



RECORD OF MINUTES

CITY OF SAN ANGELO, TEXAS
PLANNING COMMISSION
MONDAY, MARCH 15, 2021, 9:00 A.M.
VIA Audio/Video Broadcast

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

ABSENT: Ryan Smith

STAFF: Jon James, AICP, Director of Planning and Development Services
Aaron Vannoy, Assistant Director of Planning and Development Services
Sherry Bailey, Principal Planner
Jeff Fisher, AICP, Principal Planner
Shelly Paschal, Planner
Brandon Dyson, Assistant City Attorney
Mitchell Gatlin, Project Engineer-EIT
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 five was present.

II. Consent Agenda:

A. Consideration of approving the February 15, 2021, Planning Commission Regular Meeting minutes.

B. Consideration of approving the February 22, 2021, Planning Commission Special Meeting minutes.

Commissioner Spano 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. Preliminary Plat of Part of Block 3, Arden Acres, Section Three

A request for approval of a Preliminary Plat for Arden Acres, Section Three; being 61.820 acres, generally located southwest of the intersection of Arden Road and Northwest Drive.

Sherry Bailey, Principal Planner, presented the proposed preliminary plat. She explained that the preliminary plat is associated with a comprehensive plan and zone change to be presented later today. She indicated that plat is 61.820 acres with 144 single-family residential lots and 2 commercial/multi-family lots. She indicated that the preliminary plat will conform to the City's Comprehensive Plan and Intent of Purpose Statements. Ms. Bailey concluded her presentation by outlining the five notes as presented including that a sidewalk may be required in any future platting along Arden Road and Northwest Drive; that a preliminary drainage study is submitted prior to obtaining signatures on the preliminary plat; and that a future connection of Street C to Arden Road will require TXDOT concurrence.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, thanked staff and indicated he is looking forward to bringing forward a final plat for this development.

Chair Stribling closed public comment.

Russell Gully, SKG Engineering, thanked staff and indicated he is looking forward to bringing forward a final plat for this development.

Chair Stribling closed public comment.

Commissioner Uherik made a motion to APPROVE a Preliminary Plat for Arden Acres, Section Three, with five notes as presented; being 61.820 acres, generally located southwest of the intersection of Arden Road and Northwest Drive. Commissioner Spano seconded the motion. The motion carried unanimously, 5-0.

B. First Replat of Lots 37, 38, and 40-48, Mallena Heights Addition

A request for approval of a First Replat of Lots 37, 38, and 40-48 of the Mallena Heights Addition; and a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a paving width of 30 feet without curb and gutter for East 39th Street, an urban local street; and a variance from Chapter 9.V to exempt the requirement for a sidewalk on a street less than 36 feet.

Sherry Bailey, Principal Planner, presented the proposed replat. She explained that the replat is the third submission, which constitutes the original plat plus one lot missing in between. Ms. Bailey further explained that after neighbor discussions, the developer submitted this replat as shown in her presentation. Ms. Bailey indicated

that full variances are being requested, and of the 29 notices mailed, no responses were received in favor or against. Ms. Bailey further indicated that the replat will conform to the City's Comprehensive Plan and Intent of Purpose Statements. She then outlined Staff's recommendation to approve the associated variance on the grounds that 39th Street is 26 feet wide and functions as a local street without curb and gutter; that this is an infill project; and that the Planning Commission already agreed with the variance in the previous submission.

Commissioner Ionita joined the meeting at 9:09 a.m.

Ms. Bailey concluded her presentation by outlining the five recommended approval conditions.

Chair Stribling asked about the drainage study and deferral and if the drainage study is located within the platted area.

Mitchell Gatlin, Project Engineer-EIT with the City of San Angelo, explained that the drainage will go off site to another site where there will be multifamily housing and a detention pond will collect the drainage there.

Chair Stribling opened public comment.

Erica Carter, Carter-Fentress Engineering, thanked Staff and indicated they are moving forward with the original plan per the owners.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to APPROVE a First Replat of Lots 37, 38, and 40-48 of the Mallena Heights Addition; APPROVE a variance from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a paving width of 30 feet without curb and gutter for East 39th Street, an urban local street, subject to five conditions of approval; and APPROVE a variance from Chapter 9.V to exempt the requirement for a sidewalk on a street less than 36 feet. Commissioner Ionita seconded the motion. The motion carried unanimously, 6-0.

C. First Replat in Block 43, Lasker's Addition

A request for approval of a First Replat in Block 43, Lasker's Addition, being 1.138 acres located southeast of Martin Luther King Drive and West 23rd Street, and two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a paving width of 36 feet with curb and gutter in lieu of the required 50 feet with curb and gutter for Martin Luther King Drive, an urban collector street, and to maintain a paving width of 36 feet with curb and gutter in lieu of the

required 40 feet or 36 feet and a 4-foot sidewalk and curb and gutter for Farr Street, an urban local street.

Jeff Fisher, Principal Planner, outlined the proposed replat which will replat the four Franco's lots into one lot, and add abandoned West 23rd Street right-of-way to the front of all lots. He indicated that of the 23 notices mailed, two responses were received in favor, one from a property owner part of the request, and none against. He further indicated that the replat will conform to the City's Comprehensive Plan and Intent of Purpose Statements. Mr. Fisher then outlined Staff's recommendation to approve the associated variances. He explained that Staff supports a variance to maintain the existing 36-foot paving width on Martin Luther King Drive because the City has recently completed a capital improvement project which repaved and curbed this street. He also outlined Staff's support to maintain Farr Street at 36 feet given this street is already developed with homes, and the street is already curbed. Mr. Fisher concluded his presentation by outlining the seven recommended approval conditions.

Vice Chair Jackson opened public comment.

Russell Gully, SKG Engineering, indicated that he is available for questions and that the variances be approved.

Vice Chair Jackson closed public comment.

Vice Chair Jackson made a motion to APPROVE a First Replat in Block 43, Lasker's Addition, being 1.138 acres located southeast of Martin Luther King Drive and West 23rd Street, subject to seven conditions of approval; and APPROVE two variances from Chapter 10.III.A.2 of the Land Development and Subdivision Ordinance, to maintain a paving width of 36 feet with curb and gutter in lieu of the required 50 feet with curb and gutter for Martin Luther King Drive, an urban collector street, and to maintain a paving width of 36 feet with curb and gutter in lieu of the required 40 feet or 36 feet and a 4-foot sidewalk and curb and gutter for Farr Street, an urban local street. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.

D. First Replat of Lots 29, 30 and 31, Block 3, Bentwood Country Club Estates, Section 16E

A request for approval of a First Replat of Lots 29, 30 and 31, Block 3, Bentwood Country Club Estates, Section Sixteen-E and a variance from Section 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.

Shelly Paschal, Planner, presented the proposed replat. She explained that the proposal will replat 3 lots into two lots for residential purposes, and of the eight notices mailed, one response was received in favor and none against. Ms. Paschal indicated that the replat will conform to the City’s Comprehensive Plan and Intent of Purpose Statements. She then outlined Staff’s recommendation to approve the associated variance on the grounds that Overhill Drive, although private, has an emergency access drive; functions to service the subdivision adequately; and will not pose any safety risks.

Ms. Paschal concluded her presentation by outlining the three recommended approval conditions.

Chair Stribling asked if the existing zoning was staying the same.

Ms. Paschal responded this was correct.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, indicated the he was available for questions and asked the Commission to approve the replat with the variances as requested.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to APPROVE a First Replat of Lots 29, 30 and 31, Block 3, Bentwood Country Club Estates, Section Sixteen-E subject to three conditions of approval; and APPROVE a variance from Section 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 Ionita seconded the motion. The motion carried unanimously, 6-0.

2. Related Comprehensive Plan Amendment & Rezoning

City Council has final authority for approval of Comprehensive Plan Amendments and Rezoning.

A. 4155 Arden Road

Items 2A.i and 2A.ii were presented concurrently as they apply to portions of the same properties.

i. CP21-02: 4155 Arden Road

A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Commercial Future Land Use to the

Neighborhood Future Land Use, being 11.761 acres Neighborhood, generally located in the 4100 block of Arden Road, and off of Northwest Drive.

ii. **Z21-03: 4155 Arden Road**

A request for approval of a rezoning from the Heavy Commercial (CH) to the General Commercial (CG) Zoning District on 21.257 acres; and from the Heavy Commercial (CH) to the Single Family Residence (RS-1) Zoning District on 5.793 acres; generally located southwest of the Arden Road and Northwest Drive intersection.

Sherry Bailey, Principal Planner, presented the proposed Comprehensive Plan Amendment and Rezoning. She explained that the Comprehensive Plan will change from Commercial to Neighborhood on 11.761 acres to allow single-family homes; and that the rezoning on 5.793 acres will be from CG to RS-1, and on 21.254 acres from CH to CG to allow a future conditional use for household living, or more general commercial development.

She then outlined Staff's recommendation of approval of both applications on the grounds that the General Commercial (CG) zoning is compatible with the Commercial Future Land Use designation; that CG will be more compatible and provide a buffer next to residential zoning; that the properties to the east and west are already CG; and that there is a community need for either more general commercial uses or residential development.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, explained that there is a portion of CH zoning that would need to be rezoned RS-1, and asked if the Commission could allow the applicant to be flexible on the acreages, allowing this to be modified to reflect the preliminary plat.

Chair Stribling closed public comment.

Chair Stribling asked Russell to clarify that the rezoning should be approved to reflect the preliminary plat lot layouts.

Commissioner Spano made a motion to RECOMMEND APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Commercial Future Land Use to the Neighborhood Future Land Use, being 11.761 acres Neighborhood, generally located in the 4100 block of Arden Road, and off of Northwest Drive; and RECOMMEND APPROVAL of a rezoning from the Heavy Commercial (CH) to the General Commercial (CG) Zoning District on 21.257 acres, and from the Heavy Commercial (CH) to the Single Family Residence (RS-1) Zoning District on 5.793 acres to reflect the

preliminary plat lot configurations; generally located southwest of the Arden Road and Northwest Drive intersection, to reflect the preliminary plat as approved. Vice Chair Jackson seconded the motion. The motion carried unanimously 6-0.

3. Rezoning

City Council has final authority for approval of rezonings.

A. Amendment to PD07-03: 2909 South A&M Avenue

A request for approval of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S A&M Avenue.

Shelly Paschal, Planner, presented the proposed rezoning tabled from the February 22, 2021 Planning Commission Meeting. Ms. Paschal explained of the original 35 notices, 2 were received in favor and 10 in opposition. She further indicated that Staff received a petition at the last Planning Commission Meeting with 17 property owners, and a petition in favor with 7 properties, with 4 property owners signing both.

She went back over the history that in 2007 it went from RS-1 to PD for assisted living, then later in 2013 was amended as a PD for a gymnastics facility.

She then outlined Staff's recommendation of disapproval of the rezoning on the grounds that the proposed water processing and delivery facility is not compatible with the Comprehensive Plan, zoning, or the surrounding residential neighborhood that includes single-family homes and a church. She also indicated that the property was initially an elementary school and has remained vacant since 2019 when the gymnastics facility left. She stated that Staff believes that while there is a need for commercial uses, this particular use is not compatible with the surrounding area.

Commissioner Ionita asked to clarify the number of responses.

Ms. Paschal explained there was 17 who signed in favor petition, 7 who signed the opposition petition, and 4 who signed both. She also indicated that there were other signatures from non-property owners and those outside the 200-foot circulation area.

Commissioner Spano asked if there were to be a few delivery trucks.

Ms. Paschal responded this is her understanding but that the applicant is available to clarify.

Commissioner Ionita indicated that these would be small trucks as she understood.

Commissioner Spano indicated that when this was a school, there would be many buses and cars each day, and that he believes the impact of this business would be far less than a school.

Commissioner Ionita concurred that the previous gymnastics facility would have more traffic than this use. She also asked if anyone in attendance today went to the Town Hall Meeting by the owner and applicant.

Chair Stribling opened public comment.

Mr. Jack Gabriel, the owner and applicant, indicated that he sent out 40 letters to surrounding owners, and that the noise from the facility is equivalent to a small diesel truck and will not be heard from the street. He explained that he went beyond the required 200 feet and included a 5-block radius and only two people were opposed to his use. He said that several owners said that they would sign up for water service if this request is approved.

Chair Stribling asked Mr. Gabriel to clarify the traffic that would be generated from the business, but not necessarily customer traffic.

Mr. Gabriel responded that starting out, the business would start with one flat bed (one ton pick-up) and in a year from now, another flat-bed pick-up, with three employees and three vehicles which may go up to six eventually. He said with the gymnastics facility there were 400-500 drop-offs a week, and therefore, this will be a lot less traffic.

Commissioner Self asked for the hours of operation.

Mr. Gabriel indicated that business hours would be 9-5pm, and maybe 8-5pm if needed.

Commissioner Uherik asked if the company owner was in attendance.

Mr. Gabriel said the owner was not present, but if needed, the owner could be contacted.

Ms. Davis asked to clarify that the owner has this business already in Odessa.

Mr. Gabriel responded that the Odessa location has noise proof walls.

Ms. Davis asked about lease terms.

Mr. Gabriel responded that the lease would be two-years with a renewal option after that.

Mr. Larry Loika, indicated that he resides immediately across the street from the gym and does not want a commercial business next door.

Vice Chair Jackson left the meeting at 9:58 a.m.

Brandon Dyson, Deputy City Attorney, asked what the approval conditions were.

Ms. Paschal summarized the conditions, as noted in the staff report, including limiting the number of trucks; that offices are only to be for the water business and no other types of businesses; and a prohibition on outdoor storage.

Chair Stribling closed public comment.

Chair Stribling indicated that this is a challenging case and understands the concerns of the residents.

Commissioner Spano did not want to limit hours other than keeping 7am-7pm as proposed.

Commissioner Spano made a motion to RECOMMEND APPROVAL of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S A&M Avenue, subject to seven conditions of approval. Commissioner Davis seconded the motion. The motion carried unanimously 5-0.

4. Conditional Uses

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

A. CU21-02 – 1009 Rio Grande Street

A request for approval of a renewal of a Conditional Use (CU) for a Short-Term Rental (STR) in a Two-Family Residential (RS-2) Zoning District, located at 1009 Rio Grande Street.

Shelly Paschal, Planner, indicated that the request is for a short-term renewal for one year.

She then outlined Staff recommendation of approval on the grounds that there are no anticipated adverse effects; that the STR is compatible with the surrounding area; and that there is a need for STRs in San Angelo. She indicated 19 notices were mailed, and that there were no responses in favor or against. Ms. Paschal concluded her presentation by outlining the seven conditions of approval as presented. She also indicated there have been no calls to the property in the past year.

Chair Stribling asked if applicant is meeting all conditions currently.

Ms. Paschal responded they are.

Chair Stribling opened public comment.

Mr. Shae McClure, the applicant, indicated they live across the street, and that he and his wife like to be in control of who stays at this property.

Chair Stribling closed public comment.

Commissioner Davis made a motion to APPROVE a renewal of a Conditional Use (CU) for a Short-Term Rental (STR) in a Two-Family Residential (RS-2) Zoning District, located at 1009 Rio Grande Street, subject to seven conditions of approval. Commissioner Uherik seconded the motion. The motion carried unanimously 5-0.

B. CU21-03 – 507 S. Jefferson Street

A request for approval of a Conditional Use for a Short Term Rental within an existing single-family home in the Single Family Residence (RS-1) Zoning District, for a property located at 507 S. Jefferson Street.

Sherry Bailey, Principal Planner, indicated that the request is for a first time request for a short-term rental at this property. She explained that there are a few homes in the area with accessory rental structures. She showed a photo showing ample parking on the property. She explained that of the 20 notices mailed, 5 were in favor and 4 were opposed, and that those opposed were based on not wanting the property to be used for rentals. Ms. Bailey then outlined Staff recommendation of approval on the grounds that there are no anticipated impacts; that the CU for an STR is consistent with the ordinance requirements in residential zoning districts; and that this is an area of single-family homes and the STR is compatible with these uses and can only accommodate a small family or very few people; and that there is a community need given close proximity to local amenities including several parks and the River Walk.

Ms. Bailey concluded her presentation by outlining the six conditions of approval as presented.

Chair Stribling opened public comment.

The applicant A’Lisa Denny requested that the Commission approve her request for a short term rental on the property. She also indicated that this location is close to Shannon Hospital, is a good location for a short-term rental, and has four paved on-site parking spaces.

Chair Stribling closed public comment.

Commissioner Davis a motion to APPROVE a Conditional Use for a Short Term Rental within an existing single-family home in the Single Family Residence (RS-1) Zoning District, for a property located at 507 S. Jefferson Street, subject to six conditions of approval. Commissioner Self seconded the motion. The motion carried unanimously 6-0.

5. Right-Of-Way Abandonments

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

A. Street Right-Of-Way Abandonment – 100 Block of S. Oakes St. and S. Magdalen St.

A request to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of East Twohig Avenue, east of South Oakes Street, south of East Beauregard Avenue, and west of South Magdalen Street.

Jeff Fisher, Principal Planner, outlined the proposed alley right-of-way abandonment for Shannon Medical. He explained that the purpose of the abandonment is to provide additional area for future development. He indicated that of the 10 notices mailed within 200 feet, one response was received in favor and none against. Mr. Fisher explained that there are utilities in the alley and that the applicant is discussing with the utility companies relocating of utilities or providing easements if necessary. He further explained that this will be made a condition of approval. Mr. Fisher further noted that there were two adjacent property owners, the Catholic Diocese and First United Methodist Church, that would be required to consent and which also had rear access from a portion of this alley. He then outlined Staff's rationale to approve the alley abandonment on the grounds that the other owners have no objections; that an unobstructed easement was provided and/or relocation of utilities; and that there would be additional land for the applicant. Mr. Fisher then concluded his presentation by outlining four conditions of approval as presented, including the requirement to plat the abandoned alley with the adjacent lots.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, indicated that he was working with the applicant, Shannon Medical, and the utility companies to provide a solution to the utilities which are presently located in the alley. He explained that this is a fast-paced project to allow future development for Shannon including a new parking garage, pharmacy and oncology center.

Chair Stribling closed public comment.

Commissioner Davis made a motion to RECOMMEND APPROVAL of a request to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of East Twohig Avenue, east of South Oakes Street, south of East Beauregard Avenue, and west of South Magdalen Street, subject to four conditions of approval. Commissioner Spano seconded the motion. The motion carried unanimously 5-0.

V. Text Amendments.

City Council has final authority for approval of Text Amendments.

- A.** Public hearing of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code.

Jeff Fisher, Principal Planner, presented the proposed text amendment. He explained that the purpose of the new provisions is to codify the right-of-way encroachment process for the City, and provide some flexibility by offering an administrative option for certain encroachments, in particular for Downtown. Mr. Fisher then outlined the current and proposed process which included the administrative option for certain encroachments including unencumbered awnings and canopies; trees and landscaping, and outdoor public art including sheep spectacular structures. He then outlined proposed development standards which included a minimum 5-foot wide sidewalk clearance and sight triangles from street corners and driveway entrances.

Chair Stribling asked what action was required by the Planning Commission.

Mr. Fisher responded that Staff wanted the Planning Commission to recommend approval and then the item would be forwarded to City Council for a final decision. He indicated the only point of clarification was if the Commission would remove the word “temporary” from public art.

Chair Stribling opened public comment.

Chair Stribling closed public comment.

Commissioner Davis made a motion to RECOMMEND APPROVAL of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code and removing the word “temporary” from outdoor public art in Article 12.10.004.e. of the new 12.10 ordinance. Commissioner Spano seconded the motion. The motion carried unanimously, 5-0.

VI. Director’s Report.

Jon James, Planning and Development Services Director, introduced Cooper Carroll, Planning Intern with the Planning Division for the semester.

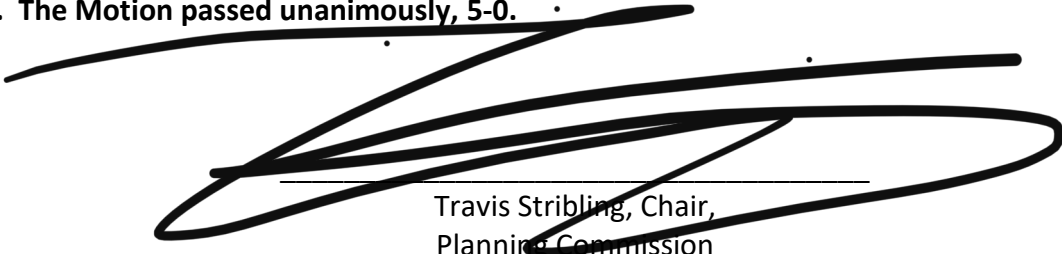
Mr. James indicated that meetings will stay virtual for now but that may change soon.

B. 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, April 19, 2021**, in either virtually or in Council Chambers (South Meeting Room) of McNease Convention Center at 501 Rio Concho Drive or via Zoom.

C. Adjournment.

Commissioner Davis made a Motion to adjourn at 10:45 a.m., and Commissioner Spano seconded the Motion. The Motion passed unanimously, 5-0.



Travis Stribling, Chair,
Planning Commission