



## RECORD OF MINUTES

### CITY OF SAN ANGELO, TEXAS PLANNING COMMISSION

MONDAY, MAY 16, 2022, 9:00 A.M.

*East Mezzanine of City Hall, 72 West College Avenue.*

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

**ABSENT:** Trinidad Aguirre

**STAFF:** Jon James, AICP, Director of Planning and Development  
Aaron Vannoy, Assistant Director of Planning and Development Services  
Zack Rainbow, Planning Manager  
Jeff Fisher, AICP, Chief Planner  
Kyle Warren, Planner  
Brandon Dyson, Deputy City Attorney  
Kevin Pate, Interim City Engineer  
Melissa Szyplinski, 9-1-1 Addressing Coordinator

#### I. Call to order.

A. Chair Stribling called the meeting to order at 9:04 a.m. and established that a quorum of six was present.

#### II. Consent Agenda

A. Consideration of the April 18, 2022, Planning Commission Meeting minutes.

**Commissioner Uherik made a motion to approve all items on the Consent Agenda. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.**

*Chair Stribling moved Discussion Item A (Fairway Downs Annexation); Item 2Ai and 2Aii (Associated Comprehensive Plan and Rezoning); the Text Amendment, and the Interstate item to the beginning of the regular agenda.*

#### III. Regular Agenda

*Jeff Fisher, Chief Planner, presented the Discussion Item, and Comprehensive Plan and Rezoning below as one presentation as they relate to the same property.*

##### A. Fairway Downs Annexation (Discussion Item)

Presentation of a proposed annexation of an unaddressed 37.98 acre tract of land, located at the southeast corner of Country Club Road and S. Ratliff Road (*For information only; no action required*).

**1. Related Comprehensive Plan Amendments & Rezoning**

*City Council has final authority for approval of Comprehensive Plan amendments and rezonings.*

**A. Southeast corner of Country Club Rd/S. Ratliff Road**

i. **CP22-04**

A request for approval of an amendment to the Comprehensive Plan, changing certain lands from the Rural to the Neighborhood and Commercial Future Land Use, being 37.98 acres, located at the southeast corner of Country Club Road and S. Ratliff Road.

ii. **Z22-10**

A request for approval to zone property to the Single-Family Residential (RS-1) and General Commercial (CG) zoning districts, being 37.98 acres, located at the southeast corner of Country Club Road and S. Ratliff Road.

Jeff Fisher, Chief Planner, presented the discussion item and associated Comprehensive Plan and Rezoning. He indicated the property was already platted with a condition they connect to city services. He explained that the majority of the property is proposed to be rezoned RS-1 once annexed, and a small lot to the northeast is proposed to be CN zoning. Mr. Fisher indicated a Service Plan is included with the annexation. He concluded the discussion with a timeline. Mr. Fisher concluded by outlining Staff's recommendation of approval for the Comprehensive Plan and Rezoning but wants CN on the commercial lot whereas the applicant wants CG which allows more commercial uses.

Chair Stribling opened public comment.

Robert Hicks, resident of 6925 S. Ratliff Road, handed out a petition with residents in the area opposed. He cited concerns about traffic and safety, natural habitat, and property values. He also expressed concern with the plat that was approved with a road next to his home.

Chair Stribling asked if Mr. Hicks received a notice of this.

Mr. Fisher responded that Staff was not required to notice for these plats.

Chair Stribling said that he believes these cases should be postponed to allow residents more time to review.

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Suzanne Cole, of 6881 S. Ratliff Road said she lives across the street from first phase. She indicated that she was worried about an irregular jog of 8 feet in the street.

Ruth Dodds, 2072 Country Club Estates Circle, stated that she was concerned about drilling for water wells and septic tanks.

Vice Chair Jackson responded that the lots are 0.5 acres and can get city water and use private septic systems.

Ms. Dodds asked if the City can annex her property.

Mr. Fisher responded that in most cases, annexations in Texas are initiated by the property owners, not the City.

Donald Christian, lives in Country Club Estates Circle, and is concerned about accidents at the intersection of Highway 277 and Grand Canal Road, and is worried about extra homes being added to this area.

Glinda Martindale, lives near Country Club Estates Circle, expressed concerns about the road widening on S. Ratliff Road that would leave a curve in road once widened.

Casey Poynor, Owner, said he appreciated the concerns from the public today. He said that they had to put in the road onto S. Ratliff per the approved plat. Mr. Poynor indicated they are not putting in water wells, and that 80-90% of traffic will not use S. Ratliff Road, and will use Country Club Road instead. Said he believes will make property and surrounding properties more valuable.

Chair Stribling, indicated that his only concern in this case was lack of notice.

Carmen Lara, 1935 Country Club Estates Circle, indicated she is having problems with her well and was also concerned about the rezoning and what will be allowed.

Bill Feist, resident, expressed concerns about S. Ratliff is very narrow and widening in one spot would create an irregular jog.

Casey Poynor, said he believes the traffic issue was pre-existing.

Jon James, Planning and Development Services Director indicated that TXDOT is looking at the Highway 277 and Grand Canal Road intersection and re-designing it.

Chair Stribling closed public comment.

He suggested tabling this items.

Chair Stribling on Mr. Poynor's request reopened public comment.

Mr. Poynor indicated that the plat was approved already and all the resident concerns were related to the plat. He expressed that he wants to move forward today.

Chair Stribling closed public comment.

**Commissioner Self made a motion to RECOMMEND APPROVAL of an amendment to the Comprehensive Plan, changing certain lands from the Rural to the Neighborhood and Neighborhood Center Future Land Use, and RECOMMEND APPROVAL to zone property to the Single-Family Residential (RS-1) and Neighborhood Commercial (CN) zoning districts, being 37.98 acres, located at the southeast corner of Country Club Road and S. Ratliff Road. Vice Chair Jackson seconded the motion. The motion carried unanimously, 6-0.**

**I. Text Amendment.**

*City Council has final authority for approval of Text Amendments.*

- A.** An amendment to Chapter 12 "Planning and Development," Exhibit A "Zoning Ordinance," amending Section 314 "Residential Structure Types", Section 401 "Accessory Apartments" and Section 406 "Bed and Breakfast Establishments and Short Term Rentals".

Kyle Warren, Planner, presented the proposed text amendments to allow accessory apartments in the RS-1 zoning district provided the owner lives on site, and to remove the requirement for a 500-foot separation for short-term rentals in non-residential zoning.

Chair Stribling asked what is allowed in RS-2 zoning. He asked if you can have accessory structures.

Mr. Warren responded yes.

Chair Stribling asked if the owner currently has to live on the property in RS-2.

Jon James, Planning and Development Services Director, explained that a duplex is already allowed on the property where everyone rents, and that this change would allow both a single family home and accessory apartment to be renter occupied in RS-2. However, he stated that while RS-1 would now allow accessory structures, one of the buildings the home or the accessory unit has to be owner occupied.

Chair Stribling indicated that there are lots of duplexes and on RS-1 property and expressed concerns about code enforcement. He also raised concerns this would be city wide.

Chair Stribling asked us about other cities.

Mr. James indicated that Abilene adopted this rule about 10 years ago, and did not see an explosion of accessory apartments afterwards.

Commissioner Davis asked if the public was notified and expressed concerns about adequate notification.

Mr. James responded that because the ordinance is applied city wide individual properties are not mailed, but that Staff did put the ordinance in the newspaper as required.

Chair Stribling asked about other cities and what they have done regarding this.

Mr. James responded that we do not have that research. He mentioned that parking and lot coverage limitations would still apply.

Chair Stribling expressed that he was worried about Santa Rita which may not have deed restrictions to limit to one home only.

Commissioner Davis asked if we can apply this only to existing structures but not to new ones.

Mr. James said we could do a conditional use for new ones and could grandfather existing ones as lawful conditional uses.

Chair Stribling indicated that there are many non-complying structures.

Mr. James responded that this is Staff's reason to change the zoning to allow these second units by right, and that Staff could do more research as needed.

Chair Stribling indicated he was very concerned and thinks this zoning change could be dangerous.

Commissioner Davis indicated that more discussion was needed. She asked when the original Short-Term Rental (STR) ordinance was passed, if there was lots of public discussion and notice.

Mr. James responded there was notice lots and discussion. He explained that the STR change was to make it easier for STRs to be built.

Chair Stribling opened public comment.

Ms. Dana Dunnigan, 422 S. Bishop St. She said that she likes that her neighborhood is quiet and did not want to live across from duplexes and higher density. She expressed concerns about both units being rented.

Mr. Warren responded that the RS-1 would still require one unit to be owner-occupied.

Heidi Brooks, 1312 Live Oak, said that her property has more than enough parking, and was considering the possibility of converting into an accessory apartment. She said this is a business for her and plans to rent out the units.

Mr. Kenneth Wright, 1421 S. Jackson St. said he had an efficiency apartment and that code enforcement said the unit was illegal. He then did some research on MLS and said there are more than 20 units in Santa Rita with second units. He said that allowing the accessory unit is a solution to make these units legal.

Chair Stribling closed public comment.

Commissioner Davis stated that she would vote to table the accessory structure provision until Staff researches sister cities, but that she would vote to approve the STR section.

**Commissioner Davis made a motion to RECOMMEND APPROVAL of the text amendment for Section 406 "Bed and Breakfast Establishments and Short Term Rentals" to maintain a 500-foot separation for Short Term Rentals zoned RS; but to TABLE the text amendment to amend Section 314 "Residential Structure Types" as presented. Vice Jackson seconded the motion. The motion carried unanimously, 6-0.**

## **2. Subdivision Plats**

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

### **A. FP22-14: Southland Hills, Section 24-A**

A request for approval of a final plat of Southland Hills, Section 24-A, being 1.416 acres located southeast of Maplewood Drive and Stone Canyon Trail.

### **B. FP22-15: Southland Hills, Section 24-B**

A request for approval of a final plat of Southland Hills, Section 24-B, being 2.172 acres located southeast of Maplewood Drive and Stone Canyon Trail.

Jeff Fisher, Chief Planner, outlined Staff's rationale to approve.

Russell Gully, SKG Engineering, explained that this was originally one plat but due to timing split these into two plats.

**Commissioner Davis made a motion to APPROVE a final plat of Southland Hills, Section 24-A, being 1.416 acres subject to seven conditions as presented with a deferral option to not pave the north half of Walnut Hill Drive until such time as**

paving of the opposite incremental half is to be installed; and **APPROVE** a final plat of Southland Hills, Section 24-B, being 2.172 acres subject to seven conditions of approval, located southeast of Maplewood Drive and Stone Canyon Trail. Vice Jackson seconded the motion. The motion carried unanimously, 6-0.

### 3. Rezoning

*City Council has final authority for approval of rezonings.*

#### A. **Z22-11: Southwest of Old Ballinger Highway and N. U.S. Highway 277**

A request for approval of a rezoning from the Ranch and Estate (R&E) to the Heavy Manufacturing (MH) zoning district, being 20.0 acres, located southwest of Old Ballinger Highway and N. U.S. Highway 277.

Jeff Fisher, Chief Planner, presented the case and outlined Staff's recommendation to approve the rezoning.

Mr. Hipolito Ramirez, owner, said that he will do what the city requests him to do, and that will get a TCEQ permit.

**Vice Chair Jackson made a motion to RECOMMEND APPROVAL of a rezoning from the Ranch and Estate (R&E) to the Heavy Manufacturing (MH) zoning district, being 20.0 acres, located southwest of Old Ballinger Highway and N. U.S. Highway 277. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.**

### 4. Planned Development Major Site Plan

*The Planning Commission has final authority for approval of Planned Development Major Site Plans, appeals may be directed to the City Council.*

#### A. **PD15-04 Major Site Plan: 120 E. Harris Avenue**

A request for approval of a Major Site Plan amendment within a Planned Development (PD15-04) Zoning District to allow for new buildings and structures, located at 120 and 210 E. Harris Avenue.

*Commissioner Self recused himself due to potential conflict of interest at 11:10 a.m.*

Kyle Warren, Planner, presented the proposed PD major site plan and recommended approval. He said the PD was for Shannon Medical's women's and children's expansion subject to three conditions as presented. He shared architectural renderings for the commission and public.

Vice Chair Jackson asked if they are putting a parking garage in.

Mr. Warren responded this was correct.

Chair Stribling opened public comment.

John Bailey, of 136 East Twohig Avenue asked to see renderings closest to him.

Jon James, Planning and Development Services Director, explained that the approved renderings from the DHRC as available at the Planning offices.

**Vice Chair Jackson made a motion to RECOMMEND APPROVAL of a Major Site Plan amendment within a Planned Development (PD15-04) Zoning District to allow for new buildings and structures, located at 120 and 210 E. Harris Avenue subject to three conditions as presented. Commissioner Davis seconded the motion. The motion carried unanimously, 5-0.**

*Commissioner Self recused himself due to potential conflict of interest at 11:15 a.m.*

## **5. Conditional Uses**

*The Planning Commission has final authority for approval of conditional uses; appeals may be directed to the City Council.*

### **A. CU22-08: 5046 Red Oak Lane**

A request for approval of a Conditional Use to allow a Bed and Breakfast (B&B) in the Single-Family Residential (RS-1) Zoning District, located at 5046 Red Oak Lane.

Kyle Warren, indicated that this item was tabled due to deed restrictions and to allow the owner talk to the residents. He said that the owner only talked to one person, and of the 23 letters mailed out, 11 were opposed, with none in favor. He said that most were opposed due to deed restrictions and the rest were opposed without reasons.

Mr. Warren indicated that Staff continues to support the conditional use for meeting the rationale in the Zoning Ordinance for a Bed and Breakfast (B&B), subject to four conditions of approval as presented. He clarified that Condition #3 is limited for a B&B for one room in the house.

Tony Jones, developer of this subdivision, indicated that there are none in this area, and that he is opposed.

Ms. Robin Berry, 5046 Red Oak Lane, the applicant, said she did not find any deed restrictions. She believes this process will hold her to a higher standard by requiring this process which requires permitting versus renting to more than 30 days.

Ms. Beverly Linnenfeld, area resident, asked the Commission to deny this request. She said this is a commercial use going into a residential neighborhood and that she does not know who the renters will be.



Robert Sekal, 5041 Scarlet Oak Lane, said he moved in thinking this is a residential area and stated his opposition.

Chair Stribling closed public comment.

Chair Stribling said he believes this is one step too far in the neighborhood.

**Commissioner Uherik made a motion to DENY a Conditional Use to allow a Bed and Breakfast (B&B) in the Single-Family Residential (RS-1) Zoning District, located at 5046 Red Oak Lane. Commissioner Gomez seconded the motion. The motion FAILED 3-3 with Vice Chair Jackson, and Commissioners Davis and Self voting in favor.**

**Vice Chair Jackson made a motion to APPROVE a Conditional Use to allow a Bed and Breakfast (B&B) in the Single-Family Residential (RS-1) Zoning District, located at 5046 Red Oak Lane. Commissioner Gomez seconded the motion. Commissioner Davis seconded the motion. The motion FAILED 3-3 with Chair Stribling, and Commissioners Uherik and Gomez voting against. The case was NOT APPROVED.**

**B. CU22-11: 3522 W. Loop 306**

A request for approval of a Conditional Use to allow a telecommunication facility with tower and related equipment in the General Commercial/Heavy Commercial (CG/CH) Zoning District, located at 3522 W. Loop 306.

Jeff Fisher, Chief Planner, presented the proposed Conditional Use for a new 130-foot tall monopole tower, and outlined Staff's recommendations to approve the request subject to seven conditions as presented.

**Vice Chair Jackson made a motion to APPROVE a Conditional Use to allow a telecommunication facility with tower and related equipment in the General Commercial/Heavy Commercial (CG/CH) Zoning District, located at 3522 W. Loop 306 subject to three conditions as presented. Commissioner Davis seconded the motion. The motion carried unanimously, 6-0.**

**6. Master Thoroughfare Plan Amendment**

*City Council has final authority for approval of Master Thoroughfare Plan amendments.*

**A. MTP Amendment: Interstate Designation**

An amendment to the Master Thoroughfare Plan to add the proposed northern alignment of the future Interstate Highway corridor, located north of FM 2105 and connecting from US Highway 87 on the west to US Highway 277 and US Highway 67 on the east.

Jon James, Planning and Development Services Director, presented the proposed amendment. He explained that the federal government has designated two interstate corridors which will show as one path and that the City will designate this on our Master Thoroughfare Plan (MTP). He explained that this will require new development to be reviewed by the FAA and State.

Mr. James indicated that notifications were sent out even though they were not required to all properties affected. He said Staff did receive one property owner correspondence along the route that was opposed near Red Creek and Rust Street.

Chair Stribling asked what authority the City has in determining the route.

Mr. James responded that the Commission would not have the ability to move this corridor by the Federal government.

Chair Stribling asked if a developer would be allowed to develop along this route.

Mr. James responded that they could develop land except for the land in the corridor, which would be compensated by TXDOT.

A resident who said he is at the corner of Red Creek Road and Highway 208 and is against the corridor.

Mr. Gary Alexander, said is near the Llano school property and asked to clarify that the City cannot tell me what he can or cannot do on the land.

Chair Stribling said there would be a plat review process being in the ETJ.

Vice Chair Jackson asked to clarify that Council has final authority and that the Planning Commission can only reflect the proposed route.

Mr. James responded this was correct.

**Vice Chair Jackson made a motion to DENY an amendment to the Master Thoroughfare Plan to add the proposed northern alignment of the future Interstate Highway corridor, located north of FM 2105 and connecting from US Highway 87 on the west to US Highway 277 and US Highway 67 on the east. Commissioner Gomez seconded. The motion FAILED 3-3 with Chair Stribling and Commissioners Davis, and Uherik, voting against. The case moves forward to City Council WITHOUT A RECOMMENDATION.**

#### **IV. Public Comment**

Chair Stribling requested that more notification be provided.

Commissioner Self mentioned social media could be used as outreach for public notice.

Commissioner Davis suggested using QR Codes on notice signs.

**V. Director's Report.**

Jon James, Planning and Development Services Director, stated there were no new items for discussion.

**VI. Future meeting agenda and announcements.**

The next regular meeting of the Planning Commission is scheduled to begin at 9:00 a.m. on **June 20, 2022**.

**VII. Adjournment.**

**Commissioner Jackson made a motion to adjourn at 12:08 p.m., and Commissioner Uherik seconded the Motion. The Motion passed unanimously, 6-0.**

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Travis Stribling, Chair,  
Planning Commission