

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, AUGUST 21, 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: RYAN SMITH

STAFF: Jon James, AICP, Director of Planning and Development Services
Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager
Dan Saluri, Deputy City Attorney
Charlie Kemp, Deputy Building Official
Lance Overstreet, Assistant City Engineer
Jeff Fisher, Senior Planner
Hillary Bueker, 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 full quorum of seven was present.

II. Prayer and Pledge.

The prayer was delivered by Ms. Ara Rahman, Peace Ambassador. The pledge was led by Commissioner Stribling.

III. Consent Agenda:

- A. Consideration of approving modifications to the June 19, 2017 Planning Commission Regular Meeting minutes.
- B. Consideration of approving the July 17, 2017, Planning Commission Regular Meeting minutes.
- C. **Final Plat of Twin Oaks Addition, Section Twenty-Seven**

A request for approval of a Final Plat of Twin Oaks Addition, Section Twenty-Seven, on an unaddressed tract generally located at the west side of the intersections of Canyon Ridge Drive and Scarlet Oak Lane/Red Oak Lane; and being 17.669 acres of land out of that certain 94.368 acre tract described and recorded as Instrument No 619408, Official Public Records, Tom Green County, Texas and being 4.335 acres out of Anton Willeke South ½ Survey 2, 4.318 acres out of A.E. White Survey 1 and 9.016 acre

out of J.S. Stooksberry Survey 8, City of San Angelo, Tom Green County, Texas.

A Motion to APPROVE the Consent Agenda was made by Commissioner Crisp and seconded by Commissioner Spano. 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. Fifth Replat in Sunset Mall Addition, Section One

Public hearing and consideration of a request for approval of the Fifth Replat in Sunset Mall Addition, Section One; generally located along the north side of State Highway Loop 306, between Houston Harte Expressway and Southwest Boulevard; being 3.75 acres in the Sunset Mall Addition, Section 1, Block 9A, City of San Angelo, Tom Green County, Texas.

Kristina Heredia, Planner, presented the proposed replat case. She explained that the proposed replat would create three new lots out of the original lot adjacent to the West Loop 306 Frontage Road. Ms. Heredia outlined Staff's recommendation to approve the subject replat subject to the conditions contained in the Staff Report.

Chairperson Priess opened the meeting for public comment.

Mr. Russell Gully, with SKG Engineering, who represented the applicant, requested the removal of Condition #2 requiring delineation of the frontage road, and a modification of Condition #5 deferring the drainage study to the permitting stage.

Commissioner Stribling asked why the frontage road was not normally included on a subdivision plat.

Mr. Gully responded that the plat acts as a survey document and typically frontage roads were not shown as boundaries were subject to change.

Jon James, Planning and Development Services Director, indicated that Planning Staff would deem the proposed changes by Mr. Gully acceptable, provided that the frontage road was shown on a separate document, and that the drainage study deferment was acceptable by Engineering Services.

Commissioner Stribling asked if the CG/CH zoning on the property could be eliminated as a condition of approval of the subject replat.

Mr. James indicated this was not something done through the platting process.

Commissioner Spano asked if the City would bring forward a rezoning to phase out the CG/CH zoning.

Mr. James indicated that if the Planning Commission directed Planning Staff to bring a rezoning in the future, that this was possible.

Commissioner Stribling requested that this be done in the future.

Mr. James clarified that the motion to be brought forward today was approval of the subdivision plat, and that Staff would bring a future City-initiated rezoning request for the subject area.

Commissioner Stribling made a Motion to APPROVE the Replat as presented, with the two variances requested, MODIFYING Condition #2 to require the applicant to illustrate the frontage road on a separate document; and MODIFYING Condition #5 to defer the drainage study to the time of permitting. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.

B. Third Replat of Block 1, Wade and Turner Addition

Public hearing and consideration of a request for approval of the Third Replat of Block 1, Wade and Turner Addition, and three variances: (1) a variance from Chapter 9.V of the Subdivision Ordinance to exempt construction of a sidewalk along U.S. Highway 87 for public safety, (2) a variance from Chapter 10.III.A.2. of the Subdivision Ordinance, to allow West 14th Street, an Urban Minor Collector Street, to maintain a 46-foot street width in lieu of 50 feet, and (3) a variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow West 15th Street, an Urban Local Street, to maintain a 36-foot street width in lieu of 40 feet, or a 36-foot street width with a 4-foot sidewalk; generally located along the east side of North Bryant Boulevard, between West 14th Street and West 15th Street; being acres 3.73 acres out of the Wade & Turner Addition, Block 1, City of San Angelo, Tom Green County, Texas.

Kristina Heredia, Planner, presented the proposed replat case. She explained that the proposed replat would create three lots and that Staff was recommending approval of the plat and a variance from any improvements on 14th Street, but recommending denial of an exemption from sidewalks on U.S. Highway 87 and 15th Street. Ms. Heredia explained the importance of sidewalks given heavy pedestrian traffic and displayed a diagram for the Commissioners showing the proposed sidewalk network.

She concluded her presentation by indicating that Staff would accept deferment of sidewalks adjacent to Lots 3B and 3C to the time of permitting.

Kevin Albright with KT Plus Investments, one of the property owners, gave a brief description of the project's development. He stated that there does not appear to be significant pedestrian traffic in the area. He raised concerns of having to install a sidewalk along Highway 87 given that another retailer may acquire the property in future relocating access to a different location.

Commissioner Stribling asked if the applicant would be willing to defer the section of sidewalk along Lot 3A adjacent to Highway 87 to the time of development of Lots 3B and 3C.

Mr. Albright stated he would agree to that.

Commissioner Stribling asked for clarification from staff on the sidewalks along 15th Street.

Jon James, Director of Planning and Development Services, clarified that there were sidewalks along 15th Street to the east but they were not contiguous. He also clarified that the sidewalks would not only be used for the subject property, but also neighboring visitors and residents.

Chairperson Priess stated that allowing the sidewalks to be deferred to time of development would make sense.

Mr. James reiterated that staff would recommend deferring sidewalks on lot 3C and 3B but not for lot 3A with the existing hotel. He stated that the City would not be able to enforce the installation of sidewalks for the developer(s) of lot 3C or 3B on the adjacent privately owned lot 3A.

Commissioner Farmer stated that he did not believe that sidewalks on 15th street would ever connect within the adjacent neighborhoods.

Lance Overstreet, Assistant City Engineer, confirmed that the directly adjacent block on 15th street did not have sidewalks but a couple of blocks down did have sidewalks. He also verified that the adjacent block on 14th Street did have a sidewalk as well. Mr. Overstreet further explained that the Martin Luther King Street project would create a pedestrian walkway from Loop 306 north to 29th Street along this street, and that further development of this area would result in more pedestrian traffic.

Commissioner Stribling made a Motion to APPROVE the Replat as presented, APPROVE the variance from required paving width for West 14th Street, DENY the Variance for sidewalks along US Highway 87, and DENY the variance for sidewalks along West 15th Street, with allowing the

sidewalks on lot 3C & 3B to be installed at the time of development. Commissioner Spano seconded the Motion. This motion was deferred by Chairperson Priess to allow further discussion.

Chairperson Priess asked about the options for the required sidewalks on Lot 3A.

Rebeca Guerra, Planning Manager, stated that the applicant had up to three years to record the plat and could provide a financial guarantee to the City in lieu of constructing the sidewalk themselves, but that the sidewalks for 3C and 3B could also be deferred to the permit stage.

Mr. James confirmed that staff could support differing the sidewalks on lot 3C and 3B because they would still have to go through the building permit process, but Lot 3A would not have that requirement.

Chairperson Priess questioned why when the hotel was built in 2014 no sidewalks were required.

Mr. James stated that when the hotel was built the lot already existed and because the hotel was not subdividing, there was no platting process to require the sidewalks. Commissioner Stribling reiterated that the applicant was now asking to subdivide which triggered the sidewalk requirement.

Chairperson Priess reopened the hearing for public comment.

Tom Delaughter, one of the property owners, stated that three years ago when the application for re-plat was approved sidewalks were not required.

Ms. Guerra stated that the re-plat was approved administratively three years ago, but that the sidewalk requirement was missed at that time.

Mr. James stated that approvals were only good for a certain time period and the approved re-plat was never recorded. He further clarified that since the plat was approved administratively, it was only valid for filing for 6 months.

Mr. Delaughter stated that he would install the sidewalks along 15th Street adjacent to the hotel after the City was complete with Martin Luther King Drive and after the completion of lot 3C. He stated that he would make it a condition in the sale of lot 3C to add the sidewalks along 15th Street for lot 3A.

Mr. James stated the Commission could make that requirement but if the applicant decided not to follow through the City would have no legal recourse.

Dan Saluri, Deputy City Attorney, clarified that the proposed condition would be accepting a promise with no remedy.

Kevin Albright asked if the sidewalk was built in the right-of-way would the City not be able to obligate the builder of lot 3C to continue the sidewalk to Martin Luther King Drive.

Mr. James stated that the City would be not be able to make that requirement.

Chairperson Preiss closed public comment. The previous motion that was deferred was now brought forward for a vote.

Commissioner Stribling made a Motion to APPROVE the Replat as presented, APPROVE the variance from the required paving width for West 14th Street, DENY the Variance for sidewalks along US Highway 87, and DENY the variance for sidewalks along West 15th Street, with allowing the sidewalks on lot 3C & 3B to be installed at the time of development. Commissioner Spano seconded the Motion. The Motion failed, with a 3-3 tie vote. Commissioners Stribling, Spano, and Jackson voted in favor, and Commissioners Priess, Farmer and Crisp voted against.

Commissioner Farmer made a Motion to APPROVE the Replat as presented, APPROVE the variance from the required paving width for West 14th Street, DENY the Variance for sidewalks along US Highway 87, DENY the variance for a sidewalk along West 15th Street for lot 3C, APPROVE the variance for a sidewalk along West 15th Street for lot 3A, with allowing the sidewalks on lot 3C & 3B to be installed at the time of development. Commissioner Crisp seconded the Motion. The Motion passed, 4-2, with Commissioners Jackson, Priess, Farmer and Crisp voting in favor, and Commissioners Stribling and Spano voting against.

C. Third Replat in Block Two, Sunset Ranch Estates, Section Two

Public hearing and consideration of a request for approval of a Third Replat in Block Two, Sunset Ranch Estates, Section Two, and four variances: (1) a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street, (2) a variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of 60 feet; (3) a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of 50 feet; and (4) a variance from Chapter 9.V to exempt construction of a sidewalk on Grand Canal Road for public safety; generally located

approximately 1,230 feet southwest from the intersection of South U.S. Highway 277 and Grand Canal Road; being 3.795 acres of land comprised of Lot 17A, Second Replat in Block 2, Sunset Ranch Estates, Section Two, and Lot 16K, First Replat in Block 2, Sunset Ranch Estates, Tom Green County, Texas.

Jeff Fisher, Senior Planner, presented the proposed replat case. He explained that the applicant planned to divide the majority of the original Lot 17A fronting Grand Canal Road into two new lots zoned Office Warehouse (OW) and replat the remnant 0.5-acre property into a larger Lot 16K zoned Single-Family Residential (RS-1). Mr. Fisher outlined Staff's rationale for denial of the variance requests from providing additional right-of-way and paving width on Grand Canal Road. He explained that there was an increased lot yield in the area and this acted as a justification for the additional paving width on Grand Canal Road, a Collector Road. He also indicated that past right-of-way variances along Grand Canal Road were based on the assumption that the Federal Government, which owned land to the north, would dedicate some of this land to the City for right-of-way but that this never occurred.

Chairperson Priess opened the public comment portion of the hearing.

Russell Gully, with SKG Engineering, representing the applicant, indicated that his client would dedicate the additional five feet of required right-of-way but maintained his request for a variance from the additional 11 feet of paving width along Grand Canal Road. He stated that the City had made improvements to Grand Canal Road and Country Club Road from Highway 277 west to the City Limits sometime between 2008 and 2010, and that they had determined that the current width was appropriate. He reaffirmed his position that it would not be equitable to require the developer to make street improvements for only two additional lots. He also believed traffic would not significantly increase from the proposed replat.

Mr. Gully also asked that condition #5, requiring a drainage study, be deferred to the permitting stage, and that he was in agreement with Staff on condition #6 to clarify which lots will be benefit from the access easement which he believed was Lot 17C.

Commissioner Stribling made a Motion to APPROVE the Replat as presented, DENY the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; DENY the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; SET ASIDE a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and SET ASIDE a variance from Chapter 9.V for

a sidewalk on Grand Canal Road (not required). Commissioner Spano seconded the Motion. The Motion passed, 6-0.

At 10:12 a.m., Commissioner Farmer asked for permission to reconsider a motion for this item to request that Condition #5 requiring a drainage study be moved to the permitting stage, as he believed that was the intent of the original motion. Chairperson Priess concurred and a new motion was presented.

Commissioner Farmer made a new Motion to APPROVE the Replat, MODIFYING Condition #5 to allow the drainage study to be deferred to the permitting stage, DENY the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; DENY the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; SET ASIDE a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and SET ASIDE a variance from Chapter 9.V for a sidewalk on Grand Canal Road (not required). Commissioner Spano seconded the Motion. The Motion passed, 6-0.

2. Rezoning.

City Council has final authority for approval of Rezoning.

A. Z17-10: Taylor

Public hearing and consideration of a request for approval of a Rezoning from the Office-Warehouse (OW) Zoning District to the Single-Family Residence (RS-1) Zoning District, for an unaddressed 0.5 acre tract; generally located north of 6622 Clarice Court and approximately 575 feet from the intersection of Grand Canal Road and Clarice Court; more specifically being 0.5 acres of land out of Lot 17A, Second Replat in Block Two, Sunset Ranch Estates, Section Two, City of San Angelo, Tom Green County, Texas.

Hillary Bueker, Senior Planner, presented the case. She explained that the proposed rezoning pertained to the 0.5-acre remnant parcel that was being replatted as part of the Sunset Ranch Estates replat that was approved earlier. Ms. Bueker outlined Staff's rationale for approval which included that the property would act as a buffer between the single-family residential use to the south and office warehouse use to the north; that it would allow a comprehensive RS-1 zone for the entire property; and that development patterns to the west were predominantly residential.

Russell Gully, SKG Engineering, LLC, representing the applicant, asked what would happen to the zoning if the plat was never recorded. He

expressed concerns that should the plat not be recorded, the current owner of the adjacent Office Warehouse (OW) lot would be left with a remnant zoned residential.

Rebeca Guerra, Planning Manager, indicated that Staff could not place a condition of approval on a rezoning, that the rezoning and recordation of the associated plat were two separate processes. She explained that the rezoning could be approved even if the plat was never recorded.

Commissioner Crisp made a Motion to recommend APPROVAL of the proposed Rezoning from the Office-Warehouse (OW) Zoning District to the Single-Family Residence (RS-1) Zoning District on the subject property. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

B. Z17-11: Burnett

Public hearing and consideration of a request for approval of a Rezoning from the Planned Development (PD) Zoning District to the Office Warehouse (OW) Zoning District, for property located at 1221 Grand Canal Road; generally located 1,240 feet southwest from the intersection of Grand Canal Road and U.S. Highway 277; more specifically located in Sunset Ranch Estates, Section 2, Block 2, Lot 17B, City of San Angelo, Texas, consisting of a total of 1.50 acres.

Kristina Heredia, Planner, presented the case. She explained that the proposed rezoning to Office-Warehouse (OW) would allow certain uses that the current Planned Development zoning did not allow. She explained that the OW zoning would be suitable for the applicant's current business needs. Mr. Heredia outlined Staff's rationale for approval which included that the OW zoning was consistent with the City's Comprehensive Plan; that the PD zoning was not being utilized; and that there was a community need for the proposed zoning.

There was no public comment.

Commissioner Crisp made a Motion to recommend APPROVAL of the proposed Rezoning from the Planned Development (PD) Zoning District to the Office-Warehouse (OW) Zoning District on the subject property. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

3. Right-of-way Vacations / Abandonments.

City Council has final authority for approval of the vacation and abandoning of public right-of-way.

A. Street Right-of-Way Vacation and Abandonment of a portion of South Marie Street (Ricci/Brown)

Public hearing and consideration of a request to approve the vacation and abandonment of a 0.642-acre (28,000-square feet) segment of the South Marie Street public right-of-way; generally located immediately east of Block 13 in the Carruthers Addition to San Angelo, comprising a width of 70 feet and a length of 400 feet.

Jeff Fisher, Senior Planner, presented the case. He displayed the subject area of the proposed street abandonment for the Planning Commission, being the south portion of South Marie Street between Bryan Street and Roosevelt Street. Mr. Fisher outlined Staff's rationale for approval which included that the portion of the street to be abandoned was exclusively used by the adjacent landowner and proponent of the request, Talk O' Texas as a rear yard to their pickle bottling facility. Mr. Fisher outlined current traffic patterns and explained that other properties are accessed from alternate streets and that there would be no negative impacts on adjacent properties if this portion of South Marie Street was abandoned. Mr. Fisher concluded his presentation by recommending three conditions of approval, but removing condition #4 which would require a rezoning of the full abandoned portion of the street. He explained that the CG/CH zoning would apply to the entire abandoned area and therefore this condition was no longer required.

Russell Gully, SKG Engineering, LLC, representing the applicant, requested that Condition #1 requiring a replat be removed, as it would require the applicant to make all the improvements, which he believed would cost \$250,000. He further requested Staff to explain the legal basis for why a replat is required as a condition of the abandonment.

Jon James, Planning and Development Services Director, indicated that it has been Staff's practice to require the abandoned street to be included in the replat with the adjacent property. He further explained however, that the appropriate time to discuss street improvements was when the plat was submitted.

Dan Saluri, Deputy City Attorney, indicated that a condition requiring replatting is optional.

Mr. Gully cited the relevant section of Chapter 1 of the Subdivision Ordinance which he believes exempted an abandoned street from being required to be replatted.

Mr. James concurred with Mr. Gully that there was no specific provision requiring a street abandonment to be replatted, however, there was also no provision that states that a condition cannot be imposed requiring this area to be replatted with the adjacent property.

Rebeca Guerra, Planning Manager, indicated that the abandoned area would be required to be platted only if a building permit was required on this land, but that Staff was requiring a replat as part of the approval to maintain one cohesive property.

Mr. James indicated that in order to maintain good land records, Staff was recommending that the abandoned portion be replatted with the adjacent property, but that this decision would be determined to the Planning Commission.

Commissioner Farmer indicated that if the applicant submitted a replat there would be no guarantee they would be given a variance from street improvements.

Ms. Guerra affirmed this was correct.

Lance Overstreet, Assistant City Engineer, indicated that the City was not planning a significant widening of South Bell Street, but rather, the installation of a sidewalk. He indicated that the Engineering Department would likely support a variance from any improvements on South Bell Street given that funds are already available and improvements will be made in future.

Commissioner Farmer made a Motion to recommend APPROVAL of the proposed vacation and abandonment of the subject portion of South Marie Street, REMOVING Conditions #1 and #4. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

VI. Director's Report.

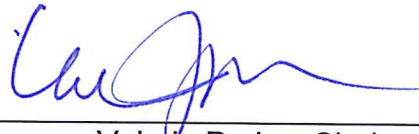
Jon James, Director of Planning and Development Services, indicated that text amendments A. and B. brought forward to last month's Planning Commission meeting were approved by City Council, but that amendment C pertaining to separation between the sale of alcohol and churches was tabled. He explained that Council tabled this item to provide an opportunity for Planning Staff to deliver additional information.

VII. 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, September 18, 2017**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

VIII. Adjournment.

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



Valerie Preiss, Chair,
Planning Commission