

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, JUNE 18, 2018, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS

PRESENT: TRAVIS STRIBLING (CHAIR), JOE SPANO (VICE-CHAIR), CONOLY O. BROOKS III, LUKE UHERIK, JOE SELF

ABSENT: RYAN SMITH, TERI JACKSON

STAFF: Jon James, AICP, Director of Planning and Development Services
Rebeca Guerra, AICP, LEED-AP, CPD, Planning Manager
Aaron Vannoy, Development Administrator
Dan Saluri, Deputy City Attorney
Jack Downey, Senior Plans Examiner, Permits and Inspections
Mitchell Gatlin, Project Engineer-EIT
Jace Hyden, Project Engineer-EIT
Jeff Fisher, AICP, Senior Planner
Hillary Bueker, RLA, Senior Planner
Kristina Heredia, Planner

I. Call to order.

Chair Travis Stribling called the meeting to order at 9:01 a.m. and established that a quorum of seven was present.

II. Prayer and Pledge.

The prayer was delivered by Pastor Chris Curran of Southland Baptist Church. The pledge was led by Chair Stribling.

V. Consent Agenda:

A. Consideration of approving the May 21, 2018, Planning Commission Regular Meeting minutes.

B. Stripes Addition, Section One

Consideration of a Final Plat of Stripes Addition, Section One, being 4 acres located at the southeast corner of Foster Road and the West 306 Loop Service Road.

A Motion to APPROVE the Consent Agenda was made by Vice Chair Spano and seconded by Commissioner Uherik. The motion carried unanimously, 5-0.

VI. Regular Agenda:

1. Rezoning

City Council has final authority for approval of Rezoning.

A. Z18-13: Hirschfeld Properties, L.P.

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District, being 2.053 acres located at 3014 Grape Creek Road.

Jeff Fisher, Senior Planner, presented the rezoning request. He indicated that the west half of the property is zoned General Commercial/Heavy Commercial (CG/CH) and the east half is zoned Single-Family Residential (RS-1). He explained that Hirschfeld applied for the rezoning to CH to allow their existing industrial storage of steel pipes across the entire property which is not allowed on the RS-1 portion. Mr. Fisher further explained that if rezoned to CH, storage would be allowed, but not manufacturing, production or processing reserved for heavier zoning districts. He indicated that all storage had been moved back onto the CG/CH portion of the property after the adjacent neighbor to the east complained of outdoor steel storage being placed against the shared fence. He also indicated that the CH zone, if approved, would require a 10-foot east side yard setback adjacent to a residential zone and use, ensuring that the storage was not placed again up to the shared property line. A 6-foot high privacy fence would also be required along this side which had already been installed. Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the Future Land Use designation in the City's Comprehensive Plan was "Industrial" which supported industrial storage and had remained in effect since 2003; that the property would comply with all CH zoning standards; that the use was compatible with the surrounding area facing other Hirschfeld properties to the west and south and had existed since at least 1996; that there were no anticipated effects on the natural environment; and that there would be no adverse effects on existing development patterns as the lot was already platted in its configuration and that there are access

points from Grape Creek Road and West 30th Street adjacent to the existing Hirschfeld facilities.

Chair Stribling asked how long Hirschfeld has used this property for industrial storage. Mr. Fisher responded since at least 1996, based on aerial photography.

Vice Chair Spano asked when the adjacent resident to the east moved in. Mr. Fisher indicated the adjacent resident was in attendance to answer questions.

Chair Stribling opened the meeting for public comment.

Mr. Raymond Bannert, owner and resident of the adjacent property at 209 West 31st Street, indicated that he had lived next to the property since 1963. He explained that when he returned from military service in 1997 after 22 years of service, the storage use was there. He outlined his primary concern that the steel pipes were placed against his fence, as well as the leaking of oil that ended up on his property. He explained that he was not opposed to the rezoning but wanted the steel away from his house.

Commissioner Brooks III asked Mr. Bannert if he would consider other remedies to resolve the issue. Mr. Bannert indicated he was considering other remedies.

Mr. Jeremy Bartz, representative for Hirschfeld Steel, spoke on behalf of the request. He indicated that he understood Mr. Bannert's concerns, including noise. He explained that they would not operate within the prohibited noise ordinance hours. He also explained that Hirschfeld had no concerns about complying with the required setback, and that they agreed to only storage on the property, and no welding or cutting. He concluded by telling the Commission that Hirschfeld did not want to be bad neighbors and would be willing to move back the storage as necessary for the adjacent owner.

Chair Stribling asked if the privacy fence runs all four sides. Mr. Bannert responded that there was fencing on three sides, but not the south side.

Chair Stribling asked Mr. Fisher to confirm that the zoning ordinance had a 10-foot setback requirement. Mr. Fisher responded this was correct but only when a non-residential use was adjacent to a residential use or district, which in this case was from the east side yard facing Mr. Bannert's property.

Chair Stribing asked Mr. Bannert if he was okay with this setback. Mr. Bannert responded that he would have to wait and see.

Vice Chair Spano made a Motion to recommend APPROVAL of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District on the subject property. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 5-0.

2. Conditional Uses.

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

A. CU18-11: Gutierrez

Public hearing and consideration of a request for approval of a Conditional Use to allow for Alcoholic Beverage Sales for On-premises Consumption in the General Commercial/Heavy Commercial (CG/CH) Zoning District, being 0.59 acres located at 3027 North Chadbourne Street.

Hillary Bueker, Senior Planner, presented the case to allow a new bar on a property zoned CG/CH which does not allow the intended use by right. She indicated that there was a bar at one time but it is no longer used as a bar and a conditional use is required. Ms. Bueker explained that the existing parking lot was a bit deteriorated but overall in fair condition. Ms. Bueker outlined Staff's rationale for approval of the Conditional Use on the grounds that it was previously used as a bar and surrounded by commercial properties; was allowed in the CG/CH Zoning District with a Conditional Use; and was on a street predominantly zoned for commercial uses.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Uherik 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 three conditions of approval as presented. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 5-0.

B. CU18-13: Lira

Public hearing and consideration of a request for approval of a Conditional Use to allow for Retail Sales and Service in the Office Commercial (CO) Zoning District, being 0.15 acres located at 3411 South Johnson Street.

Hillary Bueker, Senior Planner, presented the case. She explained that the purpose of the request is to allow a conditional use to allow retail sales and service for a hair salon. Ms. Bueker outlined Staff's rationale for approval of the Conditional Use on the grounds that a hair salon would not increase traffic drastically from the previous real estate office; that retail sales was an allowed use in the CO Zoning District with a Conditional Use; and that the subject intersection was predominantly a commercially zoned and developed area. Ms. Bueker concluded her presentation by outlining the conditions of approval which included recording an access easement with Tom Green County to provide the applicant with permanent access to South Johnson Street. She indicated that the easement was necessary because the property was currently landlocked facing South Johnson Street and only had abutting access to the rear alley.

Chair Stribling opened the meeting for public comment.

Dianne Soloff, owner of the property, provided the Commission with a copy of the easement which was already part of the property's deed of trust.

Vice Chair Spano made a Motion to APPROVE the Conditional Use to allow for Retail Sales and Service in the Office Commercial (CO) Zoning District, subject to the three conditions of approval as presented. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 5-0.

C. CU18-14: Crosspointe Fellowship Church of San Angelo Inc.

Public hearing and consideration of a request for approval of a Conditional Use to allow for a Religious Institution in the Single-Family Residential (RS-1) Zoning District, being 1.407 acres located at 4210 Coliseum Drive and on three unaddressed tracts at the southwest and southeast corners of Coliseum Drive and 43rd Street.

Jeff Fisher, Senior Planner, presented the case. He explained that the purpose of the request was to legalize an existing church and allow expansion across the west side of Coliseum Drive, also owned by the church. He explained that prior to the 2000, the RS-1 zone allowed churches by right, but after 2000, existing churches were legal non-conforming uses and required a conditional use approval to expand. Mr. Fisher outlined Staff's rationale for approval of the Conditional Use on the grounds that impacts would be minimized with a required 6-foot high privacy fencing; and that the existing church complied with all RS-1 standards; that the church was compatible with, and in close proximity to, other institutional uses including schools and Foster Coliseum.

Chair Stribling opened the meeting for public comment.

Commissioner Brooks asked to clarify the meaning of "opaque" as it related to privacy fencing under Condition #2 of approval. Mr. Fisher responded that opaque meant a solid fence that you could not see through.

Pastor Joel Oliver, the applicant, thanked the Commissioners for hearing his request.

Commissioner Brooks made a Motion to APPROVE the Conditional Use to allow for a Religious Institution in the Single-Family Residential (RS-1) Zoning District, subject to the four conditions of approval as presented. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 5-0.

3. 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 "C" Land Development and Subdivision Ordinance, Chapter 1 "General Provisions," requiring platting for the combining of land, exempting adjacent single-family residential lots under common ownership from replatting, and revising the floor area exception for properties with existing buildings; Chapter 3 "Definitions," removing redundant language from the definition of subdivision; Chapter 5 "Procedural Requirements for Subdivisions," modifying expiration dates for plats; Chapter 6 "Guarantee of Performance," creating a deferral of obligation option and extension of performance guarantees with a developer's agreement; and Chapter 9 "Subdivision Design Policies" allowing the deferral of drainage studies and authorizing the City Engineer as their approval authority.

Jon James, Planning and Development Services Director presented the proposed text amendment. Mr. James went through the proposed changes to the Subdivision Ordinance. He began with proposed changes to Chapter 1 for when a subdivision plat is required to include combining lots as well as dividing them.

Commissioner Uherik asked what happens presently when an applicant wishes to erect a house over a second lot.

Mr. James responded that the Planning Division's current practice was to allow this even though it was not explicitly stated in the Subdivision Ordinance. He said that one of the new changes was to specifically state this in Chapter 1 for residential properties.

Mr. James also indicated another change to Chapter 1 of the Ordinance to reduce the platting exception for non-residential buildings to 25% of additional floor area within a 12-month period from the current 50%. A component of this, Mr. James explained, was to limit any expansion to 5,000 square feet within a 12-month period for all buildings requiring many large buildings to plat.

Mr. James presented the change to Chapter 3 of the Ordinance removing exceptions to platting from the definition of subdivision, as these were already outlined in the exceptions section of the Ordinance.

Mr. James then outlined changes to Chapter 5 of the Ordinance pertaining to expiry dates for various types of subdivision plats. These included changing timeframes for administrative plats to be recorded from 6 months to 12 months; from 18 months to 3 years for final plats and replats with certain stipulations; and preliminary plats from not being repealed for at least 24 months, to being valid for five years with a 5-year extension from date of an associated final plat being recorded. Mr. James explained that initially the preliminary plat revision was set at 3 years with a 2-year extension but this was changed to 5 years after further consultation with the Development Task Force.

Chair Stribling asked what would happen if only a portion of the total lots were final platted within 5 years of a preliminary plat being approved. Mr. James responded that under the above scenario, the developer would receive an additional 5-year extension for the preliminary plat.

Commissioner Uherik asked for more information about the Development Task Force. Mr. James indicated that the Task Force engaged developers, engineers, builders, and homeowners to discuss

issues such as the subdivision ordinance amendment before it came to the Planning Commission.

Mr. James continued with proposed changes to Chapter 6 of the Subdivision Ordinance which included the creation of a deferral obligation, allowing plats to be recorded with a developer's agreement, and allowing this security for a period beyond three years. He explained that State Law allowed cities to enforce developer's agreements, if stipulated in their Subdivision Ordinances. Mr. James further explained that the City would choose when this agreement was appropriate, such as for future phasing of a development. He concluded his presentation with one change to Chapter 9 which allowed a drainage study to be deferred to a later stage of development.

Chair Stribling asked what measures the City had in place to ensure a developer's agreement would be reviewed in future and not overlooked. Mr. James responded that developer agreements were mapped in the City's GIS system on the specific property, and that there would be a check in future to ensure that developer agreements were reviewed.

Chair Stribling asked if a drainage study was required as a condition for a building permit. Mr. James responded that drainage would be examined as part of both a subdivision plat and at the site plan stage.

Chair Stribling opened the meeting for public comment.

Mr. Steve Eustis, real estate agent, requested more opportunity to review the proposed changes. He requested that this item be postponed.

Russell Gully, SKG Engineering, also requested additional review time. He expressed concerns about the expiration time for preliminary plats and to make sure it was consistent with State Statute.

Chair Stribling recommended to Mr. Gully that he and others sit down with City Staff and discuss the changes further if needed. Mr. Gully responded that he was open to meeting with Staff, or to have them send the document to review first and then meet.

Mr. James responded that the Planning Division brought this item forward twice to the Development Task Force, once in March and the second in May in ordinance form. He explained that the document provided at the meeting included the changes made after the Development Task Force meetings, and that these changes were intended to help the development community. Mr. James indicated that

he would be open to moving forward on changes that have no opposition, and then bring the remaining items back at a future date.

Mr. Gully indicated he was satisfied with the developer's agreement option, but concerned about the preliminary plat expiration times and combining of lots.

Rocky Templin, builder, expressed confusion on parts of the document itself that were added or underlined. He indicated that he would like more time to review the document, as well as check State Statutes as they applied to dormant buildings.

Chair Stribling asked the other Planning Commissioners for their opinion on the proposed changes.

Commissioner Books expressed his opinion that the item should be tabled.

Vice Chair Spano indicated that he approved of the changes and that there were already two Development Task Force meetings to discuss the changes. He indicated that he would not be voting to table the request.

Chair Stribling explained that tabling the item would allow the Commissioners additional time to review.

Commissioner Uherik made a Motion to TABLE the proposed text amendment until the next Planning Commission Meeting to allow more time for discussion and review by City Staff and the development community. Commissioner Brooks seconded the Motion. The Motion passed 4-1 with Chair Stribling and Commissioners Uherik, Brooks, and Self voting in favor, and Vice Chair Spano voting against.

- B.** Public hearing and consideration of a Text Amendment to Chapter 12, Exhibit "C" Land Development and Subdivision Ordinance, Chapter 3, "Definitions," changing the definitions of "lot," "tract," and "parcel" for their intended purpose; and Chapter 4 "Classification of Subdivisions," revising where "lot," "tract," and "parcel" are used to be consistent with their new definitions.

Jon James, Planning and Development Services Director presented the proposed text amendment. He explained this the current subdivision ordinance used lot, tract and parcel interchangeably, and that the

proposed changes would define what each definition meant and when to use them. Mr. James explained that a lot was a platted property as opposed to a tract which was an un-subdivided property, and a parcel which could be both.

Chair Stribling opened the meeting for public comment.

Mr. Steve Eustis, real estate agent, indicated that these terms may mean something different if in a contract. Mr. James responded that these changes would only apply to the definitions within the Subdivision Ordinance. Rebeca Guerra, Planning Manager, further explained that the purpose of adding the new definitions into the ordinance was to avoid confusion on their meaning only as they were used within the Subdivision Ordinance itself.

Russell Gully, SKG Engineering, explained that from his reading of the new definitions that a parcel was a tract but that a tract may not be a parcel.

Chair Stribling explained this in his reading of the new changes this would be correct, and that a parcel could be a platted lot as well.

Dan Saluri, Deputy City Attorney, indicated that “parcel” would be the most general term.

Commissioner Brooks made a Motion to TABLE the proposed text amendment until the next Planning Commission Meeting to allow more time for discussion and review by City Staff and the development community. Commissioner Uherik seconded the Motion. The Motion passed 4-1 with Chair Stribling and Commissioners Uherik, Brooks, and Self voting in favor, and Vice Chair Spano voting against.

- C. Public hearing and consideration of a Text Amendment to Section 12.04.017 “River Corridor Area,” of the City Code of Ordinances, replacing the “River Corridor” sign review area with the new “River Corridor District,” “Downtown District,” and “Cultural District” Overlays; and removal of Section 12.04.018 “Fort Concho Historic District.”

Kristina Heredia, Planner, presented the proposed text amendment and repeal within the Sign Ordinance. She indicated that the proposed amendment and repeal was for consistency with the new River Corridor changes. Ms. Heredia explained that Section 12.04.017 River Corridor Area for signs would be amended to include the three new design overlay districts, and removal of the 150-foot River Corridor Sign Area

which was not part of the new River Corridor changes. She then explained that Section would be part of the new Cultural District and would still require a Certificate of Appropriateness.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Brooks made a Motion to recommend APPROVAL of the proposed text amendment and repeal as presented. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 5-0.

4. Director's Report

Jon James, Planning & Development Services Director, invited the Planning Commissioners to an upcoming two-hour training in Amarillo for subdivisions on Friday, June 29, 2018. He indicated there would be a planning director, planning consultant, surveyor, developer and attorney present to answer any questions, and that the City would pay the registration fee and coordinate transportation.

5. Future meeting agenda and announcements.

Chair Stribling indicated that the next regular meeting of the Planning Commission was scheduled to begin at 9:00 a.m. on **Monday, July 16, 2018**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

6. Adjournment.

Commissioner Uherik made a Motion to adjourn at 10:24 a.m., and Vice Chair Spano seconded the Motion. The Motion passed unanimously, 5-0.



Joe Spano, Vice Chair,
Planning Commission