



RECORD OF MINUTES

CITY OF SAN ANGELO, TEXAS
PLANNING COMMISSION
MONDAY, NOVEMBER 18, 2019, AT 9:00 A.M.,
SOUTH MEETING ROOM, MCNEASE CONVENTION CENTER
501 RIO CONCHO DRIVE

PRESENT: Travis Stribling (Chair), Joe Spano (Vice-Chair), Ryan Smith, Conoly O. Brooks III, Joe Self, Luke Uherik

ABSENT: Teri Jackson

STAFF: Jon James, AICP, Director of Planning and Development Services
Hillary Bueker, RLA, Planning Manager
Sherry Bailey, Principal Planner
Jeff Fisher, AICP, Principal Planner
Shelly Paschal, Planner
Brandon Dyson, Assistant City Attorney
Aaron Vannoy, Assistant Director of Planning and Development Services
Pete Madrid, MPO Director
Austin Ayers, Deputy Building Official
Lance Overstreet, City Engineer
Mitchell Gatlin, Project Engineer-EIT

I. Call to order.

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

B. Prayer and Pledge.

The prayer was delivered by Mr. Sam Smith and the pledge was delivered by Commissioner Brooks.

II. Consent Agenda:

A. Consideration of approving the October 21, 2019, Planning Commission Regular Meeting minutes.

Ms. Bueker indicated that the October minutes were not available and requested that this item be moved to the December 16, 2019 meeting.

Commissioner Smith made a motion to table approval of the October 21, 2019 Minutes until the December 16, 2019 meeting. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.

III. Regular Agenda

Case CU19-15 which was item 3A on the Planning Commission Agenda was moved up to allow the applicant to formally withdraw his request.

1. Conditional Uses

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

A. CU19-15: Curley

Public hearing and consideration of a request for approval of a Conditional Use to allow for a Religious Institution in the Two-Family (RS-2) Zoning District, being 0.50 acres located at 1502 North Magdalen Street and 1501 Pecan Street.

Mr. Robert Curley, the applicant, requested that this request be withdrawn.

Commissioner Smith made a motion to accept the applicant's WITHDRAWAL of a Conditional Use to allow for a Religious Institution in the Two-Family (RS-2) Zoning District. Commissioner Uherik seconded the motion. The motion carried unanimously, 6-0.

2. Subdivision Plats

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

A. Lake Park, Final Plat

A request for approval of a Final Plat of Lake Park, being 32.317 acres located east of North Bryant Boulevard between West 48th Street and Lake Drive, until the December 16, 2019, Planning Commission Meeting.

Mrs. Hillary Bueker, Planning Manager, presented the proposed Final Plat of Lake Park.

Andrew Terry, representing the owner, requested an extension to next month's meeting to allow a proposed street to be moved to allow the plat to comply with the maximum dead-end length of 750 feet. He handed out the extension request letter for the Commissioners.

Commissioner Smith asked if it was to comply with City regulations.

Ms. Bueker explained this was correct and showed the proposed road which has a dead end more than 750 feet in contravention of the LDSO and Fire Code.

Commissioner Smith made a motion to accept the applicant's request to extend a Final Plat of Lake Park to the December 16, 2019, Planning Commission Meeting. Commissioner Brooks seconded the motion. The motion carried unanimously, 6-0.

B. Manning Addition, Section One

A request for approval of a Final Plat in Block 1, Manning Addition, Section One, located at 2801 Bowie Street; a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum right-of-way width of 52 feet in lieu of the required 60 feet for Bowie Street, an urban minor collector street; and two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 40 feet in lieu of the required 50 feet for Bowie Street, an urban minor collector street, and a minimum paving width of 36 feet in lieu of the required 40 feet for Oaklawn Boulevard, an urban local street.

Shelly Paschal, Planner, presented the proposed final plat of 2 residential lots and three variances which include reduced paving widths on Oaklawn and Bowie Streets, and reduced right-of-way on Bowie Street. She outlined Staff's recommendation to approve the replat for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). She further outlined Staff's recommendation to approve the variances given that both streets already have curb and gutter; that most of the area properties are fully developed; that existing roads function in their current configurations; and that existing road and right-of-way widths are adequate for this neighborhood.

Chair Stribling asked if the existing paving and right-of-way widths are consistent on adjacent lots.

Ms. Paschal confirmed this is correct, and that both Planning and Engineering recommend these variances.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, explained that he would like the Commission to approve the final plat with the variances recommended by Staff.

Chair Stribling closed public comment.

Commissioner Brooks made a motion to **APPROVE** a Final Plat of Manning Addition, Section One, subject to six conditions as presented; **APPROVE** a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum right-of-way width of 52 feet in lieu of the required 60 feet for Bowie Street, an urban minor collector street; and **APPROVE** two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 40 feet in lieu of the required 50 feet for Bowie Street, an urban minor collector street, and a minimum paving width of 36 feet in lieu of the required 40 feet for Oaklawn Boulevard, an urban local street. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

C. **Second Replat in Block 8, E. S. Kirby Subdivision**

A request for approval of a Second Replat in Block 8, E.S. Kirby Subdivision, located at 2215 North Lillie Street; and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36 feet for Lillie Street, an urban local street.

Shelly Paschal, Planner, presented the proposed replat of one single-family residential lot and one variance to allow a reduced paving width on North Lillie Street. She outlined Staff's recommendation to approve the replat for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). She further outlined Staff's recommendation to approve the variance given that this section of Lillie Street already has curb and gutter; that most of the area properties are fully developed; that the existing road functions in its current configuration; and that the existing road is adequate for this neighborhood.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, explained that he would like the Commission to approve the final plat with the variances recommended by Staff.

Chair Stribling closed public comment.

Commissioner Uherik made a motion to **APPROVE** a Second Replat in Block 8, E.S. Kirby Subdivision, subject to four conditions of approval as presented; **APPROVE** a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36 feet for Lillie Street, an urban local street. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.

D. Replat of Lot 4, Block 2, G. Tuer's Re-Subdivision

A request for approval of a Replat of Lot 4, Block 2, G. Tuer's Re-Subdivision, located at 3402 & 3404 North Chadbourne Street; and a variance from Chapter 10.III.A.1 of the Land Development and Subdivision Ordinance, to maintain a minimum right-of-width of 70 feet in lieu of the required 80 feet for North Chadbourne Street, an urban arterial street; and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 55 feet in lieu of the required 64 feet for North Chadbourne Street, an urban arterial street.

Sherry Bailey, Principal Planner, presented the proposed replat of one lot into two and variances to allow a reduced right-of-way and paving width on North Chadbourne Street. She explained that a replat was needed to sell off the storage business to the north from the auto repair business to the south. Ms. Bailey also explained that a firewall will be required because the building to the south has a zero lot line. She outlined Staff's recommendation to approve the replat for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). She further outlined Staff's recommendation to approve the variance given that the existing road pavement and right-of-way on North Chadbourne Street is pre-existing and the area is built out; and that curb and gutter are existing.

Chair Stribling asked where the fire location will be.

Ms. Bailey displayed a photograph and delineated the fire wall location.

Chair Stribling asked if both lots meet the minimum parking requirements.

Ms. Bailey responded that they do.

Hillary Bueker, Planning Manager, indicated that any changes in use may change parking requirements.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, thanked Staff for their help on this project. He would like the Commission to approve the final plat with the variances recommended by Staff.

Chair Stribling closed public comment.

Commissioner Self made a motion to APPROVE a Replat of Lot 4, Block 2, G. Tuer's Re-Subdivision subject to five conditions of approval as presented; APPROVE a variance from Chapter 10.III.A.1 of the Land Development and

Subdivision Ordinance, to maintain a minimum right-of-width of 70 feet in lieu of the required 80 feet for North Chadbourne Street, an urban arterial street; and APPROVE a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 55 feet in lieu of the required 64 feet for North Chadbourne Street, an urban arterial street. Commissioner Uherik seconded the motion. The motion carried unanimously, 6-0.

E. First Replat in Lot 28, Block 2, Poulter's Highland Acres Addition

A request for approval of a First Replat in Lot 28, Block 2, Poulter's Highland Acres Addition, located 275 feet west of the intersection of Townview Lane and Fisher Street; and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 36 feet in lieu of the required 40 feet for Townview Lane, an urban local street.

Jeff Fisher, Principal Planner, presented the proposed replat for one single-family residential lot and a variance to allow a reduced paving width. Mr. Fisher explained that the lots were originally platted as 3-acre lots in 1947 and over time they were subdivided without replatting leaving deficient remainders. He explained that the applicant received an administrative adjustment for reduced lot frontage of 147.9 feet instead of the required 150 feet in the R&E Zoning District. Mr. Fisher then outlined Staff's recommendation to approve the replat for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). He further outlined Staff's recommendation to approve the variance given that most lots have homes already; that to the north and west is federal land unlikely to develop; that the existing dead-end street exclusively serves this block; that a hardship would be created due to reorientation of curbs for only two additional feet; and that the lot with the administrative adjustment complies with all R&E Zoning requirements. He indicated that two letters were received in favor which were passed out to the Commissioners. Mr. Fisher concluded his presentation by advising there is an existing fence in the public right-of-way and that the owner has agreed to remove this fence from the right-of-way.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, explained that he would like the Commission to approve the replat with the variance requested.

Mr. Jimmy Fontenot of 3947 Mercedes Street asked if the portions of the properties that do not have homes need to be replatted before a new home could be built on them.

Mr. Fisher responded this was correct.

Mr. Fontenot asked if the request was to allow the current road width to remain the same.

Mr. Fisher responded this was correct.

Chair Stribling closed public comment.

Commissioner Brooks made a motion to approve a First Replat in Lot 28, Block 2, Poulter's Highland Acres Addition, subject to five conditions of approval as presented; and APPROVE a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 36 feet in lieu of the required 40 feet for Townview Lane, an urban local street. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

F. First Replat in Block 11, Lakeview Addition

A request for approval of a First Replat in Block 11, Lakeview Addition, being Lots 6, 7, 8, 9, 10, and 11, comprising 1.033 acres of land generally located east of Bowie Street between East 48th Street and East 49th Street; and seven variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a minimum paving width of 30 feet and no curb and gutter for Bowie Street, an urban local street; to exempt any paving, curb or gutter and maintain a paving width of 0 feet for East 48th Street and East 49th Street, urban local streets; to exempt any paving of the existing east-west alley and the proposed north-south alley; and to allow the alleys to be 15 feet wide in lieu of the required 20 feet.

Jeff Fisher, Principal Planner, presented the proposed subdivision replat with ten conditions of approval and seven variances. He displayed a copy of the plat for the Commissioners and public that shows the reorientation of the existing six lots from a north-south to an east-west direction. Mr. Fisher explained that the applicants provided a revised submission that shows a 20-foot north-south alley and 2.5-foot easements along either side of the east-west alley to allow for utility extensions. Mr. Fisher outlined Staff's recommendation to approve the plat if full standards were applied since the street right-of-ways are 60 feet wide which would allow full paving standards to be met. Mr. Fisher then outlined Staff's denial of the variances. He explained that variances to allow 0 feet of paving on 48th and 49th Streets would leave a 150-foot gap in the road and shift the financial burden to future developers to close this gap. He also mentioned that in past, the Commission and Staff have supported variances of minor increments such as 1 or 2 feet, but in this case, the applicant wants full variances to maintain 0 feet of pavement. He concluded his presentation that leaving

these deficient streets would contravene minimum engineering and safety standards.

Hillary Bueker, Planning Manager, asked Mr. Fisher to explain for the Commission about why the developer would not have to pave the full 40 feet of the streets.

Mr. Fisher responded that the applicant would only be responsible for their incremental half of the street widths, in this case, 26 feet for 48th and 49th Street because they were never developed and 26 feet is the lowest width to meet minimum standards for fire. He explained that for Bowie Street which is already 30 feet wide, they only had to pave their incremental half of 5 feet.

Chair Stribling asked what is to the east.

Mr. Fisher explained these are also lots in the Lakeview Addition that were platted but when platted in 1906 they did not pave the streets. He explained that only when there is a replat of these lots would they have to meet today's standards.

Chair Stribling asked how far east of this site is undeveloped.

Ms. Bueker responded this would be two blocks.

Chair Stribling asked the width of Bowie Street south of this property.

Mr. Fisher responded that it is 30 feet wide, and curb and gutter south of 44th Street.

Commissioner Brooks asked to clarify if the surrounding properties would be landlocked.

Mr. Fisher explained this would be correct without this developer building the roads.

Commissioner Brooks asked whether a future developer could install the road.

Mr. Fisher explained that this new developer would have to not only install their portion of the roads but close the 150-foot gaps this developer would not build.

Chair Stribling asked if the alley west of these lots is 20 feet wide.

Mr. Fisher responded this alley would also be 15 feet and that this alley will need easements.

Ms. Bueker explained that to run both sewer and water through the alley that 20 feet was needed.

Chair Stribling opened public comment.

The applicants Mike Biggerstaff and Chad Decker with Nu-Home Constructors spoke in support of the request. Mr. Biggerstaff explained that they have been responsible to extend water and sewer in other developments in Lakeview, and this was an opportunity to reorient the lots and not have to extend water and sewer. He explained that the properties behind the subject property will not be landlocked, and that they will pave 48th and 49th Streets and extend water and sewer if they are able to acquire these properties. He also explained that the subject alleys are not used by the City or emergency vehicles or waste disposal. He mentioned that they have already agreed to provide easements for the east-west alley.

Chair Stribling expressed Staff's point that the financial burden would be placed on developers to the east to provide access to these lots.

Mr. Biggerstaff responded this was correct.

Mr. Chad Decker explained that he extended a sewer costing \$56,000 dollars down Bowie Street across from this development. He further explained that they have tried to purchase the lots to the east, but does not make financial sense unless all of these lots can be acquired. He explained the intent was to provide more affordable housing to the City.

Commissioner Brooks asked if the developers would be satisfied maintaining 0-foot of paving for 48th and 49th Streets with no curbs and gutters.

Mr. Decker responded yes.

Chair Stribling asked if there will be no surface material in the alleys.

Mr. Decker indicated that base material could be added but it would not make sense because the alleys will not be utilized. He explained that he would be willing to widen the east-west alley to 20 feet but that this would require variances on the lot size.

Ms. Erica Carter, Carter-Fentress Engineering, representing the applicant, indicated that they have provided 2.5-foot utility easements on either side of the east-west alley and that Staff supported this.

Mr. Fisher responded this was correct.

Chair Stribling asked about the utility extension.

Mr. Carter displayed on an aerial map Staff's requirement to extend water and sewer across the streets or alley, but that the development already has water and sewer connection from Bowie Street. She asked for clarification on why they could not request a variance from these extensions.

Mr. Biggerstaff explained that the only thing to encourage development to the east will be having this development approved. He indicated if they are able to acquire the lots to the east, they would make the improvements.

Chair Stribling asked if it is a City requirement to extend water and sewer eastward.

Mr. Lance Overstreet, City Engineer, responded that this was correct.

Chair Stribling asked if it mattered where.

Mr. Overstreet explained that the option for easements was given so the developer could extend across the east-west alley instead of having to run water and sewer lines on both 48th and 49th Streets.

Mr. Overstreet also explained that if this development does not provide their incremental half of paving, this cost will be shifted to another developer. He explained there is now a \$5,000 incentive available for these infill lots to assist with the costs of development.

Mr. Decker explained that he is having to extend water and sewer north on Bowie to Lake View Heroes Drive across to Oaklawn for four of their lots. He indicated that extending this pavement and utilities will cost \$200,000 and there is only \$10-\$15,000 profit per home even with another \$30,000 from the infill incentive.

Chair Stribling closed public comment.

Chair Stribling asked at what time would they be required to install pavement for 48th and 49th Streets.

Mr. Overstreet explained that a financial guarantee could be provided for three years to allow the plat to be recorded and permits to be issued. If the developer installs the pavement, the financial guarantee would be removed.

Jon James, Planning and Development Services Director, indicated that a new option for a developer agreement that could extend the 3-year period. He indicated that the developer agreement could allow road construction to be deferred until time of future development to the east.

Commissioner Uherik asked if this financial obligation could be split per lot.

Mr. James responded that the agreement would stay with the land and each lot would be responsible for its share.

Mr. Overstreet explained that lots could not be permitted until the roads have been installed.

Commissioner Self asked if they could install a compact base for 48th and 49th Street.

Ms. Bueker responded that the roads have to be paved and to 26 feet for fire safety standards.

Commissioner Brooks indicated that this development would provide much needed housing. He explained that he did not believe they should have to extend the roads or utilities as this would only be for future development.

Chair Stribling explained that not extending the roads would shift the cost onto the development to the east.

Chair Stribling asked the width of 48th and 49th Streets west of Bowie Street.

Mr. Biggerstaff responded it was 26 feet.

Chair Stribling indicated that he believed the developer should only be responsible for their incremental half of this width even if the fire lane egress requirement is 26 feet.

Mr. Fisher explained that minimum standards are required regardless of location and that Staff wants this development to happen as long as minimum standards are met and would consider different options.

Chair Stribling asked if it was possible to require only the developer's incremental half.

Mr. James indicated that the requirement for only the developer's incremental half may be possible subject to review by Engineering and Fire Marshal's Office.

Commissioner Brooks made a Motion to APPROVE the replat of Lakeview Addition, Block 11, with no paving or curb and gutter for 48th and 49th Streets, and no water or sewer extensions. The motion FAILED for lack of second and based on the Assistant City Attorney's opinion below.

Mr. Brandon Dyson, Assistant City Attorney indicated that a variance would not be allowed on the water and sewer. He mentioned that even if it was not made a condition the City would still enforce this requirement through its Ordinance.

Mr. James explained that the Commission could approve the 15-foot alley variance provided the easements on either side were provided.

Chair Stribling asked if there was any curb and gutter on Bowie Street and its width.

Mr. Fisher responded there was no curb and gutter until you reached 44th Street, and that its width was 30 feet. He explained that without the variance they would require an additional 5 feet with curb and gutter.

Commissioner Uherik asked if the decision on the variances could be split into pieces.

Mr. James indicated that there could be a motion for each individual variance, and then vote to approve the plat with the variances.

Commissioner Uherik made a Motion to APPROVE the variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to allow Bowie Street, an urban local street, to maintain an existing street width of 30 feet and no curb and gutter in lieu of the required 40 feet with curb and gutter. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

Commissioner Brooks made a Motion to APPROVE the variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to allow the 15-foot wide east-west alley with an unpaved surface and no surface material. Commissioner Self seconded the motion. The motion carried 4-2 with Commissioner Brooks, Self, Smith and Vice Chair Spano voting in favor with a note that if rear access is ever provided to these lots, the alleys will be required to be paved. Chair Stribling and Commissioner Uherik voted against.

Commissioner Brooks made a Motion to APPROVE the variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to allow the 20-foot wide north-south alley with an unpaved surface and no surface material. Commissioner Self seconded the motion. The motion carried 4-2 with

Commissioner Brooks, Self, Smith and Vice Chair Spano voting in favor with a note that if rear access is ever provided to these lots, the alleys will be required to be paved. Chair Stribling and Commissioner Uherik voted against.

Mr. James indicated that no action need to be taken on the 15-foot north-south alley which is no longer required as the proposed alley will now be 20 feet in width as required.

Commissioner Brooks made a Motion to APPROVE the variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to allow the east-west alley with a 15-foot width and 2.5-foot utility easements on either side in lieu of the required 20 feet. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

Commissioner Brooks made a Motion to APPROVE the variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to allow East 48th and East 49th Streets, urban local streets, to maintain paving widths of 0 feet with no curb and gutter in lieu of the required 40 feet with curb and gutter. The motion FAILED for a lack of a second.

Commissioner Uherik made a Motion to APPROVE partial variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to allow East 48th and East 49th Streets, urban local streets, to pave the incremental halves and no curb and gutter, based on the width of these streets west of Bowie Street with an option to defer with a developer agreement until future development to the east; in lieu of the required 40 feet with curb and gutter. The motion carried 5-1 with all voting in favor except for Commissioner Brooks.

Chair Uherik made a motion to APPROVE a First Replat in Block 11, Lakeview Addition subject to the variances that have been approved or denied, determining that the preliminary plat conforms with the City's Comprehensive Plan and Purpose Statements of Chapter 2 of the Subdivision Ordinance. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

Erica Carter, Carter-Fentress Engineering, representing the applicants, indicated that we require a decision on the utility extensions and that this there is an option to waive this condition.

Mr. James indicated that the Commission could make a motion to eliminate the requirement for water and sewer but cautioned that the ordinances may still require them independently at a later date.

Chair Stribling indicated that for this to happen, the item needs to be reconsidered.

Commissioner Uherik made a motion to reconsider approval of the plat. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

Commissioner Uherik made a motion to APPROVE a First Replat in Block 11, Lakeview Addition subject to the variances that have been approved or denied, with removal of the requirement to extend utilities to the full 150-foot depth of the lots, determining that the preliminary plat conforms with the City’s Comprehensive Plan and Purpose Statements of Chapter 2 of the Subdivision Ordinance. Commissioner Brooks seconded the motion. The motion carried 4-2 with Commissioners Uherik, Brooks, Self, and Chair Stribling voting in favor and Vice Chair Spano and Commissioner Smith voting against.

Vice Chair Spano left at 10:50 a.m.

3. Planned Development (PD) Major Site Plan Amendment

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

A. Amendment to PD06-05: Sonrisas Trails

Public hearing and consideration of a request for approval of a Major Site Plan amendment on a property zoned Planned Development (PD06-05) Zoning District to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, being 9.474 acres located at 5185 and 5191 South Bryant Boulevard.

Jeff Fisher, Principal Planner, presented the proposed amendment for a major site plan. He explained that under Section 210 of the Zoning Ordinance all major site plan expansions in a Planned Development (PD) Zoning District require Planning Commission approval. Mr. Fisher explained the purpose of this request to allow a challenge course for the disabled on the Sonrisas property that was recently built without permits. He explained that Staff is assisting Sonrisas through the permitting process and they have now made applications for permits. Mr. Fisher displayed photographs of the properties including the new tall ropes course approximately 50 feet tall, and the short ropes course. Mr. Fisher outlined Staff’s recommendation to approve the major site plan for conforming to the 11 criteria outlined in Section 210 of the Zoning Ordinance for a major site plan, subject to the five conditions of approval as presented.

Vice Chair Spano returned at 10:54 a.m.

Mr. Fisher then outlined that approximately 150 feet of a zip line connected to the tall ropes area encroaches into the Ranch and Estate (R&E) Zoning District and that the applicant will return next month to rezone this area to PD.

Chair Stribling asked Mr. Fisher to display the subject zip line area on the Zoning map.

Mr. Fisher displayed the map and delineated where the new PD area would be to include the remainder of the zip line.

Chair Stribling asked to confirm that Sonrisas cannot build this structure until they obtain the rezoning.

Mr. Fisher explained that they can obtain all other permits including the tall ropes course, except for the zip line area.

Vice Chair Spano asked why this was not made part of this application.

Mr. Fisher responded that the zip line area was discovered during staff review after notifications had already gone out for this case.

Chair Stribling opened public comment.

Mr. Jeremy Vincent, the applicant with Sonrisas and West Texas Boys Ranch, spoke in support of the request and hoped the Commission would accept Staff's recommendation and approve the site plan.

Chair Stribling closed public comment.

Commissioner Smith made a motion to approve a request for approval of a Major Site Plan amendment on a property zoned Planned Development (PD06-05) Zoning District to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, subject to five conditions of approval as presented. Commissioner Spano seconded the motion. The motion carried unanimously, 6-0.

4. Right-Of-Way Abandonments

City Council has final authority for approval of right-of-way abandonments.

A. **Alley Right-Of-Way Abandonment: Republic Waste Services Texas Ltd.**

A request to approve the abandonment and vacation of the 20-foot by 350-foot alley in Block 49, Fairview Addition between North Cecil Street; North Archer Street; East Houston Harte Expressway; and Veck Street.

At 11:03 a.m., Vice Chair Spano recused himself for this case and left the room.

Sherry Bailey, Principal Planner, presented the proposed alley right-of-way abandonment of a 7,000-foot east-west alley subject to three conditions of approval. She explained that the unimproved alley is presently being used as a storage area for Republic Services but there are two other owners on the east side of the alley. She outlined Staff's recommendation to approve the abandonment based on that the alley is not commonly used except for east end access to an electric pole; that sewer and electric will require utility easements; that this is a heavy manufacturing/industrial use area where waste facility storage has little impact; and that the abandoned area will be used for necessary industrial use storage.

Chair Stribling opened public comment.

Mr. Monty Hale, one of the owners adjacent to the alley on the north side explained that he wants to use it and plans to put a building on the property. He explained that the alley would provide more convenient access than trying to make a turn from Archer Street. He also expressed concerns about people dumping waste in the alley and wanted to know if Republic would be responsible for maintaining this area.

Ms. Bailey responded that Republic would fence off this area and that the City is requiring that the easement in the alley be maintained for sewer. She explained that Republic would be responsible for maintaining unless he wanted the portion adjacent to his property.

Chair Stribling explained to Mr. Hale that he would have the right to purchase his half but would then be responsible for maintaining it. He indicated that an access could still be provided from Archer Street even if the alley was closed.

Chair Stribling closed public comment.

Commissioner Smith made a motion to approve a request to the abandonment and vacation of the 20-foot by 350-foot alley, subject to five conditions of approval as presented. Commissioner Self seconded the motion. The motion carried unanimously, 5-0.

At 11:10 a.m., Vice Chair Spano returned to the meeting.

B. Alley Right-Of-Way Abandonment: City of San Angelo

A request to approve the abandonment of approximately 8,800 square feet of the East Avenue D public right-of-way; generally located on East Avenue D between West Avenue C and West Washington Drive within Block 15 of the Millspaugh Addition.

Shelly Paschal, Planner, presented the proposed 8,800-square foot abandonment subject to one condition of approval as presented. She explained that this is a portion of the Avenue D right-of-way adjacent to the Santa Fe Depot and is used as a parking lot. Ms. Paschal outlined Staff's recommendation to approve the abandonment based on no responses or opposition to the request; that there is no public benefit; and that closing this area would provide additional area for the Historic Orient Santa Fe Depot to expand.

Chair Stribling asked Ms. Paschal if the City was purchasing this land.

Ms. Paschal responded that this is City right-of-way and they want to maintain it for public use.

Chair Stribling opened public comment.

Ms. Cindy Preas, Real Estate Manager with the City, explained that the City wants to purchase this right-of-way for a public purpose for a static display for Santa Fe Depot.

Chair Stribling asked Ms. Preas to define "static display".

Ms. Preas responded that this refers to the existing train pieces on the property, and that the railway supports this request.

Chair Stribling closed public comment.

Commissioner Smith made a motion to approve a request to the abandonment of approximately 8,800 square feet of the East Avenue D public right-of-way subject to one condition of approval as presented. Commissioner Uherik seconded the motion. The motion carried unanimously, 6-0.

IV. Director's Report.

Mr. Jon James, Planning and Development Director, indicated there were no items this month.

V. Future meeting agenda and announcements.

Chair Stribling indicated that the next regular meeting of the Planning Commission is tentatively scheduled to begin at 9:00 a.m. on **Monday, December 16, 2019**, in Council Chambers (South Meeting Room) of McNease Convention Center at 501 Rio Concho Drive.

VI. Adjournment.

Commissioner Smith made a Motion to adjourn at 11:16 a.m., and Commissioner Uherik seconded the Motion. The Motion passed unanimously, 6-0.



Travis Stribling, Chair,
Planning Commission