

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, APRIL 15, 2019, 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, LUKE UHERIK, CONOLY O. BROOKS III, JOE SELF

**ABSENT:** RYAN SMITH

**STAFF:** Jon James, AICP, Director of Planning and Development Services  
Aaron Vannoy, Planning and Development Administrator  
Charlie Kemp, Building Official  
Brandon Dyson, Assistant City Attorney  
Andy Vecellio, P.E., Assistant City Engineer  
Mitchell Gatlin, Project Engineer-EIT  
Sherry Bailey, Principal Planner  
Jeff Fisher, AICP, Senior Planner  
Hillary Bueker, RLA, 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 Jackson. The pledge was also led by Commissioner Jackson.

**III. Consent Agenda:**

A. Consideration of approving the March 18, 2019, Planning Commission Regular Meeting minutes.

**B. Preliminary Plat of Paulann Church Addition**

A request for approval of a Preliminary Plat of Paulann Church Addition, being comprised of all of Tract A and 4.000 acres out of Tract B, Paulann Park Addition, Section Two; and three unaddressed tracts immediately west; comprising a total of 22.747 acres, located west of Gordon Boulevard between Smith Boulevard and East Houston Harte Expressway Frontage Road.

C. **Kent Distributors Subdivision, Section One**

A request for approval of a final plat of Kent Distributors Subdivision, Section One; being 8.647-acres located southwest of the intersection of West 33<sup>rd</sup> Street and North Bryant Boulevard.

**At the direction of Planning Staff, Chair Stribling made a motion to move Items B and C to the Regular Agenda and to approve the Consent Agenda with the remaining Item A, being the March 18, 2019 Minutes. Commissioner Uherik seconded the motion. The motion carried unanimously, 6-0.**

IV. **Regular Agenda:**

1. **Subdivision Plats**

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

***Item A was moved from the Consent Agenda. Items A and B were heard as one item with two separate motions as they relate to a portion of the same properties.***

A. **Preliminary Plat of Paulann Church Addition**

A request for approval of a Preliminary Plat of Paulann Church Addition, being comprised of all of Tract A and 4.000 acres out of Tract B, Paulann Park Addition, Section Two; and three unaddressed tracts immediately west; comprising a total of 22.747 acres, located west of Gordon Boulevard between Smith Boulevard and East Houston Harte Expressway Frontage Road.

B. **Final Plat of Paulann Church Addition, Section One**

Public hearing and consideration of a request for approval of a Final Plat of Paulann Church Addition, Section One, being comprised of all of Tract A and 4.000 acres out of Tract B, Paulann Park Addition, Section Two, being 14.777 acres located west of Gordon Boulevard between Smith Boulevard and East Houston Harte Expressway Frontage Road.

Jeff Fisher, Senior Planner, presented the proposed preliminary and final plat requests. He explained that the final plat will be the east 14.77 acres within the preliminary plat boundary and delineate a PowerPoint slide to the Commission of the overlaid plats. He explained that the purpose of the plats were to allow Paulann Church who owns the land to expand to the west on previously unplatted land. Mr. Fisher explained that as a condition of approval of the final plat, that the church has

agreed to install a sidewalk adjacent to Smith Boulevard between the main entrance and the west plat boundary at the permitting stage. Mr. Fisher explained that both plats will conform with the City's Comprehensive Plan and Intent of Purpose Statements, and the final plat for conforming with the preliminary plat as it will cover the east portion of the preliminary plat boundary. Mr. Fisher concluded his presentation that the five conditions of approval for the preliminary plat be moved to "notes" as they are all prior to recordation of the final plat and not required to be completed before the preliminary plat is recorded.

Chair Stribling opened the meeting for public comment.

Mr. Russell Gully, with SKG Engineering representing the applicant, requested that condition #5 on the final plat be deferred to permitting and is already stated in the condition this way.

Mr. Andy Vecellio, Assistant City Engineer, concurred with Mr. Gully, and agreed to defer condition #5 on the final plat to permitting.

Chair Stribling closed public comment.

**Commissioner Jackson made a Motion to APPROVE the Preliminary Plat of Paulann Church Addition, with no conditions, moving the original five conditions as presented to notes. Commissioner Self seconded the Motion. The Motion passed unanimously 6-0.**

**Commissioner Brooks made a Motion to APPROVE the Final Plat of Paulann Church Addition, Section One, with six conditions of approval as presented, deferring Condition #5 to the permitting stage. Commissioner Self seconded the Motion. The Motion passed unanimously 6-0.**

**C. Kent Distributors Subdivision, Section One**

A request for approval of a final plat of Kent Distributors Subdivision, Section One; being 8.647-acres located southwest of the intersection of West 33<sup>rd</sup> Street and North Bryant Boulevard.

Hillary Bueker, Senior Planner, presented the proposed final plat. She indicated that the applicant was replatting unplatted tracts into one lot. Ms. Bueker explained that the final plat will conform with the City's Comprehensive Plan and Intent of Purpose Statements, is consistent with the Commercial Future Land Use designation, and that the new

streets will improve connections within the area. Ms. Bueker presented the proposed seven conditions of approval.

Chair Stribling opened the meeting for public comment.

Mr. Russell Gully, with SKG Engineering representing the applicant, requested that condition #5 on the final plat be deferred to permitting.

Commissioner Jakson asked about the three associated notes.

Ms. Bueker read the three notes associated with the plat into the record.

Chair Stribling closed public comment.

**Commissioner Jackson made a Motion to APPROVE the Final Plat of Kent Distributors Subdivision, Section One, with seven conditions of approval as presented, deferring Condition #5 to the permitting stage. Commissioner Brooks seconded the Motion. The Motion passed unanimously 6-0.**

**D. Bentwood Country Club Estates, Section 41**

Public hearing and consideration of a request for approval of a final plat of Bentwood Country Club Estates, Section 41, and a variance from Chapter 9.V of the Land Division and Subdivision Ordinance from the requirement for a sidewalk for public safety, being 6.595 acres of land, located east of Pine Valley Street and North Bentwood Drive.

Sherry Bailey, Principal Planner, indicated that the applicant has requested to table this request until the next scheduled Planning Commission Meeting of May 20, 2019.

**Commissioner Jackson made a Motion to TABLE the Final Plat of Bentwood Country Club Estates, Section 41, until the next Planning Commission Meeting currently scheduled for May 20, 2019. Commissioner Self seconded the Motion. The Motion passed unanimously 6-0.**

**E. First Replat of Lots 37-48, Mallena Heights Addition**

Public hearing and consideration of a request for approval of a First Replat of Lots 37-48, Mallena Heights Addition, and two variances, (a) a variance from Section 9.III.A.5(3) of the Land Development and Subdivision Ordinance to allow East 39<sup>th</sup> Street to have no curb or gutter;

and (b) a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 26 feet in lieu of 40 feet with no sidewalk for East 39<sup>th</sup> Street, an urban local street, being 3.23 acres located on East 39<sup>th</sup> Street.

Sherry Bailey, Principal Planner, indicated that this request was tabled at the request from the applicant from last month's meeting. Ms. Bailey explained that the applicant is now requesting that the request be withdrawn, and will be resubmitted at a later date.

**Commissioner Uherik made a Motion to accept the WITHDRAWAL of the replat made by the applicant. Commissioner Jackson seconded the Motion. The Motion passed unanimously 6-0.**

**F. Replat of Lots 16 and 17, Block 2, Riverfalls Subdivision**

Public hearing and consideration of a request for approval of a Replat of Lots 16 and 17, Block 2, Riverfalls Subdivision, being 1.124 acres located west of the intersection of Ben Ficklin Road and Riverfalls Road.

Sherry Bailey, Principal Planner, presented the proposed replat. She explained that the applicant was combining two lots into a single lot. She presented the two proposed conditions of approval.

Chair Stribling opened the meeting for public comment.

Mr. Herb Hooker, with SKG Engineering representing the applicant, indicated that the applicant was erecting an accessory building on the second lot and required the replat so both buildings could be on the same lot.

Mr. Andy Vecellio, Assistant City Engineer, indicated that Condition #2 should be a note as the applicant would not need a drainage study if the impervious area does not change by 5%.

Chair Stribling closed public comment.

**Vice Chair Spano made a Motion to APPROVE a Replat of Lots 16 and 17, Block 2, Riverfalls Subdivision, with one condition of approval, moving condition #2 regarding the requirement for a drainage study to a note. Commissioner Jackson seconded the Motion. The Motion passed unanimously 6-0.**

**G. First Replat in Lots 1 and 2, Fred Williams Subdivision No. 2**

Public hearing and consideration of a request for approval of a First Replat in Lots 1 and 2, Fred Williams Subdivision No. 2, and a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to allow Lake Drive, an urban minor collector street, to maintain a 30-foot pavement width in lieu of the required 50 feet, being 1.04 acres located southwest of Lake Drive and West 33<sup>rd</sup> Street.

Hillary Bueker, Senior Planner, presented the proposed replat. She explained that the replat will include parts of previous platted lots into five new lots, as well a variance from the minimum paving width requirement for Lake Drive. Ms. Bueker indicated that the replat will conform with the City's Comprehensive Plan designation of Neighborhood and the Intent of Purpose Statements in the Subdivision Ordinance; that the RS-1 zoning is consistent with the Neighborhood designation, and the additional lots will accommodate new residences. She also indicated that traffic counts for Lake Drive were low for a minor collector and it functions as a local street.

Chair Stribling opened the meeting for public comment.

Ms. Erica Carter, with Carter-Fentress Engineering representing the applicant, indicated that she was available for questions.

Chair Stribling closed public comment.

Commissioner Brooks asked if in a motion to approve would include a request to defer the drainage study condition.

Mr. Andy Vecellio, Assistant City Engineer, indicated that the drainage condition could not be deferred in this case because the applicant was replatting into five new individual lots.

**Commissioner Brooks made a Motion to APPROVE a First Replat in Lots 1 and 2, Fred Williams Subdivision No. 2, subject to the 10 conditions of approval as presented, and APPROVE a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to allow Lake Drive, an urban minor collector street, to maintain a 30-foot pavement width in lieu of the required 50 feet. Commissioner Jackson seconded the Motion. The Motion passed unanimously 6-0.**

**2. Rezoning**

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

**A. Z19-05: SKG Engineering**

Public hearing and consideration of a request for approval of a Rezoning from the Low-Rise Multi-Family (RM-1) Zoning District to the General Commercial (CG) Zoning District, on 2.047 acres located in the 5100 block of West Houston Harte Expressway.

Hillary Bueker, Senior Planner, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from Low-Rise Multi-Family Residential (RM-1) to the General Commercial (CG) Zoning District. Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the CG zoning is consistent with the Commercial Future Land Use designation in the Comprehensive Plan; that the lot meets the minimum CG development standards; that it fits with the commercial pattern along Houston Harte Expressway; and that it has never developed residentially.

Chair Stribling opened the meeting for public comment.

Mr. Russell Gully, with SKG Engineering representing the applicant, indicated that the property owner of the land to the south and west intends to buy this lot and incorporate into their larger tract.

Commissioner Jackson asked about buffering between the nearby residences.

Ms. Bueker responded that the commercial land would require a 10-foot building setback and six-foot high privacy fencing from adjacent residential uses or districts.

Mr. Gully indicated that the rear portion of the lot would be used as a detention pond. He explained that the applicant has had discussions with the neighborhood and believed that the proposed detention pond will be good for the neighborhood.

Chair Stribling closed public comment.

**Vice Chair Spano made a Motion to recommend APPROVAL of a Rezoning from the Low-Rise Multi-Family (RM-1) Zoning District to the General Commercial (CG) Zoning District. Commissioner Self seconded the motion. The motion passed 5-1 with Chair Stribling,**

**Vice Chair Spano, and Commissioners Uherik, Self, and Brooks voting in favor, and Commissioner Jackson voting against.**

**3. Conditional Uses.**

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

**A. CU19-01: Padilla**

Public hearing and consideration of a request for approval of a Conditional Use to allow a single-family residence to be used for a new Short-Term Rental within a Low-Rise Multi-Family Residential (RM-1) Zoning District, located at 212 Magdalen Street.

Sherry Bailey, Principal Planner, presented the proposed Conditional Use. She outlined Staff's recommendation to approve the rezoning request on the grounds that the applicant will register for hotel occupancy tax; that there is no exterior evidence of the short-term rental; that an annual fire safety inspection will be obtained; that the applicant will comply with the short-term rental standards in the Zoning Ordinance; and that the short-term rental is non-transferable.

Commissioner Jackson asked to clarify the last condition was that the short-term rental was non-transferable.

Ms. Bailey replied that this was correct.

Chair Stribling opened the meeting for public comment.

Ms. Lori Padilla, the applicant, indicated that she was available for questions.

Chair Stribling closed public comment.

**Commissioner Jackson made a Motion to APPROVE the proposed Conditional Use to allow a single-family residence to be used for a new Short-Term Rental within a Low-Rise Multi-Family Residential (RM-1) Zoning District, subject to the six conditions of approval as presented. Vice Chair Spano seconded the motion. The motion carried unanimously, 6-0.**



**B. CU19-03: BK Portable Buildings**

Public hearing and consideration of a request for approval of a Conditional Use to allow the retail sales of portable and ready-built buildings with Type 3 – General Outdoor (unlimited) Storage as defined in Section 504 of the Zoning Ordinance in the General Commercial (CG) Zoning District, on 0.688 acres, located east of Wright Street between West 12<sup>th</sup> and West 13<sup>th</sup> Streets.

Jeff Fisher, Senior Planner, presented the proposed Conditional Use request. He explained that if approved the request would allow unlimited “Type 3” outdoor storage of portable buildings for sale whereas the current CG zoning limits outdoor storage to 10% of the lot area, “Type 2” outdoor storage. Mr. Fisher displayed slides showing pictures of the proposed sales office and typical portable buildings for sale. He also displayed a slide with the applicant’s proposed site plan showing proposed sidewalks adjacent to Wright Street; street trees adjacent to Wright Street and West 12<sup>th</sup> Street; completion of privacy fencing along the east property lines; installation of a 4-foot fence along West 12<sup>th</sup> Street; and installation of curb stops along the no-build zone as required by the Zoning Ordinance.

Mr. Fisher outlined arguments for and against the request and affirmed Staff’s “no recommendation” requesting the Planning Commission to evaluate all material and decide whether the proposed is appropriate in this location. He explained that impacts would be minimized with trees, sidewalks and fencing; but that the amount of storage and location off of Wright Street; a local street was in question. He further explained that the CG zoning intent statement in the Zoning Ordinance was designed to limited outdoor storage from residential uses but also understood that these were retail buildings and not heavy oilfield equipment. Mr. Fisher concluded his presentation that if approved by the Commission, Staff recommends as a condition of approval that there be no commercial truck traffic along West 12<sup>th</sup> Street which has a large volume of residential homes.

Commissioner Brooks asked for clarification on location of a 4-foot fence and 6-foot fence.

Mr. Fisher explained that the 4-foot fence would be along the south property line as this line acts as a front yard with a maximum 4-foot high fence. He indicated that the 6-foot high fence would be along the east property line which acts as a side yard.

Commissioner Jackson asked about required parking.

Mr. Fisher displayed the applicant's site plan which shows the two required parking spaces and approach from Wright Street which has access to West 13<sup>th</sup> Street which connects to Bryant Boulevard.

Chair Stribling expressed concerns about this use being close to residential homes. He asked how the sale of manufactured homes and sea containers would differ from this request in terms of zoning.

Ms. Bueker indicated that storage of these other items would be allowed by right in the CH, ML, and MH zoning districts.

Mr. Fisher added that in this case, portable buildings would be considered retail sales and storage in the CG zoning and limited to 10% outdoor storage on the lot; whereas if they were in the CH, ML, and MH zoning they would be considered wholesale trade and allowed with unlimited outdoor storage.

Chair Stribling indicated he believes this use should be located in these heavier zoning districts and not in the CG zoning close to single-family homes.

Commissioner Brooks indicated that he believes the proposed use is compatible in this neighborhood and that these are not storage containers.

Commissioner Self indicated that if these were other types of storage such as oilfield equipment that would require to return with a different application.

Mr. Fisher agreed this would be different and that he would not have supported the request in this location if it was for oilfield equipment.

Vice Chair Spano asked to explain the process of bringing the portable storage buildings to the site.

Mr. Fisher called the applicant to answer this question.

Chair Stribling opened the meeting for public comment.

The applicant, Kristen Lowe, explained the buildings would be brought to the site on 18-wheelers and would use Wright Street and the alley.

Chair Stribling asked about curb cuts through Wright Street.

Mr. Fisher explained there is already access from Wright Street which connects to West 13<sup>th</sup> Street.

Brent Lowe, co-applicant, indicated that the delivery trucks were single-cab trucks with retractable beds with axels that do not allow “jack-knifing” where the truck bed turns sharply, allowing smooth access to the property. He also indicated that the buildings are under 200 square feet and would be exempt from permitting.

Commissioner Brooks asked the applicants if they were willing to plant the trees and satisfy the other conditions requested by the City.

Co-owner of the property, Mr. Howdy Johnson, indicated the owners are willing to fulfill all conditions as well as installing sidewalks. He indicated that they are installing the sidewalks even though they are not required to do so. He stated his support for the request and that it will provide tax revenue to the City.

Vice Chair Spano indicated that other uses such as a restaurant in this location would have the same traffic and access requirements.

Mr. Johnson explained that the trucks will not be 18-wheelers.

Mr. John Conn, co-owner of the property, indicated that by fulfilling all proposed conditions that this will improve the property.

Chair Stribling closed public comment.

Commissioner Brooks expressed his support for the request on the grounds that there were no objections received, there will be access to the property, and that the buildings will be nice looking.

Commissioner Uherik asked Staff if there was a concern based on no responses that we are adequately reaching the public who lives in the area.

Mr. Fisher explained that the City complies with State and local requirements by notifying everyone by mailed notice within 200 feet of the property.

Mr. Uherik expressed understanding that although we are compliant, that we not be reaching the residents who may have concerns about a particular case.

Ms. Bueker indicated that often we receive phone calls but that these are not included.

Jon James, Planning Director, indicated that only the property owner receives notification, which would not include any renters.

Mr. Fisher displayed a notification map and explained that some neighborhoods are more active than others.

**Commissioner Brooks made a Motion to APPROVE the proposed Conditional Use to allow the retail sales of portable and ready-built buildings with Type 3 – General Outdoor (unlimited) Storage as defined in Section 504 of the Zoning Ordinance in the General Commercial (CG) Zoning District, subject to the five conditions of approval as presented. Commissioner Jackson seconded the motion. The Motion passed 5-1 with Vice Chair Spano, and Commissioners Jackson, Uherik, Self, and Brooks voting in favor, and Chair Stribling voting against.**

**V. Director’s Report**

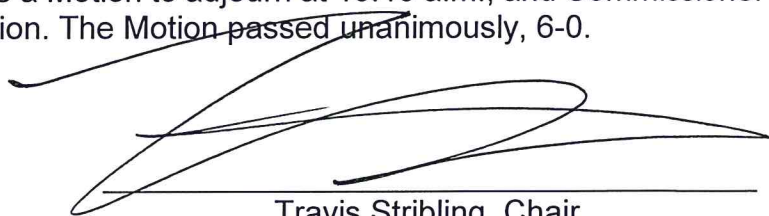
Jon James, Planning Director, indicated that there were no items to report this month.

**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, May 20, 2019**, in Council Chambers (South Meeting Room) of the McNease Convention Center at 501 Rio Concho Drive.

**VII. Adjournment.**

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



Travis Stribling, Chair,  
Planning Commission