

MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, March 17, 2014 AT 9:00 AM IN THE SOUTH MEETING ROOM OF THE SAN ANGELO CONVENTION CENTER, 500 RIO CONCHO DRIVE, SAN ANGELO, TEXAS

PRESENT: Darlene Jones, Teri Jackson, Mark Crisp, Valerie Priess, Sammy Farmer

ABSENT: Ryan Smith (AU), John Young (AU)

STAFF: AJ Fawver, Planning Director
Patrick Howard, Director of Development Services
Roxanne Johnston, Planner

I. Call to order and establish that a quorum is present.

A. The meeting was called to order at 9:02 AM, a quorum of was present.

B. Prayer and Pledge.

“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

Darlene Jones, Chair, shared with those in attendance that two cases, CU 14-02 and PD 14-01 (Item V.C of this agenda) were postponed at the request of the applicant.

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 February 17, 2014 Planning Commission meeting minutes.

B. Requests to approve with conditions, the subdivisions of land inside the City of San Angelo. **[Planning Commission has authority for final approval; appeals may be directed to City Council.]**

a. Bentwood Country Club Estates, Section Sixteen-C

Proponents: Bentwood Country Club
Representative: SKG Engineering

Size and location: An unaddressed tract located approximately 200' east of the intersection of Overhill Drive and Club Park Way; more specifically occupying 5.900 acres of land being 0.475 acres out of the H. Zerbach Survey 178, Abstract 4210 and 5.425 acres of the H. Gantz Survey 179, Abstract 231, in southwest San Angelo.

b. Bentwood Country Club Estates, Section Thirty-six

Proponents: Bentwood Country Club
Representative: SKG Engineering
Size and location: An unaddressed tract located approximately 130' east of the intersection of Pine Valley Street and Royal Troon Drive; more specifically occupying 14.595 acres of land being 0.851 acres out of the H. Zerbach Survey 178 and 13.744 acres of the C. Berberich Survey 177, in southwest San Angelo.

c. Bentwood Country Club Estates, Section Thirty-seven

Proponents: Bentwood Country Club
Representative: SKG Engineering
Size and location: An unaddressed tract located approximately 130' north of the intersection of North Bentwood Drive and Pine Valley Street; more specifically occupying 4.482 acres of land being 2.512 acres out of the H. Zerbach Survey 178 and 1.970 acres of the C. Berberich Survey 177, in southwest San Angelo.

Motion to approve the Consent Agenda, was made by Teri Jackson and seconded by Sammy Farmer. The motion carried unanimously, 5-0.

III. Request for Approval of a subdivision plat with request for variance from Subdivision Ordinance regulations. [Planning Commission has authority for final approval; appeals may be directed to City Council.]

A. Bentwood Country Club Estates, Section Sixteen D, with variance request from minimum required pavement improvement width of 40 feet as required in Chapter 10, Section III.A.2 of the Subdivision Ordinance.

Proponents: Bentwood Country Club
Representative: SKG Engineering
Size and location: An unaddressed tract located approximately 620' southeast of the intersection of Beaty Road and Beaty Circle; more specifically occupying 2.831 acres of land being 0.195 acre out of the H. Zerback Survey 178, Abstract 4210 and 2.636 acres of the H. Gantz Survey 179, Abstract 231, in southwest San Angelo.

Roxanne Johnston, Planner, came forward to present this request, consistent with the staff recommendation of approval of the subdivision, with a staff recommendation of denial regarding the variance request. Ms. Johnston reminded the Commission that no

notifications were required for this request. Ms. Johnston talked about the existing right-of-way for Beaty Road and explained that the width of existing pavement is far less than the minimum required pavement width for this classification of street. Based on this, and the absence of any special criteria unique to the area, staff recommends denial of the variance request.

Russell Gully, with SKG Engineering, came forward to speak in favor of this request. He explained that they are not actually requesting a full variance from the minimum width required in the Subdivision Ordinance. Rather, they are only seeking a partial variance in order to better align the street in this section with the surrounding sections of Beaty Road since the paving width is irregular in this area. Thus, in some areas, the result would be near 30' at each end of this segment of Beaty Road. Mr. Gully explained that the previous City Engineer had given some guidance regarding the layout of this street segment, but that he understood that there had been some change in staff since that time.

Sammy Farmer mentioned that, at the time the radius was approved by the City Engineer, that should have dictated how this item was handled at this time. Mark Crisp concurred with this statement.

Roxanne Johnston, Planner, mentioned that the Subdivision Ordinance was intended to maintain consistency with the requirements which all applicants are required to follow.

Mr. Gully came back to the podium and mentioned that they as the developer are only requesting a partial variance from the pavement expansion width, not a request as presented by Ms. Johnston.

Motion to approve a partial variance as dictated by the graphic provided by the applicant when he approached the podium was made by Sammy Farmer and seconded by Mark Crisp. The motion passed unanimously, 5-0.

IV. Requests for approval of Conditional Uses. [Planning Commission makes final decisions; appeals may be directed to City Council.]

A. CU 14-01: Brandon Sanders

A request for approval of a Conditional Use to allow for "Retail Sales and Service" as defined in Section 315.G. of the Zoning Ordinance, in a Light Manufacturing (ML) zoning district, on the following property:

1311 North Bryant Boulevard, located approximately 160 feet south of the intersection of North Bryant Boulevard and West 14th Street; more specifically occupying the Pulliam & Johnson Addition, west part of Lot 2, the Merrick Subdivision, Block 4, Lots 9 - 13, an approximately 140' x 37' alley adjoining the previous sections in question, and the Merrick Subdivision, Block 4, Lot 6, in north central San Angelo.

Roxanne Johnston, Planner, came forward to present this request, consistent with the staff recommendation of approval, subject to conditions as outlined in the staff report. 13 notifications were required to be sent as part of this request, with 1 received in favor and 1 received in opposition. Ms. Johnston provided some orientation to the area, and reviewed the criteria which are required to be applied to the application for Conditional Use as outlined in Article 2 of the Zoning Ordinance. She also reviewed the conditions which are recommended for the approval of the request. She mentioned that the criteria are addressed one by one in the staff report and that this request meets all of the required criteria - hence staff's recommendation.

There were no questions for Ms. Johnston.

No one came forward to speak in favor or in opposition to this request as presented.

Motion, to approve as presented, subject to the conditions outlined in the staff report, was made by Mark Crisp and seconded by Sammy Farmer. The motion passed unanimously, 5-0.

V. Requests for Zone Change. [Planning Commission makes recommendation; City Council has final authority for approval.]

A. Z14-03: BP Surface Solutions, LLC.

A request for approval of a zone change from Ranch & Estate (R&E) to Light Manufacturing (ML) to allow for activities allowed within ML Zoning Districts shown in Section 310 of the Zoning Ordinance, on the following properties:

Four unaddressed tracts located approximately 95 feet west of the intersection at South Chadbourne Street and FM 765. More specifically, being approximately 10 acres out of the LP Moore Survey 0169.5, Abstract 1632; 55.0210 Acres Being a 49.126 Acre Tract and a 5.895 Acre Tract; LP Moore Survey 0169.5, Abstract 1636; Being 8.0570 Acres (FKA 5.03 Acres Maxwell Remainder Tr) LP Moore Survey 0169.5, Abstract 1637; 01805; and Being 15.0000 Acres in the LP Moore Survey 0169.5, Abstract 1637 in southeast San Angelo.

Roxanne Johnston, Planner, came forward to present this case, consistent with the staff recommendation of approval. Fifteen notifications were sent on this case, with 1 returned in favor and 0 returned in opposition to the request.

Ms. Johnston provided some background of the immediate area, utilizing maps and photos. There is some industrial activity on and around the site. She pointed out the Vision Plan Map in this area was amended just last year, in June of 2013. The resulting amendment calls for a mixture of commercial, industrial, and transitional uses in and around this property. As such, the staff recommendation of approval on a 71.5 acre section follows exactly this newly-amended section of the plan. The staff recommendation of denial on a 11.5 acre section is based on the inconsistencies with the Vision Plan map in this area.

Ms. Johnston pointed out that the representative who made application on this request is the same representative who requested an amendment to the Vision Plan Map in this immediate area and supported that amendment. Conditions have not changed since the amendment, and thus a second amendment would not be supported by the area and its features. She explained the recommendation and the reasons behind it to the Planning Commission, reiterating that the City's policy is to make zoning decisions in accordance with the Comprehensive Plan for San Angelo.

AJ Fawver, Planning Manager, mentioned that the Vision Plan Amendment dictating the new arrangement of planned uses in this area was unanimously approved by the Planning Commission and also approved by the City Council called for this arrangement. Staff is following the plan which was established at that time, and for which staff put together based upon the indicators in that area. This application does not follow that plan amendment.

Herb Hooker, with SKG Engineering, came forward and mentioned that the City has stated that they try to avoid recommending multiple zoning districts for one property.

Ms. Fawver explained that, while it is true that City staff does avoid creating this situation, in this case, this is raw acreage. Staff also tries to steer applicants into subdividing the property into lots and blocks prior to seeking zoning, to avoid just this situation; however, it is not a requirement and the applicant chose not to do so in this case. Ms. Fawver reminded the Commission that City staff's recommendation is based upon several items: (1) the criteria for zoning changes outlined in the Zoning Ordinance; (2) the Vision Plan Map amendment (which in this case, is very recent and which was dictated and approved by both this Commission and City Council); (3) planning principles outlined in the Comprehensive Plan document, adopted by City Council in 2009; and (4) the Texas Local Government Code, which addresses zoning in accordance with a Comprehensive Plan.

Motion, to approve the request as presented, was made by Sammy Farmer and seconded by Valerie Priess. The motion carried unanimously, 5-0.

B. Z 14-06: MK-Allan Enterprises, LLC.

A request for approval of a zone change from Ranch & Estate (R&E) to General Commercial (CG) to allow for activities allowed within CG zoning districts outlined in Section 310 of the Zoning Ordinance, on the following property:

An unaddressed 1.99 acre tract located approximately 250 feet southeast from the intersection of Foster Road and the West Loop 306 Frontage Road. This property specifically occupies 1.99 acres out of 37.016 acres located in the V. Muller Survey, Abstract 1648, Survey 0176 and the Harnburg Survey 175, Abstract 350 in southern San Angelo.

Roxanne Johnston, Planner, came forward to present this request, consistent with the staff recommendation of approval. There were 2 notifications sent out, with 1 returned in favor and 0 returned in opposition. The subject property is a triangular-shaped lot, and Ms. Johnston showed some maps and graphics which depict the character of the lot and the surrounding area. She mentioned that the staff recommendation was based upon the criteria for zone changes outlined in the Zoning Ordinance and the Comprehensive Plan, including the Vision Plan Map.

Mike Walters, applicant came forward in favor of this case. He stated that the suitability of the site was consistent with zoning to the north.

Motion, to approve as presented, was made by Sammy Farmer and seconded by Mark Crisp.

Charlotte Farmer came forward to speak on this matter, in opposition of the request. She stated that the residents that live in that area invested in their properties based on the idea of rural, equestrian style development being in their immediate neighborhood. She has also received calls in opposition to this request.

Betsy Garrett, a nearby property owner in Butler Farms, came forward to speak in opposition to this request. She stated that many of the property owners in this area are opposed to this request because of the surrounding neighborhood and their concerns about what this might "open up" and introduce into this area.

Roxanne Johnston came forward again to speak and show various maps. She clarified the existing zoning in and around the area, as well as the Vision Plan map.

The existing motion on the floor was approved by a 4-1 vote.

C. PD14-01 (AKA Z14-04): Terry Shaner, Galilee CDC

A request for approval of a zone change from a combination of Single-Family Residential (RS-1) and Low Rise Multi-Family Residential (RM-1) to Planned Development (PD) to specifically allow for multi-family living and a lease house/amenity center on the following properties:

Unaddressed tracts and lots located at both the northwest and northeast corners of the intersection of Roosevelt Street and South Buchanan Street. These properties specifically include 6.958 acres of land out of the Robert Gerhardt

Survey 325, Abstract 237, and the Spencer Addition Number 1, Block E, Lots 3 -4 & E. 20' & part of Streets Adjacent on North; and Spencer Addition Number 1, Block F, Lots 1 & part of Street Adjacent on the North & West, and Spencer Addition Number 1, Block F, Lots 2-4 & part of Street Adjacent on the North in central San Angelo.

This item was postponed at the request of the applicant.

VI. Update and Discussion regarding recommendations of the citizen housing committee for amendments to the City Code of Ordinances relating to placement of "RV Park/Campgrounds", "Group Living", "Manufactured Housing Parks", and mobile homes.

AJ Fawver, Planning Manager, came forward to present this item. Ms. Fawver reviewed the variety of meetings that happened prior to the draft that she discussed today as an update of the drafts. She explained that March 25th, the County would be meeting with the City as well as an interlocal agreement. If drafts were to be approved at the following City Council meeting, then the following meeting would be the result of new ordinances. She recapped the concerns that the Planning Commission had the last time the draft was reviewed before them which consisted of drought resistance plants and screening as well as the proposed limit to a campground to 10 acres.

She reminded the commission that there was a request to show evidence that existing campground owners would need to provide proof that they operated prior to the new changes (non-conformities). She explained that legal non-conformities would be allowed in perpetuity. Variances would not be required for the legal non-conformities if they already existed. Certification would take place one time and the legal non-conformity would thus be protected. There were also edits from City Council meeting on March 4, which dealt with required paving within the parks. She showed a draft that was redlined that showed the edits. She also discussed pavement requirements as they related to the Subdivision Ordinance, and also added a provision to add surface to support the unit. Crushed limestone would also be a possible option. Cht 310 of the Use Table would be modified under these changes, and allow "Workforce Living" as a use category within the Zoning Ordinance. This living would be allowed only in particular zoning districts with a Special Use. The former required buffer zone between residential uses had changed which called for 1000 feet and would now be 100 feet. She also showed flow charts that explained how the process took place and also where the process would go in the future. Each tab on the flow chart had an explanation on which direction to go in terms of allowing the use yet included ways to remedy the process.

Ms. Fawver also reminded the Commission that variances would not be required for legal non-conformities, only if new development were proposed. Ms Jackson asked for some clarification on the 14 day period with the application process. Ms. Fawver said that permitting would take an additional 14 days. Mr. Farmer thanked Ms. Fawver for addressing concerns that had been brought to light the last Planning Commission.

Corey Donaldson, owner of existing parks, came forward to speak on this item. He mentioned that he has seen some confusion about the "grandfathering" aka legal nonconforming parks. Out of all asset classes, this is the most difficult and nuanced. It requires someone to really understand the asset class in order to formulate regulations for those. He was very discouraged that the owners of existing parks "were not included

in the efforts of formulating this ordinance." He expressed his concern that existing parks are being penalized because of the "workforce housing camps". He suggested simply concentrating on the regulation of workforce camps at this time and taking more time to understand the asset class before putting any regulations into place on this type of housing. He explained that the owners of existing parks are excellent at what they do. If areas are already "grandfathered", why should anything else happen?

Mr. Donaldson commended Ms. Fawver on making herself available to answer questions and discuss the proposals and draft ordinances. He stated that there are no other types of facilities within the city - save fire inspections, for example - that require an annual permit. He also stated that, for the parks which he owns, their clientele contains many seniors who could not handle the rents that would be increased in order to compensate for the additional regulation that would be put into place if these permits are required by the City of San Angelo. His thoughts were, if a park was grandfathered, it should simply be grandfathered and no other action should be necessary.

Yanina Markova, a representative of Sunlake Estates, came forward to speak on this item. She agreed with all of the comments which Mr. Donaldson had just mentioned. They appreciate the recent edits and changes that have been made; it is moving in the right direction. However, they do have some concerns. As she reads the latest draft, she doesn't find that it says everything which they are being told that it says. She wasn't sure what the process should be in order to work through the "legal language" within the ordinance, but did express her concerns that she didn't understand why an inspection needed to be conducted and what the guidelines were. She mentioned that she didn't understand what would be legally nonconforming and how that documentation would occur. She also suggested extended the timeline in order to provide some more time in order work through these issues with the existing parks. Also, she mentioned the inspection and stated she was unsure that she understood what the inspection would be looking for or entail. Lastly, she asked for an assessment of what type of expense that the park would be looking at in order to put together the site plan which is being asked for as part of the application process and suggested a cost-benefit analysis be done in order to ascertain whether or not the process was truly reasonable. As a last point, she also mentioned that they have a desire to place homes onsite which match those which are already in place. She wanted to have more information regarding if variances were necessary to place new units on the site.

Lee Brown, with Spring Creek Marina, came forward to speak on this request. He mentioned that he has been within the city for many years and no one has asked his opinion on these parks. He was concerned that they were being "lumped in" with mobile home parks. He stated that they are very different types of structures and that they are legally treated differently. He mentioned that the types of agreements that govern these types of parks are very different in nature. He mentioned that he can have people removed because they are "trespassing". If the ordinance changes go through, he cannot do that anymore because he is subject to landlord-tenant regulations. He can cut off utilities and that sort of thing. In the new process, he would have a new set of regulations to follow. He can't find out from anybody what the problem is that is dictating this process take place. His personal opinion is that the current ordinance already addresses "man camps" via noise, parking restrictions, etc. He brings good things to San Angelo, but feels that he is being "slapped by having to prove that he is" doing things as they are required. He mentioned the maximum density requirements and explained that he is already planning an expansion which the 100' buffer [removed as

per presentation] and the maximum density requirements would not allow. He mentioned that they would have to bring in an engineering firm to put together the site plan for the application as required. He mentioned his belief that water lines which are not on the site plans would not be allowed to be maintained or worked on. He stated that there are standards given for parks based on national/state associations and those should be consulted and utilized in the drafts of the ordinance. He mentioned that the industry is being restricted and owners feel that they cannot do anything about it.

Bline Brown, owner of Shade Tree Village, came forward to speak to the Planning Commission. He mentioned that his main concern is that "grandfathering" is being addressed. He stated that he had been in attendance at the last City Council meeting and that, while there have been assurances that they will be nonconforming, he doesn't feel that they have been put into the drafts. He mentioned that he believes the permitting process and the site plan process should be eliminated.

Marshall King, with the KOA, came forward to speak on this item. He agreed with what the previous speakers had mentioned in their public comments. He said that the gate was being closed too late - because there were already man camps that are being set up in the ETJ. He also asked about the involvement of the existing park owners on the committee and indicated his belief that they should have been included. He also expressed his exasperation that the site plan requirements were so lengthy and felt that was unfair. Mr. King went on to say that, after 19 years, he felt his opinion should have been asked for at the time of putting together the draft ordinances.

Greg Huling, with Huling Mobile Home Park, came forward to speak on this item. He mentioned that his request is fairly simple: first, that the parks be "grandfathered" and excluded from the ordinance altogether, with the recognition that time and competition will eliminate many of the parks, and at the time they become new parks, then the regulations should be applied.

Darlene Jones mentioned that the intent was to protect the community and to protect the integrity of its character when the efforts began. Ms. Jones mentioned her own agreement that the legal nonconformities should be allowed across the board and therefore not included within the draft ordinances. She mentioned her strong beliefs that the new parks should be regulated strictly. She also stated her belief that the committee should have included the existing park owners.

Lee Brown, with Spring Creek Marina, presented a scenario that he was afraid he would get into; this scenario included his fear that rearranging the park would not be allowed, or that the acquisition of additional property would create issues.

Corey Donaldson came back to the podium and added his question of "where do we go from here"? He explained that he wanted to learn about how changes could be added to the drafts

Chairman Jones called for a 15 minute break.

AJ Fawver came forward and addressed the questions that were asked at the time of public comment related to the ongoing ordinance draft process regarding existing RV campgrounds and parks.

Corey Donaldson came forward to speak again on this item. He expressed that he did not understand the items that are required as part of the site plan and felt that they should be reduced significantly.

Yanina Markova came forward to speak again on this item. She expressed that she understood the demarcation between expansion and filling in spaces. She asked that, based on this, the existing parks be treated differently.

Marshall King came forward to show the layout of his park and provided a brochure to the Planning Commission members. He mentioned that they are seeing more of a demand for Camp Park Models.

VII. Election of chairperson and vice-chairperson for 2014.

Motion, to appoint Darlene Jones as the chairperson for 2014, was made by Teri Jackson and seconded by Valerie Priess. The motion passed unanimously, 5-0.

VIII. Future meeting agenda.

AJ Fawver introduced to the Commission new City staff members Patrick Howard, Director of Development Services, and Jeff Fisher, Planner.

IX. Adjournment.

Teri Jackson motioned to adjourn the meeting, which was seconded by Mark Crisp. The meeting was adjourned.

Darlene Jones, Chairperson
Planning Commission