

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, NOVEMBER 19, 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, CONOLY O. BROOKS III

**ABSENT:** N/A

**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  
Sherry Bailey, Senior Planner

**I. Call to order.**

Chair Travis Stribling called the meeting to order at 9:00 a.m. and established that a quorum of six was present.

**II. Prayer and Pledge.**

The prayer was delivered by Commissioner Brooks. The pledge was led by Commissioner Smith.

***Commissioner Jackson arrived at 9:02 a.m. establishing a full quorum of seven.***

**III. Consent Agenda:**

A. Consideration of approving the October 15, 2018, Planning Commission Regular Meeting minutes.

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

**IV. Regular Agenda:**

**1. Subdivision Plats**

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

**A. Trinity West, Section Three (Resubmittal)**

Public hearing and consideration of a resubmittal request for approval of Trinity West, Section Three, being 3.353 acres located south of the intersection of Merrick Street and Canadian Street.

Jeff Fisher, Senior Planner, presented the proposed request for a resubmittal of the subject final plat. He explained that the same plat was approved by the Planning Commission in 2016 but expired due to conditions not being completed within the required three-year period. Mr. Fisher outlined Staff's recommendation to approve the plat for being in conformity with the governing preliminary plat, the City's Comprehensive Plan, and the Intent of Purpose Statements with a requirement for sidewalks along the south of the southerly two lots. Mr. Fisher explained that the purpose of the sidewalks are to provide an additional pedestrian route to the existing series of sidewalks located further east and connecting to Lamar Elementary School.

Chair Stribling opened the meeting for public comment.

Mr. Russell Gully with SKG Engineering asked if a financial guarantee option can be added to conditions #3 and #7.

Chair Stribling asked if a financial guarantee can be added to the condition #3.

Mr. Jon James, Planning Director, indicated that a financial guarantee is an option.

Chair Stribling asked whether conditions #6 and #7 could be combined.

Andy Vecillio acknowledged there may be some duplication in the language of conditions #6 and 7, and explained to the Commission the reasoning for them being separate, that #6 referred to installing a sewer main and #7 referred to installing the associated sewer line. He also indicated that a financial guarantee could be an option on Condition #3.

Mr. James indicated that the financial guarantee option can be added to the conditions Mr. Gully requested, which would given the developer this additional option.

There was no further public comment.

**Commissioner Jackson made a motion to APPROVE the proposed plat resubmittal, subject to the eight conditions outlined in the Staff Report, adding the option for a financial guarantee to Conditions #3 and #7. Commissioner Self seconded the motion. The motion passed unanimously, 7-0.**

**B. Revised Preliminary Plat, San Angelo Gateway Addition, Section Two**

Public hearing and consideration of a request for approval of a Revised Preliminary plat for Gateway Addition, Section 2, being 153.114 acres located north of Gateway Drive and Venture Drive.

Jeff Fisher, Senior Planner, presented the proposed request for a revised preliminary plat. He explained that the original preliminary plat was approved in November 2017 and that the new plat removes several proposed internal lots for greater flexibility in lot configuration and the sale of these lots. He also explained that one internal future street will also be removed for similar reasons, as well as removal of the AEP lot to the southwest which has already been developed. Mr. Fisher outlined Staff's recommendation to approve the revised preliminary plat for being in conformity with the City's Comprehensive Plan, and the Intent of Purpose Statements.

Chair Stribling opened the meeting for public comment.

Mr. Robert Schneeman with the City of San Angelo Development Corporation (COSADC) spoke in support of the request. He explained that he is excited for this plat to move forward. Mr. Schneeman also indicated that a Memorandum of Understanding (MOU) is being completed between the City and COSADC and a contract will be out shortly for the first phase of the improvements.

There was no further public comment.

**Commissioner Brooks made a motion to APPROVE the revised preliminary plat as presented. Commissioner Smith seconded the motion. The motion passed unanimously, 7-0.**

**C. Bentwood Country Club Estates, Section Sixteen-F**

Public hearing and consideration of a request for approval of a Final Plat of Bentwood Country Club Estates, Section Sixteen F, and two Variances, a Variance from Section 9.III.A.1 of the Land Development

and Subdivision Ordinance to allow King Mill Drive, Wedgewood Court, and the connecting street to function as a private drive, and a Partial Variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to allow Beaty Road to be widened by a portion of the full required incremental half width being 8.782-acres located at Kings Mill Drive and Wedgewood Court.

Hillary Bueker, Senior Planner, presented the proposed request for the final plat, and two variances to allow private streets and a variable road width of 5-8 feet less than required for Beaty Road. Mrs. Bueker outlined Staff's recommendation to approve the plat for being in conformity with the City's Comprehensive Plan and the Intent of Purpose Statements. She also outlined Staff's recommendation to deny the proposed variance to allow private streets on the grounds this does not meet the provisions of current ordinances nor is a hardship established. She did however outline Staff support for the second variance to allow a reduced street width on Beaty Road, given there is limited room for maintenance operations, and there are no anticipated safety risks.

Chair Stribling opened the meeting for public comment.

Mr. Russell Gully with SKG Engineering asked for support for the two variances, and thanked Staff for supporting the Beaty Road variance. He explained that Bentwood has a history of gated private streets and that the right-of-ways are adequate. He also explained that if allowed, taxpayers would not be responsible as the streets would be maintained privately. Mr. Gully also mentioned that he met with the City Fire Chief and that the current fire hydrant configuration was satisfactory.

Commissioner Brooks expressed support for the variance to allow private streets.

Dan Saluri, Deputy City Attorney, indicated that the motion needs to include language that the public interest may be served to a greater extent with a private street being gated.

There was no further public comment.

**Commissioner Brooks made a motion to APPROVE the proposed plat, subject to the ten conditions presented, and the two variances requested, supporting the variance to allow King Mill Drive and Wedgewood Court to function as private drives on the grounds that the public interest may be preserved. Commissioner Jackson seconded the motion. The motion passed unanimously, 7-0.**

**2. Rezoning**

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

**A. Z18-21: First Financial Trust**

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 909 West Beauregard Avenue.

***Prior to presentation of this case at 9:40 a.m., Commissioners Brooks and Uherik recused themselves due to potential conflict of interest.***

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that the majority of the property is CG/CH except for the bottom 50 feet which is zoned RS-1. Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the CN zone is consistent with the Future Land Use designation of "Neighborhood Center"; that the lot complies with all CN standards and is exempt from platting; and that the property is located along West Beauregard Avenue, a commercial corridor that allows similar uses such as offices, retail stores, and restaurants.

Chair Stribling opened the meeting for public comment.

Mr. Steve Eustis, representative of the current owner of the property, spoke in support of the request. He explained that the property owner to the south intends to purchase this property. Mr. Eustis further explained that the current building is an eyesore and intends to be removed, as well as the CG/CH zone which is good for the neighborhood.

Ms. Heidi Brooks, who owns property in the vicinity, asked if the subject request is only for the proposed rezoning and not for the specific use that would be erected on the property.

Chair Stribling responded this was correct.

Stephen McLaughlin, one of the surrounding property owners, spoke in support of the request and indicated he provided written support as well.

**Commissioner Jackson 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 Neighborhood Commercial (CN) Zoning District on the subject property. Commissioner Smith seconded the Motion. The Motion passed unanimously, 5-0.**

***Commissioners Brooks and Uherik returned to the meeting at 9:48 a.m.***

**B. Z18-22: Sepulveda / City of San Angelo**

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, located at 701-721 West 15<sup>th</sup> Street.

On November 19, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the Single-Family (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties. The following is the complete excerpt of the draft minutes from the November 19, 2018, meeting for this case:

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, located at 701-721 West 15<sup>th</sup> Street.

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that the owner of 711 West 15<sup>th</sup> Street wanted to rezone this property from RS-1 to RS-2 and Planning Staff has brought forward a city-initiated rezoning for the remainder of this block for RS-2 zoning as well. He explained that there is an existing RS-2 lot further east on West 15<sup>th</sup> Street as well as several properties in the area with two residential structures.

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 comply with the RS-2 zoning standards; that the RS-2 zone would maintain the low density character of the area; that two-thirds of the block has remained vacant for decades; and that the area acts as a transition between commercial development and zoning to the south and RS-1 zoning to the north.

Chair Stribling opened the meeting for public comment.

Mr. Rick Sepulveda, owner and applicant for 711 West 15<sup>th</sup> Street spoke in support of the request. He indicated that there were several empty

lots within the block and did not believe it was cost effective to build a single-family home on the lot. He indicated that a duplex would be more feasible.

Commissioner Jackson expressed support for the proposed rezoning.

**Commissioner Jackson made a Motion to recommend APPROVAL of the proposed Rezoning from the Single-Family (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties. Commissioner Self seconded the Motion. The Motion passed unanimously, 7-0.**

**3. Conditional Uses.**

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

**A. CU18-19: Foley**

Public hearing and consideration of a request for approval of a Conditional Use to allow for a wireless telecommunications tower and related facilities in the Central Business District (CBD) Zoning District, located at 107 South Irving Street.

Hillary Bueker, Senior Planner, presented the case for a Conditional Use to allow for a wireless telecommunications tower and related facilities in the Central Business District (CBD) Zoning District. She explained that the applicant was in Chicago today and unable to attend the meeting. Mrs. Bueker explained that the request would allow rooftop antennas and outlined Staff's rationale for approval of the Conditional Use on the grounds that the antennas should not effect the structure; that telecom facilities are allowed in a CBD zoning district with a Conditional Use; and that the area is mainly commercial and contains other telecom facilities. Mrs. Bueker communicated that there were some issues however with the building itself and that a piece of the parapet and bricks had fallen.

Commissioner Jackson expressed concerns with the interior of the building and that the inside was listed to be totally removed.

Mrs. Bueker indicated that Planning wants the applicant to work with the Permits and Inspections Division on the building itself.

Commissioner Brooks expressed his opinion that the owners of the building want this to be a "glorified antenna", have no interest in approving Downtown San Angelo, and that this proposal, as well as existing antennae structures should be removed and the request denied.

Commissioner Jackson asked how the existing antennae can remain when the building is in poor condition.

Mr. Jon James, Planning Director, asked Mrs. Bueker if this conditional use would allow the current antennae structures as well.

Mrs. Bueker indicated that this was correct.

Charlie Kemp, Building Official, explained that the Fire Marshal's Office went out in 2015 and notified the owner about getting the building fixed but that the façade improvements did not require a permit. She also indicated that the elevator has been removed inside the building.

Chair Stribling expressed concerns of approving the antennae on a building that is deemed unsafe.

Vice Chair Spano expressed his opinion that the Commission is not in the business of telling what the applicant can or cannot do with the building itself. He asked why the Commission has to hear this request.

Mrs. Bueker explained that the new wires and equipment require a permit and a Conditional Use is required, as well as receive a River Corridor approval and Certificate of Appropriateness as the building was historically designated.

Council Member Thomas expressed safety concerns with the building and asked if an engineering study was done, and if not, that one is done to ensure the building is safe for citizens walking in the area and personnel servicing the antennae.

Chair Stribling opened the meeting for public comment.

There was no further public comment.

**Commissioner Jackson made a Motion to DENY the Conditional Use to allow for a wireless telecommunications tower and related facilities in the Central Business District (CBD) Zoning District on the subject property. Commissioner Brooks seconded the Motion. The Motion passed unanimously, 7-0.**

**B. CU18-20: Zipper**

Public hearing and consideration of a request for approval of a Conditional Use to allow for approval of a Conditional Use to allow a



skating rink with accessory retail sales and services in the Light Manufacturing (ML) Zoning District, located at 316 North Baze Street.

Hillary Bueker, Senior Planner, presented the case for approval of a Conditional Use to allow a skating rink with accessory retail sales and services in the Light Manufacturing (ML) Zoning District on the property. She explained that the addition is for ADA restrooms which required a Conditional Use as the current ML zoning does not allow a skating rink. Mrs. Bueker outlined Staff's rationale for approval of the Conditional Use on the grounds that the building has been used as a skating rink since the late 1950; that it will be allowed in the ML zone with a Conditional Use; and that it is compatible with surrounding educational and commercial uses with different peak hours.

Chair Stribling opened the meeting for public comment.

Ms. Judy Zipper, one of the applicants and co-owners, explained the purpose of the improvements was to improve the restrooms and add some additional floorspace.

There was no further public comment.

**Commissioner Jackson made a Motion to APPROVE the Conditional Use to allow a skating rink with accessory retail sales and services in the Light Manufacturing (ML) Zoning District, located at 316 North Baze Street. Commissioner Smith seconded the Motion. The Motion passed unanimously, 7-0.**

**4. Partial Reconstruction.**

*The Planning Commission has final authority for approval.*

**C. NCU18-01: Weeks (Brite Mara LLC)**

Public hearing and consideration of a request for a Partial Reconstruction of a Non-Conforming Use (Multifamily Apartment Complex) under Section 605.B.2 of the Zoning Ordinance on the subject property zoned General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning District, located at 3608 North Chadbourne Street.

Jeff Fisher, Senior Planner, present the case. He outlined the proposed request for a partial reconstruction of an apartment complex partially destroyed by tornado damage last year. He explained that an apartment complex was not allowed by right in the current CG/CH and RS-1 zoning, and this application was needed to allow the partial reconstruction. Mr.

Fisher outlined Staff's rationale for approval under Section 605 of the Zoning Ordinance including that the improvements will not expand the footprint of the buildings; would comply with the closest zoning standards for the RM-1 zone; and as conditions of approval, the applicant will install two ADA parking spaces and bring the existing non-conforming freestanding sign into compliance.

Chair Stribling asked why this application was required.

Mr. Jon James, Planning Director explained that the building was damaged enough to require permits and permits could not be issued because of the building's non-conforming status.

Commissioner Jackson asked if the Commission could approve a Rezoning to RM-1 to allow the apartments.

Mr. James responded that could not part of today's request and would need to be initiated separately by the applicant.

Commissioner Jackson asked if there was a timeframe on when the building loses any legal non-conforming status.

Mr. James explained in this case we are addressing the non-conforming structure, and if the building has been unoccupied for more than 12 months, the apartment use would lose its legal non-conforming status also.

Commissioner Jackson asked how long it has been vacant.

Mr. Fisher responded that from discussions with Water Utilities, that he understands the building has been unoccupied for more than 12 months.

Chair Stribling expressed concerns with the applicant not also choosing to rezone the property.

Mr. Fisher explained that the Planning Division recommended to the applicant that they rezone to RM-1 which would allow the apartment complex by-right but the applicant had chosen not to do so yet.

Chair Stribling opened the meeting for public comment.

Mr. Michael Weeks, the applicant and owner, explained that he wants to submit a rezoning request, but there was a timing issue with making the necessary repairs and therefore, he initiated that step first.

There was no further public comment.

**Commissioner Jackson made a Motion to APPROVE the Partial Reconstruction of a Non-Conforming Use (Multifamily Apartment Complex) under Section 605.B.2 of the Zoning Ordinance on the subject property zoned General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning District, on the subject property. Commissioner Smith seconded the Motion. The Motion passed unanimously, 7-0.**

**5. 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 “A” Zoning Ordinance, establishing new standards for regulating mobile food trucks on public and private property in the City of San Angelo.

Hillary Bueker, Senior Planner, present the proposed new standards for regulating food trucks in San Angelo. She explained that this item had already been to a public forum.

Mrs. Bueker outlined the sections of the proposed ordinance, which apply to mobile food trucks on private property. She explained that the current Zoning Ordinance only allows mobile food trucks where restaurants are allowed, in zoning districts that allowed “Retail Sales and Service”. The new revisions, she explained, would allow mobile food trucks in all commercial, manufacturing, and industrial zoning districts, as well as in residential districts subject to certain restrictions, including a maximum of four hours in a 24-hour period and at least 100 feet from homes when on church and school properties, and only four hours in a 24-hour period on apartment properties. She further explained that a food truck can operate up to 3 consecutive days on a property, but must then vacate the same location for 3 days. Mrs. Bueker then outlined requirements for mobile food trucks on public property, which included no parking within 50 feet of an operating restaurant, written permission if locating near a school, and no on-street parking within 200 feet of homes or apartments unless downtown. Mrs. Bueker concluded her presentation that mobile food trucks wanting to operate for more than 3 days must be at the same location as their commissary and on a paved surface.

Commissioner Smith asked what would happen if a private event lasted 6 hours.

Mr. Aaron Vannoy, Development Administrator, explained that because this would be a private event and not public, a health permit would not be required and these rules would not apply.

Vice Chair Spano asked for a timeframe on when an ordinance would be brought to Council.

Mrs. Bueker responded that Staff was aiming for the second City Council Meeting in December.

Chair Stribling opened the meeting for public comment.

There was no public comment.

**Commissioner Jackson made a Motion to RECOMMEND APPROVAL of a Text Amendment to Chapter 12, Exhibit “A” Zoning Ordinance, establishing new standards for regulating mobile food trucks on public and private property in the City of San Angelo. Commissioner Smith seconded the Motion. The Motion passed unanimously, 7-0.**

**6. Annexation Plan.**

*City Council has final authority for approval of Annexations, Annexation Plans, and Annexation Programs.*

**A.** Discussion and possible recommendation on an update to the City’s Annexation Plan and adoption of an Annexation Program.

Mr. Jon James, Planning Director, presented the proposed updated Annexation Plan and Program. Mr. James explained that the annexation plan was last updated in 2009 and that changes in State law require changes to the annexation plan. He explained that an area in an annexation plan must be annexed within three years with some exemptions, and the City’s new plan will create an annexation program exempt certain areas from being annexed. Mr. James explained that the Planning Division believes certain areas will not be annexed in the near future and authority for these areas would be given back to the County. He explained that the county will review subdivisions in these areas, and the City would continue to review other subdivisions in the rest of our Extra-Territorial Jurisdiction (ETJ). He then provided an annexation program map for the Commissioners to review.

Commissioner Jackson explained she would have liked to see street names on the map.

Mr. James responded that they are there but may be too small to see.

Chair Stribling asked to clarify if the new plan would abandon certain areas from being annexed.

Mr. James responded that it would give up certain areas from City subdivision control but that the City would still be able to annex these areas in future by revising the plan.

Commissioner Jackson asked if there were any properties the City wants to annex within the next 3 years.

Mr. James responded there were no plans to annex any specific areas within the next 3 years.

Chair Stribling opened the meeting for public comment.

There was no public comment.

**Commissioner Jackson made a Motion to RECOMMEND APPROVAL on an update to the City's Annexation Plan and adoption of an Annexation Program. Commissioner Self seconded the Motion. The Motion passed unanimously, 7-0.**

***Commissioner Uherik left the meeting at 10:45 a.m.***

#### **V. Director's Report**

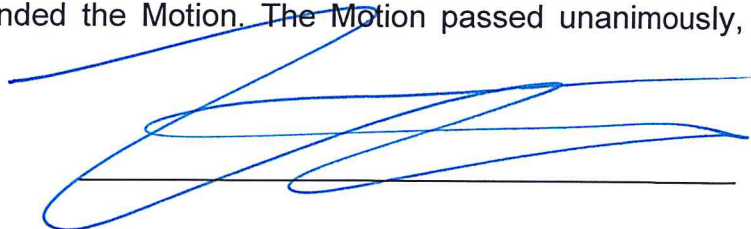
Jon James, Planning Director, introduced Sherry Bailey, new Senior Planner with the Planning Division.

#### **VI. 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, December 17, 2018**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

#### **VII. Adjournment.**

Commissioner Jackson made a Motion to adjourn at 10:49 a.m., and Commissioner Brooks seconded the Motion. The Motion passed unanimously, 6-0.



Travis Stribling, Chair,  
Planning Commission