

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, JUNE 19, 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), SAMMY FARMER, MARK CRISP, TRAVIS STRIBLING, JOE SPANO

**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  
Charlie Kemp, Deputy Building Official  
Lance Overstreet, Assistant City Engineer  
Jeff Fisher, Senior Planner  
Kristina Heredia, Planner

**I. Call to order.**

Chairperson Valerie Preiss called the meeting to order at 9:00 a.m. and established that a quorum of six was present.

**II. Prayer and Pledge.**

The prayer was delivered by Ms. Karen McGinnis, Unitarian Universalist. The pledge was led by Commissioner Stribling.

**III. Consent Agenda:**

- A. Consideration of approving the May 15, 2017 Planning Commission Regular Meeting minutes.

**A Motion to APPROVE the Consent Agenda was made by Commissioner Jackson and seconded by Commissioner Smith. 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 Plat, Hoelscher Farm Estates, Section Two**

Public hearing and consideration of a request for approval of a Final Plat of Hoelscher Farm Estates, Section Two, and two variances: a variance from Chapter 10, Section III.B, construction standards and specifications, to allow for a two-course surface treatment for all internal streets with no header curb, instead of hot mix asphalt with header curb for all streets; and a variance from Chapter 9.V exempting the requirement for a sidewalk for public safety; generally located south of the intersection of Country Club Road and Hilton Head Boulevard in the City of San Angelo's Extraterritorial Jurisdiction (ETJ); being 22.166 acres out of the D. Damm Survey No. 170, Abstract No. 131 and that certain 40.790 acre tract described and recorded in Instrument No. 201612647, Exhibit 7, Tract 7, Official Public Records, Tom Green County, Texas.

Jeff Fisher, Senior Planner, provided a brief synopsis of the proposed final plat. He explained this was the second phase for Hoelscher Farm Estates, located immediately east of the first phase, Section One. Mr. Fisher reiterated the same concerns from the City's Airport, as with the first plat, that the Federal Aviation Authority's (FAA) airplane VORTAC radius intersected with the plat, in this case, affecting the rear of one of the proposed lots. Mr. Fisher outlined Staff's recommendation to approve the plat, set aside the requirement for a sidewalk, but to deny the variance to allow two-course material instead of the required hot mix asphalt for internal streets. He communicated concerns from the City's Engineering Department with two-course surface, which deteriorates much faster than asphalt. He provided statistics from the City's Engineering Department that approximately \$850,000 could be required at a later date to upgrade two-course material to asphalt, generating a financial burden on City taxpayers.

Chairperson Priess opened the meeting for public comment.

Russell Gully, with SKG Engineering, spoke on behalf of the applicant. He indicated that he did not believe a two-course surface would be an issue in the future as the road would remain in the County and meet County specifications.

Commissioner Spano asked why there was a discrepancy between County and City specifications.

Jon James, Planning and Development Services Director, indicated that the Interlocal Agreement between the City and the County gives the City the authority for adopting street standards.

Commissioner Stribling expressed his opinion that the City required good roads, in this case, being so close to the City's limits.

Mr. Gully indicated that in his opinion traffic would be less given that this was a rural area, justifying the variance from paving with hot mix asphalt.

Lance Overstreet, Assistant City Engineer, stated that a two-course surface was thinner than asphalt and was more susceptible to deterioration. He explained that the County did not have the budget to continue to fix deficient roads, requiring the City to eventually take on these costs. Mr. Overstreet explained that two-course treatment typically only had a 3-year life span before maintenance was needed, instead of 5 years for hot mix asphalt, leading to increased maintenance costs. He concluded by referencing the Country Club subdivision near Foster Road which had flooding problems due to using this lower standard of road treatment.

Mr. James explained to the Planning Commissioners that the test in this case was whether there was a unique situation to justify two-course treatment.

Commissioner Crisp asked what the County standards were for roads.

Mr. Overstreet responded that the County required their roads to be compacted, but not engineered in the same way as the City.

Mr. Steve Hoelscher, the owner and developer, stated that he was confident that the road would last for the next three years, and that other roads in the County were also built the same way. He believed that the requirement for asphalt roads in the County had hindered development.

Commissioner Stribling asked Mr. Hoelscher why he did not want to pave the internal streets with hot mix asphalt as required.

Mr. Hoelscher responded that he did not want to pave to the higher standard because it was not a high traffic road.

**Commissioner Jackson made a Motion to APPROVE the final plat, SET ASIDE the variance from a sidewalk, and APPROVE the variance to allow two-course surface treatment, as presented. Commissioner Spano seconded the Motion. The Motion passed 5-2, with Commissioners Priess, Jackson, Crisp, Farmer, and Spano voting in favor, and Commissioner Stribling and Smith voting against.**

**B. Final Plat, Phillips Family Acres, Section One**

Public hearing and consideration of a request for approval of a Final Plat of Phillips Family Acres, Section One, and three variances: A variance from Chapter 9.III.A.5 to allow for a 52-foot right-of-way in lieu of the required 60 feet for a Rural Collector Street, Red Creek Road; a variance from Chapter 9.V exempting the requirement for a sidewalk for public safety; and a variance from Chapter 10.III.A.2 to allow for a 20-foot paving width in lieu of the required 30 feet for a Rural Collector Street, generally located approximately 608 feet east of Runion Road on the north side of Red Creek Road; being 16.418 acres out of the San Sabo Co. School Land Survey No. 965, Abstract No. 1833.

Kristina Heredia, Planner, provided a brief synopsis of the proposed final plat converting one lot into six lots. She outlined Staff's recommendation to approve the plat, set aside a redundant request to pave Red Creek Road, approve the exemption from a sidewalk, and deny the variance to pave Red Creek Road by five additional feet. Ms. Heredia outlined Staff's rationale to deny the paving variance given there was sufficient room in front of the lots and that City taxpayers would be responsible for costs of any future road improvements.

Chairperson Priess opened the meeting for public comment.

Herb Hooker, with SKG Engineering, spoke on behalf of the applicant. He indicated that he did not believe the additional paving width would be beneficial and would create drainage issues. He also indicated that additional paving width maintenance would be borne in future by the City taxpayers. He also asked about the proposed Condition #3 and whether the Planning Division had the authority to require a fence to be removed from a public right-of-way.

Rebeca Guerra, Planning Manager, indicated that Staff was only requiring removal of the fence in front of the property.

Mr. Hooker restated his opposition to the above condition and asked that it be removed.

Jon James, Planning and Development Services Director, indicated that the right-of-way area could be used for public improvements in the future and therefore fences, in general, should not be located in any right-of-way.

**Commissioner Crisp made a Motion to APPROVE the final plat without Condition #3, as presented, APPROVE the variance exempting the construction of a sidewalk, APPROVE the variance exempting the requirement to pave an additional five feet on Red**

**Creek Road, and SET ASIDE the redundant variance from Chapter 9.III.A.V requiring paving improvements. Commissioner Farmer seconded the motion. The Motion passed 4-3, with Commissioners Priess, Jackson, Crisp, and Farmer voting in favor, and Commissioners Spano, Smith, and Stribling voting against.**

**C. Replat of Lots 16 and 17, Block 1, Wilkie Downs Estates**

Public hearing and consideration of a request for approval of a Replat of Lots 16 and 17, Block 1, Wilkie Downs Estates, and five variances: A variance from Chapter 9.I.C to allow a double frontage lot; variances from Chapter 9.III.A.5 and Chapter 10.III.A.1 to allow for a 50 right-of-way for Local Streets, Country Club Road and Citation Court; a variance from Chapter 9.V exempting the requirement for a sidewalk for public safety; and a variance from Chapter 10.III.A.2 to allow for a 22-foot paving width and no sidewalk in lieu of the required 40-feet or 36-feet with a 4-foot sidewalk for a Local street, Country Club Road, and to allow for a 28-foot paving width and no sidewalk in lieu of the required 40-feet or 36-feet with a 4-foot sidewalk for a Local street, Citation Court; generally located northwest of Citation Court and Equestrian Boulevard; being 0.824 acres of land comprised of all of Lot 16 and Lot 17 save and except that certain 1491 Sq. Ft. Tract described in Instrument No. 737591 OPR, Block 1, Wilkie Downs Estates, City of San Angelo, Tom Green County, Texas as per plat of record in Volume 4, Page 552 Plat Records of Tom Green County, Texas.

Kristina Heredia, Planner, provided a brief synopsis of the proposed Replat which intended to combine two single-family dwelling lots zoned RS-1 into one for the same purpose. She outlined Staff's recommendation to approve the Replat, approve two variances exempting sidewalks on Citation Court and Country Club Road and any paving improvements on the same streets, and set aside the three other variance requests, the paving variance for redundancy, and the right-of-way variance and double frontage variances for irrelevancy.

Chairperson Priess opened the meeting for public comment.

Herb Hooker, with SKG Engineering, spoke on behalf of the applicant. He acknowledged that some variance requests were redundant, but were only included to avoid any misunderstanding and to be consistent with the verbiage in the Subdivision Ordinance.

**Commissioner Smith made a Motion to APPROVE the Replat, APPROVE the variance exempting the construction of sidewalks on Citation Court and Country Club Road, APPROVE the variance from requiring an additional paving width of 4 feet on Citation Court**

and an additional paving width of 7 feet on Country Club Road, and SET ASIDE the redundant variance from Chapter 9.III.A.V requiring paving improvements, the variance from additional right-of-way as both streets already have the required right-of-way, and the variance from double frontage lots which are acceptable in this case. Commissioner Stribling seconded the motion. The Motion passed unanimously, 7-0.

D. Second Replat in Tract 213, Red Creek Subdivision

Public hearing and consideration of a request for approval of a Second Replat in Tract 213, Red Creek Subdivision, and five variances: A variance from Chapter 9.III.A.5 to allow for a 50 right-of-way for a Rural Local Street, Landers Road, in lieu of the required 60 feet; a variance from Chapter 9.V exempting the requirement for a sidewalk for public safety; a variance from Chapter 9.III.C.2 allowing a dead-end roadway, Landers Road, exceeding 750 feet in length; a variance from Chapter 9.III.C.2 to allow for more than 40 lots or tracts to have exclusive frontage along a dead-end road, Landers Road; and a variance from Chapter 10.III.A.2 to allow for a 20-foot paving width in lieu of the required 30-feet for a Rural Local street, Landers Road; being the east 2.753 acres of Tract 213, Red Creek Subdivision, as per Plat of Record in Volume 4, Page 106, Plat Records of Tom Green County, Texas.

Rebeca Guerra, Planning Manager, provided a brief synopsis of the proposed Replat. She indicated that this item was previously denied by the Planning Commission on January 23, 2017, for non-compliance with various sections of the Subdivision Ordinance, including being located on a dead-end street exceeding 750 feet providing exclusive frontage to more than 40 lots. She indicated that the applicant had now reapplied for the same Replat as Council had approved a recent amendment to the Subdivision Ordinance. The amendment allowed a variance option for frontage onto more than 40 lots on a dead-end street. Ms. Guerra provided the Commissioners with Staff's recommendation to approve the Replat, approve the variance from sidewalks, set aside the variance prohibiting dead-end roadways exceeding 750 feet due to pre-existing conditions, and deny the variances from right-of-way dedication and paving improvements for Landers Road.

Chairperson Priess opened the meeting for public comment.

Herb Hooker, with SKG Engineering, spoke on behalf of the applicant. He indicated that there were already existing dwellings on the lot to be platted and this would not change regardless of whether the road was paved or not. He also indicated that several owners owned multiple lots within the proposed Replat and could purchase additional lots, and

therefore it was speculative as to whether additional dwellings would ever be constructed, negating the need for a variance from a maximum number of lots on the road.

**Commissioner Jackson made a Motion to APPROVE the Replat, modifying Condition #4 to add “as approved by the San Angelo Fire Marshall,” APPROVE the variance to allow more than 40 lots, SET ASIDE the request for a variance prohibiting dead-end roadways due to pre-existing conditions, APPROVE the variance exempting the requirement for a sidewalk, DENY the variance from the required right-of-way dedication, and DENY the variance from the required paving improvement. Commissioner Farmer seconded the motion. Commissioners Jackson, Farmer, and Crisp voted in favor. Commissioners Priess, Smith, Stribling, and Spano voted against. The Motion FAILED, 4-3.**

**Commissioner Smith made a Motion to DENY the Replat. Commissioner Stribling seconded the motion. Commissioners Priess, Smith, Stribling, and Spano voted to deny the plat. Commissioners Farmer, Crisp, and Jackson voted in opposition. The Motion to DENY the plat passed, 4-3.**

## **2. Rezoning.**

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

***Chairperson Priess moved this Rezoning item up in the order of cases to accommodate a resident stakeholder who had to leave the meeting early.***

### **A. Z17-08-A and Z17-08-B: Brewer / City of San Angelo**

Public hearing and consideration of a request for approval of a Rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District, for property generally located at the northwest corner of Baker Street and Rust Street, on 5.08 acres.

Kristina Heredia, Planner, outlined the proposed request for a Rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District on the subject properties. She explained that the purpose of the request was to change the zoning to match what the existing use of the properties was. The subject area was decidedly residential, yet was zoned Light Manufacturing due to the proximity to the railroad. She recommended approval of the Rezoning. With no questions for Ms. Heredia, Chairperson Priess opened the floor for public comment.

Homeowner Kenneth Hamblin spoke in favor of the Rezoning.

Homeowner Charles Millspaugh spoke in opposition of the request. He indicated that he was against the Rezoning because he and his wife had a home occupation in their residence and that they also had an illuminated sign. He did not want to lose his right to the home occupation or the illuminated sign due to the Rezoning. He requested that the Rezoning be applicable to all of the properties except his own. He was reassured by Planning Director Jon James that his home occupation would be grandfathered in.

Homeowner Steve Schlittler spoke in favor of the Rezoning.

Homeowner Robert Dillard spoke in opposition of the Rezoning because of the proximity of the railroad and the potential for commercial development.

**Commissioner Smith made a Motion to recommend APPROVAL of the Rezoning request as presented for all properties, and Commissioner Stribling seconded the Motion with Commissioner Spano also voting in favor, and Commissioners Priess, Jackson, Farmer and Crisp voting against. The Motion failed, 3-4.**

**Commissioner Farmer made a Motion to recommend APPROVAL of the Rezoning request for all properties except the one lot belonging to Mr. Millspaugh, and Commissioner Jackson seconded the Motion with Commissioners Priess and Crisp also voting in favor, and Commissioners Stribling, Smith and Spano voting against. The Motion passed, 4-3.**

Commissioner Priess asked the Commission if they wished to re-open the case in order to reconsider their previous actions.

**Commissioner Farmer made a Motion to reconsider the previous motion, and Commissioner Crisp seconded the Motion with all Commissioners voting in favor. The Motion passed 7-0.**

Chairperson Priess re-opened the public hearing and after additional discussion and explanation that if Mr. Millspaugh were to replace his sign, he would only need a variance, but if his home were to be destroyed it could not be rebuilt under ML zoning, as it was a Legal Nonconforming Use.

**Commissioner Farmer made a Motion to recommend APPROVAL of the Rezoning request for all the recommended properties, and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 7-0.**

***Chairperson Priess left the meeting at 10:58 a.m.***



**3. Related Comprehensive Plan Amendments & Rezonings**  
*City Council has final authority for approval of Comprehensive Plan Amendments and Rezonings.*

**A. Hameister and City of San Angelo**

***Items i. and ii. were presented concurrently with two separate motions. The Minute Record for both items can be found below under Item ii.***

**i. CP17-02A & CP17-02B: Hameister / City of San Angelo**

Public hearing and consideration of a request for approval of an amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood Center" Future Land Use Category to the "Neighborhood" Future Land Use Category, located at 3440 Twin Mountain Drive, on 3.24 acres, and an amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use Category to the "Neighborhood Center" Future Land Use Category, generally located at the intersection of Twin Mountain Drive and Alamito Drive, on 7.71 acres.

**ii. Z17-07: Hameister**

Public hearing and consideration of a request for approval of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, on properties located at 3440 Twin Mountain Drive, on 3.24 acres.

Kristina Heredia, Planner, outlined the proposed request for the Comprehensive Plan Amendments and the Zone Change from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District on the subject property. She explained that the purpose of the request was threefold. The two Comprehensive Plan Amendments were to bring those properties in the area that had developed as residential rather than commercial up to date with a Future Land Use (FLU) designation of Neighborhood, which is consistent with the land use and the zoning of the area. Furthermore, the FLU designation of Neighborhood was requesting a change to FLU of Neighborhood Center to keep the same balance of a future use of commercial and residential. The third request was to change one tract of land from commercial to residential zoning for the addition of more homes to the area, which was consistent the community need of more housing in the area. Ms. Heredia ended her presentation with a recommendation of approval for all three changes to the Comprehensive

Plan and the Zoning Districts. With no questions for Ms. Heredia, Chairperson Priess opened the floor for public comment.

The applicant, Jeff Hameister, came forward to ask any questions. With no questions from the Commission, they moved forward with their Motions.

**Commissioner Smith made a Motion to recommend APPROVAL of the Comprehensive Plan Amendment, changing the FLU from Neighborhood Center to Neighborhood, and Commissioner Farmer seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously, 6-0.**

**Commissioner Smith made a Motion to recommend APPROVAL of the Comprehensive Plan Amendment, changing the FLU from Neighborhood to Neighborhood Center, and Commissioner Farmer seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously, 6-0.**

**B. Santellano and City of San Angelo**

*Items i. and ii. were presented concurrently with two separate motions. The Minute Record for both items can be found below under Item ii.*

**i. CP17-03: City of San Angelo**

Public hearing and consideration of a request for approval of an amendment to the City of San Angelo's Comprehensive Plan, changing certain lands from the "Neighborhood Center" Future Land Use Category to the "Commercial" Future Land Use Category, generally located northwest of the intersection of Glenna Street and Mercedes Street, on 5.87 acres.

**ii. Z17-09-A & Z17-09-B: Santellano / City of San Angelo**

Public hearing and consideration of a request for approval of a Rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), the General Commercial/Heavy Commercial (CG/CH), and the General Commercial (CG) Zoning Districts to the Heavy Commercial (CH) Zoning District, on properties generally located at northwest of the intersection of Glenna Street and Mercedes Street; being 5.87 acres.

Planning Manager, Rebeca Guerra, outlined the proposed requests, which was a combination of a Comprehensive Plan Amendment and a

Rezoning. Similar to the previous case, she explained that this was a cleanup of an area that had not developed in a manner consistent with their Future Land Use designations. Ms. Guerra recommended approval and answered a few questions in regards to the maps shown in the presentation. With no further questions from the Commission, the floor was opened for public comment.

Applicant Robert Santellano came forward and explained his business and his hope for expansion. He explained how they service a multitude of vehicles, some of which belong to the City.

**Commissioner Smith made a Motion to recommend APPROVAL of the Comprehensive Plan Amendment, changing the FLU from Neighborhood Center to Commercial, and Commissioner Stribling seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously 6-0.**

**Commissioner Smith made a Motion to recommend APPROVAL of the rezonings as requested, and Commissioner Stribling seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously 6-0.**

**4. Related Comprehensive Plan Amendment, PD Rezoning, Replat, & Easement Release**

*City Council has final authority for approval of Comprehensive Plan Amendments, Rezoning, and easement releases. The Planning Commission has final authority for approval; appeals may be directed to City Council.*

**A. Entrenos, Inc.**

***Items i. and ii. were presented concurrently with two separate motions. The Minute Record for both items can be found below under Item ii.***

**i. CP17-01: Entrenos, Inc.**

Public hearing and consideration of a request for approval of an amendment to the City of San Angelo's Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use Category to the "Commercial" Future Land Use Category, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 3.311 acres.

ii. PD17-03: Entrenos, Inc.

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes, generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 6.774 acres.

Jeff Fisher, Senior Planner, outlined the proposed requests for a Comprehensive Plan Amendment and Planned Development Rezoning. He explained that the purpose of the requests was to facilitate development of a plant nursery with retail sales, and a lawn and landscape care and maintenance business on the property. The rear portion of the property would be re-designated to "Commercial" in the City's Comprehensive Plan and the entire site would be rezoned to a Planned Development (PD) to allow the said uses with conditions of approval. Mr. Fisher outlined Staff's rationale for approval for both requests which included close proximity to existing commercial development, the existing plant nursery on the west portion of the site, and frontage onto an arterial road.

Chairperson Priess opened the meeting for public comment and there was none.

**Commissioner Smith made a Motion to recommend APPROVAL of the proposed Comprehensive Plan Amendment, changing the Future Land Use Category from "Neighborhood" to "Commercial" on the 3.311-acre easterly portion of the property as presented, and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.**

**Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning request from the General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscape Care and Maintenance; and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes on the entire 6.774 acres as presented, and Commissioner Stribling seconded the Motion. The Motion passed unanimously, 6-0.**

*Items iii. and iv. were presented concurrently with two separate motions. The Minute Record for both items can be found below under Item iv.*

iii. Easement Release, La Abra Subdivisions, Section One and Section Two

Public hearing and consideration of a request for approval of an easement release of a 27-foot wide by 1,174.71-foot long private access easement within La Abra Subdivisions, Section One and Section Two, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 0.748 acres.

iv. First Replat of All of Section 1 and Section 2, La Abra Subdivision

Public hearing and consideration of a request for approval of the First Replat of All of Section 1 and Section 2, La Abra Subdivision, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane; being 7.01 acres in the La Abra Subdivision, Section 1 and Section 2, Tom Green County, Texas.

Jeff Fisher, Senior Planner, outlined the proposed requests for a replat and Easement Release in the La Abra Subdivision, Section 1 and Section 2. He explained that the replat would consolidate all of the existing lots into just two lots in order to facilitate construction for the proposed plant nursery and lawn and landscape care and maintenance business. The business would be located on the larger lot and the smaller lot was intended to be sold at a later date. He further explained that the easement was a former access road that was no longer needed since the applicant was consolidating the lots through the replat. For these reasons, Mr. Fisher indicated that staff had a recommendation of approval for both the Easement Release and the Replat.

Chairperson Priess opened the meeting for public comment and there was none.

**Commissioner Smith made a Motion to recommend APPROVAL of the proposed Easement Release request as presented, and Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.**

**Commissioner Smith made a Motion to APPROVE the proposed Replat as presented, and Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.**

## 5. Rezoning.

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

### A. Z17-06: Arteaga

Public hearing and consideration of a request for approval of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1), generally located at the northeast corner of South Irving Street and West Avenue R, on 0.172 acres.

Jeff Fisher, Senior Planner, outlined the proposed request for a Rezoning on Lot 16 of the applicant's properties from Neighborhood Commercial (CN) to Single-Family Residential (RS-1) to facilitate construction of a future home on the south portion of the properties, and to legalize the existing home on the north portion. The properties are currently dual zoned with the west portion CN and the east portion RS-1. Mr. Fisher explained that Rezoning to RS-1 would allow the lots to be replatted and reoriented to face South Irving Street, allowing a second home to be built.

Chairperson Priess opened the meeting for public comment.

The property owner and applicant, Mr. Arteaga, spoke on his own behalf in support of the request. He explained that he owns several lots nearby and plans to build a home on the south portion of the property.

**Commissioner Stribling made a Motion to recommend APPROVAL of the proposed Rezoning request on all of Lot 16 in Block 138 of the Fort Concho Addition, from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District as presented, and Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.**

## 6. Special Uses.

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

### A. SU17-03: Jacobs

Public hearing and consideration of a request for a Special Use to allow for an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District, generally located east of South Bryant Boulevard, between West Avenue Y and West Avenue Z, on 0.757 acres.

Jeff Fisher, Senior Planner, outlined the proposed request for a Special Use to allow for an Auto and Boat Dealer on the properties. The existing Neighborhood Commercial (CN) Zone District on the property does not

allow an Auto and Boat Dealer by right. Mr. Fisher outlined Staff's rationale recommending approval which included various conditions to minimize impacts on nearby residential lots, including landscaping, limitations on hours of operation, that any vehicle repair be conducted indoors, and that a privacy fence be installed where adjacent to a residential use or district. He indicated that these conditions, along with adjacency to South Bryant Boulevard, a major commercial corridor, would mitigate any adverse impacts on nearby residential properties.

Chairperson Priess opened the meeting for public comment.

Commissioner Stribling asked about outdoor storage requirements and if there were any limit to the number of vehicles that could be stored on the site for sale.

Mr. Fisher responded that there would not be any limits on the outdoor display of vehicles for sale, but that other outdoor storage in the CN Zoning District would be limited an area within five feet of a building wall.

Max Jacobs, the property owner representing the applicant, indicated that vehicle storage areas would be fully paved, and at this point, there would be an average of 10-12 vehicles for sale on the property.

**Commissioner Farmer made a Motion to recommend APPROVAL of the proposed Special Use to allow for an Auto and Boat Dealer in the Neighborhood Commercial (CN) Zoning District on the property, as presented, and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.**

## **7. Conditional Uses.**

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

### **A. CU17-05: Kidd**

Public hearing and consideration of a request for approval of a Conditional Use to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial / Heavy Commercial (CG/CH) Zoning District, generally located 262 feet east of the intersection of Sunset Drive and Southwest Boulevard, on 0.70 acres.

Kristina Heredia, Planner, outlined the proposed request for a Conditional Use to allow an animal kennel and dog boarding facility on the property. She outlined Staff's rationale to approve the request based on the proposed use being allowed in the CG/CH with a conditional use; that dogs would be

primarily inside and not outside without supervision; and that various conditions would be imposed included limitation on noise and installation of privacy fencing.

Commissioner Crisp asked how enforcement would be carried out of the noise ordinance is violated.

Ms. Heredia responded this would be addressed by the Code Enforcement.

Jon James, Director of Planning and Development Services indicated that this would be initiated on a per-compliant basis.

Chairperson Priess opened the meeting for public comment.

Ms. Liz Kidd, the applicant representing the facility "Bark Boutique", indicated she was relocating her business to this property on Sunset Drive in order to expand. She indicated that in her opinion, additional boarding and dog day care was needed and believed the proposal would be a positive one. She concluded that dogs would be outside a maximum of two hours at a time, twice a day, and that the site would be cleaned regularly.

Ms. Linda Cavitt, a resident in the area spoke in opposition to the request. She expressed concerns of Code Enforcement being able to adequately address this issue. She warned the Commissioners about dogs barking and referenced another kennel near the McDonalds on Southwest Boulevard and dogs barking frequently at this location.

Ms. Martha Mota, a resident in the area also spoke in opposition. She mentioned her house nearby was for her retirement, and that she completely opposes the request, citing trash and traffic concerns.

Commissioner Smith explained to Ms. Mota the property is already zoned for commercial uses and that traffic was expected regardless of the specific use.

Ms. Mota responded that she understood this but was in complete opposition to this dog boarding facility at this location.

Ms. Kidd explained that clean up would be conducted immediately after any excretion from the dogs.

Commissioner Crisp expressed a concern about noise.

Commissioner Smith responded that this situation could be resolved by calling Code Enforcement.



**Commissioner Smith made a Motion to APPROVE the Conditional Use request as presented, and Commissioner Stribling seconded the Motion. However, Commissioners Jackson, Spano, Farmer, and Crisp voting against and the motion failed 4-2, thereby DENYING the request.**

**7. Easement Releases.**

*City Council has final authority for approval of easement releases.*

**A. Easement Release, Third Replat in Tract 1, Section 29, Block 46, The Bluffs Addition**

Public hearing and consideration of a request for approval of an easement release of a 20-foot wide by 126.04-foot long water easement within the Third Replat in Tract 1, Section 29, Block 46, The Bluffs Addition, generally located approximately 740 feet northeast of FM 2288 and Houston Harte Expressway Frontage Road, on 0.057 acres.

Jeff Fisher, Senior Planner, outlined the proposed request for an Easement Release of a water easement located on the new HEB site at FM 2288 and Houston Harte Expressway Frontage Road. He explained that HEB was planning to erect a new fuel station on the property and the existing water easement was no longer required. Mr. Fisher concluded his presentation by outlining Staff's recommendation to approve the said easement which will require Council approval.

Chairperson Priess opened the meeting for public comment, but there was none.

**Commissioner Stribling made a Motion to recommend APPROVAL of the proposed Easement Release as presented, and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.**

**V. Director's Report.**

Jon James, Director of Planning and Development Services stated that the Planning Division had created a new staff report template. He also indicated that a discussion item was being brought forward to the Development Task Force this week to examine changes to the Subdivision Ordinance that would allow the Planning Director or the Director of Public Works the option to appeal a Planning Commission's decision on a plat variance. He informed the Commission that presently, only the developer could appeal this decision.

**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, July 17, 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 12:07 p.m., and Commissioner Stribling seconded the Motion. The Motion passed unanimously, 6-0.

A handwritten signature in black ink, appearing to read 'Valerie Preiss', written over a horizontal line.

Valerie Preiss, Chair,  
Planning Commission