

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, MAY 20, 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, RYAN SMITH

ABSENT: N/A

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
Dan Saluri, Deputy City Attorney
Jack Downey, Senior Plans Examiner
Andy Vecellio, P.E., Assistant City Engineer
Mitchell Gatlin, Project Engineer-EIT

I. Call to order.

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

II. Prayer and Pledge.

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

III. Consent Agenda:

A. Consideration of approving the April 15, 2019, Planning Commission Regular Meeting minutes.

B. B & R Subdivision, Section Four

A request for approval of a final plat of B & R Subdivision, Section Four; being 1.024 acres located at 4103 Ben Ficklin Road.

Chair Stribling made a motion to approve the Consent Agenda. Commissioner Smith seconded the motion. The motion carried unanimously, 5-0.

Commissioner Uherik arrived at 9:02 a.m.

IV. Regular Agenda:

1. Subdivision Plats

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

A. 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, presented the proposed plat. She explained that this item was tabled last month and now the applicant is requesting it be withdrawn. Ms. Bailey explained that this plat will resubmitted at a later date.

Chair Stribling opened the meeting for public comment.

Chair Stribling closed public comment.

Vice Chair Spano made a Motion to accept the applicant's request to WITHDRAW a final plat of Bentwood Country Club Estates, Section 41. Commissioner Jackson seconded the motion. The motion carried unanimously, 6-0.

Commissioner Jackson arrived at 9:04 a.m.

B. Bentwood Country Club Estates, Section 42

Public hearing and consideration of a request for approval of a final plat of Bentwood Country Club Estates, Section 42, and a variance from Chapter 9.V of the Land Division and Subdivision Ordinance from the requirement for a sidewalk for public safety for Wolf Creek Drive, an urban collector street, being 9.777 acres, located east of Pine Valley Street and North Bentwood Drive.

Sherry Bailey, Principal Planner, presented the proposed plat for 24 residential lots. She indicated that Staff is requesting a sidewalk along Wolfcreek Drive. Ms. Bailey further indicated that Staff believes that the plat conforms with the City's Comprehensive Plan and purpose

statements, and that a sidewalk is needed to improve safety for pedestrians and there are no sidewalks nearby.

Chair Stribling asked what streets Wolfcreek Drive will connect to.

Ms. Bailey responded that it will connect to the Loop.

Stribling opened the meeting for public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, explained that this will be the last residential development in this area. He explained that there are no other sidewalks in this area and that golf carts provide transportation in this area. He did not believe a sidewalk would be appropriate in this area.

Chair Stribling closed public comment.

Mr. Jon James, Planning and Development Services Director, indicated that a sidewalk could be deferred to the time of construction.

Chair Stribling indicated that this would be a good opportunity for a sidewalk.

Commissioner Jackson indicated that there are no sidewalks in this area and that a sidewalk would be out of place in this location.

Commissioner Uherik explained that the wider road and golf courses alleviate the need for a sidewalk in this area.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to APPROVE a final plat of Bentwood Country Club Estates, Section 42, and APPROVE a variance from Chapter 9.V of the Land Division and Subdivision Ordinance from the requirement for a sidewalk for public safety for Wolf Creek Drive, an urban collector street, subject to the eight conditions of approval as presented. Vice Chair Spano seconded the motion. The motion passed 5-2 with Commissioner Jackson, Vice Chair Spano, and Commissioners Brooks, Uherik, and Self voting in support, and Chair Stribling and Commissioner Smith voting against.

C. Duran Subdivision, Section One

Public hearing and consideration of a request for approval of Duran Subdivision, Section One, and two variances from Section 10.III.A.2 of

the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36 feet in lieu of 50 feet for Era Street and Woodruff Street, Urban Collector Streets; being 1.32-acres located at Era Street and Woodruff Street.

Hillary Bueker, Planning Manager, presented the proposed plat of an unplatted tract into five new lots. She indicated that Staff believes that the plat conforms with the City's Comprehensive Plan and purpose statements, and that Staff is also supporting the variances to allow the streets to remain 36 feet side. Ms. Bueker outlined Staff's rationale to support the variances which included that all adjacent properties are fully developed; that this is a small infill project; that 2008 traffic counts show Woodruff Street services a similar of trips to other area local roads; and that the plat will not drastically increase development or traffic.

Chair Stribling opened the meeting for public comment.

Ms. Erica Carter, Carter-Fentress Engineering, indicated that she was available for questions.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to APPROVE a final plat of Duran Subdivision, Section One, and APPROVE two variances from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36 feet in lieu of 50 feet for Era Street and Woodruff Street, Urban Collector Streets, subject to the six conditions of approval as presented. Vice Chair Spano seconded the motion. The motion carried unanimously, 7-0.

D. First Replat in Lots 26 & 27B, Block 3, Poulter's Highland Acres Addition

Public hearing and consideration of a request for approval of a First Replat in Lots 26 & 27B, Block 3, Poulter's Highland Acres Addition, being 3.26 acres located at 3950 Arden Road.

Hillary Bueker, Planning Manager, presented the proposed replat of which will combine Lot 27B with Lot 26. She explained that the north portion was zoned R&E and the remainder CG/CH. She indicated that Staff believes that the plat conforms with the City's Comprehensive Plan and purpose statements.

Chair Stribling opened the meeting for public comment.

Ms. Erica Carter, Carter-Fentress Engineering, indicated that she was available for questions.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to APPROVE a request for approval of a First Replat in Lots 26 & 27B, Block 3, Poulter’s Highland Acres Addition, being 3.26 acres located at 3950 Arden Road. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

Vice Chair Spano left the meeting at 9:32 a.m.

E. First Replat of Tract J, The Bluffs Addition, Section 30

Public hearing and consideration of a request for approval of a First Replat of Tract J, The Bluffs Addition, Section 30, being 12.454 acres located immediately southeast of Hunters Glen Road and Drexel Drive.

Jeff Fisher, Principal Planner, presented the proposed replat. He explained that Staff believes that the plat conforms with the governing preliminary plat and the City’s Comprehensive Plan and purpose statements. He explained that future sidewalks adjacent to the properties will provide pedestrian access to the neighborhood and other commercial developments.

Chair Stribling opened the meeting for public comment.

Mr. Russell Gully, SKG Engineering, indicated that he was not aware of discussions with staff that required a sidewalk along the full length of Houston Harte Expressway. He did not see a reason for a sidewalk extending that far, although he was in support of the remaining sidewalks requested by Staff. He also indicated that he spoke to Engineering and they agreed to defer the drainage study and water and wastewater lines to the permitting phase.

Mr. Fisher explained that the purpose of the sidewalk along Houston Harte Expressway was also to allow connectivity between the two lots.

Mr. Gully explained that the additional sidewalk northeast would not benefit the future auto dealership which is further west.

Andy Vecellio, Assistant City Engineer, indicated that he was good to defer the drainage study and water and wastewater lines to the permitting phase.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to APPROVE a request for approval of a First Replat of Tract J, The Bluffs Addition, Section 30, deferring Conditions #4 and #5 to final occupancy, and requiring that the owner and applicant work with City Staff on the final location for a sidewalk adjacent to the Sherwood Way Service Road/West Houston Harte Expressway Frontage Road frontage of the property. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

2. Combined Rezoning and Alley Abandonment

City Council has final authority for approval of Rezonings and Alley Abandonments.

A. PD19-04: Concho Collision

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 existing uses and uses permitted within the General Commercial (CG) Zoning District, an overall use plan and an off-site monument sign, being 2.38 acres generally located at 1909 West Beauregard Avenue.

Sherry Bailey, Principal Planner, presented the proposed Planned Development (PD) Rezoning. She explained that the Future Land Use is Commercial and the Zoning is CG/CH.

Ms. Bailey outlined Staff's recommendation with three conditions of approval to approve the PD rezoning request on the grounds that the continued use and expansion will be consistent with the Commercial Future Land Use; that the lot complies with the PD standards for an auto body shop; and that the development fits within the commercial area along Sherwood Way and Beauregard Avenue.

Chair Stribling opened the meeting for public comment.

Mr. Jim Osborn the owner and applicant, spoke in support of his request. He indicated his goal was to make the project uniform and beautify the development

Chair Stribling stated in his opinion it is great the applicant is doing this. Ms. Elizabeth Jacobo, representing an adjacent property to the south expressed opposition to the rezoning, citing high traffic and devaluation of her property.

Chair Stribling asked what will be done on the property with the house being removed.

Mr. Osborn indicated that the house was abandoned and their plan is to remove the house, and install a new parking lot with a privacy fence to provide separation from the adjacent owner.

Chair Stribling asked if the alley will be abandoned.

Ms. Bailey responded the alley abandonment is a separate request.

Chair Stribling asked if any new land purchased would be separate from the PD.

Ms. Bailey responded this would be correct, that any future purchase outside the current PD would require an amendment to this PD.

Commission Jackson asked if the proposed alley abandonment was for all of the alley between Tyler Street and Polk Street.

Ms. Bailey responded this was correct.

Chair Stribling closed public comment.

Commissioner Brooks made a Motion to recommend APPROVAL of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an overall use plan and an off-site monument sign. Commissioner Jackson seconded the motion. The motion carried unanimously, 6-0.

B. Alley Right-of-Way Abandonment: Concho Collison

Public hearing and consideration of a request to approve the abandonment and vacation of a 15-foot x 400-foot unpaved alley within Block 3 of the Miller VE of Garrett Addition, being 0.0685 acres, located south of West Beauregard Avenue and north of Colorado Street, between South Tyler and Polk Streets.

Sherry Bailey, Principal Planner, presented the proposed alley abandonment for a side lot alley. She indicated that the owner's intent was to include the alley in the PD ad to make it part of the front area. She explained that the owner to the north is not interested and the one to the south is contemplating purchase of his portion.

Ms. Bailey outlined Staff’s recommendation with four conditions of approval to approve the proposed alley abandonment on the grounds that there are no rear garages or carports; that an unobstructed easement will be provided to Suddenlink and AEP; that no responses have been received to date; and that closing the entire alley and not just a portion will benefit all owners.

Chair Stribling asked if the alley is purchased by the property owner if they can pave it.

Ms. Bailey responded they could pave the alley but would have to ensure access for utility companies.

Chair Stribling opened the meeting for public comment.

Mr. Jim Osborn the owner and applicant, spoke in support of his request. He indicated that the alley will be used for driving purposes and that they will be maintained.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the abandonment and vacation of a 15-foot x 400-foot unpaved alley within Block 3 of the Miller VE of Garrett Addition, being 0.137 acres, located south of West Beauregard Avenue and north of Colorado Street, between South Tyler and Polk Streets. Commissioner Jackson seconded the motion. The motion carried unanimously, 6-0.

Commissioner Brooks left the meeting at 9:59 a.m.

3. Rezoning

City Council has final authority for approval of Rezoning.

A. PD19-05: Water Dawgs Home & Boat, LLC / COSA

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residence (RS-1) Zoning District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with underlying uses for Retail Sales and Service, Entertainment and water sports facilities, a small Recreational Vehicle Park (five pads) and an office, being 1.23 acres located at 2138 Mary E. Lee Park Road.

Vice Chair Spano returned to the meeting at 10:01 a.m.

Commissioner Brooks returned to the meeting at 10:02 a.m.

Sherry Bailey, Principal Planner, presented the proposed Planned Development (PD) Rezoning. She explained that the parties to this request include both Water Dawgs who is leasing land from the City, as well as the City itself. She displayed a five-year development site plan to the Commissions that include boat slips, an office area, and RV pads. Ms. Bailey outlined Staff's recommendation with seven conditions of approval to approve the PD rezoning request on the grounds that the use is compatible with the Comprehensive Plan which designates the area Open Space; that the leased area is consistent with the Zoning Ordinance; and that the development matches the recreational nature of the surrounding area.

Commissioner Jackson who would be responsible for dredging.

Ms. Bailey responded that she believed it would be the applicant Water Dawgs responsibility as per the lease with the City.

Chair Stribling opened the meeting for public comment.

Mr. Gentry Slayden, representing Water Dawgs, explained that he purchased the property in 2017, and that the RV park was part of their long term plan but that he was not set on this.

Commissioner Jackson explained there were previous meetings on RV parks and that this site was not one of them in use.

Mr. Slayden explained that he would agree to omit the RV component from his request.

Council Member Harry Thomas concurred with Ms. Jackson and explained that he believed an RV park would not be approved by City Council.

Chair Stribling asked if only the RV pads were in dispute.

Council Member Thomas responded that this was correct, and that RVs would not be appropriate in this area.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the Single-Family Residence (RS-1) Zoning District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District

with underlying uses for Retail Sales and Service, Entertainment and water sports facilities, and an office, but REMOVING the Recreational Vehicle Park from the request. Commissioner Brooks seconded the motion. The motion carried unanimously, 6-0.

B. Z19-06: Ivey

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, on 0.2 acres located at 4014 Coliseum Drive.

Hillary Bueker, Planning Manager, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District to allow two units within an existing building. She indicated that the original apartment use continued and the RS-2 zoning would allow two units to become legal again. Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the RS-2 zoning is consistent with the Neighborhood Future Land Use designation in the Comprehensive Plan; that the lot meets the minimum development standards and was built before 1954; and that it is a mixed use area with mostly residential directly adjacent; and that approval of RS-2 would allow more diversity of housing options. Ms. Bueker indicated that she received one letter in support and one against who was not in support of a two-family dwelling.

Chair Stribling opened the meeting for public comment.

Mr. Cody Ivey, the applicant, spoke in support of his request.

Commissioner Jackson asked to show the location of required parking.

Mr. Ivey showed the parking locations for each unit.

Chair Stribling asked if there was a curb cut already.

Mr. Ivey explained there is one and used to be five. He explained it is a very long narrow property and would be difficult to only use it for one home.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of a Rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

C. Z19-07: von Rosenberg

Public hearing and consideration of a request for approval of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 0.915 acres located at 5205 South Bryant Boulevard.

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He explained that the applicant rezoned the property from CG to RM-1 in 2014 and then from RM-1 to CN in 2018 but no development has taken place and it remains vacant. Mr. Fisher explained that the applicant now intends to rezone it back to RM-1.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the RM-1 zoning is consistent with the Future Land Use of Neighborhood Center; that it complies with the RM-1 development standards; that it provides an effective transition between commercial and residential uses; and that existing privacy fencing along the west and south property lines provide buffering from adjacent residential development.

Chair Stribling opened the meeting for public comment.

Mr. Eric von Rosenberg, the applicant, indicated that he was available for any questions.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1). Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

D. Z19-08: Keating

Public hearing and consideration of a request for approval of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District, on 2.49 acres located at 5050 North Chadbourne Street.

Hillary Bueker, Planning Manager, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. She explained that there is a small piece of the northeast corner of the property that is currently R&E and the rezoning would allow the applicant to expand their business.

Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the CH zoning is consistent with the Commercial Future Land Use designation in the Comprehensive Plan; that the existing lot and structure meet the zoning minimums; that the rezoning is compatible with the surrounding area; and that the R&E was underutilized and the CH zoning would allow expansion of existing uses.

Chair Stribling opened the meeting for public comment.

Mr. Erica Carter with Carter-Fentress Engineering, representing the applicant, indicated she was available to answer any questions.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

4. Special Uses.

City Council has final authority for approval of Special Uses.

A. SU19-01: Marvin

Public hearing and consideration of a request for approval of a Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E) as defined in Section 501.F of the Zoning Ordinance; on 5.1942 acres, located at 3902 and 3904 Lake Drive.

Sherry Bailey, Principal Planner, presented the proposed Planned Development (PD) Rezoning. She explained that the applicant has been residing in their existing manufactured home since the early 1980s. Ms. Bailey indicated that the median price for a home within 500 feet of the property is \$88,713 and that the new manufactured home was assessed at \$136,439, well above the median average.

Ms. Bailey outlined Staff's recommendation with two conditions of approval to approve the request on the grounds that the request meets all the request for a replacement of a manufactured home in the Zoning Ordinance.

Chair Stribling opened the meeting for public comment.

Ms. Vicky Marvin, owner and applicant, indicated that the current home has existed since the 1970s. She explained that the new home will be made with real wood and that this will be an improvement to the area.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of a Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E). Commissioner Self seconded the motion. The motion carried unanimously, 7-0.

B. SU19-02: Box

Public hearing and consideration of a request for approval of a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on 21.536 acres, located at 2838 South College Hills Boulevard.

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He explained that the proposed development is on City leased land and the lease will be presented at tomorrow's City Council for ratification. Mr. Fisher outlined the proposed special uses which include a golf driving range, outdoor multi-use sports facilities and events. He explained that the indoor uses were already allowed by right in the existing CG Zoning District.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the outdoor uses have been operating on the property since 1979; that the proposed development will comply with the underlying CG standards; and that the site is adjacent to the Red Arroyo Trail and park area.

Chair Stribling opened the meeting for public comment.

Mr. Shawn Box, the applicant, explained that this was a good location for his proposal given its proximity to existing walking trail, park, and future YMCA across the street.

Chair Stribling closed public comment. He expressed his opinion that the project looks great.

Commissioner Smith made a Motion to recommend APPROVAL of a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. Commissioner Self seconded the motion. The motion carried unanimously, 7-0.

5. Conditional Uses.

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

A. CU19-04: Meza/Chavez

Public hearing and consideration of a request for approval of a Conditional Use to allow Household Living (single-family dwelling and accessory uses) as defined in Section 313.B of the Zoning Ordinance in the Neighborhood Commercial (CN) Zoning District; on 0.516 acres located at 112, 114, and 118 West Avenue N.

Jeff Fisher, Principal Planner, presented the proposed Conditional Use. He indicated that the applicants own three lots subject to the Conditional Use, which include the dwelling they reside in at 118 West Avenue N, the lot with accessory structures at 114 West Avenue N, and a vacant lot at 112 West Avenue N. He explained that City Code Compliance was notified that the applicant built accessory structures on 118 West Avenue N that appeared to encroach over the property line to the west, and that several carports on 114 West Avenue N were built without permits.

Commissioner Smith left the meeting at 10:43 a.m.

Ms. Fisher outlined Staff's approval recommendation with two conditions on the grounds that the house has existed since 1945 and there are homes to the west and north; that the property complies with RS-1 standards; and no changes to existing development patterns. Mr. Fisher indicated that Staff received one letter in favor and one in opposition. He explained that the opposition letter came from a resident to the immediate west regarding the encroaching structures built without permits, and junk vehicles being parked on the vacant lot. Mr. Fisher indicated that the first issue will be addressed through the approval condition regarding permitting and that these structures be moved back two feet as required. He also explained that as per Code Compliance the junk vehicles parked behind the screening fence on 114 West

Avenue N is allowed, and that the vehicles on the vacant lot that are operable are also allowed because the zoning is commercial.

Commissioner Jackson asked if structures requiring permitting will be subject to the 2019 Building Code.

Mr. Fisher indicated they will have to meet current Code and obtain permits.

Chair Stribling opened the meeting for public comment.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of a Conditional Use to allow Household Living (single-family dwelling and accessory uses) as defined in Section 313.B of the Zoning Ordinance in the Neighborhood Commercial (CN) Zoning District; on 0.516 acres located at 112, 114, and 118 West Avenue N. Commissioner Uherik seconded the motion. The motion carried unanimously, 6-0.

B. CU19-05: Nextlink Internet

Public hearing and consideration of a request for approval of a Conditional Use to allow a telecommunication facility (150-foot tall telecommunication tower and related equipment facilities) as defined in Section 317.H of the Zoning Ordinance in the General Commercial/Heavy Commercial (CG/CH) Zoning District at 46 East Washington Drive; on 0.321 acres located at 46 East Washington Drive.

Commissioner Smith returned to the meeting at 10:52 a.m.

Commissioner Brooks returned left the meeting at 10:57 a.m.

Jeff Fisher, Principal Planner, presented the proposed Conditional Use. He explained that the applicant is a phone and internet service provider which plans to erect a tower that does not allow co-location.

Chair Stribling asked where the Planning Commission had approved an adjacent tower.

Mr. Fisher explained it was the property immediately to the north of the subject property.

Ms. Fisher outlined Staff's recommendation to deny the request on the grounds that the tower is located immediately adjacent to another co-

locatable tower and near the Fort Concho historic site; that the preferred development in this area is retail and commercial uses; and that there is other land and tower sites available outside this area for the intended use. Mr. Fisher provided the Commission with the applicant's rationale in support of the tower which includes that a co-locatable would be cost prohibitive; that the current lease does not allow co-location; that there would be increased liability; and that co-location could lead to disruption of frequency.

Chair Stribling opened the meeting for public comment.

Mr. Derrick Brown with the applicant, indicated he was available for questions.

Commissioner Jackson why colocation was not an option.

Mr. Brown responded that the tower to the north which is owned by Verizon did not offer co-location and that antennas are inside the structure.

Chair Stribling asked if other potential sites have been researched. Mr. Brown indicated that they have not research other sites because they already had this site agreed upon by the owner.

Council Member Harry Thomas indicated that he believed that the Fort Concho Board would be opposed to the tower. He indicated that he was also opposed to this location given its proximity to the Fort.

Chair Stribling closed public comment.

Commissioner Uherik made a Motion to DENY the Conditional Use for a telecommunication facility (150-foot tall telecommunication tower and related equipment facilities) as defined in Section 317.H of the Zoning Ordinance in the General Commercial/Heavy Commercial (CG/CH) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 6-0.

C. CU19-06: Nextlink Internet

Public hearing and consideration of a request for approval of a Conditional Use to allow a telecommunication facility (150-foot tall telecommunication tower and related equipment facilities) as defined in Section 317.H of the Zoning Ordinance in the General Commercial/Heavy Commercial (CG/CH) Zoning District, on 1.3040 acres located at 3602 Green Meadow Drive.

Jeff Fisher, Principal Planner, presented the proposed Conditional Use. He explained that this request is for an identical type of tower as the previous case that does not allow co-location.

Ms. Fisher outlined Staff's recommendation to approve the request provided the tower is co-locatable, on the grounds that there are no other towers in this area; that the tower will comply with zoning requirements; and that it would be compatible with surrounding commercial uses north of Green Meadow Drive.

Chair Stribling asked if engineered drawings would be required at time of permitting.

Mr. Fisher responded this was correct.

Chair Stribling expressed concerns about groundwater and that this tower takes into account the water table's impact on the structure.

Stribling opened the meeting for public comment.

Mr. Derrick Brown, the applicant, explained that the tower foundation will be reviewed along with permitting and a geotechnical report will be provided. He explained that co-location would not be an option given pricing, and that a larger tower that would be co-locatable may not be an option given the lack of space.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to APPROVE the Conditional Use for a telecommunication facility (150-foot tall telecommunication tower and related equipment facilities) as defined in Section 317.H of the Zoning Ordinance in the General Commercial/Heavy Commercial (CG/CH) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 6-0.

6. Right-of-Way Abandonment

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

E. Alley Right-of-Way Abandonment: Fehrenbach

Public hearing and consideration of a request to approve the abandonment and vacation of a 20-foot x 300-foot unpaved alley within Block 121 of the Angelo Heights Addition, being 0.137 acres, located

south of West Beauregard Avenue and north of Colorado Street, between Madison and Jefferson Streets.

Sherry Bailey, Principal Planner, presented the proposed alley abandonment. She indicated that this is a paved, north-south alley. Mrs. Bailey explained that the applicant owns properties on either side of the alley.

Mrs. Bailey outlined Staff's recommendation with four conditions of approval to approve the proposed alley abandonment on the grounds that there will be no negative affects and no rear garages or carports; that there will be an unobstructed utility easement; that no responses were circulated to date; and that closing the entire alley will benefit all property owners.

Chair Stribling asked if a plat is required and if the easement will shown on the plat.

Ms. Bailey responded that this was correct.

Chair Stribling opened the meeting for public comment.

Mr. Jon James, Planning and Development Services Director, clarified that while the presentation and report was correct, the caption in the agenda should be for a 20-foot by 30-foot alley instead of a 15-foot by 200-foot alley.

Chair Stribling closed public comment.

Commissioner Uherik made a Motion to recommend APPROVAL of the abandonment and vacation of a 20-foot x 300-foot unpaved alley within Block 121 of the Angelo Heights Addition. Commissioner Spano seconded the motion. The motion carried unanimously, 6-0.

7. Text Amendments.

City Council has final authority for approval of Text Amendments.

- A.** Public hearing and consideration of an amendment to the City's Land Development and Subdivision Ordinance, Chapter 1 "General Provisions," requiring platting for the combining of land, exempting adjacent single-family residential lots under common ownership from replatting, and revising the floor area exception for properties with existing buildings; Chapter 3 "Definitions," removing redundant language from the definition of subdivision; Chapter 5 "Procedural Requirements for Subdivisions," modifying expiration of plats; Chapter 6

“Guarantee of Performance,” creating a deferral of obligation option and extension of performance guarantees with a developer’s agreement; and Chapter 9 “Subdivision Design Policies” allowing the deferral of drainage studies and authorizing the City Engineer as their approval authority.

Jon James, Planning and Development Services Director, presented the proposed text amendment. He explained that the amendment was tabled in June and July 2018 and since then there have been meetings with the development community and there is only one area of disagreement on when a preliminary plat expires. Mr. James explained that San Angelo is unique in that there is currently no expiry for a preliminary plat whereas other peer cities have 1, 2, or 3 year expiry dates. He mentioned that Planning is recommending a 5-year expiry, a compromise with the development community that wanted 10 years. Mr. James explained however, that if a developer comes in with a final plat, that the preliminary plat would automatically extend for an additional five years.

Mr. James continued the remainder of the presentation. He indicated that expiry for administrative plats will change from 6 months to 12 months, and non-administrative plats will extend to 3 years instead of having to request an extension after 18 months. He also mentioned a new option for a development agreement to defer obligations, including drainage studies.

Chair Stribling asked if a drainage study would be required for the entire preliminary plat tract if they were changing the impervious area by more than 5%.

Mr. James indicated that there is already a separate drainage ordinance that addresses drainage requirements, but that this ordinance may allow more flexibility.

Commissioner Jackson indicated that she would like more time to review.

Mr. James indicated they would be comfortable with this and indicated that the only changes since last year were highlighted in yellow.

Chair Stribling opened the meeting for public comment.

Russell Gully, SKG Engineering, requested an automatic deferral of water and sewer mains for commercial development as the developer may not know where the future buildings and service lines will be located.

Chair Stribling closed public comment.

Commissioner Jackson requested that any new changes be sent to Commissioners to review at least two weeks before the next Planning Commission Meeting.

Commissioner Jackson made a Motion to TABLE the text amendment to the City’s Land Development and Subdivision Ordinance, as presented, until the June 17, 2019, Planning Commission Meeting. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

V. Director’s Report

Jon James, Planning Director, announced that Hillary Bueker was promoted to Planning Manager, Jeff Fisher was promoted to Principal Planner, and Shelly Paschal was hired as a new Planner.

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, June 17, 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 11:32 a.m., and Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.



Travis Stribling, Chair,
Planning Commission