



RECORD OF MINUTES

**CITY OF SAN ANGELO, TEXAS
PLANNING COMMISSION
MONDAY, FEBRUARY 17, 2020, AT 9:00 A.M.,
SOUTH MEETING ROOM, MCNEASE CONVENTION CENTER
501 RIO CONCHO DRIVE**

PRESENT: Travis Stribling (Chair), Teri Jackson (Vice Chair), Conolly O. Brooks III, Joe Self

ABSENT: Joe Spano, Ryan Smith, Luke Uherik

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
Lance Overstreet, City Engineer
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 9:00 a.m. and established that a quorum of four was present.

B. Prayer and Pledge.

The prayer and pledge was delivered by Vice-Chair Jackson.

II. Consent Agenda:

A. Consideration of approving the January 27, 2020, Planning Commission Regular Meeting minutes.

Vice-Chair Jackson made a motion to approve the Consent Agenda. Commissioner Self seconded the motion. The motion carried unanimously, 4-0.

III. Regular Agenda

1. Subdivision Plats

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

Items 1.A and 4.A which apply to the same property were presented concurrently. City Council has final authority for approval of easement releases.

A. Red Arroyo Hills Addition, Section Thirteen

A request for approval of a final plat for Red Arroyo Hills Addition, Section Thirteen, being 2.897 acres located east of Southwest Boulevard between Sherwood Way and West Houston Harte Expressway.

Jeff Fisher, Principal Planner, presented the proposed replat which consolidates several tracts, some of them in other subdivisions and some unplatted land. Mr. Fisher explained that the subject area was part of a preliminary plat approved in 1986 for a commercial development block. He indicated that as part of this replat, a 20-foot sewer easement will be rerouted from the middle of the properties to the north and east to allow future commercial development on this property.

Mr. Fisher outlined Staff's recommendation to approve the proposed replat for conforming to the governing preliminary plat, and the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). Mr. Fisher indicated that Staff is requesting a sidewalk adjacent to the front of the property which will be required at time of permitting and a note on this plat. He then outlined some changes to the proposed conditions, eliminating Condition #3 pertaining to sewer main rerouting which is already taking place; eliminating Condition #6 for a fire hydrant which is not required; and moving Condition 4 for water and wastewater lines and Condition #5 for a drainage study to notes at time of permitting. In total, Mr. Fisher explained there will now be two conditions of approval with five notes.

Chair Stribling asked if the Easement Release case to be presented later today could be presented now since it is tied to this plat case.

A. Easement Release in Red Arroyo Hills Addition, Section One

A request for approval for the release of a portion of a 20-foot wide sanitary sewer easement, being 0.164 acres within a Final Plat of Red Arroyo Hills Subdivision, Section One, located east of Southwest Boulevard between Sherwood Way and West Houston Harte Expressway.

Mr. Fisher presented the proposed Easement Release of a portion of a 20-foot wide sewer easement in Red Arroyo Hills Addition, Section One. He provided a diagram

delineating the existing 20-foot sewer easement which is located in the plat that was just approved and which will be rerouted to the north and east of the property to allow future development. He noted that the released area is only the portion within the new subdivision plat for Section Thirteen.

Mr. Fisher outlined Staff's recommendation to approve the proposed easement release subject to the two conditions of approval as presented.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that he requests that both the cases be approved as presented and revised.

Chair Stribling closed public comment.

Vice-Chair Jackson asked Mr. Fisher to show the proposed conditions of the plat.

Mr. Fisher reiterated that Conditions 3 and 6 would be eliminated, and 4 and 5 would become notes.

Vice-Chair Jackson made a motion to APPROVE Red Arroyo Hills Addition, Section Thirteen, subject to two conditions of approval as presented, eliminating Conditions 3 and 6, and moving 4 and 5 to notes prior to building permit. Commissioner Self seconded the motion. The motion carried unanimously 4-0.

Vice-Chair Jackson made a motion to recommend APPROVAL of the release of a portion of a 20-foot wide sanitary sewer easement, being 0.164 acres within a Final Plat of Red Arroyo Hills Subdivision, Section One, subject to two conditions of approval as presented. Commissioner Self seconded the motion. The motion carried unanimously 4-0.

B. Bentwood Country Club Estates, Section 43

A request for approval of a final plat of Bentwood Country Club Estates, Section 43, being 25.061 acres approximately 500 feet south of Crystal Point Drive and east of the extension of Enclave Court in Bentwood Country Club Estates.

Shelly Paschal, Planner, presented the proposed final plat for 39 residential lots which currently contains three different zoning districts, CG, RM-1, and RS-1. She explained that household living is not allowed by right in the CG zone, and that further zoning action will be required to allow single-family homes on these lots.

Ms. Paschal outlined Staff's recommendation to approve the proposed plat for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). Ms. Paschal explained that in May

2019 the Planning Commission approved Bentwood Section 42 which required sidewalks along the west side of Wolf Creek Drive and that Staff will be requesting that sidewalks be extended along Wolf Creek Drive adjacent to this new plat. Ms. Paschal outlined the 10 proposed conditions of approval of this plat for the Commission, including Condition #10 to illustrate a 25-foot building setback on Lot 60.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that he would like some flexibility in adjusting other lot lines to compensate for the additional 25-foot setback for Lot 60, and would like to be able to submit this plat for recording and not have to return to the Planning Commission.

Chair Stribling asked if this was a preliminary plat.

Ms. Paschal responded that this was a final plat.

Mr. Gully indicated that he would like to adjust a few other lots to 56 and 58 feet wide.

Chair Stribling closed public comment.

Chair Stribling asked if adjustment of lot widths can be made a condition of approval.

Mr. Jon James, Planning and Development Services Director, explained that the ordinance allows Staff to approve a parallel offset of 5 or 10 feet as long as it does not create a non-conformity.

Vice-Chair Jackson asked if this parallel offset could be made a note or a condition of approval.

Mr. James responded that this could be a note.

Chair Stribling confirmed that this would be for Lots 56, 58, and 60.

Commissioner Self made a motion to APPROVE a final plat of Bentwood Country Club Estates, Section 43, subject to ten conditions of approval as presented, with a note that Lots 56, 58, and 60 may have their lot lines adjusted to allow Lot 60 to meet its 25-foot building setback from Wolf Creek Drive. Vice-Chair Jackson seconded the motion. The motion carried unanimously 4-0.

C. First Replat of Part of Blocks 69 and 78, All of Blocks 77 and 86, Hatcher Addition

A request for approval of a First Replat of Part of Blocks 69 and 78, All of Blocks 77 and 86, Hatcher Addition, being 7.099 acres southeast of the intersection of Howe Street and TLC Way, and two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a paving width of 36 feet in lieu of the required 40 feet for Freeland Avenue, an urban local street, and to maintain a

paving width of 30 feet in lieu of the required 40 feet for Alexander Street, an urban local street.

Shelly Paschal, Planner, presented the proposed replat for three commercial lots. She explained that the replat request included a variance on Freeland Avenue to remain 36 feet wide and on Alexander Street to remain 30 feet wide.

Ms. Paschal outlined Staff's recommendation to approve the proposed plat for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). Ms. Paschal also outlined Staff's recommendation to deny the variance on Freeland Avenue and instead require a 4-foot wide sidewalk to provide a connection to the nearby school, park, and neighborhood. Ms. Paschal explained that with the sidewalk, the street would not have to be further improved. She also indicated that Staff will support the second variance to allow Alexander Street to remain 30 feet wide with curb and gutter as neither a sidewalk or widening would benefit the neighborhood along this street. Ms. Paschal concluded her presentation with five conditions of approval, and that Engineering has agreed to defer the drainage study to time of permitting.

Chair Stribling asked what the widths of Alexander and Freeland are.

Ms. Paschal responded that Freeland is 36 feet wide and Alexander is 30 feet wide.

Chair Stribling asked if these widths are the same past the property.

Ms. Paschal indicated that in some of the neighborhood it is, and that if a sidewalk was installed along Freeland, this street would meet city standards.

Mr. Mitchell Gatlin, Project Engineer with City Engineering, indicated that Alexander is 30 feet wide all the way to Sherwood Way, and Freeland is fairly consistent at 36 feet wide east to west. He explained that on Condition #5 the applicant may install the sewer main or dedicate a private easement to serve Lot 17.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that the applicant agrees to install a sidewalk along Freeland but would like to defer the sidewalk until time of permitting because there is no plan yet for development.

Chair Stribling closed public comment.

Commissioner Jackson asked to see the first 3 conditions.

Hillary Bueker, Planning Manager, explained the condition #2 for a drainage study will be deferred to permitting.

Chair Stribling asked if Condition #4 for widening of Freeland Avenue is a denial of the variance.

Ms. Bueker responded that this was correct.

Vice Chair Jackson made a motion to APPROVE a First Replat of Part of Blocks 69 and 78, All of Blocks 77 and 86, Hatcher Addition, being 7.099 acres; APPROVE a variance to maintain a paving width of 30 feet in lieu of the required 40 feet for Alexander Street, an urban local street; DENY a variance to maintain a paving width of 36 feet in lieu of the required 40 feet for Freeland Avenue, an urban local street, and REQUIRE a sidewalk adjacent to Freeland Avenue; subject to four conditions of approval, deferring the original Condition #2 for a drainage study prior to issuance of permitting, and allowing an alternative option on the new Condition #4 to install the required sewer main and service connections, or submit a revised plat illustrating the granting of a private sewer easement. Commissioner Self seconded the motion. The motion carried unanimously 4-0.

D. First Replat in Tract 10, Forest Park Addition

A request for approval of a First Replat in Tract 10, Forest Park Addition being 0.574 acres; and variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 24 feet with no sidewalk or curb and gutter in lieu of the required 40 feet for Hatcher Street, an urban local street, and to maintain a minimum paving width of 30 feet in lieu of the required 40 feet for Forest Park Avenue, an urban local street; generally located northwest of the intersection of Forest Park Avenue and Hatcher Street.

Sherry Bailey, Principal Planner, presented the proposed replat to divide one parcel into two parcels, and variances to allow Hatcher Street to remain at 24 feet in width, and Forest Park Avenue to remain at 30 feet.

Ms. Bailey outlined Staff's recommendation to approve the proposed replat with four conditions of approval for conforming to the City's Comprehensive Plan and Purpose Statements in the Land Development and Subdivision Ordinance (LDSO). She also outlined Staff's rationale to approve the variance on Forest Park on the grounds that the property owners to the north dedicated street right-of-way and built the existing road. However, she indicated that Staff recommends denial on Hatcher, requiring either widening to their incremental half of 30 feet, or to install a sidewalk.

Hillary Bueker, Planning Manager, explained that the portion of Hatcher north of the replat is already developed, and widening the road adjacent to this plat would fill up 200 feet of the 300-foot gap in the narrower width of this road.

Chair Stribling asked what the street width of Hatcher is north of the property.

Ms. Bailey responded it was 30 feet wide in that location.

Mr. Mitchell Gatlin, Project Engineer with City Engineering, indicated that the city standard for this street is 40 feet, or 36 feet with a 4-foot wide sidewalk. Mr. Gatlin indicated that Staff is willing to support a partial variance, requiring only 3 additional feet of paving and curb and gutter.

Ms. Bueker indicated this would be a partial variance to match what was developed to the north.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicants, indicate that they want to build a new home on the rear lot, and move into the existing home on the front lot. He explained that the main traffic flow runs east-west and the north-south street acts more as a side street and therefore, is asking for a full variance on Hatcher. He said if a variance is not granted, that the applicants would look at providing 1.5 additional feet of pavement plus the 1.5 feet of curb and gutter to get to the three additional feet.

Chair Stribling asked if the applicants would be opposed to installing curb and gutter.

Mr. Gully responded that there could be a financial consideration but he is unsure at this point.

Chair Stribling closed public comment.

Ms. Bueker indicated that the homes to the north are very dense with 50-foot wide lots and 19 new lots. She said that this increase in homes is something to consider as the original road was designed before the additional lots were created.

Commissioner Brooks made a motion to APPROVE a First Replat in Tract 10, Forest Park Addition being 0.574 acres; APPROVE a variance to maintain a minimum paving width of 24 feet with no sidewalk or curb and gutter in lieu of the required 40 feet for Hatcher Street, an urban local street, and APPROVE a variance to maintain a minimum paving width of 30 feet in lieu of the required 40 feet for Forest Park Avenue, an urban local street; subject to four conditions of approval as presented. Commissioner Self seconded the motion. The motion carried unanimously 4-0.

2. Rezoning

City Council has final authority for approval of Rezoning.

A. **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.

Sherry Bailey, Principal Planner, presented the proposed Rezoning. She explained that this rezoning is related to an Annexation that passed first reading at City Council and is now going to second reading. She further explained that a plat was approved in June 2019 for the north two lots to be zoned CG which were always intended to be commercial, and that the remaining lots will be zoned RS-1. Ms. Bailey displayed photos for the Commission of the proposed rezoning, and indicated that 4 notices were mailed and there were no responses.

Ms. Bailey outlined Staff's rationale to approve the Rezoning on the grounds that it is compatible with both the Neighborhood and Transitional Future Land Use designations; that there is CG on both sides; that the properties need to be zoned now that they are being annexed into the City; and that the lots to be rezoned RS-1 are required to be this district based on their lot size of 0.5 acre.

Chair Stribling opened public comment.

Mr. Steve Eustis, representative of Mark McLaughlin who owns adjoining property to the east and wanted to speak in opposition to the Rezoning. He indicated that the City had recently passed a sewer bond and there is a new sewer line 400 feet away but that the applicant is using septic systems instead. He asked if the City has a Certificate of Convenience and Necessity (CCN) for utilities, and expressed concerns that the development is premature because the applicant is not connecting to City sewer. He mentioned that if the applicant wants to use septic systems that the properties should be rezoned Ranch and Estate (R&E) and not RS-1.

Chair Stribling asked where the existing sewer line is.

Hillary Bueker, Planning Manager, showed on the aerial map the existing sewer lines to the west and south. She explained that because they are over 200 feet away they do not have to connect, but that when the trunk main comes in about five years, at that point, the developer could choose to connect.

Mr. Eustis indicated that he we were not notified of plat.

Mr. Jon James, Planning and Development Services Director, explained that the plat is a separate approved document, and that the Commission is under no obligation to approve the Rezoning. He also explained however, that if the rezoning is not approved, the plat cannot be filed with current lot sizes under R&E Zoning.

Chair Stribling asked if the land has been annexed.

Mr. James responded that the annexation was going to second reading tomorrow at Council.

Mr. Eustis asked how the other properties are going to develop without sewer, and that there are sewers nearby. He said if the developer wants to put houses on these lots right now, they should be zoned R&E and put in 1 acre lots. He indicated that he believes this is not good planning or policy.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that Bentwood, Tigris, and another developer are spending \$250,000 of their own money upgrading the sewer lift station in Bentwood. He explained that there no way from a gravity perspective to get sewer to the properties right now. He explained that the Bentwood lift station is at capacity, and that they cannot tie into this.

Mr. Gully explained that the developer has the right to use septic systems per city ordinance because there is no accessible sewer within 200' of the properties, and that a new sewer is at least 5 years away. He explained that the applicant has set aside utility and drainage easements along the south end of the property to allow for sewer connections when available. Mr. Gully also indicated that Country Club Lake Estates has sewer failures due to groundwater issues with water supply, which is a different scenario. He further indicated that if this rezoning was denied, that the applicant would stop the annexation.

Commission Self asked to confirm the location of drainage and utility easements.

Mr. Gully responded this will be along the back of the lots for a future trunk main.

Mr. Eustis indicated that he and Mr. McLaughlin have not had a chance to sit down with the applicants yet. He indicated that perhaps this item should be tabled until the sewer issue is resolved.

Chair Stribling closed public comment.

Commissioner Brooks made a motion to recommend DENIAL 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. There was no second of the motion. The motion FAILED.

Vice-Chair Jackson made a motion to **TABLE** 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 until the next Planning Commission Meeting of March 16, 2020. Commissioner Self seconded the motion. The motion to **TABLE** carried unanimously, 4-0.

3. Right-Of-Way Abandonments

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

A. **Street Right-Of-Way Abandonment: Jacobs**

A request for approval of the abandonment and vacation of approximately 139 feet in length by 15 feet in width, 2,085 square feet (0.0478 acres), of the Ben Ficklin Road public right-of-way; generally located southwest of the Ben Ficklin Road and W. Avenue Y intersection along the east property line of Lot 28, Block 3 Monterrey Addition.

Sherry Bailey, Principal Planner, presented the proposed Street Right-Of-Way Abandonment and four conditions of approval. She explained that the applicant is proposing to abandon the 15-foot strip of Ben Ficklin Road right-of-way that runs adjacent to the full length of his property. She explained that the request is twofold: that the applicant is desiring 15 feet because although the right-of-way is 27-29 feet wide, there are utilities in the full right-of-way; and that he desires this additional land to build a house and meet the side yard setback. Ms. Bailey indicated that the request was sent out to all City departments and utility providers, and that Staff received a response from City Operations that an unobstructed utility easement would be needed. Ms. Bailey also indicated there were two other cases in the area that had approved right-of-way abandonments, including Dollar Tree to the south.

Ms. Bailey outlined Staff's rationale to approve the abandonment on the grounds that it will not affect traffic patterns; that there will be an unobstructed utility easement in the abandoned area; that there was no opposition from surrounding property owners or the school district; and that it will allow the owner to build a house and meet the zoning setback.

Chair Stribling opened public comment. Seeing no one come forward, Chair Stribling closed public comment.

Commissioner Self made a motion to recommend APPROVAL of the abandonment and vacation of approximately 139 feet in length by 15 feet in width, 2,085 square feet (0.0478 acres), of the Ben Ficklin Road public right-of-way; generally located southwest of the Ben Ficklin Road and W. Avenue Y intersection along the east

property line of Lot 28, Block 3 Monterrey Addition. Vice-Chair Jackson seconded the motion. The motion carried unanimously, 4-0.

IV. Director’s Report.

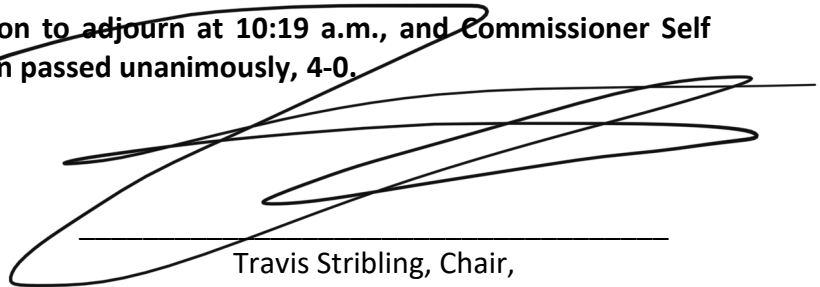
Mr. Jon James, Planning and Development Director, indicated that there were no items to discuss today.

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, March 16, 2020**, in Council Chambers (South Meeting Room) of McNease Convention Center at 501 Rio Concho Drive.

VI. Adjournment.

Vice-Chair Jackson made a Motion to adjourn at 10:19 a.m., and Commissioner Self seconded the Motion. The Motion passed unanimously, 4-0.



Travis Stribling, Chair,
Planning Commission