush's Chicken building and parking area, which were in compliance with the Zoning Ordinance.

Commissioner Stribling made a Motion to recommend APPROVAL of the Rezoning request as presented. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Stribling made a Motion to APPROVE the Conditional Use request as presented, subject to the seven conditions of approval in the Staff Report. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.

B. PD16-08: Holveck

Public hearing and consideration of a request for approval of a Rezoning from the Office Commercial (CO) Zoning District to the Planned Development (PD) Zoning District for uses permitted in the Office Commercial (CO) Zoning District, a Contractor's Office with Indoor Storage, and the provision of a Master Sign Plan to include a billboard, generally located along the north side of West Loop 306 Frontage Road, between Brook Hollow Lane and Southwest Boulevard, on 0.5510 acres.

See minutes for VP16-03, above.

C. PD16-09: Rancho Sunset Plaza, LP

Public hearing and consideration of a request for approval of a Rezoning from the Planned Development (PD97-03) Zoning District to a new Planned Development (PD) Zoning District to allow for all of the permitted uses in the General Commercial (CG) Zoning District, generally located approximately 700 feet southwest of the intersection of Sunset Drive and West Loop 306, on 8.4207 acres.

Jeff Fisher, Planner, outlined the proposed request for a Planned Development Rezoning to allow additional retail commercial buildings totaling 12,000 square feet on the subject property which was the home to Bed, Bath, and Beyond and other various retail uses. He explained that the Office Max tenant which was part of the original Planned Development was not part of this request, and thus, would be subject to the original PD97-03 stipulations.

Mr. Fisher outlined Staff's recommendation to approve the Planned Development subject to the four conditions outlined in the Staff Report based on the proposal being compatible with the Commercial designation in the Comprehensive Plan, providing adequate parking, and being compatible with the existing retail development on the property and in the surrounding area.

Acting Chair Teri Jackson opened the meeting for public comment.

Russell Gully with SKG Engineering, the applicant's representative, requested that Condition #4 requiring an Urban Design Review (UDR) be removed as the Zoning Ordinance already outlined when a UDR is required.

Commissioner Farmer made a Motion to recommend APPROVAL of the Rezoning request, removing Condition #4. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

4. Conditional Uses

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

A. CU16-09: 1225 Knickerbocker, LLC

Public hearing and consideration of a request for approval of a Rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District, generally located approximately 550 feet northeast of the intersection of Knickerbocker Road and University Avenue, on 1.232 acres.

See minutes for Z16-09, above.

a. Expansion of Non-Conforming Uses

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

A. NCU16-05: Baptist Memorial Ministries

Public hearing and consideration of a request for approval of an Expansion of a Non-Conforming Use for Group Living, as defined in Section 609 of the Zoning Ordinance, in the Low Rise Multi-Family Residence (RM-1) and Office Commercial (CO) Zoning Districts to allow for the following new construction: "New Greenhouse West," a 8,297-square building, and "New Greenhouse East," a 9,498-square foot building, generally located on a block south of East 10th Street, east of Akin Street, west of Holcomb Street, and north of the East Houston Harte Expressway, on 4.108 acres.

Rebeca Guerra, Planning Manager, outlined the proposed request for an Expansion of a Non-Conforming Use for Group Living. Ms. Guerra explained that the current RM-1 zoning did not allow for group living. She indicated that the applicant was seeking this approval for two buildings to accommodate their short term needs, and that for any future expansions, they would submit a Planned Development Rezoning application.

Ms. Guerra outlined Staff's recommendation to approve the Expansion of a Non-Conforming Use subject to the three conditions outlined in the Staff Report based on the existing campus for seniors living having been in operation since 2000, that skilled nursing facilities were already in this location, and thus, compatible with the surrounding area, and that there was a community need for more seniors housing and care needs.

Acting Chair Teri Jackson opened the meeting for public comment.

Russell Gully with SKG Engineering, the applicant's representative, indicated that the Sagecrest Campus was a continuing work in progress, and asked for confirmation that Conditions 2 and 3 regarding future expansion would not pertain to this application. Ms. Guerra confirmed that the future expansion requirements were only for additional phasing and not for the two new buildings that were part of this request.

Rebecca Gray, a nearby resident asked if there would be any expansions onto adjacent properties based on the public notice that was mailed to her. Ms. Guerra clarified that the public notice map showed a 200-foot radius for notification purposes, but that only the subject property was part of the proposed development.

Ms. Gray asked whether the proposed development would be a multi-living facility. Ms. Guerra explained that the proposal was only for an expansion to the existing senior assisted-living facility on the property.

Mr. Patrick Tomez a nearby resident stated that the developer had been a good neighbor and that she had no objects to the proposed development.

Commissioner Crisp made a Motion to APPROVE the Expansion of a Non-Conforming Use as presented, subject to the three conditions outlined in the Staff Report. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 6-0.

V. Director's Report.

Mr. Jon James, Director of Planning and Development Services, indicated that Planning Staff was continuing to research potential ordinance changes pertaining to new setbacks for bars from places of worship. He stated that this item would be brought back to the Planning Commission for review in the future. Mr. James also indicated that there would be an update in future on changes to the City's Sign Ordinance consistent with a recent U.S. Supreme Court decision. Finally, he explained that City Council recently approved the First Reading of a new Short Term Rental Ordinance and approved, with some changes, an Ordinance amending the use of intermodal shipping containers.

VI. Future meeting agenda and announcements.

Acting Chair Jackson indicated that the next regular meeting of the Planning Commission was scheduled to begin at 9:00 a.m. on **Monday, January 23, 2017**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

VII. Adjournment.

Acting Chair Jackson made a Motion to adjourn at 11:08 a.m., and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.



Valerie Preiss, Chair,
Planning Commission