

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, JULY 16, 2018, AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE MCNEASE CONVENTION CENTER, 501 RIO CONCHO DRIVE, SAN ANGELO, TEXAS**

**PRESENT:** JOE SPANO (VICE-CHAIR), RYAN SMITH, TERI JACKSON, LUKE UHERIK

**ABSENT:** TRAVIS STRIBLING (CHAIR); CONOLY O. BROOKS III; JOE SELF

**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.**

Vice Chair Joe Spano called the meeting to order at 9:01 a.m. and established that a quorum of four was present.

**II. Prayer and Pledge.**

The prayer was delivered by Rev. Julian Falcon of Word of Life Church. The pledge was led by Commissioner Smith.

**V. Consent Agenda:**

- A. Consideration of approving a revised version of the May 21, 2018, Planning Commission Regular Meeting minutes.

***Commissioner Jackson asked Jeff Fisher, Senior Planner what the changes were in the revised May 21, 2018 Minutes.***

***Mr. Fisher responded that the only correction was to the motion for Item 4A for the new River Corridor overlay zoning district, to keep the same boundaries east of Bell Street, as opposed to excluding this area in its entirety.***

- B. Consideration of approving the June 18, 2018, Planning Commission Regular Meeting minutes.

**A Motion to APPROVE the Consent Agenda was made by Commissioner Jackson and seconded by Commissioner Uherik. The motion carried unanimously, 4-0.**

**VI. Regular Agenda:**

**1. Subdivision Plats**

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

**A. Final Plat, Kinsman Estates**

Public hearing and consideration of a request for approval of a Final Plat for Kinsman Estates and a Variance from Section 9.V of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36 feet with no sidewalk in lieu of the required 36 feet with a 4-foot sidewalk, or 40 feet with no sidewalk, for Aspen Avenue, an Urban Local Road, being 0.3597 acres located at the northeast corner of Aspen Avenue and Lakeshore Boulevard.

Kristina Heredia, Planner, presented the proposed final plat which would combine three parcels into two platted lots zoned RS-1 and seek one variance to allow Aspen Avenue to remain 36 feet with no sidewalk in lieu of 36 feet with a 4-foot sidewalk or 40 feet with no sidewalk. She outlined Staff's rationale for approval which included that this is an existing situation with most of the lots in the neighborhood already platted.

Vice Chair Spano opened the meeting for public comment.

There was no public comment.

**Commissioner Jackson made a motion to APPROVE the proposed final plat and requested variance, subject to the three conditions as presented. Commissioner Smith seconded the motion. The motion passed unanimously, 7-0.**

**2. Related Comprehensive Plan Amendments & Rezonings**

*City Council has final authority for approval of Comprehensive Plan Amendments and Rezonings.*

**A. City of San Angelo / Ayers**

**i. CP18-05: Caloway**

Public hearing and consideration of a request for approval of an amendment to the Comprehensive Plan changing the Future Land Use designation from “Neighborhood” to “Neighborhood Center,” being 0.36 acres located at 320 West Avenue O.

**ii. Z18-14: Caloway**

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District the Office Commercial (CO) Zoning District, being 0.36 acres located at 320 West Avenue O.

***Items i and ii above pertain to related properties and were therefore presented as one item with two separate motions.***

Kristina Heredia, Planner, presented the Comprehensive Plan Amendment and Rezoning request. She explained that the reason for the Comprehensive Plan Amendment to “Neighborhood Center” is that it was lower intensity and because West Avenue O is a local street. Ms. Heredia also explained that the Rezoning request to Office Commercial (CO) would be most appropriate for the applicant’s proposed use of “office.” She indicated that the property has not developed in a residential manner and the adjacent homes were built in the 1950s. She concluded her presentation that the proposed use will be compatible with surrounding commercial uses and that Planning Staff was in support of the request.

Vice Chair Spano opened the meeting for public comment.

Mr. Jesse Caloway, the applicant indicated that he was available for public comment or questions.

Mr. David Rios, representing the owner of property to the east and south of the subject properties, asked if taxes would go up on his properties.



Vice Chair Spano indicated that a new business on the subject property should not increase his taxes but referred Mr. Rios to the applicant, Mr. Caloway to respond to this question.

**Commissioner Jackson made a Motion to recommend APPROVAL of an amendment to the Comprehensive Plan changing the Future Land Use designation from “Neighborhood” to “Neighborhood Center,” being 0.36 acres located at 320 West Avenue O. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 4-0.**

**Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District the Office Commercial (CO) Zoning District, being 0.36 acres located at 320 West Avenue O. Commissioner Smith seconded the Motion. The Motion passed unanimously, 4-0.**

**3. Conditional Uses.**

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

**A. CU18-05: Favre**

Public hearing and consideration of a request for approval of a Conditional Use to allow for a Bed and Breakfast in the Single-Family Residence (RS-1) Zoning District, being 0.69 acres located at 2458 Fishermans Road.

Hillary Bueker, Senior Planner, presented the case to allow a Bed and Breakfast on the subject property zoned RS-1. Ms. Bueker outlined Staff’s rationale for approval of the Conditional Use on the grounds that a Bed and Breakfast is acceptable with a Conditional Use to minimize any impacts; that its location in Lake Nasworthy is a suitable tourism destination; and that a Conditional Use will ensure compatible between land uses. Ms. Bueker indicated that two notices were received in favor within 200 feet of the property, another three in favor outside this 200-foot radius, and none were received in opposition.

Vice Chair Spano opened the meeting for public comment.

There was no public comment.

**Commissioner Uherik made a Motion to APPROVE the Conditional Use to allow for a Bed and Breakfast in the Single-Family Residence (RS-1) Zoning District. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 4-0.**

**4. Right-of-way Vacations / Abandonments.**

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

**A. Street Right-of-Way Vacation and Abandonment  
(Bowman/Conn/Contreras/Frontier Real Estate Investments)**

Public hearing and consideration of a request to approve the abandonment and vacation of a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way; generally located immediately east of Lots 1-5 and 22-27 of Block 4 of the Monterrey Addition.

**B. Alley Right-of-Way Vacation and Abandonment  
(Bowman/Conn/Contreras/Frontier Real Estate Investments)**

Public hearing and consideration of a request to approve the abandonment and vacation of a 10-foot wide, 0.061-acre (2,678-square foot) public alley located between Lots 1-5 and 22-27 within Block 4 of the Monterrey Addition.

***Items 4A and 4B were presented as one item as they relate to the same subject area.***

Jeff Fisher, Senior Planner, presented the street and alley abandonment requests. He explained that the purpose of the requests are to provide the owners with additional land for a future retail development. Mr. Fisher displayed an aerial photo of the surrounding properties and the current right-of-way and paving widths of adjacent streets. He explained that as a condition of approval these properties will require a replat and this will include future easements for fiber optic cable lines for Frontier. He also explained that the current sewer line running horizontally within the alley would be relocated and that Engineering Services would be in support of this. Mr. Fisher concluded his presentation with Staff's rationale to approval of 15 feet of the Ben Ficklin street abandonment and the full alley on the grounds that the sewer line can be relocated; that the remaining 10 feet on Ben Ficklin Road is needed for the City for future drainage, utility and road projects; that traffic circulation will not be an issue as the owners own all of the lots; and that approval would not contravene any current ordinance as the additional land will be required to be replatted.



Vice Chair Spano indicated that he wanted to ensure that citizens understood the specifics of the request, including utility lines and future construction.

Mr. Fisher indicated that parking and sidewalks may be placed over any future Frontier fiber optic easements but that the owners would be responsible for any associated costs should Frontier need to access this area.

Vice Chair Spano opened the meeting for public comment.

Max Jacobs, one of the property owners, indicated his architect as aware of the proposed development that were needed and that he was available for any public comment.

Commissioner Uherik asked if Mr. Jacobs was okay with a 15-foot abandonment and not 25 feet. Mr. Jacobs indicated that while the owners preferred 25 feet, the owners were satisfied with a 15-foot abandonment.

**Commissioner Jackson made a Motion to recommend APPROVAL of only the westerly 15 feet of the proposed abandonment and vacation of the 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way. Commissioner Smith seconded the Motion. The Motion passed unanimously, 4-0.**

**Commissioner Smith made a Motion to recommend APPROVAL of the proposed abandonment and vacation of the 10-foot wide, 0.061-acre (2,678-square foot) public alley. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 4-0.**

## **5. Street Name Changes**

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

### **A. Harbor Court to Ener Tel Way**

Public hearing and consideration of a request to change “Harbor Court” to “Ener Tel Way” over the complete 325-foot length of the street’s right-of-way, beginning at West Avenue N and continuing south to the cul-de-sac terminus in central San Angelo.

Hillary Bueker, Senior Planner, presented the case to change the street name of Harbor Court to Ener Tel Way. She provided photos of the area, and explained that the current Future Land Use was “Commercial” and zoning was “Light Manufacturing”. Ms. Bueker explained that part of the land will be for the City’s future drainage project and the remaining part for Ener-Tel’s future plans. She outlined Staff’s rationale for approval of the Street Name Change on the grounds that changing the name would provide clarity for visitors and emergency personnel to the Ener-Tel site; that there are no other existing streets with the same name, and that changing the name would clarify the use of the road and avoid confusion. She indicated that Staff received one letter in support of the request and zero against. Ms. Bueker clarified for the Commission that the street will be “Ener Tel Way” without the hyphen in between “Ener” and “Tel” as the City’s system will not allow a hyphen in the street name.

Vice Chair Spano opened the meeting for public comment.

There was no public comment.

**Commissioner Uherik made a Motion to APPROVE the Street Name from “Harbor Court” to “Ener Tel Way,” subject to the two conditions of approval as presented. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 4-0.**

**6. 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 which was tabled from last month’s Planning Commission Meeting and included some new changes.



Mr. James went through the proposed changes to the Subdivision Ordinance in Chapter 1. He explained that the Planning Division is proposing to revised the platting exemption for residential lots from two to three, allowing an owner of three residential lots to build a house across all three and not have to replat. He then outlined a change to the additional building floor area exemption, allowing a property with a single-family dwelling to expand up to 50%, or 1,000 square feet, whichever is greater. He explained that the 1,000-square foot addition would stop small homes from being penalized when they want to expand.

Mr. James then explained changes to Chapter 5 of the Ordinance. He indicated that after discussion with the development community, preliminary plats could now be extended an additional five years not only where a final plat was recorded, but where “progress” was being made as per State Statute, as provided in the packet to the Planning Commissioners. Mr. James then went over the changes discussed last month in Chapter 6, and mentioned that Engineering Services will be discussing whether the option in Chapter 9 to defer a drainage study should be added or kept out of the Ordinance.

Mr. James concluded his presentation by outlining the outstanding issues for discussion. These included whether combining lots should require platting, and whether infrastructure improvements under this scenario could be deferred to the site plan stage. Another issue Mr. James mentioned was when should a preliminary plat expire and that he believed 5 years was fair given that most other comparable cities in Texas had a 2-year expiry.

Vice Chair Spano asked what was the biggest concern of the development community with respect to subdivision of land.

Mr. James responded that he believed that combining of lots and expiry of a preliminary plat were the biggest concerns raised.

Vice Chair Spano indicated that he sees some “give and take” since the last meeting.

Mr. James indicated that he understands that the development community may want to table this item again.

Vice Chair Spano asked if there was any comment.

Mr. Rocky Templin indicated that he wants to hear from Mr. Russell Pehl, City Engineer, on his thoughts about the proposed changes on the drainage study deferment. He also indicated that he would like further clarification on certain sections of the ordinance in particular on 2.d “single



parallel offset” and why it could not simply say “parallel” offset. Mr. Templin also mentioned he had some interpretation concerns and for all these reasons would like the item tabled.

Russell Pehl, City Engineer, indicated that he would like to keep the deferral option out of the ordinance. He explained that he did not want to make the deferral option the standard, although deferrals could still be an option.

Mr. James responded that a deferment of a drainage study is no longer an option unless it is stated as an option in the subdivision ordinance.

Mr. Pehl responded he was not aware of this, and that based on this, he is okay with having the deferral option in the ordinance.

Mr. James explained that these changes have already been presented to the Development Task Force twice and that he does not want to see the ordinance changes continue to be delayed. He indicated that if this item is tabled again that those interested parties bring all of their issues to discuss, avoiding this item from being further tabled.

Mr. Gary Cortese indicated that in his opinion, the Development Task Force was very informal. He also expressed his concerns about interpreting the new “progress” options for when a preliminary plat could be extended and wanted further clarification.

Mr. James responded that one of the purposes of a preliminary plat is to lay out a plan for future development over time, and that a new preliminary plat could always be submitted should the old one expire.

Vice Chair Spano indicated that he believed these conversations should have taken place last month.

Mr. James explained that a meeting was arranged two weeks ago and included Russell Gully and Steve Eustis and that Mr. Gully indicated that he would be representing the development group. Mr. James indicated that Staff made every effort to meet with all interested parties, and that he understood the revisions made addressed the concerns of the interested parties.

Mr. Dan Saluri, Deputy City Attorney, explained that under the current ordinance there is no expiry for preliminary plats, and that the proposed changes were designed to give developers more time.

Mr. Cortese reiterated his concerns for more clarification on the State Statute for “progress” and what was the City’s policy going to be in this regard.

Commissioner Jackson expressed her opinion that San Angelo needs development and that everyone needs to be in agreement.

**Commissioner Jackson made a Motion to TABLE the proposed text amendment, revised as presented, up to the September 17, 2018 Planning Commission Meeting, to give all interested parties the opportunity to review further and come to an agreement. Commissioner Smith seconded the Motion. The Motion passed 3-1 with Commissioners Jackson, Smith, and Uherik 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 explained that this item was presented at last month’s Planning Commission, and that although there did not appear to be any issues, he asked if all parties wanted this item tabled also, consistent with the above text amendment.

Vice Chair Spano expressed his opinion that any part of the amendment not in question should be approved today and asked Mr. Templin and Mr. Cortese if their group would agree to this.

Mr. Cortese responded that he did not want to speak for the rest of his group not in attendance today.

**Commissioner Jackson made a Motion to TABLE the proposed text amendment, as presented, up to the September 17, 2018 Planning Commission Meeting, to give all interested parties the opportunity to review further and come to an agreement. Commissioner Smith seconded the Motion. The Motion passed 3-1 with Commissioners Jackson, Smith, and Uherik voting in favor, and Vice Chair Spano voting against.**



**7. Director's Report**

Jon James, Planning & Development Services Director, invited the Planning Commissioners to a regional planning training in November 2018 and that there is some ability to cover expenses of those who want to attend.

**8. 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, August 20, 2018**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

**9. Adjournment.**

Commissioner Jackson made a Motion to adjourn at 10:09 a.m., and Commissioner Smith seconded the Motion. The Motion passed unanimously, 4-0.



---

Travis Stribling, Chair,  
Planning Commission