

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

**ABSENT:** TRAVIS STRIBLING (CHAIR), TERI JACKSON, RYAN SMITH

**STAFF:** Jon James, AICP, Director of Planning and Development Services  
Aaron Vannoy, Planning and Development Administrator  
Hillary Bueker, RLA, Planning Manager  
Sherry Bailey, Principal Planner  
Jeff Fisher, AICP, Principal Planner  
Shelly Paschal, Planner  
Dan Saluri, Deputy City Attorney  
Brandon Dyson, Assistant City Attorney  
Charlie Kemp, Building Official  
Mitchell Gatlin, Project Engineer-EIT

**I. Call to order.**

Vice Chair Joe Spano called the meeting to order at 9:16 a.m. and established that a quorum of four was present.

**II. Prayer and Pledge.**

The prayer and pledge was delivered by Commissioner Brooks.

**III. Consent Agenda:**

A. Consideration of approving the June 17, 2019, Planning Commission Regular Meeting minutes.

**Commissioner Uherik made a motion to approve the June 17, 2019, Planning Commission Regular Meeting minutes. Commissioner Self seconded the motion. The motion carried unanimously, 4-0.**

B. Consideration of approving the Consent Agenda.

**Commissioner Brooks made a motion to approve the Consent Agenda. Commissioner Uherik seconded the motion. The motion carried unanimously, 4-0.**

**IV. Regular Agenda:**

**1. Subdivision Plats**

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

***Items A and B which apply to the same property were presented concurrently with two separate motions.***

**A. Preliminary Plat, Old Stone Ranch**

Public hearing and consideration of a request for approval of a Preliminary Plat, Old Stone Ranch, being 25.361 acres out of the C. Berberich Survey No. 177, Abstract No. 52, described and recorded as Instrument No. 201616044, Tom Green County, Texas; generally located south of West Loop 306 Frontage Road and west of Foster Road.

**B. Old Stone Ranch, Section One**

Public hearing and consideration of a request for approval of a final plat of Old Stone Ranch, Section One, being 20.432 acres out of that certain 76.69-acre tract described and recorded in Volume 988, Page 72, O.P.R., Tom Green County, Texas; generally located south of West Loop 306 Frontage Road and west of Foster Road.

Sherry Bailey, Principal Planner, presented the proposed preliminary and final plats. She explained that the final plat will include 16 half-acre residential lots and future commercial development. Mrs Bailey indicated that the applicant is seeking to connect to City water and will require that these lands be annexed into the City.

Mrs Bailey outlined Staff's recommendation to approve both plats for conforming to the City's Comprehensive Plan and purpose statements; and that the final plat will conform to the new preliminary plat.

Vice Chair Spano opened the meeting for public comment.

There was no public comment.

**Commissioner Brooks made a Motion to APPROVE the preliminary plat as presented. Commissioner Uherik seconded the motion. The motion carried unanimously, 4-0.**

**Commissioner Brooks made a Motion to APPROVE the final plat subject to the eight conditions of approval as**

**presented. Commissioner Uherik seconded the motion. The motion carried unanimously, 4-0.**

**C. Replat of Tracts 12 and 13, Bridlewood Estates, Section One**

Public hearing and consideration of a request for approval of a replat of Tracts 12 and 13, Bridlewood Estates, Section One, being 4.00 acres of land comprised of all Tracts 12 and 13, Section One, Bridlewood Estates, Tom Green County, Texas; generally located at the southeast corner of Fairview Road and Bridlewood Court.

Shelley Paschal, Planner showed the Commissioners the original plat approved in 2017 for two tracts 12 and 13, and the new proposed replat for a total of seven tracts each over one-half acre in size.

Mrs Paschal outlined Staff's recommendation to approve the plat for conforming to the City's Comprehensive Plan and purpose statements.

Vice Chair Spano opened the meeting for public comment.

There was no public comment.

**Commissioner Uherik made a Motion to APPROVE the replat subject to the one condition of approval as presented, and a note that a plan between the developer, the San Angelo Fire Marshal and Wall Fire Chief include an aboveground water tank be provided for firefighting purposes before any buildings would be constricted, and that this tank is still a condition of such agreement as per Section 507.1 of the 2015 of the International Fire Code. Commissioner Self seconded the motion. The motion carried unanimously, 4-0.**

**D. First Replat in Block 10, Lakeview Addition**

Public hearing and consideration of a request for approval of a first replat in Block 10, Lakeview Addition, being Lots 8, 9, 10, an adjacent 50-foot wide strip, and a 15-foot wide adjacent abandoned alley, and two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 23 feet and no curb and gutter for Oaklawn Street, an urban local street, and to maintain a paving width of 23 feet and no curb and gutter for East 48th Street, an urban local street, comprising 0.74 acres of land generally located at the northeast corner of Oaklawn Street and East 48th Street.

Jeff Fisher, Principal Planner presented the proposed replat which would divide the existing three horizontal lots and an abandoned alley into four new vertically aligned lots fronting East 48<sup>th</sup> Street. As part of the request,

Mr. Fisher explained that the applicant is seeking variances from the Land Development and Subdivision Ordinance (LDSO) to allow Oaklawn and East 48<sup>th</sup> Streets to maintain 23-foot paving widths in lieu of the required 40 feet or 36 feet with a 4-sidewalk, and from the requirement for sidewalks.

Mr. Fisher outlined Staff's recommendation to approve the replat for conforming to the City's Comprehensive Plan and purpose statements. He then outlined Staff's recommendation to partially deny the street variances on the grounds that the minimum street widths are to ensure minimum engineering and Fire Code standards; that the request is not unique to the properties in question; that there is no hardship in widening the streets given the substantial 60-foot right-of-ways to allow for additional paving; and that allowing the variances would vary applicable ordinances and standards. Mr. Fisher outlined Staff's alternative position that Staff would support reduced paving width down to 30 feet with a header curb, the City's rural street standard, which is essentially widening the streets by 2 feet with a 1.5-foot header curb on the developer's incremental half. He also indicated that Staff is not asking for sidewalks given there are none in the area or in a safe school route plan.

Vice Chair Spano opened the meeting for public comment.

Mr. Chad Decker of Nu-Home Constructors and the property owner, and Mike Biggerstaff the homebuilder spoke in support of the requested variances. Mr. Biggerstaff indicated that he measured the street widths in the area and the narrowest street in the area was 26 feet in width.

Mr. Decker explained that the street width is narrower because it has not been maintained and if the weeds and grass were removed from the edges the streets would be wider.

Mr. Biggerstaff explained that the majority of streets in the area are in this condition and that they have already built homes in this area. He explained that he could leave the lots in their current configuration but this would prevent them from building additional homes.

Mitchell Gatlin, City Project Engineer, explained that Engineering Services measures from the smallest width taken from several points.

Mr. Fisher asked Mr. Biggerstaff if the applicant would agree to install a header curb as a minimum.

Mr. Gatlin explained that a header curb would protect the pavement from vehicles driving over it.

Mr. Decker explained that a header curb would create an irregular pattern within the street.

Vice Chair Spano opened the meeting for public comment.

Mr. Dan Saluri, Deputy City Attorney explained that any construction in the public right-of-way would require permits from the City.

Ms. Erica Carter explained that the applicant's proposal for parking would be on private property.

Jon James, Planning and Development Services Director, explained that the City does have standards for surfacing of a parking area.

Commissioner Brooks indicated the question is whether the Commission wants to approve the variances and that he is in support.

Mr. Fisher explained that the area to the east will eventually will be platted and therefore requiring an increased street width on these lots would be consistent with this future development.

Ms. Erica Carter, Carter-Fentress Engineering, representing the applicant indicated that the area to the west also has the same deficient street width and that only future development to the east should start anew.

**Commissioner Uherik made a Motion to APPROVE the replat; APPROVE a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain the existing paving width and no curb and gutter for Oaklawn Street, an urban local street; APPROVE a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain the existing paving width and no curb and gutter for East 48th Street, an urban local street; and SET ASIDE (not require) a variance from Chapter 9.V of the Land Development and Subdivision Ordinance for the requirement for a sidewalk; subject to the five conditions of approval as presented. Commissioner Self seconded the motion. The motion carried unanimously, 4-0.**

## **2. Rezoning**

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

### **A. PD19-07: RDF 209/DCTN3 366**

Public hearing and consideration of a request for approval of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning

District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage, on 4.951 acres located at 4150 and 4238 Sunset Drive.

Jeff Fisher, Principal Planner, presented the PD rezoning request. He indicated that the applicant has an existing legal non-conforming sign which is shared between the old Hastings building, and Mattress Firm which is located on a different property. Mr. Fisher explained that the applicant wants to erect a larger sign which triggers a PD zoning as off-site signs are not permitted in this area. He further explained that the current sign is approximately 175 square feet and the new sign would be 300 square feet. Mr. Fisher outlined Staff's rationale to approve the rezoning on the grounds that the request is compatible with the Commercial Future Land Use in the Comprehensive Plan and existing commercial corridor; that the sign will comply with all underlying CG zoning standards except for the sign being off-site; and that there are similar freestanding signs located along Sunset Drive.

Vice Chair Spano asked if the current sign was being removed.

Mr. Fisher responded that the existing sign poles will remain and a new sign will be mounted onto the poles in the same location.

Vice Chair Spano opened the meeting for public comment.

Mr. Mark Huonder, representing the applicant, indicated that they were approached by several national chains whom expressed interest at locating on the properties but wanted a newer sign. Mr. Huonder expressed that he wanted the new sign to meet current zoning standards.

Vice Chair Spano closed public comment.

**Commissioner Self made a Motion to recommend APPROVAL of the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage on the subject properties, subject to the five conditions of approval as presented. Commissioner Uherik seconded the motion. The Motion passed unanimously 4-0.**

**B. Z19-10: Wilson**

Public hearing and consideration of a request for approval of a rezoning from the Ranch & Estate (R&E) Zoning District and General

Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District, on 0.484 acres located at 4744 North Chadbourne Street.

Sherry Bailey, Principal Planner, presented the proposed rezoning request. She explained that the applicant intended to rezone the property to CG which included the half of the lot zoned R&E. She explained that the applicant wanted to create a special event center for a children’s “bounce house”. Mr. Bailey outlined Staff’s rationale to approve the Rezoning on the grounds that the CG zoning is consistent with the less intense use; that rezoning would provide consistency over the entire property; and that the proposed use will fit with the existing uses in the area along North Chadbourne Street.

Vice Chair Spano opened the meeting for public comment.

Vice Chair Spano closed public comment.

**Commissioner Brooks made a Motion to recommend APPROVAL of the Rezoning from the Ranch & Estate (R&E) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District. Commissioner Uherik seconded the motion. The Motion passed unanimously 4-0.**

**C. Z19-11: Centro Cristiano Hosanna**

Public hearing and consideration of a request for approval of a rezoning from the Ranch & Estate (R&E) Zoning District to the General Commercial (CG) Zoning District, on 6.109 acres located at 5026 Link Road.

Shelly Paschal, Planner, presented the proposed rezoning request. She displayed photos of the existing church and surrounding area. Mrs Paschal outlined Staff’s rationale to approve the Rezoning on the grounds that the requested rezoning is consistent with the Comprehensive Plan designation; that the lots are consistent with the CG zoning standards and partially screened; and that the use will be compatible with the surrounding uses.

Vice Chair Spano opened the meeting for public comment.

Vice Chair Spano closed public comment.

**Commissioner Uherik made a Motion to recommend APPROVAL of the Rezoning from the Ranch & Estate (R&E) Zoning District to the the General Commercial (CG) Zoning District. Commissioner Self seconded the motion. The Motion passed unanimously 4-0.**

**D. Z19-12: Graves**

Public hearing and consideration of a request for approval of a rezoning from the Heavy Commercial (CH) Zoning District to the Light Industrial (ML) Zoning District, on 5.95 acres located at 6993 and 7005 South U.S. Highway 277.

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He indicated that the applicant plans to erect a new smokehouse building for his meat processing facility, and that this use is not allowed in the Heavy Commercial (CH) Zoning District. Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds this is an Industrial designated corridor in the City's Comprehensive Plan; that the current and new building will comply with the ML zoning standards; and the uses have already existed since 2005 and are compatible with other industrial and heavy commercial uses in the area. He explained that Staff also looked at effects on the natural environment of the smoking operation given there is a home in close proximity also zoned CH. Mr. Fisher indicated that similar to a recent case, Staff would work with the applicant at the site plan stage to mitigate any air pollution affects although he indicated these should be minimal. He shared for the Commission the applicant's synopsis that smoking would only be conducted for 8 minutes every 5-6 hours.

Commissioner Brooks asked why the CH zoning does not already allow all of the uses.

Mr. Fisher responded that meat processing is not an allowed use in the CH district nor the taxidermy component on its own classified as retail sales, but that taxidermy would be allowed if accessory to a permitted use.

Vice Chair Spano asked if the Zoning Ordinance imposed a limit on the amount of smoke that could be produced during barbecuing.

Mr. Fisher responded that there is not a specific limit in the Ordinance but that Staff expressed concern given one home's close proximity to the property. Mr. Fisher indicated that the homeowner was provided with written notice and did not respond, and that this property is zoned CH already. He further explained that the owner is already conducting smoking operations from the property but require a new building to meet USDA requirements.

Vice Chair Spano opened the meeting for public comment.



Vice Chair Spano closed public comment.

**Commissioner Brooks made a Motion to recommend APPROVAL of the proposed Rezoning from the Heavy Commercial (CH) Zoning District to the Light Industrial (ML) Zoning District on the subject property. The motion carried unanimously, 4-0.**

**E. Z19-13: Zetzman/COSA**

Public hearing and consideration of a request for approval of a rezoning from the Single Family Residence (RS-1) Zoning District to the Two Family Residence (RS-2) Zoning District on 0.482 acres located at 215 and 217 South Washington Street.

Sherry Bailey, Principal Planner, presented the proposed rezoning request. She indicated that the applicant intends to utilize a separate structure as a second dwelling on the property. Mr. Bailey outlined Staff's rationale to approve the rezoning on the grounds that the development is consistent with the Neighborhood designation in the City's Comprehensive Plan; that both structures were built in the 1940s and 1950s when joint use was allowed; that this is an older part of San Angelo with many separate apartments; and that this rezoning is similar to others in the neighborhood. Mrs Bailey indicated that Staff received one letter in favor and four in opposition, and that the opposition was mainly concerned with transient living.

Vice Chair Spano opened the meeting for public comment.

The applicant, Ms. Amy Zetzman, indicated that she is available for questions.

Ms. Sarah Andersen, a resident of South Bishop Street, expressed support for the request.

Vice Chair Spano closed public comment.

**Commissioner Brooks made a Motion to recommend APPROVAL of the Rezoning from the Single Family Residence (RS-1) Zoning District to the Two Family Residence (RS-2) Zoning District. Commissioner Uherik seconded the motion. The Motion passed unanimously 4-0.**

**F. Z19-14: COSA**

Public hearing and consideration of a request for approval of a rezoning from the General Commercial (CG), General Commercial/Heavy

Commercial (CG/CH), Neighborhood Commercial (CN), Office Commercial (CO), and Low Rise Multi-Family Residential (RM-1) Zoning Districts to the Central Business District (CBD) Zoning District, on approximately 80 acres generally located north of the Concho River, south of West Harris Avenue, east of Santa Fe Park Drive and west of South Randolph Street.

Mrs Bueker outlined the proposed CBD expansion area which would extend west of South Randolph Street, south of West Harris Avenue, east of Sante Fe Park, and north of the Concho River. She explained that the proposed CBD expansion was initiated by Staff based on consistency with the Downtown designation in the Comprehensive Plan; that it would benefit several property owners; and that responses so far have been positive. Mrs Bueker displayed for the Commissioners an abbreviated use table that shows which uses in the Zoning Ordinance would be allowed by right in the CBD, and which ones would not be or require an extra step such as vehicle repair where the customer does not wait or rental equipment of heavy equipment which requires a conditional use. She also outlined the development standards in the CBD district which does not require parking standards or front yard setbacks. She explained that these standards could save the historic and natural landscapes of homes in their front yards as they transition to mixed uses, and would allow new or redevelopment in line with existing buildings.

Mrs Bueker outlined Staff's rationale to approve the Rezoning on the grounds that the CBD zoning would be consistent with the Downtown designation in the Comprehensive Plan; that reduced standards would allow re-development and expansion of structures that would have been non-conforming; that the rezoning would allow the mixed uses of the surrounding areas to continue; and that the CBD zoning could stimulate growth and reinvestment.

Commissioner Brooks asked to clarify that under the CBD zoning parking would not be required.

Mrs Bueker responded this was correct.

Commissioner Brooks asked if Firestone would be allowed in CBD.

Mrs Bueker responded this business would be a lawful conditional use since it was established before 2000. She explained that any new vehicle repair would require a new conditional use.

Vice Chair Spano opened the meeting for public comment.

Mr. Del Velasquez of Downtown San Angelo spoke in favor of the request. He explained that the Main Street boundaries are larger than the proposed CBD boundary but that he understood City staff will continue to look at these other boundaries.

Mrs Bueker responded that Staff plans to look at a more expanded CBD boundary in future.

Vice Chair Spano closed public comment.

**Commissioner Brooks made a Motion to recommend APPROVAL of the Rezoning from the General Commercial (CG), General Commercial/Heavy Commercial (CG/CH), Neighborhood Commercial (CN), Office Commercial (CO), and Low Rise Multi-Family Residential (RM-1) Zoning Districts to the Central Business District (CBD) Zoning District. Commissioner Self 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. CU19-11: Odom**

Public hearing and consideration of a request for approval of a Conditional Use to allow a single-family dwelling within a Single Family Residence (RS-1) Zoning District to be used as a Short Term Rental, on 0.26 acres located at 2330 Fishermans Road.

Sherry Bailey, Principal Planner, presented the proposed Conditional Use. She explained that the new owner purchased the property with the intent of using it for a short-term rental and that required parking will be paved. Mrs Bailey outlined Staff's rationale for approval on the grounds that the small home will only accommodate a small family or group; that the home will not change its outer appearance; that a short-term rental is compatible with the low density residential character of the surrounding area; and that the proposal will be consistent with the current pattern of development. Mrs Bailey explained that staff received one letter in support and two opposed but that one of the opposed was concerned about a different property having a short term rental and that staff was proceeding with enforcement.

Commissioner Brooks expressed that he understood short-term rentals were addressed several years ago.

Vice Chair Spano indicated that the short-term rental standards were approved by City Council already and that this Conditional Use is to ensure that the request meets these standards.

Commissioner Uherik asked how often the short-term rental has to be renewed.

Mrs Bailey responded that the short-term rental has to be renewed within one year, and then every two years afterwards.

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 a single-family dwelling within a Single Family Residence (RS-1) Zoning District to be used as a Short Term Rental, subject to three conditions of approval as presented. Commissioner Brooks seconded the motion. The motion carried unanimously, 4-0.**

**V. Director's Report**

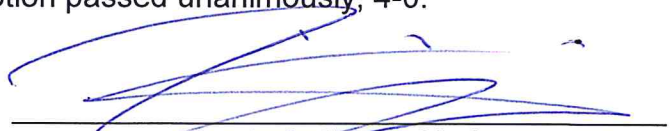
Jon James, Planning Director, indicated that a number of City boards and commissions will now have their meetings in the East Mezzanine of City Hall, but that the Planning Commission would remain in the Convention Center.

**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, August 19, 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 10:51 a.m., and Commissioner Self seconded the Motion. The Motion passed unanimously, 4-0.

  
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Travis Stribling, Chair,  
Planning Commission