



RECORD OF MINUTES

CITY OF SAN ANGELO, TEXAS
PLANNING COMMISSION
MONDAY, DECEMBER 14, 2020, 9:00 A.M.
VIA Audio/Video Broadcast

PRESENT: Travis Stribling (Chair), Teri Jackson (Vice Chair), Joe Spano, Joe Self, Brittany Davis, Ryan Smith

ABSENT: Luke Uherik

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

I. Call to order.

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

II. Consent Agenda:

The Commission may request for a Consent Agenda item to be moved to the Regular Agenda for presentation and public comment. Otherwise the Consent Agenda will be considered in one vote.

A. Consideration of approving the November 16, 2020, Planning Commission Regular Meeting minutes.

B. Ellison Estates, Section 7-C

A request for approval of a Final Plat of Ellison Estates, Section 7-C, being 12.266 acres northeast of the intersection of Sedona Trail and Willow Circle.

C. 12th Replat in Block B, Section One, Southland Park Addition

A request for approval of the 12th Replat in Block B, Section One, Southland Park Addition, being 2.036 acres located southeast of Blue Ridge Trail and Briarcliff Trail.

D. Preliminary Plat of Lucky Lou Subdivision

A request for approval of a Preliminary Plat of Lucky Lou Subdivision, being 31.987 acres located south of South Loop 306 and west of Old Stone Drive.

E. Final Plat of Lot 1, Lot 2 and Tract A, Lucky Lou Addition, Section 1

A request for approval of a Final Plat of Lot 1, Lot 2 and Tract A, Lucky Lou Addition, Section 1, being 9.128 acres located south of South Loop 306, West of Old Stone Drive.

F. Preliminary Plat of San Angelo Tractor Supply Subdivision

A request for approval of a Preliminary Plat of Lot 1 and Lot 2, San Angelo Tractor Supply Subdivision, being approximately 12 acres located southeast of the intersection of North Bryant Boulevard and West 33rd Street.

G. Final Plat of San Angelo Tractor Supply Subdivision

A request for approval of a Final Plat of Lot 1, San Angelo Tractor Supply Subdivision, being 4.706 acres located at 3150 North Bryant Boulevard.

Vice Chair Jackson recused herself from voting on the Consent Agenda.

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

III. Regular Agenda

1. Subdivision Plats

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

A. Old Stone Ranch, Section Two

A request for approval of a Final Plat for Old Stone Ranch, Section Two, being 7.584 acres generally located south West Loop 306 along Old Stone Drive.

Sherry Bailey, Principal Planner, presented the proposed plat for 12 residential lots and explained this was directly south of Old Stone Ranch, Section One, which was already approved by the Commission. She indicated that this area is being zoned RS-1 and annexed into the City Limits with second readings on both items tomorrow at City Council. Ms. Bailey explained that Old Stone Drive will be constructed with a hammerhead, and she outlined that the replat will conform to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO) which supports diversity of housing opportunities. She

concluded her presentation by outlining the eight conditions of approval, and that for Condition #7, a development agreement will be in place to allow the placement of fire hydrants at the end of the water line.

Chair Stribling opened public comment.

Mr. Gully, SKG Engineering, representing the applicant, asked that the plat be approved as presented, with a hammerhead not going all the way to the west and east boundary, and that Crystal Point be fully extended as part of a future Section Three plat when it gets developed. Mr. Gully also mentioned that he did not understand why there was both a financial guarantee and developer agreement, and wanted only the developer agreement.

Ms. Bailey responded that the financially guarantee term is generic since it will be negotiated as part of the development agreement.

Hillary Bueker, Planning Manager asked if City Engineering could speak to the required right-of-way for the Crystal Point Drive.

Mitchell Gatlin, City Project Engineer-EIT, indicated that under the subdivision ordinance, the developer is responsible for dedicating their incremental half of right-of-way for Crystal Point Drive.

Ms. Bueker clarified that if the two Lot 15's were not adjacent to Crystal Point Drive, dedication would not have been required.

Mr. Gully explained that the developer agreement could include language that the developer would be responsible for the right-of-way dedication, and roadway construction.

Chair Stribling asked if the Fire Marshal has signed off on the proposed hammerhead

Ms. Bailey that this was correct.

Ms. Bueker asked Mr. Gatlin if Engineering had discussed accepted a developer agreement option for the dedication of Crystal Point Drive.

Mr. Gatlin indicated that Public Works was hesitant to accept a developer agreement in this instance without a financial guarantee.

Shane Kelton, Operations Director, explained that he did not want another Twin Mountain Drive situation which left out a part of the street leading the City to have to fill it in.

Ms. Bueker asked Mr. Gully if the applicant could dedicate the right-of-way and put up a financial guarantee for the road construction.

Mr. Gully mentioned he would ask but that it was the developer's preference to not have to add the Lot 15s which connect to Crystal Point Drive.

Chair Stribling asked if the alternative would be to just leave the two Lot 15's off the plat.

Mr. Gully confirmed this was correct.

Chair Stribling asked if he wanted the Commission to table this plat.

Brandon Dyson, Deputy City Attorney, explained this was not possible because the plat has to be approved within 30 days per State Statute.

Ms. Bueker explained that if the plat is approved today, the applicant will have to dedicate the right-of-way for Crystal Point Drive and construct it or obtain a financial guarantee. Otherwise, she explained they can come back with a revised plat that removes the Lot 15s that abut Crystal Point Drive.

Mr. Gully asked for clarification if the developer is responsible for half of the right-of-way and paving width for Crystal Point Drive.

Mr. Gatlin responded that this was correct, only the incremental half was required.

Mr. Gully indicated that the developer would be willing to do their half past the hammerhead to the end of the Lot 15s.

Commissioner Davis asked if it is typical that every lot has to have a fire hydrant.

Chair Stribling responded that a fire hydrant was needed within 600 feet of the rear of the structure, but did not need one for every lot.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to APPROVE a Final Plat for Old Stone Ranch, Section Two, being 7.584 acres generally located south West Loop 306 along Old Stone Drive subject to eight conditions of approval, with the requirement that that the incremental half of right-of-way and pavement width for Crystal Point Drive is dedicated to the east and west limits of the plat. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

B. Bentwood Country Club Estates, Section 44

A request for approval of a final plat of Bentwood Country Club Estates, Section Forty-Four, being 8.051 acres located east of Club House Lane and Enclave Court.

C. Bentwood Country Club Estates, Section 45

A request for approval of a final plat of Bentwood Country Club Estates, Section Forty-Five, being 9.595 acres located northeast of Club House Lane and Enclave Court.

Items 1B and 1C were presented concurrently in one presentation as the properties are contiguous to one another.

Jeff Fisher, Principal Planner, presented the proposed replats which are contiguous land and the next plat phases for Bentwood Country Club Estates. He explained that a new street, Riviera Lane would connect the two plats. He indicated that these properties were subject to a recent new zoning and annexation that are going to second reading at City Council the next day. Mr. Fisher explained that the Commission approved the associated preliminary plat in October 2020 for this area, and that the new plats would be for 33 and 32 single-family homes respectively. Mr. Fisher explained that the plats conformed with the governing preliminary plat, and to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO), and that Staff was requesting sidewalks on both sides of Club House Lane, a collector street. He concluded his presentation by outlining the nine conditions of approval for the Section 44 plat, and the eight conditions of approval for the Section 45 plat.

Chair Stribling opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated his objection to sidewalks on either side of Club House Lane. He explained that golf carts would be used to move people through the new trail systems but that he was not opposed to one sidewalk.

Mr. Kevin Collins, Bentwood Country Club Estates, the subject developer, indicated that there are currently no sidewalks on Club House Lane and would request that only one sidewalk be required, not two.

Mr. Fisher requested that the one sidewalk be located on the south side of Club House Lane on the same side as the future amenity area.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to APPROVE a final plat of Bentwood Country Club Estates, Section Forty-Four, being 8.051 acres located east of Club House Lane and Enclave Court, subject to nine conditions of approval as presented, and prior to

building permit issuance, install a sidewalk along the south side of right-of-way adjacent to Club House Lane; and to APPROVE a final plat of Bentwood Country Club Estates, Section Forty-Five, being 9.595 acres located northeast of Club House Lane and Enclave Court, subject to eight conditions of approval. Commissioner Spano seconded the motion. The motion carried unanimously, 6-0.

D. Revised Preliminary Portion, Southland Hills Addition

A request for approval of a revised portion of the preliminary plat of Southland Hills Addition, being 81.994 acres located west of College Hills Boulevard and Valleyview Boulevard.

E. Southland Hills Addition, Section 22

A request for approval of a final plat, Southland Hills Addition, Section 22, being 81.994 acres located east of Stone Canyon Trail and Valleyview Boulevard; and a variance from Chapter 10.III.A.1 of the Land Development and Subdivision Ordinance to maintain a right-of-way width of 50 feet in lieu of the required 60 feet, and a variance from Chapter 10.III.A.2 to maintain a paving width of 40 feet in lieu of the required 50 feet for the portion of Stone Canyon Trail that is an urban collector street between the northwest corner of the property and Valleyview Boulevard.

Items 1D and 1E were presented concurrently as they apply to the same properties.

Jeff Fisher, Principal Planner, presented the proposed revised preliminary and final plats. He explained that the top row of lots will be for single-family homes zoned RS-1 and the remainder to the south are zoned RM-1 which are proposed for zero lot line homes. Mr. Fisher further explained the applicant applied for variances to preserve Stone Canyon Trail between the northwest corner of the lot and Valleyview Boulevard at the local street right-of-way width of 50 feet and local street paving width of 40 feet which is already existing. Mr. Fisher indicated that the final plat conformed to the new preliminary plat, and the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). He then explained Staff's rationale to require an 80-foot right-of-way for Valleyview Boulevard consistent with the same width to the east and west; to ensure better maintenance of City right-of-way; and to allow the City to widen the road to the arterial standard of 64 feet in future, even though there are currently no plans to do so. Mr. Fisher concluded his presentation by outlining Staff's requirement for sidewalks on both sides of Valleyview Boulevard, and on the south side adjacent to the plat east of S. College Hills Boulevard.

Chair Stribling opened public comment.

Erica Carter, Carter-Fentress Engineering, representing the applicant, indicated that she had no issue with Staff recommendations except for dedicating 80 feet of right-of-way in lieu of the required 60 feet.

Mr. Lance Lacy, one of the developers, Southland Hills, Inc., explained that he understood Valleyview Boulevard was downgraded in 1998 to a collector street which only requires a 60-foot right-of-way. He expressed concerns about marketability and reservations that a purchaser would want to buy a home a four lane street. He indicated that he may not be able to see it if future buyers know it will be an arterial street.

Mr. Blake Wilde, Surveyor, indicated that in 1995 when Section 9 for Southland Hills was approved it showed an 80-foot right-of-way but that it was later changed as part of the Master Thoroughfare Plan (MTP) to a collector street after the preliminary plat was approved at 60 feet. Mr. Wilde listed several streets that have a wider right-of-way but less street width as justification not to dedicate the additional right-of-way.

Mr. Shane Kelton, City Operations Director, indicated that the City wanted the 80-foot right-of-way for consistency with Valleyview Boulevard to the east and west, and also to allow for future utility installation and maintenance. He explained that even as a collector street with a 50-foot right-of-way, four lanes would be required. Mr. Kelton also indicated that an 80-foot right-of-way would allow Valleyview Boulevard to taper from its width of 64 feet to the west with the new section to be constructed at 50 feet width, consistent with the Manual on Uniform Traffic Control Devices (MUTCD). He expressed concerns with having to acquire the right-of-way later on by encroaching into homeowner's front yards, and reference the Bell Street project which cost \$60,000.00 for transactions based on how properties were platted in past. He concluded by stating that Staff only wanted the additional right-of-way and not any additional paving.

Hillary Bueker, Planning Manager, explained that the applicant is only dedicating an additional 10 feet of right-of-way on either side of Valleyview Boulevard, and that if right-of-way was acquired later, that would mean if a homeowner built up to the front setback line this would cause problems in the future.

Ms. Carter responded that there is plenty of room for utilities with 60 feet of right-of-way, and that homes are needed now.

Chair Stribling asked what the paving width was of Valleyview Boulevard west of the proposed plats to Southwest Boulevard.

Mr. Kelton responded it had 80 feet of right-of-way and 64 feet of paving.

Chair Stribling then asked what the paving width was east of S. College Hills Boulevard to Knickerbocker Road.

Mr. Kelton responded it had 80 feet of right-of-way and 50 feet of paving in this location.

Mr. Kelton explained that this roadway will increase in traffic in future. He explained that it is four lanes between South College Hills Boulevard and Knickerbocker Road.

Chair Stribling asked if the new section of Valleyview Boulevard will be striped to four lanes also.

Ms. Carter stated that this is the plan.

Vice Chair Jackson asked to clarify that a 50-foot wide will require four lanes.

Mr. Kelton responded that this was correct.

Chair Stribling asked if an 80-foot right-of-way was given, would the single-family lots be able to be developed.

Mr. Fisher responded that they would be but that the plats themselves would need to be revised showing the new right-of-way width.

Mr. Lacy explained that the additional right-of-way would be fairly disastrous for the future homes which would be located fairly close to the right-of-way. He further explained that in 1998 it was planned as only a two-lane street.

Vice Chair Jackson made a motion to:

1) APPROVE a preliminary plat, Revised Preliminary Portion, Southland Hills Addition, being 81.994 acres located west of College Hills Boulevard and Valleyview Boulevard subject to two conditions of approval as presented with a 60-foot right-of-way width between Stone Canyon Trail and South College Hills Boulevard;

2) APPROVE a final plat, Southland Hills Addition, Section 22, being 81.994 acres located east of Stone Canyon Trail and Valleyview Boulevard subject to 18 conditions of approval as presented with a 60-foot right-of-way width between Stone Canyon Trail and South College Hills Boulevard; APPROVE a variance from Chapter 10.III.A.1 of the Land Development and Subdivision Ordinance to maintain a right-of-way width of 50 feet in lieu of the required 60 feet, and APPROVE a variance from Chapter 10.III.A.2 to maintain a paving width of 40 feet in lieu of the required 50 feet for the portion of Stone Canyon Trail that is an urban collector street between the northwest corner of the property and Valleyview Boulevard.

Commissioner Davis seconded the motion. The motion carried unanimously, 6-0.

Chair Stribling moved a Final Plat of Shahan Estates Subdivision, originally Item 1.I, up the agenda to be presented next.

F. Final Plat for Shahan Estates Subdivision

A request for approval of a Final Plat for Shahan Estates Subdivision, being 23.562 acres located 2500' east of the intersection of South Gas Plant Road and Shahan Road; and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to provide 26' pavement width in lieu of the required 64' for Shahan Road, a minor arterial street.

Hillary Bueker, Planning Manager, presented the proposed final plat for 9 tracts at least 2 acres each, with the south 3 lots having flag access to Shahan Road. Mrs. Bueker explained that the subdivision ordinance requires an additional 22 feet of paving for Shahan Road, the required incremental half and the applicant has applied for a partial variance to only have to pave 6 feet. She outlined Staff's recommendation to approve the plat which conformed to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). However, she then outlined her reasons to deny the variance on the grounds that the current ordinance requires full improvements; that this area is evolving; that there is no hardship; and that while each home may not significantly affect traffic, traffic may increase as the area develops in future.

Chair Stribling opened public comment.

Erica Carter, Carter-Fentress Engineering, representing the applicant, indicated that the additional six feet was recommend originally by Staff.

Mr. Wes Quinn, property owner, explained that in his opinion, Shahan Road does not function as a minor arterial road and should be taken off the GIS map with this designation. He explained that the west connecting arterial, Christoval Road, has only 38-40 feet of pavement, and the east connection, FM 1223, is only 40 feet of paving width, and therefore does not believe Shahan Road needs to be paved to the full extent. He concluded by indicating that the full right-of-way dedication is sufficient.

Chair Stribling asked how wide Shahan Road is today.

Mr. Quinn responded that it is currently 20 feet wide.

Chair Stribling asked if the road is chip sealed.

Mr. Quinn responded that he believes it is.

Ms. Carter asked that in the motion, the additional paving to be installed can be chip seal as well.

Ms. Bueker indicated that she did not believe there is a variance from the construction standards and that the Commission could not grant one for a variance not applied for.

Mitchell Gatlin, City Project Engineer-EIT, explained that chip seal is a sealcoat with one layer of asphalt with aggregate on top.

Brandon Dyson, Deputy City Attorney, indicated that he did not believe this commission has the authority to vary construction materials.

Ms. Bueker indicated that the applicant can work with City Engineering and Operations per the subdivision ordinance to determine which materials can be used.

Vice Chair Jackson made a motion to APPROVE a Final Plat for Shahan Estates Subdivision, being 23.562 acres located 2500' east of the intersection of South Gas Plant Road and Shahan Road subject to five conditions of approval as presented; and APPROVE a partial variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to provide 26' pavement width (6 additional feet) in lieu of the required 64' for Shahan Road, a minor arterial street. Commissioner Davis seconded the motion. The motion carried unanimously, 6-0.

Chair Stribling left the meeting at 10:27 a.m. and Vice Chair Jackson took over as acting Chair.

G. Revised Preliminary Plat, Section Twenty-One, The Bluffs Addition

A request for approval of a Revised Preliminary Plat, Section Twenty-One, The Bluffs Addition, being 11.191 acres located northeast of Amberton Parkway and Berkley Road.

H. First Replat of Tract BB, Section Twenty-One, The Bluffs Addition

A request for approval of a First Replat of Tract BB, Section Twenty-One, The Bluffs Addition, being 11.191 acres located northeast of Amberton Parkway and Berkley Road; and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a paving width of 0 feet without curb-and-gutter in lieu of the required 40 feet with curb-and-gutter for Berkley Road, an urban local street.

Items 1G and 1H were presented concurrently as they apply to the same property.

Jeff Fisher, Principal Planner, presented the proposed preliminary plat and replat of the 11.191 acre property. He explained that the replat would add 15 new single-family lots zoned RS-1 facing Amberton Parkway and the remainder of the property would remain for future commercial development zoned CG. He also indicated that as part of the replat, the applicant is requesting a variance to allow Berkley Road,

located to the south of the plat, to not be constructed, or remain at 0 feet of paving width. Mr. Fisher explained that of the 28 notices that were mailed, Staff received one response in favor of the plat, and one in support of the variance to not have to improve Berkley Road. Mr. Fisher then outlined that the replat will conform with the governing preliminary plat, and to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). He concluded his presentation by outlining his reasons to deny the variance on the grounds that there is potential for future development east of Berkley Road on land owned by ASU; that dead-end streets are not unique to the City; that there is no hardship and all surrounding streets are paved with curb-and-gutter; and that the variance would significantly vary the current subdivision ordinance requiring 26 feet of paving of the developer's incremental half.

Hillary Bueker, Planning Manager, indicated that Staff advised the applicant to only final plat the residential lots which did not touch Berkley Road. This way, Berkley Road would not have to be paved until it was final platted in future. She explained however that if a variance is given as part of this plat to allow Berkley Road to not be paved, it would shift the burden to the City or another developer when they go to plat.

Vice Chair Jackson opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that there is a lot of floodway and floodplain east of this property. He explained that he was willing to take a chance on the variance, and if denied, would return with a revised plat per Staff's suggestion.

Commissioner Davis asked how long these lots have remained vacant.

Mr. Gully responded he believes they have remained vacant since at least the 1980s.

Commissioner Davis expressed that commercial development would be difficult given the floodplain in the area.

Mr. Fisher indicated that even though the first 100 feet of property past Berkley is floodway, east of this is within the 1% floodplain which could be developed.

Vice Chair Jackson closed public comment.

Commissioner Davis made a motion to APPROVE a Revised Preliminary Plat, Section Twenty-One, The Bluffs Addition, being 11.191 acres located northeast of Amberton Parkway and Berkley Road; and APPROVE a First Replat of Tract BB, Section Twenty-One, The Bluffs Addition, being 11.191 acres located northeast of Amberton Parkway and Berkley Road, subject to six conditions as presented, and APPROVE a variance from Chapter 10.III.A.2 of the Land Development and Subdivision

Ordinance to maintain a paving width of 0 feet without curb-and-gutter in lieu of the required 40 feet with curb-and-gutter for Berkley Road, an urban local street. Commissioner Self seconded the motion. The motion carried unanimously, 5-0.

I. Hoelscher Farm Estates, Section Two-A

A request for approval of a final plat of Hoelscher Farm Estates, Section Two-A, being 1.593 acres located approximately 1,600 feet southeast of Country Club Road and Hilton Head Boulevard; a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to allow a 0-foot paving width in lieu of the required 30 feet, and a variance from Chapter 10.II.C.4 to allow a two-course surface in lieu of the required hot mix asphalt for Club Creek Lane, a rural local street.

Jeff Fisher, Principal Planner, presented the proposed subdivision for one single-family residential lot in the City’s Extraterritorial Jurisdiction (ETJ). He explained that at Staff’s request, the applicant will dedicate their incremental 30-foot half of right-of-way for Club Creek Lane, to allow access to future development to the south. He did explain however, that the applicant has applied for a variance to not have to pave this street. Mr. Fisher then outlined that the final plat conformed with the governing preliminary plat, and to the City’s Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). He then outlined his reasons to deny the paving variance on the grounds that it would require the City or another developer to have to pay for the entire street and that as an alternative, Staff is recommending that the street paving could be deferred through a developer agreement and be paved at the time of development to the west. He concluded his presentation by outlining reasons for supporting the second variance to allow two-course surfacing when the street gets built on the grounds two-course has been approved already in previous phases of Hoelscher Farm Estates.

Vice Chair Jackson asked for a map of the VORTAC site.

Mr. Fisher showed an aerial map and believes that the VORTAC is west of the property and not in it.

Vice Chair Jackson opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that he has no opposition to the street paving provided it can be deferred through the developer agreement.

Vice Chair Jackson closed public comment.

Commissioner Davis made a motion to APPROVE a final plat of Hoelscher Farm Estates, Section Two-A, being 1.593 acres located approximately 1,600 feet southeast of Country Club Road and Hilton Head Boulevard, subject to four

conditions of approval as presented, **DENY** a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance to allow a 0-foot paving width in lieu of the required 30 feet, and **REQUIRE** a development agreement to provide the incremental half with a two-course surface treatment at time of development of the property to the west, and **APPROVE** a variance from Chapter 10.II.C.4 to allow a two-course surface in lieu of the required hot mix asphalt for Club Creek Lane, a rural local street. Commissioner Self seconded the motion. The motion carried unanimously, 5-0.

J. First Replat of Tract Eight, Chalimar Acres Subdivision

A request for approval of the First Replat of Tract 8, Chalimar Acres Subdivision, being 8.000 acres located 920 feet northeast of the intersection of Chalimar Road and El Camino Grande; and a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance to provide two lots that do not have direct and abutting access to a dedicated and improved public street.

Sherry Bailey, Principal Planner, presented the proposed replat for two, 4-acre lots and to maintain a private road. She explained that the north lot had a flag to gain access to the private road. Ms. Bailey indicated that seven notice letters were mailed on November 25, 2020, and that staff received two letters in opposition within 200 feet and five letters in opposition outside 200 feet. She explained that most of those opposed misunderstood and assumed there were more than two lots being replatted. Ms. Bailey then outlined that the replat will conform to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). She then outlined Staff's rationale to deny the variance to allow access to a private road on the grounds that the road is only 14 feet wide which could prevent proper circulation; and that the subdivision ordinance requires access to a public street even though the private street has existed since 1988.

Vice Chair Jackson asked Ms. Bailey to read the intent of purpose statement related to orderly development in the City's extraterritorial jurisdiction (ETJ).

Ms. Bailey read the statement and explained that its intent was to not allow lots to be developed in the ETJ without having frontage onto a public street.

Commissioner Davis asked to clarify that the lots could be divided down to 2 acres each.

Ms. Bailey responded that they could be divided down to 2 ¼ acres each but that the subdivision ordinance requires frontage onto a public street.

Hillary Bueker, Planning Manager clarified the distinction between the deed restrictions and subdivision ordinance. She explained that while it is understood that the road is already existing and functioning and the lots meet the deed restrictions,

the subdivision ordinance requires that there be direct and abutting access to a public street.

Vice Chair Jackson indicated that they will never have access to a public road because the considerable distance from the private road to a public road.

Ms. Bueker agreed that it is a long way to the nearest public road.

Vice Chair Jackson opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that there are many cases where plats have no direct and abutting access, and where private roads are necessary to allow development. He asked that the Commission approve the variance to allow private road access. Mr. Gully asked Staff to clarify condition #3 about complying with the Pecan Creek Fire District.

Ms. Bailey explained that the district which has jurisdiction in this area have specific requirements for the holding tank.

Ms. Brandie Dragt, the property owner, indicated that she met with staff in August 2020 and requested a variance on the street. She further indicated that at that time everyone agreed on the private street and was now surprised that staff is recommending denial.

Vice Chair Jackson closed public comment.

Commissioner Davis explained that the plat is dividing tracts which cannot be subdivided again, and therefore, sees not no issues with the variance applied for.

Commissioner Davis made a motion to APPROVE a First Replat of Tract 8, Chalimar Acres Subdivision, being 8.000 acres located 920 feet northeast of the intersection of Chalimar Road and El Camino Grande subject to four conditions of approval; and APPROVE a variance from Chapter 9.III.A.1 of the Land Development and Subdivision Ordinance to provide two lots that do not have direct and abutting access to a dedicated and improved public street. Commissioner Smith seconded the motion. The motion carried 4-1 with Vice Chair Jackson and Commissioners Davis, Smith, and Self voting in favor, and Commissioner Spano voting against.

K. Replat of Block 6, Riverside Acres

A request for approval of a Replat of Block 6, Riverside Acres; being 1.27 acres located southeast of South Bell Street and East Riverside Avenue; and two variances from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 44' in lieu of the required 64' for South Bell Street, an urban

minor arterial street, and to maintain a minimum paving width of 36' in lieu of the required 50' for East Riverside Avenue, an urban minor collector street.

Hillary Bueker, Planning Manager, presented the proposed 1.27-acre replat which intends to replat two lots into five. She indicated that the developer was also seeking variance requests to maintain 36 feet of paving width with existing curb and gutter for East Riverside Avenue and to maintain 44 feet of paving with existing curb and gutter for South Bell Street. Mrs. Bueker then outlined that the replat conformed to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). She then outlined the reasons to support both variances on the grounds that the current streets meet the needs of the area; that these streets are within a fully developed area; and that there will be limited additional traffic. Mrs. Bueker then shared photos of area and concluded her presentation by outlining the five conditions of approval.

Vice Chair Jackson opened public comment.

Erica Carter, Carter-Fentress Engineering, LLC, representing the applicant, indicated that she has no issues and requested that the replat be approved as presented.

Vice Chair Jackson closed public comment.

Commissioner Davis made a motion to APPROVE a Replat of Block 6, Riverside Acres; being 1.27 acres located southeast of South Bell Street and East Riverside Avenue subject to five conditions as presented; and APPROVE variances from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 44' in lieu of the required 64' for South Bell Street, an urban minor arterial street, and to maintain a minimum paving width of 36' in lieu of the required 50' for East Riverside Avenue, an urban minor collector street. Commissioner Self seconded the motion. The motion carried unanimously, 5-0.

L. Second Replat of Block 12, Colonial Heights Addition

A request for approval of the Second Replat of Block 12, Colonial Heights Addition; being 0.282 acres located east of Marx Street and East 25 1/2 Street; and a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36' in lieu of the required 40' or 36' with a 4' sidewalk for Marx Street, an urban local street.

Hillary Bueker, Planning Manager, presented the proposed 0.282-acre replat which intended to replat one lot into two, and obtain a variance to allow Marx Street to maintain a 36-foot paving width. Ms. Bueker indicated that the replat conformed to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). She then outlined Staff's support for the variance based on the current street width being sufficient for the already developed area. She

concluded her presentation but outlining the three conditions of approval as presented.

Vice Chair Jackson opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, indicated that he was available for questions and asked that the Commission support the plat and variance request as presented.

Vice Chair Jackson closed public comment.

Commissioner Davis made a motion to APPROVE the Second Replat of Block 12, Colonial Heights Addition; being 0.282 acres located east of Marx Street and East 25 1/2 Street subject to three conditions of approval as presented; and APPROVE a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36' in lieu of the required 40' or 36' with a 4' sidewalk for Marx Street, an urban local street. Commissioner Self seconded the motion. The motion carried unanimously, 5-0.

M. Replat of Lots 6A, 6B, and 6C, Block 1, Revised Clar-Mor Heights Addition

A request for approval of a Replat of Lots 6A, 6B, and 6C, Block 1, Revised Clar-Mor Heights Addition; being 0.383 acres located northwest of West Beauregard Avenue and Moritz Circle; and a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36' in lieu of the required 40' or 36' with a 4' sidewalk for West Beauregard Avenue, an urban local street.

Hillary Bueker, Planning Manager, presented the proposed replat to allow four new townhouse lots on 0.383 acres, with a variance to maintain a 36-foot paving width for West Beauregard Avenue. She explained that Moritz Circle was also 36 feet but that it will not require a variance because the applicant has agreed to install a 4-foot sidewalk. Mrs. Bueker indicated that the replat conformed to the City's Comprehensive Plan and purpose statements of the Land Development and Subdivision Ordinance (LDSO). She then outlined Staff's support for the variance based on the street meeting the current needs of the area and that the area is fully developed. She concluded her presentation but outlining the three conditions of approval as presented.

Vice Chair Jackson opened public comment.

Mr. Russell Gully, SKG Engineering, representing the applicant, asked to clarify how to do the motion.

Ms. Bueker indicated that Moritz Street would be 36 feet with a 4-foot sidewalk.

Mr. Gully asked if this sidewalk could be deferred to time of permitting.

Mitchell Gatlin, City Project Engineer-EIT, indicated that this would be acceptable.

Ms. Bueker indicated that this could be a note for the plat.

Commissioner Davis made a motion to APPROVE a Replat of Lots 6A, 6B, and 6C, Block 1, Revised Clar-Mor Heights Addition; being 0.383 acres located northwest of West Beauregard Avenue and Moritz Circle subject to three conditions of approval as presented, and prior to building permit issuance, install a sidewalk adjacent to Moritz Circle; and APPROVE a variance from Section 10.III.A.2 of the Land Development and Subdivision Ordinance to maintain a minimum paving width of 36' in lieu of the required 40' or 36' with a 4' sidewalk for West Beauregard Avenue, an urban local street. Commissioner Self seconded the motion. The motion carried unanimously, 5-0.

2. Rezonings

City Council has final authority for approval of rezonings.

A. Z20-20: 1622 Lafollette Street

A request for approval of a rezoning from the Single-Family Residence (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 0.32 acres located at 1622 Lafollette Street and 4 lots directly west being 0.30 acres in the 1600 Block of Lafollette Street.

Shelly Paschal, Planner, presented the rezoning case. She explained that all of the lots in question were being rezoned from RS-1 to CG, with the four lots to the east requested by the applicant and the four lots to the west being initiated by the City. Ms. Paschal shared photos of the area and explained that the Future Land Use of all the lots was Commercial. Ms. Paschal explained that of the 15 notices that were mailed, she did not receive any responses in favor or against. Ms. Paschal then outlined Staff's recommendation to approve the rezoning on the grounds that that the CG zoning is consistent with the Commercial Future Land Use; that the lots exceed the minimum lots area in the CG Zone; and that since the construction of the Houston Harte Expressway, the character of this area has changed and the rezoning is consistent with the adjacent mixed use development in the area.

Vice Chair Jackson opened public comment.

There was no public comment.

Vice Chair Jackson closed public comment.

Commissioner Self made a motion to RECOMMEND APPROVAL of a rezoning from the Single-Family Residence (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 0.32 acres located at 1622 Lafollette Street and 4 lots directly west being 0.30 acres in the 1600 Block of Lafollette Street. Commissioner Davis seconded the motion. The motion carried unanimously 5-0.

3. Right-Of-Way Abandonments

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

Street Right-Of-Way Abandonment - South College Hills Blvd./Valleyview Blvd.

A request to approve the abandonment of approximately 218 square feet (0.005 acres) of street-of-way out of the southwest corner of the South College Hills Boulevard and Valleyview Boulevard intersection

Jeff Fisher, Principal Planner, presented the proposed street right-of-way abandonment. He explained that the proposed abandonment was to reduce the right-of-way of Valleyview Boulevard to 60 feet to allow the associated subdivision plats to move forward. Mr. Fisher further explained that Staff opposed the request, instead requiring 80 feet of right-of-way consistent with Valleyview Boulevard to the west and east and for future maintenance. Mr. Fisher concluded his presentation outlining the rationale for denial based on the requirement for consistency with the above, and to allow a future widening of Valleyview Boulevard in future if necessary.

Hillary Bueker, Planning Manager, indicated that even though the Commission approved the plats earlier today with 60-foot right-of-ways, it could still deny this request and require the 80-foot right-of-way.

Vice Chair Jackson opened public comment.

Ms. Erica Carter, Carter-Fentress Engineering, representing the applicant, indicated that the Commission had already approved the plats with a 60-foot right-of-way for Valleyview Boulevard and that this was a clean-up. She asked the surveyor, Blake Wilde, who was present at this virtual meeting, if he had any comments.

Mr. Blake Wilde indicated that he did not have further comments and asked for approval of this abandonment.

Mr. Fisher indicated that should the Commission decide to approve the abandonment, there were conditions of approval recommended by Staff. He then presented the three proposed conditions of approval.

Vice Chair Jackson closed public comment.

Commissioner Davis made a motion to RECOMMEND APPROVAL of a request to approve the abandonment of 218 square feet (0.005 ac.) of street-of-way out of the southwest corner of South College Hills Boulevard and Valleyview Boulevard. Commissioner Smith seconded the motion. The motion carried unanimously 5-0.

IV. Discussion Items

A. Lucky Lou Annexation

Discussion on a proposed annexation being 8.916 acres located between Bentwood Drive and Old Stone Drive south of West Loop 306.

Hillary Bueker, Planning Manager, indicated that the annexation and associated zoning will hope to be approved by City Council by the end of March 2021.

V. Director's Report.

Jon James, Planning and Developer Services Director, indicated that he was not sure when we are going back to in-person meetings, but that we will keep the Commissioners in the loop whether future meetings are in-person or virtual. He also mentioned that Staff is planning to bring some straightforward ordinance items at the next meeting if possible and if the agenda is lighter.

VI. Future meeting agenda and announcements.

Vice Chair Jackson indicated that the next regular meeting of the Planning Commission is tentatively scheduled to begin at 9:00 a.m. on **Monday, January 25, 2021**, in Council Chambers (South Meeting Room) of McNease Convention Center at 501 Rio Concho Drive.

VII. Adjournment.

Commissioner Smith made a Motion to adjourn at 12:04 p.m., and Commissioner Self seconded the Motion. The Motion passed unanimously, 5-0.

Teri Jackson, Vice-Chair,
Planning Commission