



RECORD OF MINUTES

**CITY OF SAN ANGELO, TEXAS
PLANNING COMMISSION
MONDAY, MARCH 16, 2020, AT 9:00 A.M.,
SOUTH MEETING ROOM, MCNEASE CONVENTION CENTER
501 RIO CONCHO DRIVE**

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

ABSENT: Teri Jackson (Vice Chair)

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
Mitchell Gatlin, Project Engineer-EIT
Charlie Kemp, Building Official
Austin Ayers, Deputy Building Official

I. Call to order.

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

B. Prayer and Pledge.

The prayer was delivered by Rev. Santiago Udayar of St. Margaret Parish. The pledge was delivered by Chair Stribling.

II. Consent Agenda:

A. Consideration of approving the February 17, 2020, Planning Commission Regular Meeting minutes.

B. Baker Ranch, Section Four-A

A request for approval of a Final Plat, Baker Ranch, Section 4A, being 5.126 acres of land, generally located northwest of the intersection of Twin Mountain Drive and April Street.

C. Baker Ranch, Section Four-B

A request for approval of a Final Plat, Baker Ranch, Section 4B, being 5.542 acres of land, generally located northwest of the intersection of Twin Mountain Drive and April Street.

Commissioner Smith made a motion to approve the Consent Agenda. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.

III. Regular Agenda

1. Subdivision Plats

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

Item 1.F was moved up to the beginning of the Subdivision Plat cases by Chair Stribling at the request of the applicant.

F. St. Margaret's Church Addition

A request for approval of a Final Plat for St. Margaret's Church Addition being 4.000 acres out of C. Keizer Survey No. 164, Abstract No. 1556; and a variance from Chapter 10.III.B of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 24 feet in lieu of 36 feet for Era Street, an urban minor collector street; for a property located at 2631 Era Street.

Ms. Sherry Bailey, Principal Planner, presented the proposed final plat. She explained that the zoning is RS-1 and the Future Land Use is Neighborhood. She indicated that proposed construction for a new fellowship hall triggered this plat request.

Ms. Bailey also outlined the proposed variance to maintain 24 feet of paving width for Era Street, a collector street, in lieu of the required 50 feet. Ms. Bailey outlined Staff's recommendation to approve the proposed plat subject to four conditions as presented, for conforming to the City's Comprehensive Plan and Intent of Purpose Statements. She then outlined Staff's recommendation for a partial variance that will balance the City's and church's needs. This includes dedicating the entire street right-of-way; removing the row of parking in this right-of-way and adding a roll curb to control drainage; widening Era Street to 30 feet to match the existing street width to the west; new curb and gutter from the parking lot west to the end of the plat; a striped 5-foot sidewalk in the asphalt area with green space; and a drainage study to be deferred.

Ms. Bailey displayed an aerial photo of the site.

Hillary Bueker, Planning Manager, summarized these improvements for the Commission.

Chair Stribling asked to confirm that Era Street was 24 feet and that Staff is recommending paving to 30 feet.

Ms. Bueker responded that this was correct, but that the widening will taper down as the road extends east.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that Era Street is 37 feet wide to the west of this development. He thanked staff for meeting with him and the applicant, and explained that he would not be here today if the Subdivision Ordinance had not changed to requiring platting for commercial expansions greater than 25% whereas it was 50% before. He also explained that he did not believe he required a roll curb, only the painted sidewalk and barrier in front of the existing parking lot. He explained that the City's curb cut ordinance can still require curb and gutter if a driveway comes in separate from platting and that he is requesting deferral on curb and gutter west of parking lot.

Ms. Bueker requested Engineering Services to address the possibility of deferral of curb and gutter.

Mitchell Gatlin, Project Engineer-EIT, explained that curb and gutter would only be required in the area west of the parking lot, with a landscape barrier in front of the existing parking area.

Chair Stribling asked if the applicant is widening the road.

Ms. Bueker responded that they are but this will vary.

Mr. Gully responded that this widening will be 5 to 7 feet since the area to the west is 37 feet. He indicated that he would like a developer agreement for item 2.

Chair Stribling asked what is item 2.

Mr. Gully responded this was for widening of Era Street.

Chair Stribling asked Mr. Gully to explain what the church is requesting.

Mr. Gully explained that they would like assistance in navigating the options available but that the applicant is essentially wanting what was presented today.

Commissioner Brooks asked if the applicant is looking for a developer's agreement or full variance.

Mr. Gully responded that while they would prefer a full variance, they were concerned that if the drainage study was not deferred it could be worse. He is requesting the developer agreement so the applicant can get started in completing the work discussed.

Chair Stribling asked if the paved area will include a sidewalk.

Mr. Gully responded that the sidewalk would only be striping.

Chair Stribling asked if the parking area would need to be restriped.

Mr. Gully responded that the parking lot would not require restriping.

Chair Stribling asked if curb stops could be a solution.

Mr. Gully responded that curb stops could be a solution.

Mr. Dale Droll, representing the applicant, reiterated that the goal was to get full variance but understands that a full variance will trigger other work. He explained that this is not a wealthy church and that anything would help such as allowing wheel stops.

Council Member Harry Thomas, who lives 5 blocks away, expressed his support for the plat. He indicated that there is a vacant lot that will likely become an apartment complex and that they will likely do the same thing.

Chair Stribling closed public comment.

Commissioner Brooks indicated that he was good with a developer agreement to avoid a full variance.

Chair Stribling asked to confirm that the developer agreement would be to defer obligations to widen the street and install curb and gutter.

Commissioner Brooks made a motion to APPROVE a Final Plat for St. Margaret's Church Addition, subject to four conditions of approval as presented, which includes that the applicant shall enter into a development agreement providing for the 6 items as specified in the partial variance agreement outlined in the staff report; and APPROVE a partial variance from Chapter 10.III.B of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 24 feet in lieu of 36 feet for Era Street, an urban minor collector street. Commissioner Self seconded the

motion. The motion passed 4-2 with Commissioners Spano and Smith voting against.

Items 2.A and 5.F were presented after item 1.F at the request of Chair Stribling.

2. Rezoning

City Council has final authority for approval of changes to zoning.

A. Z20-03: COSA (Northwest expansion of CBD Zoning)

A request for approval of a rezoning from the General Commercial (CG), General Commercial/Heavy Commercial (CG/CH), Heavy Commercial (CH), Neighborhood Commercial (CN), Office Commercial (CO), Light Manufacturing (ML), Office Warehouse (OW), and Low Rise Multi-Family Residential (RM-1) Zoning Districts to the Central Business District (CBD) Zoning District, on approximately 100 acres generally located north of West Harris Avenue, south of West Houston Harte Expressway, east of Santa Fe Park and west of North Chadbourne Street.

Hillary Bueker, Planning Manager, presented the proposed CBD zoning. She explained that this was a rezoning from eight different zoning districts to CBD, expanding the existing CBD to the northwest, and that this area has a Future Land Use designation of Downtown since 2009 in the Comprehensive Plan. She further explained that one property in the middle was left out because it was zoned ML and even with a conditional use would not fit within the CBD.

Ms. Bueker indicated that 128 notices were mailed and Staff received one response in favor and two opposed, with two additional letters that came in late expressing concerns over their ML zoning being changed to CBD. Ms. Bueker then displayed a PowerPoint slide outlining these concerns that included limited outdoor storage of only 10% in CBD, and prohibition of intermodal containers as storage, and light manufacturing uses. She indicated that Staff is looking at an amendment to the CBD zone that would use the OW zone standard that allows unlimited outdoor storage with screening.

Ms. Bueker also explained that six properties in the area are allowed in the CBD with a conditional use. She then outlined for the Commission and public those uses in the Zoning Ordinance which would be allowed in the CBD with a Conditional Use, including an electricians yard, campground/RV park, rental equipment; major vehicle repair (major), industrial service, animal kennel, agricultural, plant nursery, and food and beverage producing. She did indicate that CBD would still allow warehousing, manufacturing craft by artisan, and wholesale trade.

Ms. Bueker then discussed some advantages of CBD zoning which exempts parking requirements; allows household living with commercial as a mixed use; and allows a 0-foot front yard setback, which could save historical landscapes of homes. She also

indicated that CBD would allow new infill development to expand, as there is no front yard.

Ms. Bueker outlined Staff's rationale to approve the rezoning, which included that the rezoning is consistent with the Downtown Future Land Use; that the reduced standards would allow re-development and expansion on lots that would otherwise be non-conforming to development standards; that this is mixed use area with residential and commercial uses; that the CBD could stimulate growth and reinvestment; and that the CBD zoning is consistent with the mixed use pattern in the adjacent areas.

Commissioner Smith asked what triggered the rezoning.

Ms. Bueker explained that there has been a few recent cases where the applicants could not meet the setbacks, and also an influx of mixed-use developments. She explained that the proposed rezoning is another expansion, similar to the southwest area, which was done a few months ago.

Commissioner Smith asked if those that did not comply with the new standards could be offered a variance.

Ms. Bueker explained that a variance is an option. She explained that household living would be allowed with a Conditional Use, and believes there will be fewer issues if this rezoning is approved.

Chair Stribling asked to confirm that current uses will remain as allowed by right or be legal non-conforming, but would have no impact on current operations.

Ms. Bueker responded that this was correct; it would only be an issue for legal non-conforming properties if they wanted to expand.

Chair Stribling asked what happens to the properties that were flagged that needed Conditional Uses.

Ms. Bueker indicated that Staff will follow up with them.

Chair Stribling asked if all properties had been identified.

Ms. Bueker indicated that several persons had been contacted and she had researched property by property.

Chair Stribling opened public comment.

Mr. Reed Shahan indicated that he owns the Border States property in the proposed CBD expansion, and that he has had a family business for 73 years in this area. He raised concerns about his warehouse on 5th Street being rezoned to CBD and questioned if that would allow manufacturing. He also questioned what the parking requirements would be. He also raised concerns about outdoor storage being limited to 10% in the CBD zone, and requiring \$400.00 for a Conditional Use. He concluded by raising the concern that Palmer Feed that would be landlocked and could not expand because surrounded by CBD zoning.

Mr. Rodney Mayberry, owner of RM electric within the subject area, explained that he is currently landlocked but hopes to expand in future. He indicated that he is not in opposition, as long as he has the option to expand in future. He further indicated that the CBD zoning will allow him to do more of the things he wants to do, but that changes should recognize what he already has in place.

Mr. Bruce Willig, owner of Western Iron Works, indicated that he has properties along 6th Street and is concerned with losing more manufacturing zoning. He also raised concerns with lack of parking on properties that would now be CBD and not require any.

Ms. Lori Lara expressed her support of the rezoning. She explained that she owns two buildings in this area and that the CBD zone will allow more uses. She further explained that Conditional Uses may apply regardless, that change is needed, and that there are ways to incorporate parking.

Jon James, Planning and Development Services Director, arrived at 10:01am.

Mr. Wynn Palmer, owner of Palmer Feed and outside the CBD, indicated that ML zoning is imperative to what his business does. He explained that, while he is not opposed to CBD, he would like to see an exclusion zone to the east and north and does not want to be landlocked.

Mr. Steve Eustis, real estate agent, indicated that while he was not in favor or against, he was concerned about the City initiating the rezoning without the consent of property owners. He asked why only four of the 128 notices were returned and that other owners may not have known the rezoning affected their property. He indicated that the rezoning should be tabled and that the City should have some workshops.

Mr. Ronny Wagner indicated he has a property in the subject area. He explained that he is in support of the rezoning if it will improve the value of his property.

Chair Stribling asked if all of the property owners within 200 feet of the rezoning notified.

Ms. Bueker responded that the required notices were sent out as required by the State, which were to the owners on the most updated tax rolls.

Chair Stribling asked to clarify if everyone in the subject area and within 200 feet of the boundary were notified.

Ms. Bueker responded that this was correct.

Mr. Eustis asked what the rule is on notifying those specifically subject to the rezoning. Mr. Jon James, Planning and Development Services Director, explained that one notice is sent to both the owners of the subject property and owners within 200 feet.

Mr. Eustis explained that the notice says that owners within 200 feet are notified but not the owners of the properties themselves.

Chair Stribling asked about the zoning designation of the properties colored light blue on the map.

Ms. Bueker responded that this was the ML zone, and that all of the uses in the area would still be allowed by Conditional or Special Use, with the exception of Palmer Feed, but that he could do a Planned Development if he has at least one acre. She also clarified that Conditional Uses only require Planning Commission approval, which is only a 30-day process.

Chair Stribling asked if CBD properties would be limited to 10% outdoor storage.

Ms. Bueker responded that it is the greater of 10% or 1,000 square feet.

Chair Stribling asked if properties that are non-conforming could continue.

Mr. James responded that this is correct.

Chair Stribling closed public comment.

Chair Stribling indicated that this was a big decision and that he wanted to ensure that everyone is notified.

Ms. Bueker responded that there was not a way to notify the property owners.

Commissioner Uherik shared Chair Stribling's concerns about the lack of responses.

Commissioner Spano asked how much notice can be given, and that staff followed the normal notification procedures and state law.

Ms. Bueker responded that the notices were mailed February 28, 2020.

Chair Stribling responded that notices were received two weeks in advance of the meeting, but that a second round of notices would be appropriate.

Commissioner Uherik asked about the text amendment for outdoor storage.

Ms. Bueker explained that this would not affect existing uses, and that Staff is looking into this.

Mr. James responded that if this item is tabled, that a special notice in this case could be sent.

Commissioner Self indicated that there are so many unknowns.

Mr. Eustis asked how much it would cost to send a certified letter.

Mr. James responded that the costs would be significant.

Commissioner Brooks indicated that notification is important if government is taking property rights away.

Chair Stribling responded that in this case, some rights were be taken away, but others would obtain more rights.

Commissioner Uherik indicated that more than two weeks is needed to determine impacts of this rezoning.

Commissioner Uherik made a motion to TABLE the rezoning to the next Planning Commission Meeting of April 20, 2020. There was no second, and the motion FAILED.

Commissioner Spano made a motion to recommend APPROVAL of the rezoning, as presented. Commissioner Smith seconded the motion. The motion to approve the rezoning as presented FAILED 4-2 with Commissioners Spano and Smith voting in favor, and Chair Stribling, and Commissioners Uherik, Brooks, and Self voting in opposition.

5. Master Thoroughfare Plan Amendments

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

A. Master Thoroughfare Plan Amendment: City of San Angelo (West of Lake View Heroes Drive)

A request for amending the Master Thoroughfare Plan component of the San Angelo Comprehensive Plan to remove (or relocate) a future minor arterial street being the west extension of Lake View Heroes Drive, north of West 49th Street between North Chadbourne Street and Grape Creek Road.

Jeff Fisher, Principal Planner, presented the proposed Master Thoroughfare Plan Amendment. He explained that while public notification was not required, property owners adjacent and within 50 feet of the existing route and alternative routes were notified. He explained that the original 1994 Thoroughfare Plan had the future arterial road extending directly along 49th Street, but that this was later changed to the current location extending from Lake View Heroes Drive, which is over half a mile long. He explained that this future arterial once built can carry east-west traffic along the extension of Lake View Heroes from Grape Creek Road to North Chadbourne Street and U.S. 87. Mr. Fisher further indicated that relevant City departments including Operations and Engineering were circulated, including the MPO and County Commissioner Rick Bacon. Of the 66 mailed notices sent, he indicated that one letter was received in favor for Option 5, and three were received opposed to Option 4.

Mr. Fisher then outlined the alternatives for the Commissioners. He explained that Option 1 to remove the arterial altogether was not preferred because there was consensus that this arterial was needed to accommodate future growth at the north end of the City, and connect between Grape Creek Road and North Chadbourne Street.

Commissioner Smith left the meeting at 10:33 a.m.

Mr. Fisher explained that Option 2 would require taking 80 feet of right-of-way in the middle of the properties on the north side of 49th Street, and removal of several homes and accessory structures located in this area.

Commissioner Self left the meeting at 10:34 a.m.

He then outlined Staff's preferred option, Option 3, which would shift the arterial past the first few properties northward to align behind the rear of the lots on the north side of 49th Street. Mr. Fisher explained how this would avoid taking right-of-way in the middle of the properties and avoid encroaching into existing homes and structures located to the rear of these lots. He explained that this option had the support of City Staff, the MPO, and Commissioner Bacon. Finally, Mr. Fisher discussed the last two

options and Staff's opposition to them. This included opposition to Option 4 to upgrade Cauley Lane into an arterial, which would require multiple turns and elimination of a direct route between Chadbourne Street and Grape Creek Road, and opposition to Option 5 to extend along 49th Street, which would eliminate large portions of the front of properties and removal of homes.

Commissioner Smith returned to the meeting at 10:37 a.m.

Commissioner Self returned to the meeting at 10:38 a.m.

Mr. Fisher concluded his presentation by explaining to the Commissioners and public that there is no timeline on when this future arterial would be built, and that this request was triggered by a property owner on West 49th Street who was replatting his lot and realized the current future arterial road would cut through the back of his property.

Hillary Bueker, Planning Manager, explained that the purpose of this presentation is to give the Commissioners several options to review, and to obtain their recommendations for Council.

Chair Stribling opened public comment.

Mr. Wayne Grothe of 4852 North Chadbourne Street, asked how wide the road would be under Option 3.

Mr. Fisher responded it would be 80 feet wide and start behind the properties that are north of West 49th Street.

Mr. Grothe expressed concerns the right-of-way would go through his water well. He expressed opposition to Options 1 and 2, which would wipe out his pecan trees.

Mr. Jon James, Planning and Development Services Director, explained that all of the property for the new road would be north of the fence line and not take his property.

Mr. Bueker indicated that we do not know the precise location of the road and we do not know when this will happen.

Mr. Grothe explained that he would not be against Option 4, moving the road to Cauley Lane.

Mr. Marvin Grothe of 4854 North Chadbourne Street, expressed concerns with Option 3 that would bring traffic through the rear of his property. He is opposed to this option.

Chair Stribling indicated the proposal could change again and that there is no timeframe on when this will be done.

Mr. Clint Harrison, who resides on the north side of 49th Street, indicated that he was in favor of Option 1 to remove the future arterial in its entirety. He did not want anyone's property to be disrupted.

Mr. Dwain Morrison, who lives on Cauley Lane, indicated that he was in favor of Option 3. He explained that this would assist in particular with rodeo traffic. He would be in favor with a portion on the properties facing West 49th Street and those to the north so that one set of owners were not burned with losing all of the land.

Ms. Mitzi Harper of 435 Cauley Lane explained that her and her husband Dayton Harper who also came to the podium, were in support of Option 3 as moving the arterial to Cauley Lane would require them to remove their fence, water well, and a part of their land. Mr. Harper indicated he would prefer to split any properties between the north and south if necessary.

Chair Stribling closed public comment.

Chair Stribling acknowledged traffic congestion for large events and that it would be ideal to have a road that can connect to Chadbourne Street from the properties in the area.

Mr. Fisher indicated that whichever choice is made, it will not be a perfect situation, but that Staff is willing to find a solution to accommodate the affected residents.

Chair Stribling asked Staff to examine taking properties from both sides of the street from a condemnation standpoint.

Ms. Bueker indicated that City Council will make the ultimate decision but that Staff wanted the Commission to provide their thoughts.

Commissioner Brooks made a motion to recommend APPROVAL of Option 1 to REMOVE the future arterial road between North Chadbourne Street and Grape Creek Road in the Master Thoroughfare Plan component of the San Angelo Comprehensive Plan. Commissioner Self seconded the motion. The motion carried 4-2, with Chair Stribling and Commissioner Uherik voting in opposition.

Items 1.A and 1.B were presented concurrently in one presentation as they apply to portions of the same property.

1. Subdivision Plats

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

A. Preliminary Plat, Chowning Addition

A request for approval of a Preliminary Plat, Chowning Addition, being 81.072 acre tract described and recorded as Abstract A-8036, Survey 1114, F Tankersley, Tom Green County, Texas; generally located 1,000 feet southeast of the intersection of East 40th Street and Armstrong Street.

B. Chowning Addition, Section One

A request for approval of a Final Plat of Lot 1, Chowning Addition, Section One, being 6.092 acres, generally located 1,500 feet southeast of the intersection of East 40th Street and Armstrong Street.

Ms. Shelly Paschal, Planner, presented the proposed plats. She explained that the final plat is for the purpose of construction of an agricultural or residential structure. Ms. Paschal outlined Staff's recommendation to approve the proposed plats for conforming to the City's Comprehensive Plan and Intent of Purpose Statements. She outlined the two conditions proposed for the final plat and two notes for each as outlined in the staff report.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that he was available for questions.

Chair Stribling closed public comment.

Commissioner Uherik made a motion to APPROVE a Preliminary Plat, Chowning Addition, as presented. Commissioner Self seconded the motion. The motion carried unanimously 5-0.

Commissioner Uherik made a motion to APPROVE a final plat for Chowning Addition, Section One subject to two conditions of approval, as presented. Commissioner Self seconded the motion. The motion carried unanimously 5-0.

Items 1.C and 1.D were presented concurrently in one presentation as they apply to portions of the same property.

C. Preliminary Plat of Part of Block 3 and 4, Fair Ground Gardens Subdivision

A request for approval of a Preliminary Plat of Part of Block 3 and 4, Fair Ground Gardens Subdivision, being 4.556 acres located at 440 W 49th Street, generally located north of 49th Street between North Chadbourne Street and Grape Creek Road.

D. Replat of Part of Block 4, Fair Ground Gardens Subdivision

A request for approval of a Replat of Part of Block 4, Fair Ground Gardens Subdivision, and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a paving width of 24 feet in lieu of the required 40 feet for West 49th Street, an urban local street, being 1.023 acres located north of 49th Street between North Chadbourne Street and Grape Creek Road.

Mr. Jeff Fisher, Principal Planner, presented the proposed plats. He explained that the applicant wants to subdivide the existing acreage to build a second home and discovered that there is a future minor arterial road that would extend through the middle of the property. Mr. Fisher explained that the preliminary plat would allow deferral of dedication of the arterial road to the time of final platting of this area, and that the proposed final plat would be for only one lot located further south with frontage on West 49th Street.

Chair Stribling asked if the preliminary plat is for three lots.

Mr. Fisher explained this was correct.

Mr. Fisher explained that nine notices were mailed, and one was received in support. He outlined Staff's recommendation to approve the preliminary plat, and the final plat subject to the five conditions of approval as presented, for conforming to the City's Comprehensive Plan and Intent of Purpose Statements. He then outlined Staff's recommendation for a partial variance requiring an additional two feet of paving width on West 49th Street to meet minimum emergency and engineering standards. He asked Mitchell Gatlin with Engineering Services to present some of the technical requirements for the requested street improvements.

Mitchell Gatlin, Project Engineer-EIT, explained that Staff wanted 26 feet of paving width and referenced the TXDOT Lane Width recommendations and City standards, including that a fire truck needs 10 feet of width plus 8 feet on either side for working space. He indicated that Engineering Services recommends a 2-foot wide header curb to get to the 26 feet of paving, and showed a photo of a fire truck on a 26-foot wide road this just fits with a fire hydrant.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that the owner's daughter wants to build a house on the new lot and live here. Mr. Gully

indicated that he would like the full variance, but would support a partial variance as presented but to defer any improvements to the permit stage.

Chair Stribling closed public comment.

Chair Stribling of the header curb was for drainage purposes.

Mr. Fisher responded he believed so and that it was also be for road maintenance.

Ms. Bueker added that the additional two feet would also allow a fire truck to operate within this area.

Mr. Gatlin explained that fire safety and edge protection was the main motivation for the additional two feet.

Chair Stribling indicated that he did not believe that it was fair for the applicant to bear the burden of paving the additional two feet.

Commissioner Self asked if this is in an infill area.

Mr. Fisher stated that he would have to look into this further.

Commissioner Uherik made a motion to APPROVE a Preliminary Plat of Part of Block 3 and 4, Fair Ground Gardens Subdivision; APPROVE a Replat of Part of Block 4, Fair Ground Gardens Subdivision subject to five conditions of approval as presented, and APPROVE a variance to maintain a paving width of 24 feet in lieu of the required 40 feet for West 49th Street, an urban local street. Commissioner Brooks seconded the motion. The motion carried unanimously, 6-0.

E. Replat of Lots 8 and 9, Block 1, River Canal Estates

A request for approval of a Replat of Lots 8 and 9, Block 1, River Canal Estates, and a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance to exempt the requirement for a lot to have direct abutting access to a public street right-of-way, being 1.808 acres located north of Becker Lane and west of Ben Ficklin Road.

Mr. Jeff Fisher, Principal Planner, presented the proposed replat. He explained that the applicant wants to replat two lots into one, with a house existing on one of the lots and agricultural structures on the other. He also indicated that the applicant is requesting a variance to allow access onto a private road, Becker Lane, and that previous lots platted on private streets were done prior to the current version of the Subdivision Ordinance. He explained that the one exception he was aware of was in 2015 for Country Club Acres where two additional lots were approved with opposition

from Staff. Mr. Fisher explained that in this case however, the applicant is reducing the number of lots.

Mr. Fisher explained that 11 notices were mailed, and two were received in support. He outlined Staff's recommendation to approve the replat subject to the one condition of approval as presented, for conforming to the City's Comprehensive Plan and Intent of Purpose Statements. He then outlined Staff's recommendation for a variance from access onto a public street given the applicant is not creating new lots, but rather combining the lots, and that a flag lot would require a 1,200-foot long driveway.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that the plat was triggered by the applicant wanting to erect a new building on the property, and that he was available to answer questions.

Commissioner Uherik made a motion to APPROVE a Replat of Lots 8 and 9, Block 1, River Canal Estates, subject to one condition of approval as presented, and APPROVE a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance to exempt the requirement for a lot to have direct abutting access to a public street right-of-way. Commissioner Spano seconded the motion. The motion carried unanimously, 6-0.

2. Rezoning

City Council has final authority for approval of changes to zoning.

B. Z20-04: Performance Land & Cattle Co., LLC

Public hearing and consideration of a request for approval of a rezoning from the Single-Family Residential (RS-1) and Ranch and Estate (R&E) Zoning Districts to the General Commercial (CG) and Single-Family Residential (RS-1) Zoning Districts, being 14.880 acres located on West Loop 306, 0.4 miles east of North Bentwood Drive and 0.3 miles west of Foster Road.

Chair Stribling indicated that this item was tabled from last month's Planning Commission Meeting.

Sherry Bailey, Principal Planner, presented the proposed rezoning, and indicated that a motion was needed to remove the table and allow the case to move forward.

Commissioner Self made a motion to remove Z20-04 from being tabled, and Commissioner Spano seconded the motion. The motion carried unanimously, 6-0.

Ms. Bailey reminded the Commission that the lots to the north will be rezoned from RS-1 to CG and the lots annexed into the City immediately south will go from R&E to

RS-1 zoning. She explained that there was discussion of extension of sewer in this area, and discussion between the applicant and a neighbor in this area.

Mr. Mitchell Gatlin, City Project Engineer, explained that the property was greater than 200 feet from an existing sewer and even if it was not, the sewer lift station in the area is at full capacity. He explained that another option was the creation of a new lift station but they are not required because they are not within 200 feet. He further explained that any future sewer in this area will likely come from the south.

Mr. Gatlin addressed the question of whether a developer would be responsible for installing a septic system if their septic system failed.

Chair Stribling asked Staff if there were any requirements in the Subdivision Ordinance for minimum lot sizes for R&E or RS-1 properties where septic systems are used.

Ms. Hillary Bueker, Planning Manager, responded that there is nothing specifically in the Subdivision Ordinance, and that lot sizes are based on Zoning Ordinance minimums unrelated to whether septic systems are used or not. She explained that the R&E zone requires a minimum lot size of 1 acre, and the RS-1 zone a minimum of 5,000 square feet, and that a lot with a water well requires 1 acre in size and that a lot with a septic system but city water only requires 0.5 acre, which can be RS-1.

Chair Stribling asked if there will be leeching areas in the back of these homes since they will be on septic systems.

Ms. Bueker responded this was correct.

Mr. Jon James, Planning and Development Services Director, indicated that State Law only requires 0.5 acre for septic systems if on a public water system.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that the applicant has to submit a suitability study to the County for TCEQ that the site is appropriate for a septic system. He explained that this acreage provides sufficient room for a drain field. Mr. Gully confirmed that the plat was completed, street and city water is in, and that the applicant wanted annexation to connect to City water, and without this, would not have chosen to annex.

Chair Stribling explained that he was not aware initially that septic systems were being installed on only 0.5 acre lots. He raised the concern of the financial burden of future owners of having to pay for a new city sewer system when available.

Mr. Gully responded that this is a State mandated issue, that septic systems are safe, and that many subdivisions were established on 0.5-acre tracts.

Chair Stribling explained that septic systems on 1-acre R&E lots makes sense, but expressed concerns on these lots which are only 0.5-acre.

Mr. Gully explained that he and his client have met Steve Eustis who raised concerns at last month's meeting, and that he is now satisfied.

Commissioner Spano expressed that he did not understand how this is allowed.

Mr. Steve Eustis, representative of Mark McLaughlin who owns adjoining property to the east explained that they met with Mr. Gully and Erica Carter of Carter-Fentress Engineering and that while Mr. McLaughlin still had concerns he is not willing to continue to fight against the request.

Mr. Gully addressed Mr. Spano's comment by explaining that TCEQ has set a limit at 0.5-acre for septic systems with city water, and that these lots are over 0.5 acre in accordance with State requirements. He explained that the reason wells require 1 acre is because of separation requirements from a drain field.

Commissioner Spano asked if this request was okay because the State says it is.

Commissioner Brooks asked how much revenue would be lost without city sewer.

Mr. Gully explained the portion would be more significant by requiring the developer to create one-acre lots thereby cutting the number of lots in half.

Mr. Gully explained that it would be a detriment to the City not to allow these homes, and that more density and more housing is good for the City.

Chair Stribling closed public comment.

Commissioner Self indicated that he was in favor of the rezoning as the development meets all regulations and will provide more housing.

Commissioner Self made a motion to recommend APPROVAL of a rezoning from the Single-Family Residential (RS-1) and Ranch and Estate (R&E) Zoning Districts to the General Commercial (CG) and Single-Family Residential (RS-1) Zoning Districts on 14.880 acres, as presented. Commissioner Spano seconded the motion. The motion carried 5-1, with Chair Stribling voting in opposition.

C. Z20-05 – 1718 Live Oak Street

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, being 0.174 acres located at 1718 Live Oak Street.

Commissioner Brooks recused himself due to conflict of interest and left the meeting at 11:45 a.m.

Sherry Bailey, Principal Planner presented the proposed rezoning request. She explained that this was a corner property at the northwest corner of Van Burren and Live Oak. She displayed a PowerPoint slide that shows four other single-family residential lots in the area that were rezoned to RS-2. She explained that there are many properties in the Santa Rita neighborhood that have been converted into two-family homes over the years. Ms. Bailey explained that on the subject property, one entrance faces Live Oak Street and a second entrance faces South Van Burren Street, and that it was originally a boarding house in the 1970s and 1980s that rented out two or three of the rooms.

Ms. Bailey explained that of the 23 notices that were mailed, two were received in favor and none were opposed. She also received some calls about where the parking was to be located and explained that there is plenty of room on the property facing Live Oak to provide sufficient parking.

Ms. Bailey outlined Staff's rationale to recommend approval of the rezoning on the grounds that the RS-2 zoning is compatible with the Neighborhood designation in the Comprehensive Plan; that the zone change is consistent with the surrounding uses and zoning; is compatible with the mixed residential uses in the area; and that there is a demonstrated community need for more housing through conversions of existing homes and accessory apartments.

Chair Stribling opened public comment.

Ms. Heidi Brooks, the owner and applicant, indicated that she spoke with 14 people in the area and that everyone was okay with it. She said that four of these residents threw the letters away and that she asked Staff to resend to these individuals. She explained that one person had a problem with rentals. Ms. Brooks indicated that many of the properties in the area are being rented, including the RS-1 properties. She concluded that she is maintaining the structure as is, has added landscaping, and will add additional parking as needed.

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 on the subject property, as presented. Commissioner Spano seconded the motion. The motion carried unanimously, 5-0.

3. Special Uses

City Council has final authority for approval of special uses.

A. Amendment to SU17-01 - 508-510 West 17th Street

A request for an Amendment to Special Use SU17-01 to allow the sale, rental, and leasing of heavy trucks and accessory equipment, in addition to sale, rental, and leasing of passenger vehicles, motorcycles, and light and medium trucks, being 0.344 acres located at 508 and 510 West 17th Street.

Commissioner Spano left at 11:55 a.m.

Jeff Fisher, Principal Planner, presented the requested Amendment to SU17-01. He explained that the original case in 2017, and as later amended in 2018, allowed for the sale of automobiles, small and medium sized trucks, and motorcycles but not heavy trucks or boats. Mr. Fisher explained that during a site check for a final occupancy of the building Staff found a heavy truck cab and trailers which triggered this request to allow heavy truck sales.

Mr. Fisher outlined staff's recommendation to deny the request on the grounds that the existing privacy fence is insufficient to reduce visual, traffic and road maintenance impacts; that heavy truck sales are incompatible with the CN zoning and are only allowed by right in CBD, OW, CH, ML and MH zones; that heavy truck sales are incompatible with adjacent residential uses; and that heavy trucks would be required to make sharp turns onto West 17th Street, a local street, because TXDOT prohibited access from North Bryant Boulevard.

Commissioner Spano returned at 11:58 a.m.

Chair Stribling opened public comment.

Mr. Rob Hargraves, property owner and applicant, explained that he did not want to sell long trailers, just trucks and small trailers. He explained that these were smaller trailers that could be pulled by small trucks. He explained that based on this the impact of trucks turning would not be any different. Mr. Hargraves indicated that Auto Wrangler and Walt's Auto Sales are close by and asked that the Planning Commission approve his request.

Chair Stribling asked Mr. Hargraves if Walt's and Auto Wrangler sell 18-wheeler trucks.

Mr. Hargraves said that they do not but that Auto Wrangler sells one and one-and-a-half tons trucks, and unload a trailer on the vacant lot next to his property.

Mr. Fisher acknowledged Mr. Hargraves point that he is not selling large trailers, but that in the Zoning Ordinance, if heavy trucks were allowed to be sold, that this would also allow heavy trailers to be sold. He also explained that the trucks parked on the vacant property north of Mr. Hargraves property are being parked illegally and that Staff is already been made aware and may possibly be bringing this to Code Compliance.

Mr. Hargraves explained that there would be insufficient room on this property for 40-foot long trailers.

Ms. Hillary Bueker, Planning Manager, indicated that these heavy trucks and heavy equipment would be considered wholesale trade and an industrial use.

Commissioner Smith made a motion to DENY the amendment to Special Use SU17-01, as presented. Commissioner Uherik seconded the motion. The motion carried 4-1, with Commissioner Spano voting in opposition.

4. Conditional Uses

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

A. CU20-04 - 1009 Rio Grande Street

A request for approval of a Conditional Use for a Short-Term Rental within an existing single-family dwelling in the Two-Family Residence (RS-2) Zoning District, located at 1009 Rio Grande Street.

Shelly Paschal, Planner, presented the proposed Conditional Use. She explained that the original Short-Term Rental (STR) was approved by they are starting over because they did not renew their STR within the renewal window. Ms. Paschal further explained that if approved the STR is good for one year, and that they must renew every two years. She indicated that of the 18 letters that were mailed, there were no responses in favor or in opposition.

Ms. Paschal outlined Staff's recommendation to approve the STR with 7 conditions of approval as presented, on the grounds that there would be any adverse impacts on surrounding properties; that the STR will be located within the existing single-detached dwelling and the required paved parking has been completed; and that it is compatible with the surrounding area.

Chair Stribling opened public comment.

Mr. Shae McClure, the applicant, indicated that he owns this property and the one across the street. He explained that the STR allows him to control who stays. He expressed concerns that while he did not remember the deadline, he did not receive notice and had to go through this process again.

Commissioner Smith made a motion to APPROVE the Conditional Use for a Short-Term Rental subject to the seven conditions of approval as presented. Commissioner Self seconded the motion. The motion carried unanimously 5-0.

B. CU20-05 – Northwest Drive

A request for approval of a Conditional Use to allow for household living in the General Commercial (CG) Zoning District, generally located on Northwest Drive north of West Houston Harte Expressway.

Sherry Bailey, Principal Planner, presented the proposed Conditional Use to allow a two building, 48-unit apartment complex, three stories in height that includes a rental office and sports court. Ms. Bailey indicated that of the seven notices that were sent out, Staff received two in favor, and one in opposition.

Ms. Bailey outlined Staff's commendation to approve the Conditional Use, subject to four conditions as presented, on the grounds that the current use in the area is apartments; that the complex is allowed as a Conditional Use in the CG zone; and that the commercial uses in the area are within one mile of the apartment complex and the uses support each other.

Commissioner Smith asked if there were any stipulations that would limit the apartment buildings to two-story.

Ms. Bailey responded that the CG zoning district does not have a height restriction.

Chair Stribling opened public comment.

Mr. Michael Fogel, the applicant of Trinity Housing Development, mentioned this project went to City Council for a resolution of support for tax credits, and that they also received two letters of support from surrounding owners. He explained that the opposition letter regarding the height being three stories should not be an issue because this complex is only 48 units and the adjacent owner has a 176-unit complex. Mr. Fogel also mentioned that there is a hotel nearby that is three stories, and that this a good location near the highway.

Commissioner Self asked if the tax credit was geared towards affordable housing.

Mr. Fogel responded that that was correct.

Mr. Hunter Patterson , with McDonald Company who owns the Red Creek apartments adjacent to this property, explained that he preferred two-story apartments as this is already in this area, and that there is plenty of space to do this.

Commissioner Smith made a motion to APPROVE the Conditional Use for household living subject to four conditions of approval, as presented. Commissioner Spano seconded the motion. The motion carried unanimously 5-0.

6. Text Amendments

- A.** Consideration of a text amendment to the City of San Angelo Code of Ordinances Sec. 5.01.F Additional standards for manufactured homes in the RS-1, RS-2, R&E, CG, CN & ML Zoning Districts.
- B.** Discussion with Planning Commission to consider allowing manufactured housing as an affordable housing option in different zoning districts with possible design, size or aesthetic modifications that would provide for a compatibility standard

Chair Stribling asked if items A and B could be tabled until next month’s meeting given it was already 12:20 p.m.

Jon James, Planning and Development Services Director, indicated that this would be fine.

Commissioner Smith made a motion to TABLE items A. and B. until the next Planning Commission Meeting of April 20, 2020. Commissioner Self seconded the motion. The motion carried unanimously 5-0.

I. Director’s Report.

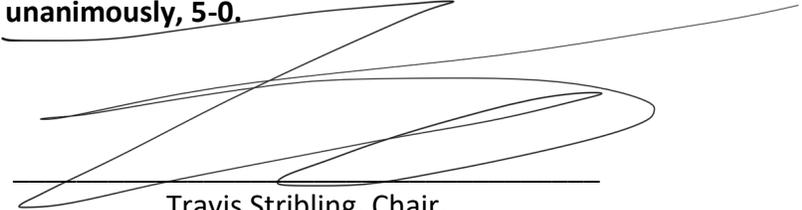
Jon James, Planning and Development Services Director, indicated that there have been ongoing discussions on how to handle upcoming meetings, and that we will send the Commissioners further information once known.

II. Future meeting agenda and announcements.

The next regular meeting of the Planning Commission is tentatively scheduled to begin at 9:00 a.m. on **Monday, April 20, 2020**, in the East Reception Room, City Hall, 72 West College Avenue.

III. Adjournment.

Commissioner Smith made a Motion to adjourn at 12:22 p.m., and Commissioner Self seconded the Motion. The Motion passed unanimously, 5-0.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and lines, positioned above a horizontal line.

Travis Stribling, Chair,
Planning Commission