

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, DECEMBER 11, 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, TRAVIS STRIBLING

**ABSENT:** TERI JACKSON (VICE-CHAIR), Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager

**STAFF:** Jon James, AICP, Director of Planning and Development Services  
Aaron Vannoy, Development Administrator  
Dan T. Saluri, Deputy City Attorney  
Al Torres, Building Official  
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 Ms. Ara Rahman, West Texas Peace Ambassador. The pledge was led by Commissioner Crisp.

**III. Consent Agenda:**

- A. Consideration of approving the November 13, 2017, Planning Commission Regular Meeting minutes.

**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, Ramirez Addition, Section One**

Public hearing and consideration of a request for approval of a Final Plat of Ramirez Addition, Section One, and four Variances: (1) a Variance from Chapter 9.III.V of the Subdivision Ordinance exempting dedication and improvement of street right-of-way; (2) a Variance from Chapter 10.III.A.1 of the Subdivision Ordinance to allow West 37<sup>th</sup> Street, an Urban Local Street, to maintain a 47.5-foot right-of-way in lieu of the required 50 feet; (3) a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow West 37<sup>th</sup> Street, an Urban Local Road, to maintain a 36-foot pavement width and no sidewalk in lieu of a 36-foot pavement width with a 4-foot sidewalk or a 40-foot pavement width and no sidewalk; and (4) a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Sprague Street, an Urban Local Street, to maintain a 36-foot pavement width and no sidewalk in lieu of a 36-foot pavement width with a 4-foot sidewalk or a 40-foot pavement width and no sidewalk, being 1.499 acres generally located at the southwest corner of West 37<sup>th</sup> Street and Sprague Street.

Hillary Bueker, Senior Planner, presented the proposed final plat request. She indicated that the applicant is proposing to plat the unplatted land into two residential lots. Ms. Bueker outlined Staff's rationale for approval of the plat and associated variances from the required street improvements, which included that the current street widths do not pose a safety risk and already adequate service the area.

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 Smith made a Motion to APPROVE the Final Plat and the four Variances; a Variance from Chapter 9.III.V of the**

**Subdivision Ordinance exempting dedication and improvement of street right-of-way; (2) a Variance from Chapter 10.III.A.1 of the Subdivision Ordinance to allow West 37<sup>th</sup> Street, an Urban Local Street, to maintain a 47.5-foot right-of-way in lieu of the required 50 feet; (3) a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow West 37<sup>th</sup> Street, an Urban Local Road, to maintain a 36-foot pavement width and no sidewalk in lieu of a 36-foot pavement width with a 4-foot sidewalk or a 40-foot pavement width and no sidewalk; and (4) a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Sprague Street, an Urban Local Street, to maintain a 36-foot pavement width and no sidewalk in lieu of a 36-foot pavement width with a 4-foot sidewalk or a 40-foot pavement width and no sidewalk, subject to the four conditions of approval, as presented. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.**

**B. First Replat of Lot 1, Block 1, Section Three, The Crossings**

Public hearing and consideration of a request for approval of a First Replat of Lot 1, Block 1, Section Three, The Crossings and a Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Ben Ficklin Road, an Urban Collector Road, to maintain a 24-foot pavement width in lieu of a 50-foot pavement width, being 4.284 acres generally located at the northeast corner of Ben Ficklin Road and The Crossings Avenue.

Hillary Bueker, Senior Planner, presented the proposed replat request. She indicated that the applicant was proposing to replat one lot into two lots, and outlined Staff's rationale for approval of the plat, but denial of the requested variance to maintain a deficient paving width, which included that the current street was in need of repair, and that the current width did not adequately service the public.

Chairperson Priess opened the meeting for public comment.

Russell Gully, SKG Engineering, representing the applicant, requested that Condition #3 pertaining to water service connections be deferred to the permit stage and that the Planned Development (PD) buffer zone did not allow access onto Ben Ficklin Road, negating the need for street widening.

Chairperson Priess asked for clarification if the applicant was proposing to postpone Condition #3.

Mr. Gully responded that this was correct, and that once the applicant knew what was going in, that fulfillment of this condition could proceed.

Mrs. Bueker indicated that deferment of Condition #3 to the permit stage was deemed acceptable by Engineering Services.

There was no further public comment.

**Commissioner Farmer made a Motion to APPROVE the Replat and the Variance from Chapter 10.III.A.2 of the Subdivision Ordinance to allow Ben Ficklin Road, an Urban Collector Road, to maintain a 24-foot pavement width in lieu of a 50-foot pavement width, subject to the five conditions of approval, as presented, modifying Condition #3 to allow deferment of the water service connections to the permit stage. Commissioner Spano seconded the Motion. The Motion passed 4-2 with Commissioners Farmer, Spano, Priess and Crisp voting in favor, and Commissioners Stribling and Smith voting in opposition.**

**C. Replat of Lots 25 to 27 and Parts of Lots 21 to 24 and 28, Fort Concho River Lots**

Public hearing and consideration of a request for approval of a Replat in Fort Concho River Lots, Lots 25 to 27 and Parts of Lots 21 to 24 and 28; being 12.314 acres generally located approximately 590 feet southeast of the intersection of Rio Concho Drive and Surber Drive.

Kristina Heredia, Planner, presented the proposed replat request to consolidate several lots into one contiguous lot for future residential development. She outlined Staff's recommendation of approval of the plat and indicated there was one letter in support of the request and two in opposition.

Chairperson Priess opened the meeting for public comment.

Russell Gully, SKG Engineering, representing the applicant, requested that Condition #2A requiring a sidewalk along Rio Concho Drive be deferred to the building permit stage as the developer was still working on getting access from the City to Rio Concho Drive. He also

requested that Condition #4 pertaining to water service connections be deferred to the permit stage after discussions with the City.

Council Member Harry Thomas (SMD#3) indicated that the original entrance to the development was going to be off of Baker Street, but that resident concerns about traffic congestion led the developer to propose the main access from Rio Concho Drive.

Commissioner Stribling asked if he could see the letters received from the public.

Ms. Heredia indicated that she emailed copies of the letters to the Commissioners except for the newest one which she then provided to Mr. Stribling.

There was no further public comment.

**Commissioner Smith made a Motion to APPROVE the Replat subject to the seven conditions of approval, as presented, modifying Condition #2A to allow deferment of the required sidewalk on Rio Concho Drive to the permit stage, and modifying Condition #4 to allow deferment for water and sewer service connections to the permit stage. Commissioner Farmer seconded the Motion. The Motion passed 4-2 with Commissioners Farmer, Spano, Priess and Crisp voting in favor, and Commissioners Stribling and Smith voting in opposition.**

## **2. Rezoning.**

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

### **A. Z17-16: Bowles**

Public hearing and consideration of a request for a Rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District, being 0.138 acres located at 2616 South Bryant Boulevard.

Planner Kristina Heredia presented the case for a rezoning for a small strip mall/office building that is zoned Office Commercial. The building was owned by Bowles Heating and Cooling, Inc. and their offices were located there. There were also a few small office spaces for rent in the

same building. While the land use that Mr. Bowles utilizes was sufficient for his office, he seeks the ability to rent out the other spaces in a retail capacity, thus the rezoning request to Neighborhood Commercial which allows for both office use and retail sales/services. Ms. Heredia explained the rationale behind Staff's recommendation of approval, which included the Future Land Use for the street being Neighborhood Center, a current Conditional Use (CU02-02) which only allowed for retail sales under the categories of personal care services, such as a hair salon or tanning, and that as development has occurred along South Bryant, it has done so in a generally commercial fashion.

With no questions from the Board, Chairperson Priess opened the floor to public comment. The applicant, Guy Bowles, came forward and explained the reason for the request, as well as the reason for the letter received in opposition. He was renting out space to a fortune teller that was living there. When that tenant was discovered to be living there, they were evicted. Mr. Bowles also stated that he felt the entire strip of South Bryant should be rezoned to commercial, as that was a more appropriate zoning for the area.

**Commissioner Crisp made a motion to recommend APPROVAL of the proposed rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District. Commissioner Stribling seconded the motion. The motion passed unanimously, 6-0.**

**3. Conditional Uses.**

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

**A. CU17-02: Martinez**

Public hearing and consideration of a request for a Conditional Use for a Short-Term Rental, in the Single-Family Residential (RS-1) Zoning District, being 0.417 acres located at 1810 Shady Point Circle Drive.

Jeff Fisher, Senior Planner, presented the proposed conditional use request to allow a short term rental on the subject property. Mr. Fisher outlined Staff's rationale for approval which included that the property abutted Lake Nasworthy, was close to recreational amenities and the Marina and had adequate parking area on the property. He concluded

his presentation by stating that Staff received five letters in favor and six against.

Chairperson Priess opened the meeting for public comment.

Ms. Jeanette Sloper, representing Mr. Rick Ellis of 1818 Shady Point Circle, stated his opposition to the proposed request, citing vandalism and gunshots being fired.

Commissioner Farmer indicated that the short term rental amendment had already been approved.

Jon James, Planning and Development Services Director, indicated that while this was true, the Commissioners can still look at each case individually including issues such as traffic and parking.

Kim Leabo of 1806 Shady Point Circle stated her opposition to the short term rental, also citing gunshots and fireworks, not just on July 4<sup>th</sup>. She explained that vacationers do not always abide by the wake zone with their boats, and that the applicant cannot always guarantee who will stay at her short term rental.

Terry Covert at 1808 Shady Point Circle stated that she was worried about short term renters looking into her backyard and about sewage backup from over-consumption.

Debbie Powell, a local resident, stated her support for the proposed short term rental. She indicated that the video being circulated about a police incident on the property was filmed one-and-a-half years before the short term rental ordinance. She expressed her belief that the applicants were doing a good job taking care of their property.

Richard Martinez, one of the applicants, expressed his position that the existing grinder on the property is sufficient.

Anna Martinez, one of the applicants, believed that most complaints were for long-term, not short-term renters. She explained that she postponed her request earlier this year to address the concerns of nearby residents. She expressed her belief that short term rentals were good for the City and would bring in tourism.

Commissioner Crisp asked when police were called to the property.

Ms. Martinez responded that the police were called in October 2016 for a noise complaint and that the renters cooperated and reduced the noise. She further explained that she had installed cameras that connect to her cellphone to maintain regular monitoring of her rental.

Ms. Leabo responded that police and Code Compliance had been called within the last 12 months to this property.

Ms. Martinez expressed her position that not all complaints can be blamed on a short term rental.

Commissioner Stribling indicated that he wanted Condition #4 allowing signage to be removed.

Council Member Harry Thomas suggested in the future, police reports be obtained prior to a short term rental renewal.

Commissioner Crisp expressed that he believed the applicants were making strides to comply with the ordinance.

There was no further public comment.

**Commissioner Crisp made a Motion to APPROVE the Conditional Use for a Short-Term Rental, in the Single-Family Residential (RS-1) Zoning District on the subject property, eliminating Condition #4 to thereby prohibit signage, and subject to the remaining five conditions of approval, as presented. Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.**

**B. CU17-18: Hoover**

Public hearing and consideration of a request for a Conditional Use to allow for Alcoholic Beverage Sales for On-Premises Consumption in the General Commercial / Heavy Commercial (CG/CH) Zoning District, being 0.379 acres located at 1415-1425 West Beauregard Avenue.

Hillary Bueker, Senior Planner, presented the proposed conditional use request to allow on-premise alcohol beverage sales and consumption on the property. Ms. Bueker outlined Staff's rationale for approval which included that there were already bars on this property and that the property was located along a commercial corridor.



Chairperson Priess opened the meeting for public comment.

Commissioner Spano asked if the intended use was for on or off-premise consumption.

Ms. Bueker responded that the proposed use was for an event venue selling alcohol on-premise.

There was no further public comment.

**Commissioner Smith made a Motion to APPROVE the Conditional Use to allow for Alcoholic Beverage Sales for On-Premises Consumption in the General Commercial / Heavy Commercial (CG/CH) Zoning District, subject to the two conditions of approval, as presented. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 6-0.**

**C. CU17-19: Tucker**

Public hearing and consideration of a request for a Conditional Use for Household Living in the Office Commercial (CO) Zoning District, being 0.22 acres located at 220 South David Street.

Kristina Heredia, Planner, presented the proposed Conditional Use request to legalize an existing residence on the subject property zoned for office commercial. She outlined Staff's recommendation of approval which included that the house was already existing, that there were other homes within the CO designation in the surrounding area, and that there would be no changes to the existing structure.

Chairperson Priess opened the meeting for public comment.

There was no further public comment.

**Commissioner Crisp made a Motion to APPROVE the Conditional Use for Household Living in the Office Commercial (CO) Zoning District, subject to the two conditions of approval, as presented. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.**

**D. CU17-20: Garcia**

Public hearing and consideration of a request for a Conditional Use for Alcoholic Beverage Sales for On-Premises Consumption, in the General Commercial / Heavy Commercial (CG/CH) Zoning District, being 0.115 acres located at 420 North Bell Street.

Jeff Fisher, Senior Planner, presented the proposed Conditional Use request to allow on-premise alcohol beverage sales and consumption on the property. Mr. Fisher outlined Staff's rationale for approval which included that there was an existing bar on the property, that a new privacy fence would be required along the east property line, and that the property has direct access onto North Bell Street, an arterial street that can accommodate large traffic volumes.

Chairperson Priess opened the meeting for public comment.

The applicant, Johnny Garcia, indicated that he could not afford to make the necessary parking improvements at this time, and would like this condition waived.

Jon James, Planning and Development Services Director, indicated that the Commission could defer this condition until the City's Bell Street improvement project was completed.

Commissioner Farmer asked for clarification if the applicant would not be willing to pave the parking under any circumstance.

Mr. Garcia responded that they would be open to making the parking improvements once the Bell Street project was completed.

There was no further public comment.

**Commissioner Smith made a Motion to APPROVE the Conditional Use for Alcoholic Beverage Sales for On-Premises Consumption, in the General Commercial / Heavy Commercial (CG/CH) Zoning District on the subject property, subject to the nine conditions of approval, as presented, modifying Condition #2 to allow deferment of the required parking improvements until the City's Bell Street improvement project was completed. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.**

**E. CU17-21: 777 Plaza LLC**

Public hearing and consideration of a request for a Conditional Use to allow for Alcoholic Beverage Sales for On-Premises Consumption, in the General Commercial / Heavy Commercial (CG/CH) Zoning District, being 1.46 acres located at 2402-2428 Vanderverter Avenue.

Jeff Fisher, Senior Planner, presented the proposed conditional use request to allow on-premise alcohol beverage sales and consumption on the entire property. Mr. Fisher concluded his presentation with Staff's rationale for approval which included that the intended use would provide additional bar venues for Angelo State University and the surrounding community and that there have already been previous bars on this property when these uses were allowed by-right.

Chairperson Priess opened the meeting for public comment.

There was no further public comment.

**Commissioner Crisp made a Motion to APPROVE the Conditional Use for Alcoholic Beverage Sales for On-Premises Consumption, in the General Commercial / Heavy Commercial (CG/CH) Zoning District on the subject property, subject to the six conditions of approval, as presented. Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.**

**4. Street Name Changes**

*City Council has final authority for approval of Street Name Changes.*

**A. West Houston Harte Expressway Frontage Road**

Public hearing and consideration of a request to change "West Houston Harte Expressway Frontage Road" to "Sherwood Way Service Road," over a 1,350-foot length of the street's right-of-way, beginning at Houston Harte Expressway Frontage Road, continuing southwest, then south, to Sherwood Way, immediately southeast of The Bluffs Subdivision.

Hillary Bueker, Senior Planner, presented the proposed street name change request and displayed photographs of the surrounding area. She explained that changing this segment of West Houston Harte

Expressway Frontage Road to “Sherwood Way Service Road” would clarify the name for emergency personnel and help to avoid confusion.

Chairperson Priess asked if there would be any addressing along this street.

Ms. Bueker responded that there would not be any addressing here, but that the purpose of the change was to avoid confusion.

There was no public comment.

**Commissioner Stribling made a Motion to APPROVE the request to change “West Houston Harte Expressway Frontage Road” to “Sherwood Way Service Road,” over a 1,350-foot length of the street's right-of-way as presented. Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.**

**I. Text Amendments.**

*City Council has final authority for approval of Text Amendments to the City Code of Ordinances.*

- A. Public hearing and consideration of a Text Amendment to Chapter 12 “Planning and Development,” Article 12.03 Manufactured Homes and Mobile Homes,” Division 2 “Mobile Homes,” Section 12.03.033 “Temporary Manufactured Home, Mobile Home, or Building Installation,” adding recreational vehicles, subject to a concept plan, notifications, and permitting, if applicable, and allowing for a one-year extension.**

Jon James, Planning and Development Services Director, presented the proposed text amendment which would allow recreational vehicles (RVs) to be used as temporary living while a permanent residential dwelling was being constructed. He indicated that the proposal was initiated after a church requested that RVs be parked on their property for worker housing while the church was being remodeled.

Commissioner Crisp asked the purpose of the fee for this application.

Mr. James responded the fee would be to recuperate costs for newspaper and letter notifications.

Commissioner Spano expressed his support to have temporary housing be decided by Planning Commission, not City Council.

**Commissioner Smith made a Motion to APPROVE the proposed text amendment, amending the verbiage to authorize the Planning Director to approve temporary housing administratively, with an appeal by any aggrieved party to the Planning Commission, and a subsequent appeal to City Council. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 6-0.**

**VI. Director's Report**

Jon James, Planning & Development Services Director, indicated that there were no items to report this month.

**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, January 22, 2018**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

**VIII. Adjournment.**

Commissioner Crisp made a Motion to adjourn at 10:34 a.m., and Commissioner Spano seconded the Motion. The Motion passed unanimously, 6-0.



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Valerie Preiss, Chair,  
Planning Commission