

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, OCTOBER 16, 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), SAMMY FARMER, RYAN SMITH, MARK CRISP, JOE SPANO

ABSENT: TERI JACKSON (VICE CHAIR), TRAVIS STRIBLING

STAFF: Jon James, AICP, Director of Planning and Development Services
Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager
Brandon Dyson, Assistant City Attorney
Al Torres, Building Official
Charlie Kemp, Deputy Building Official
Jack Downey, Senior Commercial Plans Examiner
Lance Overstreet, Assistant City Engineer
Jeff Fisher, AICP, Senior Planner
Hillary Bueker, RLA, Senior Planner
Kristina Heredia, Planner

I. Call to order.

Chairperson Valerie Preiss called the meeting to order at 9:03 a.m. and established that a full quorum of seven was present.

II. Prayer and Pledge.

The prayer was delivered by Rev. Jay Johnson of the San Angelo Cowboy Church. The pledge was led by Commissioner Smith.

III. Consent Agenda:

A. Consideration of approving the September 18, 2017, Planning Commission Regular Meeting minutes.

B. **Final Plat of Montecito Subdivision, Section One**

A request for approval of a Final Plat of Montecito Subdivision, Section One; being an unaddressed 3.24-acre tract located at the northeast corner of Southwest Boulevard and Twin Mountain Drive.

C. **Final Plat of Bentwood Country Club Estates, Section Thirty-Nine**

A request for approval of a Final Plat of Bentwood Country Club Estates, Section Thirty-Nine; being an unaddressed 11.489-acre tract located approximately 1,000 feet southeast of North Bentwood Drive and Pine Valley Street.

A Motion to APPROVE the Consent Agenda was made by Commissioner Crisp and seconded by Commissioner Smith. The motion carried unanimously, 5-0.

IV. Regular Agenda:

1. Rezoning.

City Council has final authority for approval of Rezoning.

A. Z17-14: Henderson

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on properties located at 104, 108, and 112 North Milton Street and an unaddressed 0.18-acre tract located at the northwest corner of Pecos Street and North Van Burren Street.

Jeff Fisher, Senior Planner, presented the proposed rezoning request. He displayed photos of the properties and surrounding area. Mr. Fisher explained that the applicant's Expansion of a Non-Conforming Use (NCU15-03) was set to expire later this month, and that he was seeking a Rezoning to allow his existing veterinary clinic to continue and expand on the properties. He explained to the Commissioners that the Rezoning to CN would allow the vet clinic, as well as other commercial uses including retail sales and services. He further indicated that at the present time, the applicant planned to continue the vet clinic and had no plans to sell the properties. Mr. Fisher concluded his presentation with Staff's rationale for recommending approval which included that the properties are surrounded by commercial and office uses to the south and southwest, that the vet clinic has existed since the 1950s on the property, and that the properties were adjacent to Pecos Street to the south, an arterial street which can accommodate large traffic volumes.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Smith made a Motion to APPROVE the Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on the properties, as presented. Commissioner Spano seconded the Motion. The Motion passed unanimously, 5-0.

2. **Related Rezoning and Conditional Use.**

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

A. **Stonewall**

Related cases Z17-15 and CU17-12 were heard concurrently with two separate motions for each as outlined below.

i. **Z17-15: Stonewall**

Public hearing and consideration of a request for approval of a Rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District on properties located at 1901, 1902, 1906 Colonial Street, and an unaddressed 4.482-acre tract located approximately 100 feet northeast of North Bentwood Drive and Pine Valley Street.

ii. **CU17-12: Stonewall**

Public hearing and consideration of a request for approval of a Conditional Use to allow for household living in the Office Commercial (CO) and General Commercial (CG) Zoning Districts, on properties located at 1901, 1902, 1906 Colonial Street, and an unaddressed 4.482-acre tract located approximately 100 feet northeast of North Bentwood Drive and Pine Valley Street.

Hillary Bueker, Senior Planner, presented the two cases together. She indicated that the purpose of the rezoning was to consolidate the three different zone categories into the Single-Family Residential (RS-1) zone to allow single-detached dwellings. Ms. Bueker outlined Staff's recommendation rationale for recommending approval of both requests, which included that the proposed dwellings are consistent with the Future Land Use designation of "Neighborhood," that the surrounding area to the south was zoned RS-1, and that the land had remained vacant for greater than 10 years.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Farmer made a Motion to recommend APPROVAL of a Rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District on the

subject properties. Commissioner Smith seconded the Motion. The Motion passed unanimously, 5-0.

Commissioner Farmer made a Motion to APPROVE a Conditional Use to allow for household living in the Office Commercial (CO) and General Commercial (CG) Zoning Districts on the subject properties. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 5-0.

3. Conditional Uses.

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

A. CU17-10: Water Tree

Public hearing and consideration of a request for approval of a Conditional Use to allow for Retail Sales and Services in the Light Manufacturing (ML) Zoning District, as outlined in Section 310 of the Zoning Ordinance, on property located at 4100 South Chadbourne Street.

Kristina Heredia, Planner, presented the proposed conditional use request. She explained that the applicant had been operating a retail water sales business from the property which is not allowed in the ML zone without a Conditional Use. Ms. Heredia indicated there were currently two parking spaces on the property and the applicant would add a one-way drive aisle with six new parking spaces to satisfy all required parking for the water business and existing self-service storage units. She outlined Staff's recommendation for approval which included that the new parking area would eliminate traffic backup, that limited retail was consistent with the definition of Light Manufacturing, that the surrounding area already contained a mix of commercial and light industrial uses, and that the area was continuing to develop in a commercial manner.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Crisp made a Motion to APPROVE the Conditional Use to allow for Retail Sales and Services in the Light Manufacturing (ML) Zoning District, as outlined in Section 310 of the Zoning Ordinance, on the subject property, subject to the two conditions of approval as presented. Commissioner Smith seconded the Motion. The Motion passed unanimously, 5-0.

B. CU17-11: Babiash

Public hearing and consideration of a request for approval of a Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on property located at 2045 American Legion Road.

Jeff Fisher, Senior Planner, presented the proposed conditional use request. He explained that there was an existing single family home and guest house on the property and both could be used to accommodate the short term rental, provided the stove and oven in the guest house be removed, as required by the Zoning Ordinance. He outlined photos of the property and surrounding area and indicated there was a long driveway and extensive area to park vehicles on the property. Mr. Fisher stated that Staff had received 16 responses in opposition to the proposed short term rental and presented a location map showing the property owners opposed. He outlined the residents' concerns to the Planning Commissioners which included potential reduced property values, parking and traffic, noise and vandalism, and cleanliness. Mr. Fisher concluded his presentation with Staff's rationale for recommending approval which included that the short term would operate within existing buildings, would comply with all zoning provisions once the guest house stove and oven were removed, and that the site acted as a transition between commercial uses to the west and residential properties to the east.

Chairperson Priess opened the meeting for public comment.

Commissioner Crisp asked if the applicant could still park on the street. Mr. Fisher responded that this was possible, but that the applicant had satisfied the minimum parking requirement on the property of two spaces, and had adequate room for additional on-site parking.

Commissioner Crisp asked if a condition of approval could be made to ensure that there was no overflow parking onto the street. Jon James, Director of Planning and Development Services, answered that unless there were signs on the street indicated "no parking," he did not believe this could be done, however, he did indicate that additional parking could be required on-site.

Josh Isaac, a local resident, expressed his opposition based on increased parking, particularly on weekends during the same time as church services across the street. He also expressed concerns with litter from people with no vested interested in the area, safety of children, and increased insurance costs.

Richard Crisp, a local resident, expressed opposition based on proximity to the existing church which already generated large traffic volumes, and

indicated concerns this would turn into a "party house." He did not believe this was a good location for a short term rental.

Michelle Babiash, one of the applicants and owners of the short term rental, explained that she currently lived on the property, invited family over, and was not looking for "partiers." She expressed her support for the request.

Chairperson Priess asked if Ms. Babiash was going to move out to accommodate the short term rental. Ms. Babiash indicated that she would be moving out to allow the house to be occupied as a short term rental.

Mr. Billy Wood, a local resident, expressed opposition to the request. He indicated that he lived in the area for over twenty years, and expressed concerns about lack of adult supervision, spillover parking, and fire access.

Ms. Sandra Wood also expressed her opposition. She believed this was a quiet neighborhood and that approval of a short term rental would open "a can of worms."

Chairperson Priess indicated that in order for the Planning Commissioners to approve the request, it had to meet the criteria for a conditional use and be appropriate for the area.

Commissioner Smith indicated that in his opinion, the short term rental met all criteria and would be appropriate for the area which had a large volume of tourism.

Commissioner Crisp expressed concerns about parking, and that in his opinion, he did not believe the request met the conditional use criteria.

Mr. James indicated that each conditional use was reviewed for its appropriateness and a decision for recommendation was based on the required criteria. He explained that this criteria included an examination of the surrounding land uses, parking, and the size of the lot.

Ms. Babiash indicated that she understood the neighbors' concerns, but that she did not believe parking would be an issue. She explained that there were at least eight parking spaces to park on the property.

Mr. Isaac explained that there would still be traffic on weekdays also from the church school operating next to the property.

Commissioner Smith explained that the property could already be rented out as a long term rental.

Mr. Isaac indicated that in that situation, however, he would have time to get to know the renters.

Commissioner Farmer indicated concerns that the current owner would sell the property, and that the new property owner may not be as diligent with who rents the property.

Commissioner Smith made a Motion to APPROVE the Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on the subject property, subject to the two conditions of approval as presented. Commissioner Spano seconded the Motion. Commissioners Priess, Farmer, and Crisp voted in opposition. The Motion FAILED, 3-2.

Commissioner Crisp made a Motion to DENY the Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on the subject property, based on increased traffic and the lack of control over new owners and renters. Commissioner Farmer seconded the Motion. Commissioners Priess, Farmer, and Crisp voted in support, and Commissioners Smith and Spano voted in opposition. The Motion to DENY the request was approved, 3-2.

C. CU17-13: Star Towers, LLC

Public hearing and consideration of a request for approval of a Conditional Use to allow a wireless telecommunications tower and related facilities in the General Commercial/Heavy Commercial (CG/CH) Zoning District on property located at 518 East 19th Street.

Hillary Bueker, Senior Planner, presented the proposed conditional use request. She explained the purpose of the request was to erect a telecommunication tower on the property zoned CG/CH. She outlined Staff's rationale to recommend approval of the proposed request, on the grounds that the tower was at least 100 feet away from any single-family residential area, that East 19th Street was consistently zoned CG/CH, that the proposed lot was adjacent to commercial uses, and that there was a community need for telecommunication towers to service a growing population.

Chairperson Priess opened the meeting for public comment.

Commissioner Smith asked if the proposed tower was a monopole. Ms. Bueker responded that was correct.

Ms. Nora Garcia, a local resident asked if she could build a home next to the tower property. Ms. Bueker indicated that the current zoning on her property would be CG/CH which would not allow a home.

Mr. Alec Brodeus, representing the applicant, indicated he was available to answer any questions. He stated this request was for the same type of tower that was applied for on another property at 1524 South Bell Street (CU17-03).

Commissioner Smith made a Motion to APPROVE the Conditional Use to allow for a wireless telecommunications tower and related facilities in the General Commercial/Heavy Commercial (CG/CH) Zoning District on the subject property, subject to the four conditions of approval as presented. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 5-0.

4. Text Amendments.

City Council has final authority for approval of Text Amendments.

- A. Public hearing and consideration of a Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 4, Section 402 (Accessory Uses and Structures) to allow for reduced setbacks for accessory structures with certain conditions within the Zero Lot Line, Twinhome and Townhome (RS-3) Zoning District.

Hillary Bueker, Senior Planner, presented the case. She explained that currently the RS-3 Zoning District required a 10-foot setback on one side and between 0-1 feet on the other side. She displayed photos of surrounding areas where accessory structures were built into the side yard which included awnings, canopies and trellises. Ms. Bueker outlined the proposed text amendment which would allow in certain cases a reduced side yard setback on the 10-foot side for accessory structures. She explained that a reduction to five feet in this side would be allowed provided the structure is constructed with noncombustible materials, is unenclosed, and has a substantially open roof.

Chairperson Priess opened the meeting for public comment.

Jon James, Director of Planning and Development Services, explained that similar buildings have had fires when they were constructed without noncombustible materials. He indicated that a question for the Commission was whether or not a permit should be required for side yard structures even where they did not normally require one.

Commissioner Crisp asked what prompted the proposed text amendment.

Mr. James responded that there were several code violations in a particular area with these structures being located in side yards without permits. He explained that Staff met with the Fire Marshall's Office to determine the new provisions.

Commissioner Smith expressed his support for the amendment for fire safety.

Tony Jones, a residential developer, indicated that zero lot (patio) homes were becoming more popular. He indicated that the original deed restrictions prohibited structures within these 10-foot side yards, and that future owners put these structures in after the fact.

Kevin Collins of Bentwood Country Club, indicated that he wanted to deed restrict his patio homes as well and ensure that the deed restrictions matched whatever new zoning amendment was approved.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 4, Section 402 (Accessory Uses and Structures) to allow for reduced setbacks for accessory structures with certain conditions within the Zero Lot Line, Twinhome and Townhome (RS-3) Zoning District, as presented, removing the word "required" from 4C of the amendment. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 5-0.

- B. Public hearing and consideration of a Text Amendment to Chapter 12, Article 12.04 (Signs) and 12.04.016 (Prohibited Sign Types and Locations) to allow for projecting signs larger than 16 square feet on private property without City Council approval.

Jeff Fisher, Senior Planner, presented the case. He explained that the purpose of the Sign Ordinance amendment was to allow projecting signs larger than 16 square feet on private property to be exempt from City Council approval. He indicated that the current Sign Ordinance requires all projecting signs, whether on private property or in public right-of-way and which are larger than 16 square feet, to obtain City Council approval. He explained Staff's rationale for changing this provision to only apply to signs in the right-of-way given they are generally closer to the street and may infringe upon other business's rights to be seen. In contrast, Mr. Fisher explained that most signs on private property tend to have greater setbacks and are unlikely to create impediments to adjacent businesses.

Chairperson Priess opened the meeting for public comment.

Commissioner Smith asked what created the need for this amendment.

Mr. Fisher responded that a developer recently submitted sign permit applications for a restaurant on private property, triggering a review of the relevant sign ordinance provision. He explained that the sign permits had complied in all respects, except for one sign which was larger than 16 square feet and which required City Council approval under the current Sign Ordinance. He further explained that this case provided a good justification for amending the Sign Ordinance given that this sign on private property, was over 30 feet back from the front property line, and would not infringe on any neighboring business's right to be seen. He contrasted this example to properties on Chadbourne Street and Concho Avenue with buildings built to the street line and where these signs would be in the public right-of-way. Mr. Fisher concluded his presentation by indicating that signs in the public right-of-way would still require City Council if they were over 16 square feet in size.

Chairperson Priess commended Staff for bringing forward this amendment to avoid situations like this from reoccurring in future.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Text Amendment to Chapter 12, Article 12.04 (Signs) and 12.04.016 (Prohibited Sign Types and Locations) to allow for projecting signs larger than 16 square feet on private property without City Council approval, as presented. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 5-0.

VI. Director's Report.

Jon James, Director of Planning and Development Services, indicated that the November Planning Commission was moved back to November 13, 2017, and to remind the Planning Commissioners that the December 18th meeting was scheduled the week prior to Christmas and to let Staff know of any need to reschedule. He concluded that the January 2018 Meeting would be rescheduled to January 22nd due to Martin Luther King Jr. Day.

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, November 13, 2017**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

VIII. Adjournment.

Commissioner Smith made a Motion to adjourn at 10:23 a.m., and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 5-0.



Valerie Preiss, Chair,
Planning Commission