

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, MAY 21, 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), TERI JACKSON, RYAN SMITH, CONOLY O. BROOKS III, LUKE UHERIK, JOE SELF

ABSENT: N/A

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
Al Torres, Building Official
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 9:00 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 April 16, 2018, Planning Commission Regular Meeting minutes.

A Motion to APPROVE the Consent Agenda was made by Commissioner Spano and seconded by Commissioner Smith. The motion carried unanimously, 7-0.

VI. Regular Agenda:

1. Special Uses.

City Council has final authority for approval of Special Uses.

A. SU18-01: Zapata

Public hearing and consideration of a request for approval of a Special Use to allow for the placement of a manufactured home on a property in the Ranch and Estate (R&E) Zoning District, being 2.5 acres located at 5333 Gas Plant Road.

Jeff Fisher, Senior Planner, presented the proposed Special Use request. He explained that the applicants required a Special Use to replace their existing mobile home with a new manufactured home on the property zoned Ranch and Estate (R&E). Mr. Fisher indicated that they had placed the new manufactured home on the property in March 2018 next to the existing home which was not allowed. He explained that the Special Use would allow them to connect electricity from the old home to the new home with a building permit. Mr. Fisher then outlined Staff's rationale for recommending approval, which included that the new home is equal to or greater than the median taxable value of all single-family homes within 500 feet of the property; and that the manufactured home will comply with the development standards of the R&E Zoning District. He explained that the Appraisal Report provided by the applicants showed that the new home will be 37.4% higher in value than the median value of all single-family dwellings within 500 feet as required. Mr. Fisher added that as conditions of approval, the applicants will be required to submit a revised site plan showing a 15-foot south side yard setback for the new home as required, and remove the existing home within six months of approval, or before the new manufactured home obtains final occupancy, whichever comes first.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of the Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E) as defined in Section 501.F of the Zoning Ordinance, subject to the two conditions of approval as presented. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 7-0.

2. Conditional Uses.

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

A. CU18-09: City of San Angelo Animal Shelter

Public hearing and consideration of a request for approval of a Conditional Use to allow an Animal Kennel in the Light Manufacturing (ML) Zoning District, being 7.85 acres located at 3142 U.S. Highway 67 North.

Kristina Heredia, Planner, presented the case. She explained that the purpose of the request was to legalize the existing City animal shelter and allow its expansion in the Light Manufacturing (ML) Zoning District on the property. She explained that the shelter plans to erect a new modular building donated by Concho Valley Paws along with additional parking. Ms. Heredia outlined Staff's rationale for approval of the Conditional Use on the grounds that the shelter has existed since the 1990s; that the area was low density; that there were no anticipated long-term negative effects; that there were no residential growth anticipated given the property is zoned ML; and that there was a community need given that the shelter has adopted or transferred 1,669 pets in 2017.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Brooks III made a Motion to APPROVE the Conditional Use to allow an Animal Kennel in the Light Manufacturing (ML) Zoning District on the property, subject to the one condition of approval as presented. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 7-0.

B. CU18-10: AEP

Public hearing and consideration of a request for approval of a Conditional Use to allow for construction of a telecommunications tower and related facilities in the Ranch & Estate (R&E) Zoning District, being 11.213 acres located at 2175 Red Bluff Road.

Hillary Bueker, Senior Planner, presented the case. She explained that the purpose of the request is to allow a new telecommunication tower in the Ranch and Estate (R&E) Zoning District, replacing an existing telecommunications tower. Ms. Bueker explained that the new self-

supporting lattice tower will be a maximum of 120 feet in height. She outlined Staff's rationale for approval of the Conditional Use on the grounds that the tower will meet all standards of Section 426 of the Zoning Ordinance; that there were commercial properties surrounding the site; there are no anticipated effects on the natural environment; that the tower would serve a community need in providing services for AEP during emergencies; and that the surrounding R&E and CN zoned properties were undeveloped or commercially used.

Chair Stribling opened the meeting for public comment.

Ms. Lila Burns, a consultant for the applicant AEP, spoke in support of the request. She indicated that AEP previously had a guide tower that had structural problems and was subsequently removed. She stated that the new tower will assist AEP in responding to emergency situations.

Commissioner Smith made a Motion to APPROVE the Conditional Use to allow for construction of a telecommunications tower and related facilities in the Ranch & Estate (R&E) Zoning District on the property, subject to the four conditions of approval as presented. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 7-0.

3. Text Amendments.

City Council has final authority for approval of Text Amendments.

Items 3A, 3B, 4A, 4B, and 4C were presented as one item as they relate to the same standards, procedures, and geographical areas, with five separation motions, one for each item. The minutes for these items begin after the caption for 4C below.

- A. Public hearing and consideration of an amendment to the Zoning Ordinance, Article 3, creating a new River Corridor District Overlay, Downtown District Overlay, and Cultural District Overlay, identifying their purpose, applicability, and review procedures.
 - B. Public hearing and consideration of a Text Amendment to the Zoning Ordinance, revising the existing standards for Section 211 "Historic Overlay Zone" and Section 308 "HO – Historic Overlay Zone," to clarify the process for when a Certificate of Appropriateness is required on properties in historic districts or containing historic landmarks.
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4. Rezoning

City Council has final authority for Rezoning.

A. Z18-10: River Corridor District

Public hearing and consideration of a rezoning to apply the River Corridor overlay zoning district to approximately 4,439 acres of property generally located along the Concho River from the eastern to the western City limits including properties that directly adjoin or are a maximum of 2,275 feet from the river's edge.

B. Z18-11: Downtown District

Public hearing and consideration of a rezoning to apply the Downtown overlay zoning district to approximately 552 acres of property generally located north of Neff's Way, east of South David Street; south of Houston Harte Expressway, and west of North Emerick Street.

C. Z18-12: Cultural District

Public hearing and consideration of a rezoning to apply the Cultural overlay zoning district to approximately 64 acres of property generally located north of East Highland Boulevard, east of Rust Street, south of Bakers Street, and west of Hill Street.

The minutes for Items 3A, 3B, 4A, 4B, and 4C are as follows:

Hillary Bueker, Senior Planner, began the presentation by first clarifying that "Z18-10 Cultural District" on the agenda should be "Z18-12 Cultural District". She then outlined the proposed maps for the new River Corridor District, Downtown District, and Cultural District Overlay Zones. She explained that the previous River Corridor included parts of Downtown which did not make sense. Ms. Bueker explained that the proposed changes would create three distinct overlay districts that were consistent with their locations, and that a property owner making certain exterior improvements in these districts would need an approval to ensure the protection and enhancement of property in their district. She explained that the new River Corridor followed the river line; the Downtown District would cover the downtown area; and the Cultural District would include the fort and existing historic buildings in that area. Ms. Bueker then summarized the changes recommended for approval from the previous Planning Commission Meeting which included the creation of the three new overlays, revising the application process and creation of new standards; and repealing the old River Corridor

Ordinance and Old Town District. Ms. Bueker concluded her presentation with a summary of the new changes this month, which include creating the three new overlay zones and maps; rezoning the three areas as Overlay Districts; and revising Sections 211 and 308 of the Zoning Ordinance for clarity and to remove redundancy as they pertain to Historic Overlay Zones.

Jeff Fisher, Senior Planner, further explained the proposed changes. He indicated that the three new overlay zones would require a design review for exterior improvements in future, but that the underlying zoning regulating the use of the property will remain unchanged. He also explained that in future, specific design standards would be created for each of the three overlay districts, but for now, the River Corridor Master Development Plan policies would apply. Mr. Fisher reiterated from last month's meeting that under the new changes, all new exterior building construction on a building would require approval from the Design and Historic Review Commission (DHRC) and adding or changing a paint color would now require an approval, but this could be approved administratively by the Planning Director. Mr. Fisher concluded his presentation by explaining the proposed changes to Section 211 and 308 of the Zoning Ordinance. These changes would primarily remove redundant portions of Section 308 already covered in Section 211, requiring a Certificate of Appropriateness for construction on historically designated properties.

Rebeca Guerra, Planning Manager, explained that owners within the new districts and 200 feet of those district were notified of today's hearing, but that those not within the overlays would not be effected by the changes. She further explained that most of the residential properties in the old River Corridor would not be in the new River Corridor, only those that abutted the river.

Chair Stribling asked Planning Staff to clarify what could be administratively approved.

Jon James, Planning and Development Services Director, indicated that changing or adding a paint color on a building could be administratively approved, but that exterior building construction and signs over 50 square feet would require DHRC approval.

Commissioner Jackson expressed her concerns with notification that was sent 200 feet beyond the properties affected, and that she believed this created confusion. Mr. James, Planning Director, responded that Staff was required to do so by State Law.

Chair Stribling opened the meeting for public comment.

Michael Richter, a City resident, expressed his support of the three new overlay districts. He did however, indicate concerns about any future development along the river. He also noted that the map sent with the notification letter was small and difficult to read.

Mr. Kendall Hirschfeld, a City resident, said he owned multiple properties and believes that the DHRC had too much control. He expressed his opinion that the DHRC overstepped their authority.

Ms. Kay Reid, a City resident, asked why she had not receive anything else about the proposed changes except for the notice letter. She expressed her opinion that the changes would infringe on her property rights. She asked Planning Staff what the plans were for development along the River Corridor.

Mr. James, Planning Director, indicated that the proposed policy changes only regulated development along the river, and nothing discussed today was about any City activities along the river.

Mr. C.D. Word, a City resident, indicated that what Mr. James said was not clear on the details of the proposed changes mailed to him. Mr. James, Planning Director, responded that properties within 200 feet of the new district boundaries were subject to the new standards, but not within the district themselves.

Ms. Sharon Alexander, a City resident, indicated that she did not receive a notice letter. She asked why a committee was not created and expressed her opposition to the changes.

Tom Early with the San Angelo Health Foundation, indicated that the public needed an opportunity to review what the changes are.

Mr. James, Planning Director, indicated that there had been DHRC meetings already to discuss the changes, and that this meeting was an opportunity for the public to comment before the item went to City Council.

Ms. Georgia Edwards, a resident on Christoval Road, recommended the boundary of the new River Corridor be moved to the center of the river to respect riparian rights.

Mr. Howard Taylor, Director of the San Angelo Art Museum, expressed concerns regarding the new cultural overlay district in relation to the existing State cultural district by the Texas Historical Commission. He

also stated that the information was difficult to decipher for most people who were not planners.

Mr. Steve Sherrod, a City resident along South Chadbourne Street, indicated that he had leased 16 acres of land from the City and asked why this area was included in the new overlay zone.

Mr. Steve Hoelscher, a City resident, indicated that he did not see anything in the new regulations that would affect farming. However, he warned that any regulations should not go too far so as to deter businesses from coming to the City.

Ms. Anita Williams, a City resident, indicated that although she did not believe her land was inside the new boundaries, she was worried how development in the boundaries could affect her property values. Commissioner Brooks indicated to Ms. Williams that she could go to the Appraisal District to determine her property values.

Mr. Mark Brown, a City resident on Baker Street, expressed his opposition to the provision requiring that paint color could be regulated. He indicated that in his opinion, that provision should be removed completely.

Ms. Gloria Haas, a City resident, asked if her property was inside one of the new overlay districts. Ms. Guerra, Planning Manager, indicated that Planning Staff could assist her in determining where her property was located after the meeting.

Ms. Rosalind Tuffola, a City resident, indicated that she should be able to paint her house the color of her choice.

Ms. Susanne Elizabeth Martinez, a City resident, asked why the River Corridor was being expanded. Commissioner Self answered that the River Corridor was being reduced in some areas.

Mr. Jesse Bahas, a City resident, indicated that he did not want to be told what to do on his property, and that no one from the City had come and talked to him or his neighbors.

Commissioner Smith recommended that the design and historic components of the DHRC board be split into two separate boards.

Mr. James, Planning Director, responded that this would require two separate meetings instead of one for each case, and that approximately 90% of the cases went to the design side in the River Corridor.

Ms. Guerra, Planning Manager, indicated that the creation of new design standards in the future will involve public meetings.

Mr. Mark Brown returned to the podium and recommended that each overlay district have its own review committee.

Chair Stribling expressed his agreement with some of the residents that the the DHRC had too much control. However, he explained that the River Corridor had tremendous assets and therefore, he wanted to have an overlay zone for the area. Mr. Stribling also explained that he understood the need to regulate color. He used an example of one building being painted a bright orange next to another building that kept its original historic building that was over 100 years old and how this would be inconsistent.

Commissioner Uherik expressed his support for the new standards in terms of greater efficiency, but warned that adding authority to the DHRC would be counterproductive.

Commissioner Self expressed support for the new maps and districts.

Chair Stribling explained that the purpose of the new standards was to prevent someone from putting up bath tiles on the exterior of their building and referenced a recent DHRC case.

Mr. James, Planning Director, indicated that the power of the DHRC was not increasing, as most improvements could be approved administratively. He also stated that DHRC decisions could be appealed to City Council.

Commissioner Smith expressed his concerns about reasonableness. He indicated that he supported design guidelines, but not development standards.

Commissioner Smith made a Motion to recommend APPROVAL of “Item 3A”, an amendment to the Zoning Ordinance, Article 3, creating a new River Corridor District Overlay, Downtown District Overlay, and Cultural District Overlay, identifying their purpose, applicability, and review procedures, as presented. Commissioner Brooks III seconded the motion. The Motion passed 6-1 with Commissioners Smith, Brooks III, Jackson, Uherik, Self, and Chair Stribling voting in favor, and Vice Chair Spano voting against. The motion for Item 3A passed 6-1.

Commissioner Smith asked about Item 3B, and the purpose of why the timeframe for DHRC to review a Certificate of Appropriateness was moved from 45 to 60 days from date of application.

Ms. Guerra, Planning Manager, indicated that this was due to holidays and scheduling conflicts.

Commissioner Smith made a Motion to recommend APPROVAL of “Item 3B”, an amendment to the Zoning Ordinance, revising the existing standards for Section 211 “Historic Overlay Zone” and Section 308 “HO – Historic Overlay Zone,” to clarify the process for when a Certificate of Appropriateness is required on properties in historic districts or containing historic landmarks, MODIFYING Section 211.G.3 to require the DHRC to review a Certificate of Appropriateness within 60 days instead of 45 days from date of application. Commissioner Smith retracted his motion.

Vice Chair Spano mentioned if there is a problem gaining quorum for a meeting that this is a problem with the Committee but not the ordinance.

Commissioner Smith made a new Motion to recommend APPROVAL of “Item 3B”, an amendment to the Zoning Ordinance, revising the existing standards for Section 211 “Historic Overlay Zone” and Section 308 “HO – Historic Overlay Zone,” to clarify the process for when a Certificate of Appropriateness is required on properties in historic districts or containing historic landmarks, AS PRESENTED, maintaining Section 211.G.3 as written to require the DHRC to review a Certificate of Appropriateness within 45 days from date of application. Commissioner Brooks III seconded the motion. The motion for Item 3B passed 7-0.

Vice Chair Spano indicated that he wanted to make sure that residents were clear on the area boundaries.

Commissioner Brooks indicated that as currently presented, he would recommend denial of Item 4A.

Mr. James, Planning Director indicated that a motion could be made to modify the River Corridor boundary rather than denying it.

Commissioner Self asked if a permit was needed for a boat dock on the water.

Mr. James, Planning Director, indicated that a boat dock in the River Corridor would require review by the DHRC.

Commissioner Brooks made a Motion to recommend DENIAL of “Item 4A”, a rezoning to apply the River Corridor overlay zoning district to approximately 4,439 acres of property generally located along the Concho River from the eastern to the western City limits including properties that directly adjoin or are a maximum of 2,275 feet from the river’s edge. The motion was seconded by Commissioner Jackson. Commissioner Brooks III RESCINDED his motion.

Commissioner Brooks made a new Motion to recommend APPROVAL of “Item 4A,” a rezoning to apply the River Corridor overlay zoning district to approximately 4,439 acres of property generally located along the Concho River from the eastern to the western City limits including properties that directly adjoin or are a maximum of 2,275 feet from the river’s edge, EXCLUDING the area south of Avenue L, and no new changes east of Bell Street. The motion was seconded by Commissioner Jackson. The motion for Item 4A passed unanimously 7-0.

Commissioner Self asked where the previous downtown boundary was.

Chair Stribling explained it was the light blue boundary shown on the overall map, previously in the old River Corridor.

Ms. Guerra, Planning Manager, indicated that the new boundary would expand and also include the old part of the Central Business District that was in the River Corridor.

Commissioner Brooks asked if more land was being taken in as part of the Downtown District. Mr. James, Planning Manager, indicated that this was correct, and the new area would be subject to new Downtown District design standards.

Mr. Fisher, Senior Planner, added that another reason why the downtown boundary was being expanded was to be consistent with the Downtown Future Land Use area in the City’s Comprehensive Plan.

Commissioner Smith made a Motion to recommend APPROVAL of “Item 4B”, a rezoning to apply the Downtown overlay zoning district to approximately 552 acres of property generally located north of Neff’s Way, east of South David Street; south of Houston Harte Expressway, and west of North Emerick Street. There was no second vote to approve and the motion FAILED.

Commissioner Brooks made a Motion to recommend DENIAL of “Item 4B”, a rezoning to apply the Downtown overlay zoning district to approximately 552 acres of property generally located north of Neff’s Way, east of South David Street; south of Houston Harte Expressway, and west of North Emerick Street. The motion was seconded by Vice Chair Spano. The motion FAILED due to lack of any further action from the Commission.

Commissioner Smith left the room at 11:28 a.m.

Commissioner Brooks made a new Motion to recommend APPROVAL of “Item 4B”, a rezoning to apply the Downtown overlay zoning district to approximately 552 acres of property generally located north of Neff’s Way, east of South David Street; south of Houston Harte Expressway, and west of North Emerick Street, MODIFYING the boundary to only include the original “light blue” area of Downtown on the old River Corridor map. The motion was seconded by Vice Chair Spano. The motion for Item 4B passed unanimously 6-0.

Commissioner Smith returned at 11:30 a.m.

Commissioner Brooks made a Motion to recommend APPROVAL of “Item 4C”, a rezoning to apply the Cultural overlay zoning district to approximately 64 acres of property generally located north of East Highland Boulevard, east of Rust Street, south of Bakers Street, and west of Hill Street, MODIFYING the boundaries to only include the current historic overlay zones and city properties shown in “yellow” on the proposed cultural overlay map, and to direct City Council to include the Art Museum as part of the new Cultural Overlay District and removing it from the new River Corridor Overlay District. The motion was seconded by Commissioner Jackson. The motion for Item 4C passed unanimously 7-0.

5. Director’s Report


Jon James, Planning & Development Services Director, indicated there were no items to present.

6. 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, June 18, 2018**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

7. Adjournment.

Commissioner Smith made a Motion to adjourn at 11:39 a.m., and Commissioner Uherik seconded the Motion. The Motion passed unanimously, 7-0.



Joe Spano, Vice Chair,
Planning Commission