



RECORD OF MINUTES

CITY OF SAN ANGELO, TX
PLANNING COMMISSION
MONDAY, OCTOBER 17, 2022, 9:00 A.M.

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

ABSENT: N/A

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
Sherry Bailey, Senior Planner
Rae Lineberry, Planner
Brandon Dyson, Deputy City Attorney
Kevin Pate, Interim City Engineer
Amanda Jimenez, 911 Addressing Coordinator

I. Call to order.

A. Chair Stribling called the meeting to order at 9:05 a.m. and established that a full quorum of seven was present.

II. Consent Agenda:

A. Consideration of the September 19, 2022, Planning Commission Meeting minutes.

B. RP22-33: First Replat of Block 3, Monterrey Addition (SMD#3)

A request for approval of a First Replat of Block 3, Monterrey Addition, being 0.904 acres; located southeast of S. Bryant Boulevard and W. Avenue Y.

C. RP22-34: First Replat Lots 143, 144, 145, 146, Fairway Downs Subdivision, Section One (SMD#1)

A request for approval of a First Replat of Lots 143, 144, 145, 146, Fairway Downs Subdivision, Section One, being 2.75 acres; located southeast of Country Club Road and S. Ratliff Road.

D. RP22-35: Second Replat of Block 2, Ellison Estates, Section Two (SMD #6)

A request for approval of a Second Replat of Block 2, Ellison Estates, Section Two, being 7.135 acres; located southwest of Sherwood Way and W. Loop 306.

Commissioner Davis made a motion to approve the Consent Agenda. Commissioner Uherik seconded the motion. The motion carried unanimously, 7-0.

III. Regular Agenda

1. Subdivision Plats

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

A. FP22-27: Witt Subdivision (ETJ)

A request for approval of a final plat of the Witt Subdivision, being 8.307 acres; located southeast of Fruitland Farm Road and W. F.M. 2105, and variances from the Land Development and Subdivision Ordinance, Chapter 10.III.A.1 to allow an existing deficient right-of-way width less than required, and from Chapter 10.III.A.2 to allow an existing paving width less than required, for Fruitland Farm Road.

Jeff Fisher, Chief Planner, presented the proposed subdivision replat. He indicated no zoning or notification was required as the property was in the City's Extraterritorial Jurisdiction (ETJ). He explained that the new plat will create two lots which included a portion of a plat that was recently vacated. Mr. Fisher further indicated that the applicant is seeking variances to allow Fruitland Farm Road to maintain a deficient right-of-way of 37 feet and paving width of 23 feet. He then outlined Staff's recommendation to approve the plat but deny the variances, requesting the additional right-of-way and paving given this is an area of future growth. He said that Staff would be willing to support a performance agreement option where the additional pavement would not have to be given until time of improvements to the properties to the west or a city improvement project but that the costs would be borne by the developer.

Russell Gully, SKG Engineering, representing the applicant, spoke in support of the request. He explained that the applicant, Mr. Witt owns the properties and wishes to convey the north lot to a friend's son. He indicated that the area was originally for 10 lots and the new plat is only two lots which is less development. He explained that the applicant is willing to give the City the additional right-of-way but is requesting the variance on the street pavement. He indicated that while he appreciates the performance agreement/deferral option from the city, it puts a burden on the property owner. He further indicated that there will not be increased traffic on Fruitland Farm Road.

Chair Stribling asked what the current road width is.

Mr. Fisher responded it was 23 feet wide.

Commissioner Aguirre asked how long Fruitland Farm is.

Mr. Fisher responded he believes it is about a mile long.

Commissioner Gomez made a motion to **APPROVE** a final plat of the Witt Subdivision, being 8.307 acres; located southeast of Fruitland Farm Road and W. F.M. 2105 subject to four conditions; and **APPROVE** both variances from the Land Development and Subdivision Ordinance, Chapter 10.III.A.1 to allow an existing deficient right-of-way width less than required, and from Chapter 10.III.A.2 to allow an existing paving width less than required, for Fruitland Farm Road. Commissioner Aguirre seconded the motion. The motion carried 4-3 with Commissioners Gomez, Aguirre, Davis, and Self voting in favor, and Chair Stribling, Vice Chair Jackson, and Commissioner Uherik voting against.

B. RP22-36: First Replat in Block One, Section One, Shannon Long Term Care Facility, (SMD #6)

A request for approval of a First Replat in Block One, Section One, Shannon Long Term Care Facility, being 14.985 acres; located northwest of Appaloosa Trail and F.M. 2288, and a variance from the Land Development and Subdivision Ordinance, from Chapter 10.III.A.1 to allow an existing right-of-way width less than required, for Appaloosa Trail.

Jeff Fisher, Chief Planner, presented the proposed subdivision replat. He indicated that the plat will replat one lot into two and is zoned General Commercial (CG). Mr. Fisher explained that under the new subdivision ordinance sidewalks will be required along F.M. 2288 and Appaloosa Trail. He further indicated that the applicant was seeking one variance to allow Appaloosa Trail to have an existing right-of-width less than required. Mr. Fisher outlined Staff's recommendation to support the variance request given that when the original lot was platted, the existing right-of-way of 43 feet was allowed and that the new plat has 20-foot utility easements along Appaloosa Trail so additional right-of-way is not required.

Russell Gully, SKG Engineering, representing the applicant, spoke in support of the request. He explained that creating two separate lots would create two different tax parcels and avoid proration. He requested a deferral or performance agreement on the sewer design after the plat is recorded since they are not ready to develop on the vacant lot.

Chair Stribling asked if the deferral language in the approval conditions is sufficient.

Kevin Pate, City Engineer, explained that he will negotiate with Mr. Gully after the meeting on the sewer extension.

Jon James, Planning and Development Services Director, indicated that conditions now allow the deferral option built in.

Commissioner Davis made a motion to **APPROVE** a First Replat in Block One, Section One, Shannon Long Term Care Facility, being 14.985 acres; located northwest of Appaloosa Trail and F.M. 2288 subject to seven conditions of approval, modifying **Condition #5** regarding water service lines to allow a deferral option, and **APPROVE** a variance from the Land Development and Subdivision Ordinance, from Chapter 10.III.A.1 to allow an existing right-of-way width less than required, for Appaloosa Trail. Vice Chair Jackson seconded the motion. The motion carried unanimously 7-0.

2. Related Comprehensive Plan Amendments & Rezoning

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

A. Northeast of Ogden Road/W. 37th Street

i. CP22-05: 290 E. 37th Street

A request for approval of an amendment to the Comprehensive Plan, changing certain lands from the Rural to the Neighborhood Future Land Use, being 1.064 acres, located at the northeast corner of Ogden Road and W. 37th Street.

ii. Z22-20: 290 E. 37th Street

A request for approval of a rezoning from the Ranch and Estate (R&E) to the Single-Family Residential (RS-1) zoning district, being 1.064 acres, located at the northeast corner of Ogden Road and W. 37th Street.

Sherry Bailey, Senior Planner, presented the proposed cases. She displayed maps for the proposed Comprehensive Plan Amendment and Rezoning. On the Comprehensive Plan Map, she mentioned that there have been no incursions for urban residential in this rural area. She mentioned that the area is Rural. She received three notices opposed, one outside the 200-foot buffer and two from inside 200 feet. She explained that the applicant plans to split the property into three lots and build homes on two of the lots. Ms. Bailey outlined Staff recommendation of denial because she does not believe this request is compatible with the Rural area, and that a rezoning to RS-1 would be significantly denser than what is currently in the area.

Chair Stribling asked if W. 37th Street is the line that divides between rural and urban.

Ms. Bailey responded yes.

Chair Stribling asked if even the area to the south is not intense.

Ms. Bailey responded this was correct, and that even the area to the south of 37th Street has large lots.

Chair Stribling asked why there were three objection letters.

Ms. Bailey responded that these residents did not want to see increased traffic.

Commissioner Davis asked how this was different from Fruitland Farm Road.

Chair Stribling responded that the Fruitland Farm area is in the City's Extraterritorial Jurisdiction (ETJ) but that this property is in the urban limits.

Erica Wilde, Carter-Fentress Engineering, representing the applicant, indicated that she is in support, and believes there is a community need for two more homes in this area. She showed some lots to the east that were smaller than the R&E sized lots. Ms. Wilde said that she believes the buffer for urban should include both these nonconforming lots and the properties subject to the rezoning.

Sherry Bailey responded that the lots mentioned by Ms. Wilde were older, abstract lots, and that the newer lots that were developed met the one-acre standard.

Vice Chair Jackson asked how large the new lots will be.

Ms. Wilde responded they will be 50 feet by 100 feet, and 5,000 square feet in area.

Jon James, Director of Planning and Development Services, reiterated Staff's concerns about an encroachment of smaller lots into this area. He indicated that Staff would want to have a discussion with residents in the larger area first before making a decision to rezone for smaller lots.

Tom Thompson, Council Member District 2, expressed his support for staff's recommendation to maintain this as a rural area and that there is a clear dividing line separating this as a rural area.

Chair Stribling agreed that there is a clear dividing line separating this rural area from more intense development.

Commissioner Davis asked if they could do two lots with a flag lot in the back.

Ms. Carter responded that there was no sufficient room to do this.

Vice Chair Jackson made a motion to RECOMMEND DENIAL of an amendment to the Comprehensive Plan, changing certain lands from the Rural to the Neighborhood Future Land Use; and RECOMMEND DENIAL of a rezoning from the Ranch and Estate (R&E) to the Single-Family Residential (RS-1) zoning district; being 1.064 acres, located at the northeast corner of Ogden Road and

W. 37th Street. Commissioner Self seconded the motion. The motion carried 6-1 with Commission Davis voting against.

3. Rezonings

City Council has final authority for approval of rezonings.

A. Z22-21: Northwest of N. Marie Street/Beacon Street (SMD #4)

A request for approval of a rezoning from the Single-Family Residential (RS-1) zoning district to the Two-Family Residential District (RS-2) zoning district, being 0.314 acres, located at the northwest corner of N. Marie Street and Beacon Street.

Sherry Bailey, Senior Planner, presented the proposed rezoning. She indicated the applicant is attempting to rezone four lots from RS-1 to RS-2 for duplexes. She received one letter in support and one in opposition. Ms. Bailey provided staff's rationale in support of the rezoning, on the grounds it serves as a transition, that duplexes and multi-family housing are in short supply in San Angelo, and that this is an infill development.

Erica Wilde, with Carter-Fentress Engineering, representing the applicant, requested the zone change to be approved as presented.

Vice Chair Jackson made a motion to **RECOMMEND APPROVAL** of a rezoning from the Single-Family Residential (RS-1) zoning district to the Two-Family Residential District (RS-2) zoning district, being 0.314 acres, located at the northwest corner of N. Marie Street and Beacon Street. Commissioner Davis seconded the motion. The motion carried unanimously, 7-0.

B. Z22-22: Southwest of S. Pierce Street/W. Beauregard Avenue (SMD #5)

A request for approval of a rezoning from the Neighborhood Commercial (CN) zoning district to the Low Rise Multifamily (RM-1) zoning district, being 0.413 acres, located at the southwest corner of S. Pierce Street and W. Beauregard Avenue.

Commissioner Jackson recused herself from this case due to potential for conflict of interest at 9:51 a.m.

Jeff Fisher, Chief Planner, presented the proposed rezoning to RM-1 to allow six multifamily residential units. He indicated there was a Special Permit approved in 1950 for a parking lot and the property has remained a parking lot ever since. He indicated that four years ago the property was rezoned from RS-1 to CN for a retail store but that those applicants ended up finding a different site. Mr. Fisher outlined Staff's recommendation for approval on the grounds that the Neighborhood Center Future Land Use supports a mix of uses; that RM-1 zoning for multifamily living provides a transition between commercial uses to the north and east, and single-family residential neighborhood to the west and south.

Chair Stribling asked what the height limitations are for RM-1.

Mr. Fisher responded 35 feet or two stories.

Council Member Karen Hesse Smith asked if this would be for low-income housing.

Erica Wilde, with Carter-Fentress Engineering, representing the applicant, indicated that this will not be low-income housing. She indicated that the applicant is proposing six units and requests that staff approves as presented.

Chair Stribling expressing a concern about density. He indicated that he does not want a two-story multifamily building because the property is surrounded by one-story single-family homes. He asked if the height could be limited.

Jon James, Director of Planning and Development Services, indicated that height cannot be further limited through straight zoning. He indicated that the existing one-story homes could be rebuilt as a two-story home.

Mr. Fisher indicated that another option is to do a Conditional Use for household living in a CN zone.

Commissioner Davis made a motion to RECOMMEND APPROVAL of a rezoning from the Neighborhood Commercial (CN) zoning district to the Low Rise Multifamily (RM-1) zoning district, being 0.413 acres, located at the southwest corner of S. Pierce Street and W. Beauregard Avenue. Commissioner Gomez seconded the motion. The motion carried 4-2 with Commissioners Davis, Gomez, Aguirre, and Self voting in favor, and Chair Stribling and Commissioner Uherik voting against.

Commissioner Jackson returned to the meeting at 10:05 a.m.

4. Conditional Uses

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

A. CU22-17: 205 Crestwood Drive (SMD #1)

A request for approval of a Conditional Use to allow a Short-Term Rental (STR) in the Single-Family Residential (RS-1) Zoning District, located at 205 Crestwood Drive.

Rae Lineberry, Planner, presented the proposed conditional use for a short-term rental (STR). She indicated that 22 notices were mailed out, and that Staff received one in favor and two opposed. Ms. Lineberry outlined Staff's recommendation to approve based having adequate parking and complying with the zoning criteria, and with three conditions of approval as presented.

Vice Chair Jackson made a motion to **APPROVE** a Conditional Use to allow a Short-Term Rental (STR) in the Single-Family Residential (RS-1) Zoning District, located at 205 Crestwood Drive, subject to three conditions of approval as presented. Commissioner Self seconded the motion. The motion carried unanimously 7-0.

B. CU22-18: 1817 S. A & M Avenue (SMD #5)

A request for approval of a Conditional Use to allow a Short-Term Rental (STR) in the Single-Family Residential (RS-1) Zoning District, located at 1817 S. A & M Avenue.

Rae Lineberry, Planner, presented the proposed conditional use for a short-term rental (STR). She indicated that 20 notices were mailed out, and that Staff received two opposed. She spoke to one of the opposed and they indicated that they were worried about parties and traffic. Ms. Lineberry outlined Staff's recommendation to approve based having adequate parking; that there were no other STRs within 500 feet; no adverse effects; and that more STRs were needed in the ASU area, and with three conditions of approval as presented.

Chair Stribling indicated that the general conditions set in place for STRs are good for the community.

Commissioner Davis made a motion to **APPROVE** a Conditional Use to allow a Short-Term Rental (STR) in the Single-Family Residential (RS-1) Zoning District, located at 1817 S. A & M Avenue, subject to three conditions of approval as presented. Vice Chair Jackson seconded the motion. The motion carried unanimously 7-0.

IV. Public Comment

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, and begin by stating their name and address or Single Member District number. Please limit all remarks to less than three minutes.

There was no public comment.

V. Director's Report.

Jon James, Director of Planning and Development Services, indicated to the Commissioners that Staff will remind them of potential alternative dates for the December Planning Commission Meeting, and to respond with their availability.

VI. Future meeting agenda and announcements.

The next regular meeting of the Planning Commission is scheduled to begin at 9:00 a.m. on **Monday, November 21, 2022**, at City Hall, East Mezzanine Room, 72 W. College Avenue.

VII. Adjournment.

Vice Chair Jackson made a motion to adjourn at 10:14 a.m., and Commissioner Self seconded the Motion. The Motion passed unanimously, 7-0.

A handwritten signature in black ink, appearing to read "Travis Stribling", written over a horizontal line.

Travis Stribling, Chair,
Planning Commission