MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, MARCH 20, 2017, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS

PRESENT: VALERIE PRIESS (CHAIR), TERI JACKSON (VICE CHAIR), RYAN

SMITH, SAMMY FARMER, JOE SPANO, TRAVIS STRIBLING

ABSENT: MARK CRISP

STAFF: Jon James, AICP, Director of Planning and Development Services

Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager

Dan Saluri, Deputy City Attorney

Al Torres, Building Official

David Stallworth, AICP, Principal Planner

Jeff Fisher, Planner

I. Call to order.

Chairperson Valerie Preiss called the meeting to order at 9:00 a.m. and established that a quorum of six (6) was present.

II. Prayer and Pledge.

The prayer was delivered by Rev. Celia Ellery of the Good Shepherd Episcopal Church. The pledge was led by Chairperson Priess.

III. Consent Agenda:

A. Consideration of approving the February 20, 2017 Planning Commission Regular Meeting minutes.

A Motion to APPROVE the February 20, 2017 Planning Commission Minutes was made by Commissioner Jackson and seconded by Commissioner Stribling. 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, D.C. Meier Subdivision, Section One

Public hearing and consideration of a request for approval of the Final Plat of the D.C. Meier Subdivision, Section One, and requests for Variances to

the following sections of the City's Land Development and Subdivision Ordinance: (a) Sections 9.III.A.5.a.(1) and 10.III.A.1, which requires the dedication of additional public right-of-way along a segment of Shahan Road to bring it into compliance with minimum Arterial roadway standards; (b) Sections 9.III.A.5.a.(2) and 10.III.A.2, which requires the construction of additional pavement width along a segment of Shahan Road to bring it into compliance with minimum Arterial roadway standards; and (c) Section 9.V, which requires the construction of sidewalk on a platted lot that abuts a road or street containing a pavement width that is less than 36 feet (Shahan Road); on a 2.5-acre property generally located outside of the San Angelo municipal corporate limits and within the City's Extra-territorial Jurisdiction (ETJ), along the south side of Shahan Road, approximately 1,995 feet east of South Gas Plant Road.

David Stallworth, Principal Planner, provided a brief synopsis of this case. Mr. Stallworth indicated the location of the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of approval of the final plat, subject to Conditions, along with his basis for the recommendation. Mr. Stallworth also recommended denial of all variances, save for the variance to the installation of sidewalks.

Chairperson Priess opened the meeting for public comment.

Herb Hooker of SKG Engineering, representing the property owner, approached the podium, identified himself, and talked about what he considers the uniqueness of the parcel and the restrictions to the property to the north of the subject property. He asked the Planning Department to explain why the property is subject to Chapters 9 and 10 of the Subdivision Ordinance.

Mr. Stallworth explained that the property is subject to Chapters 9 and 10 of the Subdivision Ordinance, because it is within the City Limits, and is held to the same standards, and the City does not want to end up with substandard facilities. Mr. Stallworth reminded the Commission that the subject property is not unique and thus must meet the required roadway improvements and dedications.

Mr. Hooker asked Mr. Stallworth how the property would have to adhere to the standards for platting property when the property is already platted.

Mr. Stallworth responded that the property will be considered platted when it has been recorded, and that any additional subdividing of the property will require that they adhere to the rules set forth in the Subdivision Ordinance.

Mr. Hooker returned to the podium to ask for a pre-vote in his favor from the Commission. Chairperson Priess declined and instead opened the floor to any additional public comments.

No additional public comments were offered and Chairperson Priess asked for questions from the Commission.

Commissioner Farmer stated that the tracts beyond this property were not conducive to being further subdivided. He questioned the fairness of making this one property widen the road in front of the lot whereas others would not likely have to.

Planning Director Jon James spoke and stated that out of the two Variances that staff recommended denial of, the one most important to staff was the dedication of the right-of-way, as dedicating that land now would save the taxpayers the expense of purchasing that land later.

Mr. Hooker said his client was fine with the dedication of the right-of-way.

Commissioner Stribling made a Motion to APPROVE the proposed plat, subject to the recommended Conditions of Approval, DENY the Variance to right-of-way dedication, and APPROVE the Variances for additional pavement construction and sidewalk construction. Commissioner Farmer seconded the Motion. The Motion passed 5-1 with Commissioners Priess, Jackson, Farmer, Stribling, and Spano voting in favor, and Commissioner Smith dissenting.

B. Final Plat, Las Lomas Ranchettes, Section Eleven

Public hearing and consideration of a request for approval of the Final Plat of the Las Lomas Ranchettes Subdivision, Section Eleven, and approval of the following Variances to the City's Land Development and Subdivision Ordinance: (a) Sections 9.III.A.5.a.1 and 10.III.A.1 requiring the dedication of 5 feet of public street right-of-way and improvement of 6.5 feet of additional pavement along a segment of Rio Vista Circle; (b) Sections 9.III.A.5.a.2 and 10.III.A.2 to retain current substandard right-of-way and pavement widths along a segment of Rio Vista Circle, a rural local road; and (c) Section 9.V, which requires the construction of sidewalk on a platted lot that abuts a road or street containing a pavement width that is less than 36 feet (Rio Vista Circle), on a 0.265-acre property generally located outside of the San Angelo municipal corporate limits and within the City's Extraterritorial Jurisdiction (ETJ) along the south side of Rio Vista Circle, east of Las Lomas Drive.

David Stallworth, Principal Planner, provided a brief synopsis of this case. Mr. Stallworth indicated the location of the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of approval of the final plat, subject to Conditions, along with his basis for the recommendation. Mr. Stallworth also recommended denial of all variances, save for the variance to the installation of sidewalks.

Chairperson Priess opened the meeting for public comment.

Max Jacobs, the petitioner and property owner approached the podium, identified himself, and distributed a handout to the Commissioners. He discussed his reasoning and arguments behind his Variance requests and how he fails to see what the City is requiring him to do will accomplish. He appeals to the Commission that common sense and the spirit of the law prevail. He further indicated that he was already delayed a month.

Chairperson Priess asked if there was anyone else who wanted to speak.

Mr. Stallworth explained that the reason the case was delayed a month was because staff was unable to find a record that Rio Vista Circle was a publicly dedicated road. Mr. Stallworth further reminded the Commission that economic hardship is not a qualifier for a variance.

Mr. Jacobs returned to the podium to talk about substandard roads. He indicated that there were other roads in the city with much more substandard width than Rio Vista Circle.

Commissioner Farmer made a Motion to APPROVE the proposed plat, subject to the recommended Conditions of Approval, and APPROVE all Variances. Commissioner Spano seconded the Motion. The Motion passed, 4-2, with Commissioners Priess, Jackson, Farmer, and Spano voting in favor, and Commissioners Stribling and Smith dissenting.

C. Final Plat, B&R Subdivision, Section Three

Public hearing and consideration of a request for approval of a resubmission of a Final Plat of B & R Subdivision, Section Three, and a Variance from Chapter 9.V to exempt the construction of a sidewalk; on a 5.330-acre property generally located 1,100 feet west of the intersection of Cox Lane and Ben Ficklin Road.

Jeff Fisher, Planner, provided a brief synopsis of this case. Mr. Fisher indicated that the previous plat had expired due to not completing the required approval conditions within three years, and that the new application

will have the same lot configuration as the original plat. Mr. Fisher provided a location of the subject area and showed existing site conditions. He indicated that the applicant has requested a variance from constructing a sidewalk adjacent to the property.

Mr. Fisher outlined Staff's recommendation to approve the proposed final plat for being in conformity with the City's Comprehensive Plan and Intent of Purpose Statements. He also outlined Staff's rationale to deny the sidewalk variance, which included no proven hardship, and that a future gap of 1,100 feet in the future sidewalk network along Cox Lane would be established.

Chairperson Priess opened the meeting for public comment.

Herb Hooker of SKG Engineering, representing the property owner, approached the podium, identified himself, and made himself available for questions. He explained that traditionally sidewalks were only required when roads were less than 36 feet in width. Mr. Hooker did indicate he would be open to sidewalks if there was a need, or at least that it was deferred until the building permit stage.

Mr. Hooker also raised concerned about Condition #2, that he believed there was no evidence the property was adjacent to a public sewer line.

Lance Overstreet, Assistant City Engineer, indicated that the sewer lines are being maintained by the City.

Jon James, Director of Planning and Development Services, indicated that Condition #2 could be amended to require connection to the sewer main only if the lots are within 200 feet of the existed main, as required.

Dan Saluri, Deputy City Attorney, clarified the correct verbiage for Condition #2 as revised to be read into the record.

Commissioner Farmer expressed concerns of why a sidewalk was required when the properties immediately do not have a sidewalk.

Mr. James explained to the Commissioners that a sidewalk in this location would fill the gap in the larger context, as there could be new sidewalks on the large undeveloped portions of land in the area, and that this sidewalk would provide a continuation of this future sidewalk network.

Commissioner Stribling made a Motion to APPROVE the proposed plat, amending Condition #2 to require a connection to the City sewer main only for lots within 200 feet of an existing sewer main; to DENY the variance from sidewalk construction; and to REQUIRE installation

of a sidewalk which may be referred to the building permit stage prior to final occupancy or final inspection. Commissioner Spano seconded the Motion. The Motion passed unanimously 6-0.

2. Rezonings.

City Council has final authority for approval of Rezonings.

A. Z17-01: Mills Development

Public hearing and consideration of a request for approval of a Zone Change from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District for a 17.92-acre unaddressed property generally located west of Willke and Pinon Ridge Drives, west of the Prestonwood residential development and identified as a portion of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas.

David Stallworth, Principal Planner, provided a brief synopsis of the case. Mr. Stallworth indicated the location for the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the zone change, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Rocky Templin of Mills Development, Owner/Petitioner, approached the podium, identified himself, and made himself available for questions. He briefly explained the nature of the request, explained that he owned several of the lots that were notified, and that he believed the ultimate density to be closer to 3.6 dwelling units per acre, which differed from the staff report, which indicated that the new zoning could facilitate up to 8.71 dwelling units per acre.

Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

Commissioner Smith made a Motion to RECOMMEND APPROVAL of the request. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

Staff requested that Regular Agenda Items III.2.B (Zone Change Z17-02, Hargraves) and III.2.C (Special Use SU17-01, Hargraves) be heard concurrently as they are interrelated.

B. Z17-02: Hargraves

Public hearing and consideration of a request for approval of a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District for a 0.345-acre property located at 508-510 W. 17th Street, generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87) and identified as Lots 16 and 17, Block 1, Mineola Addition.

C. SU17-01: Hargraves

Public hearing and consideration of a request for approval of a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District for a 0.345-acre property located at 508-510 W. 17th Street, generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87) and identified as Lots 16 and 17, Block 1, Mineola Addition.

Chairperson Priess introduced Regular Agenda Items III.2.B and III.2.C and read each project description into the record. David Stallworth, Principal Planner, provided a brief synopsis of each case. Mr. Stallworth indicated the location for the subject area, showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth proceeded to recommend APPROVAL of the zone change, along with his basis for the recommendation. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the Special Use, subject to Conditions, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Mr. Robby Hargraves, owner/petitioner, approached the podium, identified himself, and made himself available for questions. Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

Commissioner Farmer made a Motion to RECOMMEND APPROVAL of the Zone Change request. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Smith made a Motion to RECOMMEND APPROVAL of the Special Use request. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Jackson left the meeting at 10:20 A.M.

D. <u>SU17-02: Kolster</u>

Public hearing and consideration of a request for a Special Use to allow for Retail Sales and Service, Industrial Service, and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District for a 4.651-acre property located at 2025 Ellis Street and 428 Montague Avenue; generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue; and being 1.861 acres and 2.79 acres respectively in the G. Schubitz Survey #326, Abstract A-1854.

Planner Jeff Fisher presented the case, stating that the proposed Special Use is for a farm and ranch supplies and equipment business which is not permitted in the current Neighborhood Commercial (CN) Zoning District. He indicated that the proposed Special Use, which includes various use categories outlined in the Zoning Ordinance, would allow each of the components of the applicant's business. The sale of farm supplies and equipment would be classified as retail sales and service; the welding component would be classified as industrial service; and the light construction of trailers and equipment storage would be classified as wholesale trade. Mr. Fisher then outlined Staff's rationale for recommending denial on the grounds that the proposed use does not provide an effective transition nor mitigate impacts on the nearby residential neighborhood; that the use is a heavy commercial use and is not compatible with the underlying CN zoning; and that traffic will increase on Montague Avenue, a local street, particularly if Phase II is approved which would add more potential development.

Planning Manager Rebeca Guerra reminded the Commission that in 2015 an applicant had applied for the property to be rezoned General Commercial (CG), but that the Commission believed that this was too intense and instead recommended Neighborhood Commercial (CN) which was later approved by City Council.

Chairperson Priess opened the hearing for public comments.

Russell Gully with SKG Engineering, representing the applicant, indicated that he believed that the previous and current request were similar, and that there was a letter received in support from a resident on the west side of Montague Avenue. Mr. Gully indicated that he would be willing to move the privacy fence back outside of the front yard to provide a further buffer from the surrounding area.

Commissioner Farmer indicated that the likelihood for residential development to expand in this area was minimal and that he believed this development will improve the neighborhood.

Commissioner Stribling expressed concerns of a welding shop being this close to a residential neighborhood.

Mr. Gully indicated this is not a large-scale facility like Hirschfield Steel, or an intense operation.

Jon James, Director of Planning and Development Services, if the manufacturing and welding will be done completely inside the building.

The applicant, Nick Kolster, confirmed that these components will be done exclusively indoors. He also indicated that the business hours will be from 8-5 pm, and that he has no intent to build on the southerly lot at this time.

Mr. James requested that a requirement that all welding and construction must be done inside a building be added as a Condition of Approval.

Commissioner Farmer made a Motion to RECOMMEND APPROVAL the request for only the northerly 1.861-acre property, adding a Condition #10 that all welding and construction shall be done inside an enclosed building. Commissioner Smith seconded the motion. The Motion passed 4-1, with Commissioners Priess, Farmer, Smith, and Spano voting in favor, and Commissioner Stribling dissenting.

3. Conditional Uses.

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

A. CU17-01: Powell

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, within an existing single-family dwelling in the Single-Family Residence (RS-1) Zoning District, on a 0.242-acre property located at 2181-A Gun Club Road, generally located approximately 750 feet west of the intersection of Gun Club Road and Mesquite Lane, and identified as Lot 14B in Block 1 of the Lake Nasworthy Subdivision, Group 10.

Planner Jeff Fisher presented the case for a Conditional Use request to allow an existing Short-Term Rental on the subject property. He explained that City Council passed a text amendment to the Zoning Ordinance on January 17, 2017, to allow a Conditional Use option for Short-Term Rentals residential zoning districts. Mr. Fisher then explained specific details on the applicant's request. The property is zoned Single-Family Residential (RS-1) and the property is divided into two parts. The house is located on the

south side of Gun Club Road, and the two required parking spaces are located underneath an existing carport on the north side of the street. Mr. Fisher indicated that to the best of Staff's knowledge, there were no other Short-Term Rentals (STR) within 500 feet of the home.

Mr. Fisher outlined Staff's recommendation to approve the request on the premise that the STR will be located inside an existing dwelling; that the request is consistent with the Zoning Ordinance and surrounding area; and that there is additional parking beside the carport. Mr. Fisher noted that the applicant has already been operating this location as a STR since April of 2014.

Chairperson Priess thanked the applicant for taking care of this early and opened the floor to public comment.

Ms. Debbie Powell, the applicant and owner of the STR approached the podium. She indicated that she never believed the STR was illegal. She also raised concerns about having to pave two of the parking spaces as a condition of approval. She stated that many of the properties in the area have unpaved parking and that given the slope behind the carport, if she was required to pave these spaces they would be covered in mud.

Ms. Powell also raised concerns about the Conditional Use not being transferrable if she was to sell. She preferred that the Conditional Use run with the land instead.

Jon James, Director of Planning and Development Services, indicated that the new ordinance stipulates that a Short Term Rental did not run with the land.

Commissioner Farmer made a Motion to APPROVE the request, subject to the six conditions recommended by staff. Commissioner Spano seconded the Motion. The Motion passed unanimously, 5-0.

B. <u>CU17-02: Martinez (POSTPONED)</u>

Public hearing and consideration of a request for approval of a Conditional Use to allow a Short-Term Rental on a property located within the Single-family Residential (RS-1) Zoning District, on a 0.417-acre property located at 1810 Shady Point Circle Drive, generally located along the southeast side of Shady Point Circle Drive, east of Shad Road, and identified as Lot 17, Section 1, Block 2, Lake Nasworthy – Shady Point One Addition.

David Stallworth, Principal Planner, earlier distributed a written request from the petitioner/property owner, Anna Martinez, to the Planning Commission, dated March 14, 2017, to postpone public hearing and consideration of this request until the November 20, 2017, meeting. No further action on this matter took place.

Chairperson Priess confirmed that this item had been POSTPONED.

4. Right-of-way Vacations / Abandonments.

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

A. Alley Right-of-Way Vacation and Abandonment (Hernandez)

Public hearing and consideration of a request for approval of the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, generally located approximately 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street, and consisting of approximately 0.064 acres (2,794 square feet).

David Stallworth, Principal Planner, outlined the request. Mr. Stallworth indicated the location of the subject area, and he also showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of approval, subject to Conditions, along with the basis for his recommendation.

Barring further Staff input, Chairperson Preiss opened the public hearing. As there was no public comment on this matter, Chairperson Preiss closed the public hearing and entertained further deliberation and possible motions.

Commissioner Smith made a Motion to RECOMMEND APPROVAL of the proposed vacation and abandonment, subject to the conditions outlined in the Staff Report. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 5-0.

V. Text Amendments.

A. Public hearing and consideration of a Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 5, Section 501 (Residential District Standards) and Article 8, Section 804 (Defined Terms).

Planning Manager Rebeca Guerra discussed the proposed text amendment for modular homes. She indicated that the State defines these types of homes as "industrialized housing," not mobile or manufactured homes. She also

indicated that these homes were built off-site, and were allowed today in the R&E, RS-1, RS-2, RM-1, and MHS Zoning Districts.

Ms. Guerra indicated that the State allowed municipalities to regulate modular housing by the appraisal values of single-family dwellings within 500 feet, and that they could also be regulated in terms of roof, permanent foundation, size, and in terms of other properties that were within 500 feet of the proposed modular home.

Ms. Guerra outlined the main sections of the proposed text amendment for industrialized (modular) housing. One of the proposed stipulations was that all industrialized housing have exterior siding, roof pitch, foundation, and fenestration compatible with the Single Family Dwellings located with 100 feet of the lot on which the industrialized housing will be located. Ms. Guerra believed that this clause would ensure that the industrialized housing looked similar to existing principal dwellings within 100 feet. Another stipulation, she indicated, was that if the industrialized home was intended to be the principal dwelling on the site, then it should have an equal or greater value to the median taxable value for single family dwellings located within 500 feet of the lot, and that this would not apply if there were no single-family dwellings within 500 feet of the lot.

Chairperson Priess asked if the above provision could be extended beyond 100 feet, per State guidelines. Ms. Guerra indicated that this could be possible.

The Commission then had a discussion where they proposed to change the text of the first subsection from 100 feet to 500 feet on the basis of compatibility with State guidelines. Russell Gully from SKG was asked to come forth and give his opinion. He expressed concern about how median values and appearances would be regulated. Ms. Guerra explained the process, which also followed State guidelines.

A Motion to approve the proposed text amendment with a change to the first subsection from "conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located" to "conformity with the single-family dwellings located within 500 feet from the outer boundaries of the lot on which the industrialized housing is proposed to be located," was made by Commissioner Smith and seconded by Commissioner Stribling. The motion carried unanimously, 5-0.

B. Public hearing and consideration of a Text Amendment to the Land Development and Subdivision Ordinance, Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. and Chapter 9 Subdivision Design Policies, Section III Streets and Roads, A.7.b. and C.2.

Planning Director Jon James presented a text amendment to change the deadline of a plat from no later than the third Monday before a Planning Commission Meeting to the State deadline of no more than 30 days. The text would change to read "in accordance with the published schedule for plat submittals." Staff will also be implementing a pre-application process. This will be an optional application that will be put in place to help avoid some of the issues that have arisen and have caused applications to take longer than usual.

The second piece of this text amendment was to remove the wording of "under no circumstance" from the ordinance, so that Planning Commission has the ability to review variances from these instances.

There were no public comments or discussion.

A Motion to approve the proposed text amendment was made by Commissioner Farmer and seconded by Commissioner Spano. The motion carried unanimously, 5-0.

VI. Director's Report.

Jon James, Director of Planning and Development Services indicated that further amendments to the Subdivision Ordinance will be brought forward at an upcoming Planning Commission Meeting. This list of changes may include new standards for street widths, which would allow existing streets to maintain their existing widths provided they meet certain standards.

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, April 17, 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 11:29 a.m., and Commissioner Farmer seconded the Motion. The Motion passed unanimously, 5-0.

Valerie Preiss, Chair, Planning Commission