

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, JANUARY 23, 2017, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS**

**PRESENT:** VALERIE PRIESS (CHAIR), TERI JACKSON (VICE CHAIR), RYAN SMITH, SAMMY FARMER, MARK CRISP, JOE SPANO, TRAVIS STRIBLING

**ABSENT:** N/A

**STAFF:** Jon James, AICP, Director of Planning and Development Services  
Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager  
Brandon Dyson, Assistant City Attorney  
Jack Downey, Senior Plans Examiner  
Lance Overstreet, Project Engineer  
David Stallworth, AICP, Principal Planner  
Jeff Fisher, Planner

**I. Call to order.**

Chairperson Valerie Preiss 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 Commissioner Farmer. The pledge was led by Chairperson Valerie Priess.

**III. Consent Agenda:**

- A. Consideration of approving the December 19, 2016, Planning Commission Regular Meeting minutes.

**A Motion to APPROVE the December 19, 2016, Planning Commission Minutes was made by Commissioner Smith. Commissioner Jackson seconded the Motion. 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. Second Replat of Tract 213, Red Creek Subdivision**

Public hearing and consideration of a request for approval of the Second Replat in Tract 213, Red Creek Subdivision, and requests for Variances from the following Sections of the Land Development and Subdivision Ordinance: (a) a Variance from Section 9.III.A.5 requiring the dedication of five feet of right-of-way to meet the requirements of a rural Local Road, Landers Road; (b) a Variance from Section 9.V requiring the installation of sidewalks along Landers Road, a roadway containing pavement that is less than thirty-six feet in width; (c) a Variance to Section 9.III.C.2, which prohibits dead-end roadways (Landers Road) from exceeding 750 linear feet in length; (d) a Variance from Section 9.III.C.2 to allow for more than forty lots or tracts to have exclusive frontage along a dead-end road (Landers Road); and (e) a Variance from Section 10.III.A.2 requiring the improvement of Landers Road by five feet in order to meet minimum pavement widths for a rural Local Road; on property generally located outside of the San Angelo municipal corporate limits and within the City's Extra-territorial Jurisdiction (ETJ) along the north side of Landers Road, approximately 2,440 feet east of Swain Road; on 2.753 acres.

David Stallworth, Principal Planner, provided a brief synopsis of this case. 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 a recommendation of denial, along with his basis for the recommendation.

Chairperson Preiss opened the meeting for public comment. Herb Hooker with SKG Engineering, the applicant's representative, indicated that he was available for comment. He did not contest the findings of Staff, acknowledged the basis for the recommendation of denial, and expressed a desire to work with Staff toward a resolution. Barring any further public input, Chairperson Preiss closed the public hearing and entertained further discussion and Motions.

**Commissioner Smith made a Motion to DENY the proposed Replat, on the basis that the proposed replat does not comply with Sections 9.III.C.2 and 1.IV.A. of the City's Land Development and Subdivision Ordinance. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 7-0.**

**B. Final Plat, Bridlewood Estates, Section One**

Public hearing and consideration of a request for approval of the Final Plat of Bridlewood Estates, Section One and requests for Variances from the following Sections of the Land Development and Subdivision Ordinance: (a)

a Variance from Section 9.III.A.5.a.3 requiring the installation of an appropriate concrete gutter along the abutting length of both Fairview and Fairview School Roads; (b) a Variance from Section 9.V requiring the installation of sidewalks along Fairview and Fairview School Roads, both roadways containing pavement that are less than thirty-six feet in width; and (c) a Variance from Section 10.III.A requiring the improvement of both Fairview and Fairview School Roads by half the additional increments necessary to comprise minimum pavement widths of 30 feet; on property generally located outside of the San Angelo municipal corporate limits and within the City's Extra-territorial Jurisdiction (ETJ) at the southwest corner of Fairview and Fairview School Roads; on approximately 26.728 acres.

David Stallworth, Principal Planner, provided a brief synopsis of this case. 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 a recommendation of approval of the plat, approval of the requests for Variances to Sections 9.III.A.5.a.3 and 9.V, and denial of the request for Variance to Section 10.III.A, subject to six Conditions of Approval, along with his basis for the recommendation.

Chairperson Preiss opened the meeting for public comment. Herb Hooker with SKG Engineering, the applicant's representative, indicated that he was available for comment. He clarified one of the Variance requests as being relative to construction methods and not pavement widening, as indicated in the staff report. Mr. Hooker indicated that both Fairview and Fairview School Roads are County-maintained roads and that, following discussions with both the County Commissioners' Court and City Road and Bridge Maintenance, the County would prefer to maintain these roadways with County-specified surface treatment with no objection to sub-grade treatments being constructed to City specifications. Rebeca Guerra, Planning Manager, clarified the scope of power that the Commission has over variances from roadway construction and indicated that Mr. Stallworth would modify one of the Conditions of Approval to allow for future roadway construction to be subject to City Engineering review and approval. Commissioner Spano expressed concerns over the request for Variance from sidewalk construction. Mr. Stallworth clarified the changes to Condition number three to reflect the previous discussion regarding roadway construction standards, as follows:

"Prepare and submit plans for required improvements to streets (adjacent segments of Fairview and Fairview School Roads) by half the additional increment necessary to comprise the minimum paving widths, consistent with Land Development and Subdivision Ordinance, Chapter 10.

- For Fairview Road, the minimum width is 30 feet (in this case, requiring four additional feet).

- For Fairview School Road, the minimum width is 30 feet (in this case, requiring four additional feet).

Alternatively, the Petitioner may either submit a financial guarantee ensuring the completion of these improvements within an 18 month period, per Land Development and Subdivision Ordinance, Chapter 6 or obtain approval of a Variance from the Planning Commission, consistent with Land Development and Subdivision Ordinance, Chapter 1.IV. The Petitioner may construct necessary roadway surface treatments in accordance with Tom Green County specifications, with substructure in accordance with City standards, upon review and approval by the City Engineer.”

Staff further clarified that in light of this change to Condition number three, the Commission could instead approve the Variance to Section 10.III.A. Barring any further public input, Chairperson Preiss closed the public hearing and entertained further discussion and Motions.

**Commissioner Crisp made a Motion (as clarified by Ms. Guerra) to APPROVE the Final Plat, with Condition number three as modified by Staff, along with APPROVAL of all Variances as requested. Commissioner Farmer seconded the Motion. The Motion passed, 4-3 (with Commissioners Stribling, Smith, and Spano dissenting).**

#### **C. Final Plat, Stone Key Estates, Section 1-D**

Public hearing and consideration of a request for approval of the Final Plat of Stone Key Estates, Section One-D, and requests for Variances from the following Sections of the Land Development and Subdivision Ordinance: (a) a Variance from Section 9.III.A.5 requiring the dedication of five feet of public road right-of-way along Reece Road to meet the minimum right-of-way requirements of a rural Local Road; (b) a Variance from Section 9.V requiring the installation of sidewalks along Reece Road, a roadway containing pavement that is less than thirty-six feet in width; (c) a Variance from Section 9.II.B to allow a residential block length in excess of 2200 linear feet along Reece Road; (d) a Variance from Section 9.III.C.2, which prohibits a dead-end roadway, Reece Road, from exceeding 750 linear feet in length; (e) a Variance from Section 10.III.A.2 which requires the improvement of Reece Road by half the additional increments necessary to comprise a minimum pavement width of 30 feet; and (f) a Variance from Section 9.III.C.1, which requires an appropriate vehicular turnaround along a dead-end roadway, Reece Road; on property generally located outside of the San Angelo municipal corporate limits and within the City’s Extra-territorial Jurisdiction (ETJ) along the south side of Reece Road, approximately 2,127 feet west of Stone Bluff Lane; on approximately 3.099 acres.

David Stallworth, Principal Planner, provided a brief synopsis of this case. 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 a recommendation of denial based on the final plat not being in conformity with the governing preliminary plat. Mr. Stallworth outlined the reasons for non-conformity including that the plat increases the lot yield on a dead-end road, create a block longer than 2,200 feet in length, and does not address changes in street patterns.

Chairperson Preiss opened the meeting for public comment.

Herb Hooker with SKG Engineering, the applicant's representative, indicated that he was available for comment. He explained that the preliminary plat was adopted by the County, and that one of the landowners, Mr. Henke, who owns land south of the plat, did not want a road to be installed in between the three lots, but rather, he wanted it to the west of the three new lots. Mr. Hooker indicated that based on the current lot configuration, any revised final plat could not conform to the preliminary plat because of the proposed lot configuration.

Commissioner Farmer asked if Mr. Henke was selling his land with the contingency on having a partial subdivision platted on it. Mr. Hooker indicated that this should not be required as the proposed final plat does not include Mr. Henke's land. He indicated that 86 other lots shown on the preliminary plat would not be developed at this time because Dr. Henke does not want to develop them.

Chairperson Priess asked if he would have to negate the proposed plat and start over. Jon James, Director of Planning and Development Services, answered that this was correct. He indicated that without vacating the preliminary plat, it would stay in effect and that the final plat must conform. Mr. James further clarified that he did not believe the Planning Commissioners could approve a final plat that was not consistent with a preliminary plat.

Rebeca Guerra, Planning Manager, indicated that Staff believed that the plat did not generally conform to the preliminary plat, but that the Commissioners could approve the plat if they believed it did conform.

Commissioner Smith believed that the elimination of 86 lots from a preliminary plat is a huge change.

Commissioner Farmer asked if a revised preliminary plat was already approved in the Paulann Neighborhood.

Ms. Guerra indicated that this was correct, that the Planning Commission had denied a final plat, and the applicant brought back a revised preliminary plat and final plat.

Russell Gully also with SKG Engineering explained that the Paulann Park plat ended up being successful but there was a delay. He was hoping this plat could move forward without delay.

Commissioner Spano stated that he did not see anything wrong with the final product and wanted to find the fastest way to assist the customer.

Commissioner Stribling indicated that inconsistency was a problem between the preliminary plat and proposed final plat. He believed that the subdivision process is in place for a reason and that the developer knew the process when they submitted their application.

Commissioner Farmer indicated that she believed the applicant only wanted to move the road by a few feet.

Vice Chairperson Jackson stated that she had no problem with the road being relocated outside of the preliminary plat's parameters.

**Vice Chairperson Jackson made a Motion to APPROVE the Final Plat as it generally conformed to the governing preliminary plat with no variances as they were no longer necessary. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 7-0.**

## **2. Rezoning**

*City Council has final authority for approval of Rezoning.*

### **A. Amendment to PD15-04: Shannon Medical**

Jeff Fisher, Planner, outlined the request for a proposed Amendment to a Planned Development (PD15-04) Zoning District to include four new properties and to allow for a Master Sign Plan. Mr. Fisher displayed photos of the existing signage at the Downtown Shannon Medical Campus, and the proposed locations of the new signs which will include three new freestanding monument signs, as well as building and parking identification signs and directional "wayfinding" signs. He then outlined the proposed changes to the Planned Development Ordinance, which include increasing the maximum sign area for each structure from 75 square feet to 220 square feet; increasing the maximum sign area per linear street frontage from 1.5 square feet to 2.0 square feet; increase the sign height from 3 feet to 20 feet within 10 feet of any right-of-way pavement edge; reducing the sight triangles to 15 feet by 15 feet measured from back of curb; and prohibiting signage in

the future City right-of-way at the southwest corner of North Main Street and East Harris Avenue.

Mr. Fisher outlined Staff's recommendation to approve the Amendment to the Planned Development subject to the five conditions outlined in the Staff Report. He outlined Planning Staff's rationale for approval which included that the amendment was consistent with the Downtown designation in the City's Comprehensive Plan; that the amendment will comply with all zoning provisions; that the proposal is consistent with the commercial and institutional nature of downtown; that the additional properties are needed to provide parking and new signage; and that the Ordinance amendment will ensure adequate setbacks for new signage. Mr. Fisher clarified for the Planning Commission and the applicant that a minor change to what was approved, for example, increasing the number of signs, may be done administratively at the discretion of the Director of Planning and Development Services.

Commissioner Spano asked staff to clarify the proposed ordinance change to allow for certain signage to have a height of 20 feet in lieu of 3 feet.

Mr. Fisher clarified that this provision would apply to sign heights at the property line. He explained that this was added because many of Shannon's properties have an additional 10 feet of public right-of-way which act as a buffer between the signs and the street. Therefore, he explained, a greater sign height at the property line was warranted to allow better visibility from the street. He explained that signs exceeding three feet in height would still be prohibited within the 15-foot by 15-foot sight triangles.

Commissioner Jackson asked if the new signs also had to have an additional approval because they will be located in the River Corridor.

Mr. Fisher answered that some of the signs, mainly to the west, will be within the River Corridor and will require River Corridor Approval, but that the remaining signs to the east would not.

Planning Manager Rebeca Guerra explained to the Planning Commission that the proposed Master Sign Plan, as part of this Planned Development (PD), provided the locations of all future signs.

Chairperson Valerie Priess opened the meeting for public comment.

Russell Gully with SKG Engineering, the applicant's representative, thanked staff for working with himself and his client during this process. He requested that Condition #3 requiring an Urban Design Review (UDR) be removed as the Zoning Ordinance already outlined when a UDR was required. He also indicated that Shannon had already agreed to install a sidewalk along East

Harris Avenue and North Main Street, and thus, should not be made as a requirement of approval. He also asked to revise Condition #4 to apply only to proposed encroaching signs, as the current encroaching signs will be removed.

Ms. Guerra explained that Staff had requested a sidewalk since the beginning when staff reviewed the site plan, and that Shannon Medical had agreed in previous meetings to install a sidewalk. She explained that this requirement in the PD Ordinance ensures that a sidewalk will be installed in future and was important as this was meant to be a unified campus development in downtown San Angelo.

Mr. Gully indicated that he did not believe a sidewalk was required through an Urban Design Review.

Ms. Guerra clarified that this condition would only apply when new construction took place, and the condition could be amended to remove signage since signage is already being incorporated into the PD Ordinance.

Dale Droll with Shannon Medical, the applicant, indicated that Shannon was planning to construct sidewalks along the new properties, but was concerned about requirements for having to install additional sidewalks. Mr. Droll also expressed concerns about requiring an Urban Design Review for any new construction when the Zoning Ordinance only requires one for new construction over 25,000 square feet.

Ms. Guerra clarified that the condition for a new Urban Design Review would only be for new construction.

Chairperson Priess asked Planning Staff to clarify if the purpose of the Urban Design Review for any new construction was because this was a unified campus development. Ms. Guerra confirmed this was correct.

**Commissioner Smith made a Motion to recommend APPROVAL of the proposed Planned Development Rezoning Amendment request, subject to the five conditions as outlined in the Staff Report, modifying Condition #3 to remove "signage" from any future Urban Design Review for new construction. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 7-0.**

### **3. Conditional Uses**

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



**A. CU16-10: Torres**

Public hearing and consideration of a request for approval of a Conditional Use to allow for an Industrial Service use (Lawn and Landscape Care and Maintenance) in the General Commercial/Heavy Commercial (CG/CH) Zoning District, as outlined in Sections 316 and 415 of the Zoning Ordinance; on property generally located along the northwest side of East 19<sup>th</sup> Street, between North Oakes and Pecan Streets; on approximately 0.723 acres.

David Stallworth, Principal Planner, provided a brief synopsis of this case. 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 a recommendation of approval of the request, subject to five Conditions of Approval, along with his basis for the recommendation.

Chairperson Preiss opened the public hearing. Dwayne Morrison, the property owner, approached the podium and requested that the Conditions be read into the record. Mr. Stallworth read the six Conditions into the record. Chairperson Preiss acknowledged that Mr. Morrison expressed his approval of the Conditions from the audience. Barring any further public input, Chairperson Preiss closed the public hearing and entertained further discussion and Motions.

**Commissioner Smith made a Motion to APPROVE the Conditional Use request as presented, subject to the five conditions of approval in the Staff Report. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 7-0.**

**B. CU16-11: Concho Valley Turning Point**

Public hearing and consideration of a request for the renewal of an expired Conditional Use to allow "Community Services," as defined in Section 314.B of the Zoning Ordinance, in the Low Rise Multifamily Residence District (RM-1) to expand into an existing 1,200-square foot building; on property generally located approximately 100 feet west of the intersection of East Highland Boulevard and Powell Street; on approximately 0.361 acres.

Jeff Fisher, Planner, outlined the request for the renewal of an expired conditional use on the property. He indicated that the renewal would allow the applicant to utilize the rear storage building for their Community Service use. He explained that the previous approval expired because the applicant was unable to obtain a change of occupancy permit within 12 months of the approval date, as required by the Zoning Ordinance. Mr. Fisher indicated that the applicant has fulfilled all conditions of the previous approval including

installing the required parking spaces and privacy fence, and have now applied for a change of occupancy permit.

Mr. Fisher outlined Planning Staff's rationale for approval including that the privacy fencing has been installed minimizing any negative impacts on the surrounding area; that the development complies with all zoning and parking standards; and that the applicant has been providing the same faith-based community services in the City since 1994.

Maria Mejia, representing the applicant, indicated that her organization now had grant money and were able to proceed with the change of occupancy permit.

**Commissioner Stribling made a Motion to APPROVE the Conditional Use request as presented, subject to the five conditions of approval in the Staff Report. Commissioner Smith seconded the Motion. The Motion passed unanimously, 7-0.**

#### **C. CU16-12: Star Towers, LLC**

Public hearing and consideration of a request for approval of a Conditional Use to allow for a Telecommunication Facility in the General Commercial (CG) Zoning District, as outlined in Section 310 of the Zoning Ordinance; generally located along the south side of Macann Street, between South Bell and Fulton Streets; on approximately 0.7439 acres.

David Stallworth, Principal Planner, provided a brief synopsis of this case. 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 a recommendation of approval of the request, subject to three Conditions of Approval, along with his basis for the recommendation. Mr. Stallworth indicated that 18 notices were mailed out, and that one letter in opposition, along with a petition consisting of eight signatures, was received by Staff following the publication of the staff report. Mr. Stallworth furnished the Commission with the opposition letter, petition and a written response to the opposition letter and petition from Alec Broadus of Star Towers, LLC, and concluded the presentation.

Commissioner Crisp requested clarification on the prospective location of the proposed cell tower. Mr. Stallworth indicated that the tower would be located at the southwest corner of the property. Chairperson Preiss opened the public hearing. Alec Broadus, Petitioner, approached the podium and made himself available for questions, as well as responded to opponents' concerns over property valuations and safety impacts due to electromagnetic emissions. Mr. Broadus indicated that the proposed pole would be a

monopole. Justin Segura, opponent, approached the podium and explained the basis for his opposition to the request. Among the concerns expressed were the tower's proximity to existing residential property, impact on property values and perceived health and safety issues.

Jon James, Director of Planning and Development Services, pointed out to the Commission the limits of its regulatory authority, citing Federal statutes on telecommunications facilities with respect to environmental matters. Belinda Esparza, opponent, approached the podium and expressed concerns over the notification process; Mr. Stallworth clarified the specifics of the notification process as well as the number of notices mailed out for the application. Ms. Esparza once again approached the podium and expressed concerns about the tower's appearance, its prospective location, and its potential impact on property values. Staff provide both the Commission and the opponents with an image of a likely monopole. Mr. Segura again approached the podium and voiced his opposition to the prospective location of the tower. Barring any further public input, Chairperson Preiss closed the public hearing and entertained further discussion and Motions. Mr. Stallworth approached the podium and suggested the addition of a fourth Condition that would limit tower construction to a slim-line monopole facility only; the Petitioner agreed to this added Condition.

**Commissioner Smith made a Motion to APPROVE the Conditional Use request as presented, subject to the three conditions of approval in the Staff Report and Condition number four as added during the meeting. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 7-0.**

#### **V. Director's Report.**

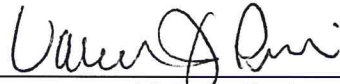
Mr. Jon James, Director of Planning and Development Services, indicated that City Council recently passed an ordinance for Short-Term Rentals that requires a Conditional Use. He also mentioned that Planning Staff were continuing to research ordinance changes for new setbacks for bars from places of worship, as well as examining ordinance changes for how schools are zoned. Mr. James also mentioned bringing forward possible changes to our subdivision ordinance, including provisions for where sidewalks should be required. Mr. James concluded by indicating that the recent zone change for a BBQ pit was approved but that the food truck has been moved from the property.

**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, February 20, 2017**, 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 10:57 a.m., and Vice Chairperson Jackson seconded the Motion. The Motion passed unanimously, 7-0.



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Valerie Preiss, Chair,  
Planning Commission