

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, SEPTEMBER 17, 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), RYAN SMITH, TERI JACKSON, LUKE UHERIK, JOE SELF

ABSENT: CONOLY O. BROOKS III

STAFF: Jon James, AICP, Director of Planning and Development Services
Aaron Vannoy, Development Administrator
Dan Saluri, Deputy City Attorney
Charlie Kemp, Interim Building Official, Permits and Inspections
Andy Vecellio, Assistant City Engineer
Mitchell Gatlin, Project Engineer-EIT
Jeff Fisher, AICP, Senior Planner
Hillary Bueker, RLA, Senior Planner

I. Call to order.

Chair Travis Stribling called the meeting to order at 9:03 a.m. and established that a full quorum of seven was present.

II. Prayer and Pledge.

The prayer was delivered by Ms. Ami-Mizell Flint, West Texas Peace Ambassador. The pledge was led by Commissioner Smith.

V. Consent Agenda:

A. Consideration of approving the August 20, 2018, Planning Commission Regular Meeting minutes.

A Motion to APPROVE the Consent Agenda was made by Commissioner Jackson and seconded by Vice Chair Spano. The motion carried unanimously, 6-0.

VI. Regular Agenda:

1. Subdivision Plats

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

A. 11th Replat in Block B, Section One, Southland Park Addition

Public hearing and consideration of a request for approval of an 11th Replat in Block B, Section One, Southland Park Addition, being 9.058 acres located southeast of Blue Ridge Trail and East Loop 306 Frontage Road.

Jeff Fisher, Senior Planner, presented the proposed replat of a 9.058-acre remainder tract into 3 new lots and an extension of Briarcliff Trail. He indicated that the lot will comply with the current CG/CH Zoning. Mr. Fisher outlined Staff's rationale for approval which included that the plat conformed with the Comprehensive Plan's Future Land Use designation of "Commercial", and that the extension of Briarcliff Trail will match the current right-of-way and paving width of the existing portion of the street.

Chair Stribling opened the meeting for public comment.

Mr. Herb Hooker with SKG Engineering asked to defer Condition #2 regarding the installation of new water and wastewater lines to the permit stage. He also asked to defer Condition #4 regarding establishing a utility service account to the permit stage. He indicated this used to be a note and not part of the platting process.

Mr. Fisher indicated that Engineering Services is available to address Mr. Hooker's concerns regarding a utility account.

Commissioner Jackson asked Mr. Hooker to clarify if he wanted to make Condition #4 as a note.

Mr. Hooker agreed this was correct.

Commissioner Self asked for clarification that deferral of Condition #2 to the permit stage only referred the service lines.

Mr. Hooker confirmed this was correct.

Jon James, Planning and Development Services Director indicated that deferral of Condition #2 would still require a financial guarantee.

Andy Vecellio, Assistant City Engineer, indicated that typically Condition #2 would be required before plat recordation. He explained however, that in this case, the consultant SKG Engineering did not know how the lots would be divided and therefore, Engineering Services is in support of deferring this condition to the permit stage. Mr. Vecellio indicated that Condition #4 is usually connected to new water and wastewater taps, but in this case, is comfortable deferring this condition to the permitting stage or making it a note.

Mr. Rocky Templin indicated that a builder or plumber requires a permit to get a water account, and therefore, believes Condition #4 should not be required earlier at the platting stage.

Mr. Vecellio clarified that Condition #4 may be deferred to the permit stage. However, he did indicate that in past that the service account had to be set up before the plat was recorded, but not in this case.

Commissioner Uherik indicated the problem is that the developer needs a permit to obtain an account but that Engineering Services indicates that they require an account to obtain a permit.

Mr. Vecellio explained that his department has stepped in at times to help obtain the account from Water Utilities prior to plat recordation.

Mr. Hooker reiterated that Condition #4 be moved to the permitting stage or made a note.

There was no further public comment.

Commissioner Self-made a motion to APPROVE the proposed replat and defer Conditions #2 and #4 to the permitting stage, subject to the six conditions as presented. Commissioner Smith seconded the motion. The motion passed unanimously, 6-0.

B. Replat of Lots 1 thru 5 and 22 thru 27, Block 4, Monterrey Addition

Public hearing and consideration of a request for approval of a Replat of of Lots 1 thru 5 and 22 thru 27, Block 4, Monterrey Addition, and a Partial Variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to allow 5 feet in lieu of the required 7 feet of additional paving width and no sidewalk for San Jacinto Street, an Urban Local Street, being 1.840 acres located southeast of South Bryant Boulevard and West Avenue Z.

Jeff Fisher, Senior Planner, presented the proposed replat of 1.840 acres which included 11 existing lots in Block 4 of the Monterrey Addition, as well as the adjacent abandoned alley and the west 15-foot of the Ben Ficklin Road right-of-way. Mr. Fisher explained that the developer is seeking to consolidate the land as one lot for future development. He indicated that the applicant is requesting one variance to allow an additional paving width of 5 feet instead of 7 feet for San Jacinto Street due to existing fiber optic poles obstructing the additional width. Mr. Fisher further explained that should these lines be located within the property boundaries, that an additional easement may be required.

Mr. Fisher outlined Planning Staff's recommendation of approval for the plat for being in conformity with the City's Comprehensive Plan and for providing additional sidewalks along West Avenue Z and Ben Ficklin to improve pedestrian connectivity and safety. He also outlined Staff's support for the variance request based on the existing fiber optic cable lines preventing the full paving width from being dedicated, and that the applicant was still dedicating five of the required 7 feet.

Chair Stribling opened the meeting for public comment.

Mr. Herb Hooker with SKG Engineering asked to defer Condition #6 regarding establishing a utility service account to the permit stage, consistent with the previous plat case. He also indicated that Condition #3 should be amended to remove the word "nonexclusive" as plat easements are usually non-exclusive. Mr. Hooker also explained that the applicant should not require a letter from Frontier since they are dedicating the easements through the platting process. He indicated that the condition should be removed or changed to remove the term non-exclusive.

Mr. Fisher indicated that the request for non-exclusive easements came from Frontier Communications for the purposes of their equipment.

Dan Saluri, Deputy City Attorney indicated that an easement can be required to be shown on the plat, but that the letter should not be required as a condition of platting.

Mr. Hooker indicated that his client will dedicate all easements that are necessary.

Chair Stribling asked if Mr. Hooker would be satisfied if the provision requiring a letter from Frontier and the term "nonexclusive" was removed from Condition #3.

Mr. Hooker agreed this would be acceptable.

There was no further public comment.

Commissioner Jackson made a motion to APPROVE the proposed replat with a partial Variance to allow 5 feet in lieu of the required 7 feet of additional paving width and no sidewalk for San Jacinto Street, an Urban Local Street; defer Condition #6 to the permitting stage, and revise Condition #3 to state “Prior to plat recordation, the applicant shall ensure that all exiting Frontier Communications overhead and underground telecommunications lines and facilities are encompassed within an easement and designate this easement on the plat”, subject to the 12 conditions as presented. Commissioner Smith seconded the motion. The motion passed unanimously, 6-0.

C. Replat of Lot 1, Block 3, S.B. Ratliff Subdivision

Public hearing and consideration of a request of the Replat of Lot 1, Block 3, S.B. Ratliff Subdivision, and a Variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 30 feet in lieu of 50 feet for Lake Drive, an Urban Minor Collector Street; being 1.201 acres located at 3210 Lake Drive.

Hillary Bueker, Senior Planner, presented the proposed replat to create two lots out of one previous platted lot, and a variance to allow Lake Drive to remain 30 feet wide in lieu of 50 feet. Ms. Bueker outlined Staff’s recommendation to approve the plat and variance on the basis that the street functions well in its current condition, that this is a small infill project in an existing neighborhood; and that granting the variance would not vary any other provisions.

Commissioner Jackson asked if Conditions #2 and #3 were the same conditions that have been discussed earlier in this meeting on different plat requests.

Ms. Bueker indicated this case is different because these are residential lots and that Engineering Services was available to address these conditions further.

Mr. Andy Vecellio, Assistant Engineer, indicated that because these are residential lots, his department would like to require these conditions now at the platting stage. He indicated that his department supports the

variance request based on traffic studies showing Lake Drive acts more as a local road.

Chair Stribling opened the meeting for public comment

Chair Stribling asked if the developer would have trouble in this case obtaining a water account.

Mr. Vecellio responded they should not, but if they did, his department would assist.

Mr. Herb Hooker with SKG Engineering indicated that he did not have a problem with Condition #2 with respect to installing water and wastewater service lines prior to plat recordation. He did however, request that Condition #3 be removed or deferred for the same reasons as discussed with previous plats today.

Mr. Vecellio affirmed his department's position that the accounts should be required at platting for residential lots because typically it is residential homeowners, not the developers, who create their accounts.

Mr. Rocky Templin asked where this provision is in the Subdivision Ordinance. He expressed his opinion that a subdivider should not be responsible for putting in water meters.

Mr. Vecellio indicated that the subdivider is not being asked to put in the meter, just to set up the meter pit to put in the meter later. He also indicated he would need to verify the relevant section of the Subdivision Ordinance.

Mr. Vecellio cited Chapter 11.1.B of the Subdivision Ordinance, requiring the developer to ensure that water and sewer service is provided.

Mr. Hooker expressed his opinion that the developer should only be responsible for the service lines themselves, but that the turning on of water and setting up an account could be done later and not be the developer's responsibility.

Chair Stribling indicated that it did not make sense to install a meter now when it could be five or 10 years before homes are built.

Commissioner Jackson indicated that the requirement for a water service account should not be a condition of the plat.

There was no further public comment.

Commissioner Jackson made a motion to APPROVE the proposed replat with a Variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 30 feet in lieu of 50 feet for Lake Drive, an Urban Minor Collector Street; removing Condition #3; subject to the remaining 3 conditions of approval. Commissioner Smith seconded the motion. The motion passed unanimously, 6-0.

2. Rezoning

City Council has final authority for approval of Rezoning.

A. Z18-17: Brewer / COSA

Public hearing and consideration of a request for approval of a Rezoning from the Light Manufacturing (ML) Zoning District to the Two-Family (RS-2) Zoning District, being 1.308 acres of land located at 501 East Avenue A and 606, 612, 616, and 618 Rust Street.

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that the applicant for 606 Rust Street wanted to rezone this property from Light Manufacturing (ML) to Two-Family Residential (RS-2) to build a new single-detached dwelling. After reviewing the area, Mr. Fisher indicated that the Planning Division decided to include a City-initiated rezoning on four other properties with existing single-detached dwellings on the same block, 501 West Avenue A, and 601, 612, 616 Rust Street. He explained that almost all the land east of Rust Street within 1/3 mile was zoned Two-Family Residential and designated "Neighborhood" in the City's Comprehensive Plan with many single-family homes. Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the RS-2 zoning would be consistent with the "Neighborhood" Comprehensive Plan designation; that all the lots are pre-existing and comply with the RS-2 standards; that the 1/3 mile east of Rust Street is already zoned RS-2 and designated Neighborhood; and that the previous M-1 zoning prior to 2000, now ML, had allowed these homes by-right.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of the proposed Rezoning from the Light Manufacturing (ML) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Smith made a Motion to recommend APPROVAL of a Rezoning from the Single Family (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 7-0

B. Z18-20: Flores-Duran / COSA

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Single Family (RS-1) Zoning District, being 2.93 acres of land located at 3210 Lake Drive and 3201, 3207, and 3211 Grape Creek Road.

Hillary Bueker, Senior Planner, presented the rezoning request. She explained that the Future Land Use is Neighborhood and that the current CG/CH Zoning does not allow residential uses. Mrs. Bueker explained that the Rezoning would allow the applicant to legalize an existing home and add additional homes, as well as removing the CG/CH zoning from three existing residential properties.

Mrs. Bueker outlined Staff's rationale to approve the Rezoning on the grounds that the Future Land Use of Neighborhood allows current and proposed residential uses; that the proposed development is consistent with the RS-1 Zone; that the area has mixed-use development but is mainly residential; and that the area has not developed in a commercial capacity.

Chair Stribling opened the meeting for public comment.

Mr. Reuben Espinoza, a local resident, asked for clarification if the properties would remain residential, and that if so, he would support the request.

Chair Stribling responded this was correct.

There was no further public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Single Family (RS-1) Zoning District, being 2.93 acres of land located at 3210 Lake Drive and 3201, 3207, and 3211 Grape Creek Road. Commissioner

Jackson 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. CU18-17: McClure

Public hearing and consideration of a request for approval of a Conditional Use to allow a Short-Term Rental in the Two-Family Residential (RS-2) Zoning District; being 0.131 acres located at 1009 Rio Grande Street.

Jeff Fisher, Senior Planner, presented the case for a Conditional Use to allow a Short-Term Rental (STR) on the property zoned Two-Family Residential (RS-2). He explained that the proposed request met the minimum criteria for STRs in the Zoning Ordinance. He outlined Staff's rationale for approval of the Conditional Use on the grounds that the STRs will be located inside a residence that has existed since the 1950s; that the STR complies with all RS-2 zoning standards and the applicant will install the required two parking spaces; and that the STR is located close to amenities including Santa Fe Park and the River Walk.

Chair Stribling opened the meeting for public comment.

Mr. Steven McClure, father and representative of the applicant thanked the Commission for their consideration of the request. He indicated that the outside of the home will look the same, but that the inside has been completed refurbished including new windows, heating and cooling. Mr. McClure agreed to install the new parking spaces and maintain the building in good order.

There was no further public comment.

Commissioner Jackson made a Motion to APPROVE the Conditional Use to allow a Short-Term Rental in the Two-Family Residential (RS-2) Zoning District; being 0.131 acres located at 1009 Rio Grande Street. Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.

4. Director's Report

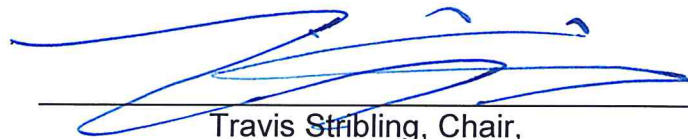
Jon James, Planning & Development Services Director, announced that there will be a workshop for appointed and elected officials in Midland on November 8, 2018, and that if interested, transportation would be arranged.

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, October 15, 2018**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

6. Adjournment.

Chair Stribling made a Motion to adjourn at 10:11 a.m., and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.



Travis Stribling, Chair,
Planning Commission