

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, NOVEMBER 13, 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, JOE SPANO, TRAVIS STRIBLING

ABSENT: RYAN SMITH

STAFF: Jon James, AICP, Director of Planning and Development Services
Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager
Aaron Vannoy, Development Administrator
Dan T. Saluri, Deputy City Attorney
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 9:00 a.m. and established that a full quorum of seven was present.

II. Prayer and Pledge.

The prayer was delivered by Commissioner Farmer. The pledge was led by Commissioner Crisp.

III. Consent Agenda:

A. Consideration of approving the October 16, 2017, Planning Commission Regular Meeting minutes.

B. Preliminary Plat, San Angelo Gateway Addition, Section Two

A request for approval of a Preliminary Plat, San Angelo Gateway Addition, Section Two, being 206.242 acres generally located north of Venture Drive and Gateway Drive, east of the North Loop 306 Frontage Road.

C. Final Plat of Block 2, Lot 3, San Angelo Gateway Addition, Section Two

A request for approval of a Final Plat of Block 2, Lot 3, San Angelo Gateway Addition, Section Two, being 53.128 acres generally located north of Venture Drive and Gateway Drive, east of the North Loop 306 Frontage Road.

D. **Final Plat of Bentwood Country Club Estates, Section 40A**

A request for approval of a Final Plat of Bentwood Country Club Estates, Section 40A, being 3.972 acres generally located east of the intersection of Silver Creek Pass and Pine Valley Street.

E. **Final Plat of Bentwood Country Club Estates, Section 40B**

A request for approval of a Final Plat of Bentwood Country Club Estates, Section 40B, being 6.138 acres generally located east of the intersection of Silver Creek Pass and Pine Valley Street.

A Motion to APPROVE the Consent Agenda was made by Commissioner Crisp and seconded by Commissioner Farmer. 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 of Western Hills Annex, Section Four**

Public hearing and consideration of a request for approval of a Final Plat of Western Hills Annex, Section Four, and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Junius Street, an Urban Minor Collector Street, to maintain a 36-foot pavement width in lieu of the required 50-foot pavement, being 0.386 acres generally located 150 feet east of the intersection of Junius Street and Hatcher Street.

Hillary Bueker, Senior Planner, presented the proposed final plat request. She indicated that the applicant plans to divide the unplatted parcel into two residential lots and are seeking a variance to allow a 36-foot paving width on Junius Street instead of the required 50 feet. Ms. Bueker outlined Staff's rationale for approval of the plat and associated variance which included that the current street widths are sufficient and do not pose a safety risk.

Commissioner Jackson asked if the variance was for a reduction in street width.

Ms. Bueker indicated this was correct.

Chairperson Priess opened the meeting for public comment.

Herb Hooker, SKG Engineering, representing the applicant, indicated that he was available to answer any questions.

There was no further public comment.

Commissioner Stribling made a Motion to APPROVE the Final Plat and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Junius Street, an Urban Minor Collector Street, to maintain a 36-foot pavement width in lieu of the required 50-foot pavement, subject to the three conditions of approval, as presented. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

B. Replat of Lots 1 and 2, Block 11, Fairview Addition

Public hearing and consideration of a request for approval of a Replat of Lots 1 and 2, Block 11, Fairview Addition; and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow South Archer Street, an Urban Local Street, to maintain a 38-foot pavement width in lieu of the required 40-foot pavement width with no sidewalk, being 0.44 acres generally located on the southwest side of the intersection of South Archer Street and Bryan Street.

Kristina Heredia, Planner, presented the proposed replat request. She indicated that the applicant plans to reorient the properties from north-south to east-west, and obtain a variance to maintain a 38-foot paving width on South Archer Street in lieu of 40 feet or 36 feet with a 4-foot sidewalk. Ms. Bueker outlined Staff's rationale for approval of the plat and associated variance which included that the current street widths are sufficient and do not pose a safety risk, and that the street is unlikely to be widened in future.

Commissioner Stribling asked if the building could be built on the property within the new setbacks.

Rebeca Guerra, Planning Manager, indicated that a building could be built within the minimum setbacks in future.

Chairperson Priess opened the meeting for public comment.

Herb Hooker, SKG Engineering, representing the applicant, indicated that he was available to answer any questions.

There was no further public comment.

Commissioner Crisp made a Motion to APPROVE the Replat and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow South Archer Street, an Urban Local Street, to maintain a 38-foot pavement width in lieu of the required 40-foot pavement width with no sidewalk, subject to the six conditions of approval, as presented. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

C. First Replat of Tracts 41 & 42, Red Creek Subdivision

Public hearing and consideration of a request for approval of a First Replat of Tracts 41 & 42, Red Creek Subdivision, and three Variances: a Variance from Chapter 9.III.V of the Subdivision Ordinance exempting dedication and improvement of street right-of-way; a Variance from Chapter 10.III.A.1 of the Subdivision Ordinance to allow Bramlett Lane, a Rural Local Road, to maintain a 50-foot right-of-way in lieu of the required 60 feet; and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Bramlett Lane, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width with no sidewalk, being 8.00 acres generally located 575 feet west of the intersection of Bramlett Lane and Rust Road.

Hillary Bueker, Senior Planner, presented the proposed replat request. She indicated that the applicant plans to reconfigure lot lines from two previous platted lots and obtain variances from right-of-way and paving width to allow a 50-foot right-of-way instead of 60-feet, and 20 feet of pavement instead of 30 feet for Bramlett Lane. She outlined Staff's rationale for approval of the replat and associated variances, which included that the existing roads are sufficient with the emergency turnaround.

Chairperson Priess opened the meeting for public comment.

Herb Hooker with SKG Engineering, representing the applicant, indicated that this area has numerous dead-end roads and believes that the emergency turnaround is a compromise.

There was no further public comment.

Commissioner Spano made a Motion to APPROVE the Replat and Variances from Chapter 10.III.A.1 of the Subdivision Ordinance to allow Bramlett Lane, a Rural Local Road, to maintain a 50-foot right-of-way in lieu of the required 60 feet; and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Bramlett Lane, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width with no sidewalk, subject to the three conditions of approval, as presented, and conditional of the dedication of an unobstructed emergency vehicle turnaround easement on Bramlett Lane. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

D. First Replat of Tract 114, Red Creek Subdivision

Public hearing and consideration of a request for approval of a First Replat of Tract 114, Red Creek Subdivision, and two Variances: a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Rust Road, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width; and a Variance from Chapter from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Valley Road, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width; being 10 acres generally located 0.44 miles north of the intersection of Bramlett Lane and Rust Road.

Hillary Bueker, Senior Planner, presented the proposed replat request. She indicated that the applicant intends to create two properties, one off of each street, North Valley Road and Rust Road respectively, and variances from paving width to allow 20 feet of pavement instead of 30 feet for Rust Street and North Valley Road. She outlined Staff's rationale for approval of the replat and associated variances, which included that the current street widths would not be detrimental to public safety, and that this is an existing established neighborhood with streets unlikely to be widened in the future.

Chairperson Priess opened the meeting for public comment.

Ms. Bueker indicated that an emergency turnaround was not needed in this case given that the streets were through streets.

There was no further public comment.

Commissioner Jackson made a Motion to APPROVE the Replat and Variances from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Rust Road, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width; and a Variance from Chapter from Chapter 10.III.A.2 of the Subdivision Ordinance to allow North Valley Road, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width, subject to the three conditions of approval, as presented. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

E. First Replat of Tract 181, Red Creek Subdivision

Public hearing and consideration of a request for approval of a First Replat of Tract 181, Red Creek Subdivision, and three Variances: a Variance from Chapter 9.III.V of the Subdivision Ordinance exempting dedication and improvement of street right-of-way; a Variance from Chapter 10.III.A.1 of the Subdivision Ordinance to allow O'Bryan Lane, a Rural Local Road, to maintain a 50-foot right-of-way in lieu of the required 60 feet; and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow O'Bryan Lane, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width with no sidewalk, being 5.99 acres generally located 1,300 feet east of the intersection of O'Bryan Lane and Swain Road.

Hillary Bueker, Senior Planner, presented the proposed replat request. She indicated that the proposed lot is approximately 6 acres and located in the City's Extra-Territorial Jurisdiction (ETJ). She outlined Staff's rationale for approval of the replat and associated variances, which included that the current street widths would not be detrimental to public safety; that this is an existing established neighborhood with streets unlikely to be widened in the future; and that the additional paving would create an irregular jog in the street.

Chairperson Priess opened the meeting for public comment.

Commissioner Stribling asked what the cost impacts could be on the developer if the right-of-way had to be dedicated.

Rebeca Guerra, Planning Manager, indicated that the City is not requesting additional right-of-way and will be improving this area. She explained that the City is working with the County and City Engineering Staff, and are unanimously supporting the variance requests.

Lance Overstreet, Assistant City Engineer, indicated that the current street right-of-way is 60 feet and could be widened by the City if necessary in future. He explained that at the present time, the City does not anticipate current growth to trigger the need for additional paving improvements.

Herb Hooker with SKG Engineering, representing the applicant, indicated that he is available to answer any questions the Commission may have.

There was no further public comment.

Commissioner Stribling made a Motion to APPROVE the Replat and and three Variances; a Variance from Chapter 9.III.V of the Subdivision Ordinance exempting dedication and improvement of street right-of-way; a Variance from Chapter 10.III.A.1 of the Subdivision Ordinance to allow O'Bryan Lane, a Rural Local Road, to maintain a 50-foot right-of-way in lieu of the required 60 feet; and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow O'Bryan Lane, a Rural Local Road, to maintain a 20-foot pavement width in lieu of the required 30-foot pavement width with no sidewalk, subject to the three conditions of approval, as presented, and conditional of the dedication of an unobstructed emergency vehicle turnaround easement on O'Bryan Lane. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

2. Conditional Uses.

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

A. CU17-14: Concho Quarters

Public hearing and consideration of a request for approval of a Conditional Use for a Short-Term Rental in the Two-Family Residential (RS-2) Zoning District, being 0.34 acres located at 305 and 309 West Avenue A.

Jeff Fisher, Senior Planner, presented the proposed conditional use request for a short term rental on the subject property. He explained that the applicant was proposing to legalize an existing short term rental on the subject property at 305 West Avenue A and rent out the second dwelling at 309 West Avenue A for longer than 30 days. He further explained that the applicant has two parking spaces at the rear under the existing carport, but requires an additional two for the second dwelling as a condition of approval. Mr. Fisher concluded his presentation with Staff's rationale for approval which included that the short term rental would be located within an existing building; that the use would comply with the zoning provisions except for the two parking spaces; and that the use provides an effective transition between the commercial uses to the north and west, and the residential uses to the east and southeast.

Chairperson Priess opened the meeting for public comment.

Mr. Randall Schkade, resident, expressed his opposition to the proposed short term rental. He first raised concerns about property addressing and said that 305 West Avenue A did not exist on the Tom Green Appraisal District website.

Mr. Fisher responded that the City's GIS and 9-11 addressing does have 305 West Avenue A as an address, and this address has received permits in past.

Mr. Schkade further expressed his opposition to a sign advertising the short term rental on the property, and believed that the short term rental should not be transferred to another owner.

Mr. Jon James, Director of Planning and Development Services, indicated that City Council already discussed the expiry of a short term rental, and that at present a short term rental could be transferred to a new property owner.

Commissioner Jackson asked if a short term rental Conditional Use stays with the property.

Mr. James responded this was correct, as the short term rental, if approved, would run with the property.

Mr. James also addressed Mr. Schkade's comment regarding signage, and explained that the short term rental ordinance allows signs for short term rentals, and that the condition of approval limiting the sign to a non-illuminated sign with a maximum of six square feet mirrors the language for bed and breakfast signage.

Commissioner Spano indicated that he didn't see a need for a sign for a short term rental.

Mr. James also addressed Mr. Schkade's comment regarding the number of dwellings allowed on the property. He explained that in this case, the zoning is RS-2 and allows a second dwelling that does not have to be used as a short term rental.

Chairperson Priess asked if the subject short term rental already existed.

Mr. James responded this was correct, that the short rental is pre-existing and has been paying City and State hotel tax as required.

Mr. Schkade indicated that at no time was he aware you could have a short term rental and a separate dwelling on the same property..

Mr. James reiterated that in previous cases, the properties were zoned RS-1 with only one dwelling which was fully converted into a short term rental.

Commissioner Crisp 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 Two-Family Residential (RS-2) Zoning District at 305 West Avenue A, subject to the six conditions of approval, MODIFYING condition #4 to remove the verbiage "except for one unilluminated sign, no larger than six square feet," thereby removing the allowance for any signage on the property. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

B. CU17-15: Castellanos

Public hearing and consideration of a request for approval of a Conditional Use for limited retail sales and service (the sale of Agricultural Produce) and Household Living in the Light Manufacturing (ML) Zoning District, being 3.00 acres located at 3940 North Bryant Boulevard.

Jeff Fisher, Senior Planner, presented the proposed conditional use request to allow the sale of agricultural produce, a component of retail sales and service, and a manufactured home. He displayed photographs of the subject property for the Commissioners, which showed the existing hay bales for sale, as well as an existing administrative office and a penned area for goats. Mr. Fisher explained that the applicant was operating the hay sales business from a nearby property which received a Conditional Use but was leasing from another property owner. He mentioned that the applicant owns the subject

property and intends to operate the hay sales business from the property, and use the manufactured home for members of his family which run the hay sales business. Mr. Fisher concluded his presentation outlining Staff's rationale for approval which included that the property is surrounded by other commercial uses; that the proposed uses comply with the zoning provisions once the two required parking spaces have been installed; that the home will be used for security and management only of the business; and that there is a community need as the applicant supplies hay to local farmers, ranchers and members of the community.

Chairperson Priess asked if the manufactured home would only be for those who own the property and that if it sold the new owners would not be allowed to utilize it.

Mr. Fisher clarified that the manufactured home would be those employed on the property but that the approval is transferrable to new ownership, so long as they continued to operate an allowed business on the property.

Commissioner Crisp asked for clarification that should the property be sold and the new owners decide not to operate a business, would the manufactured home have to be removed.

Mr. Fisher responded this was correct.

Jon James, Director of Planning and Development Services, indicated that after further review, Staff will be recommending that there be no maximum occupancy for the manufactured home.

Chairperson Priess opened the meeting for public comment.

Commissioner Stribling asked if the goats were allowed on the property.

Mr. James indicated that goats would be allowed for personal use and enjoyment only by the owner of the property.

Commissioner Farmer made a Motion to APPROVE the Conditional Use for limited retail sales and service (the sale of Agricultural Produce) and Household Living in the Light Manufacturing (ML) Zoning District on the property, subject to the eight conditions of approval, MODIFYING condition #1 to remove the verbiage "a maximum of four," thereby allowing more than four persons to occupy the manufactured home providing they are employed in the business on the property. Commissioner Spano seconded the Motion. The Motion passed 5-1 with Commissioners Priess, Jackson, Spano, Crisp, and Farmer voting in favor. Commissioner Stribling voted in opposition on the grounds he did not believe a manufactured home was appropriate in this commercial area.

C. CU17-16: Thompson

Public hearing and consideration of a request for approval of a Conditional Use for Household Living in the General Commercial / Heavy Commercial (CG/CH) Zoning District, being 0.115 acres located at 1314 West Beauregard Avenue.

Jeff Fisher, Senior Planner, presented the proposed conditional use request to legalize an existing residential unit inside a commercial building on the property. He explained that the applicant has been adding residential floor space in this building since the 1990s but was never legally permitted. Mr. Fisher outlined Staff's rationale for approval which included that the residential unit is entirely inside the existing building, that two parking spaces can be provided under the existing carport; and the residential unit in the north portion of the building is appropriate given surrounding residential uses north of West Beauregard Avenue.

Chairperson Priess opened the meeting for public comment.

The applicant's son, Mr. Tommy Thompson indicated he is available to answer questions.

Commissioner Crisp made a Motion to APPROVE the Conditional Use for Household Living in the General Commercial/Heavy Commercial (CG/CH) Zoning District on the property, subject to the three conditions of approval, as presented. 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 North Sellers Street (Givens)

Public hearing and consideration of a request to approve the abandonment of approximately 7,550 square feet (125.55 linear feet) of the North Sellers Street public right-of-way, generally located between Belaire Avenue and the alley north of and parallel to Belaire Avenue.

Hillary Bueker, Senior Planner, presented the proposed street right-of-way vacation and abandonment of a portion of North Sellers Street. Ms. Bueker explained that this portion of North Sellers was expected to extent northward but that this never happened.

She outlined Staff's rationale for approval which included that existing or anticipated traffic patterns would not be affected; that North Sellers Street acts as a side yard; that this portion of the street is not used for connection; and that the street provides no public benefit.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Jackson made a Motion to APPROVE the requested vacation and abandonment of approximately 7,550 square feet of North Sellers Street public right-of-way, subject to the two conditions of approval as presented. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

VI. Director's Report.

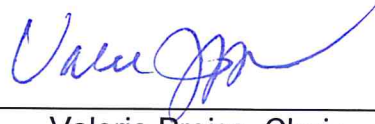
Jon James, Director of Planning and Development Services, outlined several staff initiatives including creating a minimum standard street width for existing streets; working with the County to amend our Extra-Territorial Jurisdiction (ETJ) boundaries; deferring a developer's obligation to widen existing roads to a later date; and discussing changes to the River Corridor boundary map and development process. Mr. James also indicated to the Commissioners that the January 2018 Planning Commission will be moved to January 22, 2018 because of the Martin Luther King Jr. holiday; and introduced Mr. Aaron Vannoy, the new Development Administrator in the Planning and Development Services Department.

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, December 11, 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 10:11 a.m., and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.



Valerie Preiss, Chair,
Planning Commission