

**MINUTE RECORD OF THE CITY OF SAN ANGELO PLANNING COMMISSION MEETING HELD ON MONDAY, JANUARY 27, 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, Sammy Farmer

**ABSENT:** John Young (AE), Valerie Priess (EA)

**STAFF:** AJ Fawver, Interim Director of Development Services  
Kevin Boyd, Planner  
Roxanne Johnston, Planner  
Al Torres, Building Official

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

**II. Call to order at Prayer and Pledge.**

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

**III. 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.*

1. Consideration of approving the December 16, 2013 Planning Commission meeting minutes.
2. 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. Final Plat Paulann Park Addition, Section Seventeen
    - Proponents: David Jensen
    - Representative: SKG Engineering
    - Size and location: An unaddressed tract of land extending north and southwards from the northeast intersection of McGill Boulevard and Voight Boulevard. This property specifically occupies 10.8230 acres in Tract 1 of the WH Willis Survey 1112, Abstract 7966, in northeast San Angelo.
3. **Approval of the amended meeting schedule for 2014.**

Motion, to approve the consent agenda (items 1-3) as presented, was made by Mark Crisp and seconded by Sammy Farmer. The motion passed unanimously by a 4-0 vote.

**IV. Requests for approval of Special Use. [Planning Commission makes recommendation; City Council has final authority for approval.]**

**A. SU13-07: Bill Wynne**

A request for approval of a Special Use in a General Commercial / Heavy Commercial (CG/CH) zoning district to allow for a "Firearms Range" as defined in Section 408 of the Zoning Ordinance on the following property:

824 Warehouse Road, located approximately 225 feet east of the intersection of Warehouse Road and Foster Street; more specifically occupying the Davis V Bill Subdivision, Block 1, Lot 4, in south central San Angelo.

Kevin Boyd, Planner, came forward to present this case, consistent with the staff recommendation of approval subject to conditions outlined in the staff report. Mr. Boyd provided the Commission with returned notification letters and reminded the board that this case had been before them previously. Mr. Boyd showed a slide that explained what a Special Use is, and how is it required to be reviewed in the Zoning Ordinance, according to Section 209. He then covered the criteria for which Special Uses must meet in order to be approved. He then showed a variety of maps pertaining to the property and surrounding area.

Mr. Boyd then went into more detail on how this proposal would fit into the area, which is mainly commercial as opposed to residential. He then went through the conditions that were proposed in December. He reminded the Commission members that they had previously expressed concerns regarding safety and nuisances.

Bill Wynne came forward to present his case to the Commission. He explained the cost that it would take to upgrade the proposed range to a heavier caliber. His proposal indicates that his intention is for the range to be used for .22 rimfire at 25 yards. Mr. Wynne supplied the Commission with a handout that illustrates the rifles that his club proposes to use. *A copy of this handout is maintained with the minute record.* He added that the bolt action mechanisms of each rifle would be removed when the rifles were not in use. He also brought some examples of materials that would be used within the building, such as a bullet trap with a 1/4" steel plate backstop were presented by Ron Herring. Several items were passed to the Commission by Mr. Herring so that they could better understand the purpose of Mr. Wynne's proposal. Most of the .22 rounds, according to Mr. Herring, end up stopping halfway through the neoprene mulching material and he also showed the metal used as the end for the backstop.

Mr. Wynne then addressed the board with issues relating to sound from the use. He explained that he took a meter outside to measure sounds and nothing exceeded 80 decibels. He asked that the time limit on the Special Use should be considered.

Ms. Lysia Bowling, City Attorney, came forward to introduce Sgt. Barry Wike, with the San Angelo Police Department's Training Academy and Firearms Range. He

addressed Mr. Wynne's statement about not missing the target, pointing out that mistakes are never intentional but do happen, which is the reason for minimum standards. He explained that the NRA (National Rifle Association) publishes a book that addresses indoor ranges. He mentioned the ventilation system. He said that things to consider are that guns should not be heard outside at all, so decibels were not the issue.

Mr. Wynne came forward to address comments made by Sgt. Wike and a comment from Ms. Roxanne Johnston, Planner, who made the comment that another gun range with other calibers would be allowed at this site if the Special Use was approved, since Section 209 only addresses revocation of an approved Special Use if the designated use is not made of the property within 12 months of the approval date; the approval runs with the property and addresses the entire use category of "Firearms Range" as provided for in Article 3 of the Zoning Ordinance.

Mr. Crisp asked if there could be a time limit that could be imposed on the proposal, if approved. Ms. Johnston reiterated that this decision would run with the land and that conditions to inspect the building could be put on the proposal. She mentioned that the use is not tied to the owner, but with the property, because zoning decisions are based upon the appropriateness of use and details like ownership are not part of the consideration.

In order to protect the City from liability, the City Attorney, Lysia Bowling, advised the Commission to hold the applicant to industry standards for safety. She contended that there were no compliance/safety measures in the permitting process. Mr. Crisp asked if this is something that City Council decides. She explained that the Planning Commission would recommend to Council that these standards be in place before moving forward. She mentioned NRA books that might provide information with regards to safety.

Mr. Wynne explained that he had the NRA books Ms. Bowling was referring to.

Teri Jackson asked more about what could be done with regard to the Special Use and whether or not a gun range would be allowable under any zoning district. Roxanne Johnston reminded the Commission that Special Uses are a supplement to the underlying zoning district.

Motion, to approve with the conditions that there were special materials and annual inspections to ensure that safety is being addressed, was made by Teri Jackson. She felt that it would be more appropriate for the Police Department to be required to perform this inspection rather than Code Enforcement, who currently is responsible for enforcing the Zoning Ordinance. Mark Crisp seconded the motion. The chairperson asked for public comment.

Jesus Tellez came forward to address the motion. He commented that annual safety training should be conducted.

Sgt. Wyke came forward to discuss safety. He asked what would happen if Mr. Wynne failed the inspection and if there was authority to close it down. Teri

Jackson asked why a condition to place a .22 caliber requirement could not be placed on the property. It was discussed that City staff cannot be present at all times within the building and cannot effectively enforce and monitor what is being fired within the building.

Ms. Jackson then made an alternate motion, citing the same conditions as before, but adding two conditions: (1) that the caliber used within the building be limited to .22 rimfire; and, (2) that annual safety training be conducted by the property owner. Mark Crisp seconded this motion, and it passed by a vote of 3-1, with Darlene Jones voting in opposition.

**V. Request for Approval of Plat with request for variances from Subdivision Ordinance regulations. [Planning Commission has authority for final approval; appeals may be directed to City Council.]**

A. Final Plat Carter Addition, Section One, a request for approval of a Final Plat - and - a related request for a 9 foot variance from the 40 foot minimum paving width for local streets as outlined in Chapter 10, Section Three of the Subdivision Ordinance.

<u>Proponent:</u>	Michael Lynn Carter
<u>Representative:</u>	SKG Engineering
<u>Size and location:</u>	4003 North Chadbourne Street, located west of the intersection of North Chadbourne Street and Grape Creek road; more specifically occupying 3.18 acres of the SA & M G RR CO Survey 0011, Abstract 1954, in northern San Angelo.

This case was formally withdrawn by the applicant before the meeting.

**VI. Requests for approval of Conditional Use. [Planning Commission makes final decision; appeals may be directed to City Council.]**

**CU 13-22: Jesus Tellez**

A request for approval of a Conditional Use to specifically allow for 'Household Living' as defined in Section 310 of the Zoning Ordinance in a General Commercial/ Heavy Commercial (CG/CH) Zoning District located on the following property:

3226 Lake Drive, located approximately 215 northeast of the intersection at Lake Drive and West 33<sup>rd</sup> Street; more specifically occupying the Ratliff Subdivision, Block 4, Lot 1 in northwest San Angelo.

Roxanne Johnston, Planner came forward to present the case, consistent with the staff recommendation of approval, subject to conditions outlined in the background report. Of the sixteen notifications that were sent, none were returned in favor or in opposition. Ms. Johnston explained the nature of a conditional use. She reviews area maps and photographs of the site. Ms. Johnston went over the options and recommended approval, consistent with the city's plans and policies.

The applicant was seeking a conditional use with plans to ultimately construct a conventional single-family residence on the property. An application for permit to temporarily place a mobile home on the site was submitted concurrent with this request and is awaiting a final decision by City Council.

Ms. Johnston goes over the criteria for approval related to the request. Although the area's zoning reflects CG/CH, development in the area has been primarily residential in nature. A zone change was deemed inappropriate given the overwhelming commercial zoning that exist in the area. Rezoning the site to residential amid the CG/CH would not be prudent in terms of possible nuisances. The conditions of approval were outlined with the request. Ms. Johnston offered suggestions to the board for possible modification or additions to conditions presented.

Darlene Jones asked about the temporary permit request. Ms. Johnston mentioned that this conditional use is only for household living. The temporary permit request would be decided by City Council.

Jesus Tellez, the proponent, came forth to speak. He explained that he had interest of living on the property and that he was also seeking for a temporary permit during the duration of the home construction.

Sammy Farmer mentioned how much time would be need to remove the temporary, after the house is constructed. Ms. Johnston mentioned that the request would only allow for a one year period, with a possible one year extension.

Motion to approve, with the conditions as outlined in the staff report, was made by Mark Crisp. Teri Jackson seconded this motion, and it was unanimously approved, 4-0.

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

**A. Z 13-39 Rocky Alburtis**

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

3950 Arden Road, located at the northwest corner of the intersection of Arden Road and Houston Harte Expressway; more specifically occupying the Poulter Highland Acres, Block 3, Lot 26 except the north 296 feet, in west central San Angelo.

Kevin Boyd, Planner, presented this case consistent with plans and policies. He also used maps and photos to illustrate the location of the property and show surrounding uses. He explained the returned notifications that were submitted to the Planning Commission and commented that there were 2 in opposition, 2 in favor.

Mr. Boyd discussed area uses, with residential to the north and west, and a car dealership to the south. He reminded the Commission that the applicant asked for a Vision Plan amendment in Nov. and that the Commission voted against it. He went on to say that the property once had a commercial use on it. Staff recommended rezoning only the portion of the lot that is already CG/CH' not the R&E swath in order to keep the request consistent with the Vision Plan map. He further explained the uses of general commercial which would drop some of the heavier uses that are associated with the current zoning of CG/CH and would therefore make a better fit in relationship to area uses. He reminded the Commission that there had been widespread opposition of petitions for rezoning areas north outside of the subject property, with residential.

Rocky Albutis supplied the Commission with a more accurate survey map. He explained that his folks tried getting a permit for the R&E, but it was denied.

Grant Loehmker, neighbor, came forward to give the Commission another map and explained that he was against this proposal. He asked what the Vision Plan really was. He explained that the zoning as a commercial property would be similar to a blank check.

Dan Young, a neighbor, came forward to voice his concerns and opposition. He explained that there would be no buffer between his property and the commercial proposal if the entire lot was rezoned commercially.

Joe Bourgeois, pastor of the church that is located east of the subject property. He was concerned that children would be affected by construction on the property and safety issues.

Robert Trevino, owner of property to the west in opposition. He stated that if this zone change was approved, then he would put in a zone change to ask for the same thing. He cautioned that the Planning Commission should be careful in their request.

Mr. Albutis came forward to point out that all properties abut commercial properties, currently.

Gayla Young came forward to speak in opposition of this proposal. She stated that she had windows facing the property and that lighting could be a problem if the RE segment was rezoned to CG. She stated too, that she called to see if she could purchase the R&E segment to provide a buffer between her property and the CG/CH which is the remainder of the Mr. Albutis' property. She was particularly interested in safety and price of land. She just wanted the R&E to remain R&E.

Mr. Boyd reiterated that this Commission denied an amendment to the Vision Plan.

More discussion ensued regarding the R&E portion. Mr. Boyd explained that the property would not necessarily landlocked. If others purchased the property, neighboring property owners, that is, then they could incorporate the property into their current property uses.

Danny Young came back and mentioned that building a new home next to commercial would entail building a house to take the zoning into consideration.

Motion, to approve as presented, with direction to staff to update the Vision Plan to consistently reflect this change, was made by Teri Jackson. The motion failed for lack of a second.

Motion to deny the request as presented was made by Mark Crisp. The motion was seconded by Darlene Jones. The motion failed due to a tie vote of 2-2, with Teri Jackson and Sammy Farmer voting in opposition. As such, the zone change request was denied.

**B. Z 13-38 Jose A Ortiz**

A request for approval of a zone change from Neighborhood Commercial (CN) to Single-Family Residential (RS-1) to specifically allow for "Household Living as defined in Section 310 of the Zoning Ordinance on the following property:

421 South Bell Street, located approximately 25 feet from the northwest intersection of South Bell Street and Mayse Street. This property specifically occupies the Fairview Addition, Block 7, Lots 12-14 in east central San Angelo.

Roxanne Johnston, Planner, come forward to present the case, consistent with the staff recommendation of approval. One of the ten notifications distributed was returned in favor of the request. Ms. Johnston reviewed area maps and photos of the site. The notification map depicted the property of the owner in favor of the request, outlined in green on the map. Ms. Johnston outlined the options and staff's recommendation to approve the request. She went over the criteria for application. The request is consistent with the long-range plan which calls for "neighborhood" in the area. She stated that the request has the least possible environmental and negative impact on the area and limits development to single-family detached housing. Ms. Johnston added that the change would be consistent with the most dominate land use in the area and represented encouraged infill development.

John Luna came forth to speak on the matter. He spoke on the nature of the request and his intention to develop the site for low density residential development.

Motion, to approve the request as presented, was made by Mark Crisp. Teri Jackson seconded the request, which passed unanimously, 4-0.

**VII. Presentation from the San Angelo Metropolitan Planning Organization (MPO).**

Sarah Tackett came forward to present this item.

The San Angelo MPO service area encompasses 96 square feet. San Angelo is the only city in this MPO region. Services provided include transportation planning, monitoring of traffic patterns, long term project planning, and other items related to improving transportation flow within the region. Other roles of the MPO include citizen participation and education. Cities over 50,000 in population are required to have an MPO by the state of Texas, who also dictates annual and ongoing planning documents to reflect the desires of the public and the planned spending of public dollars dedicated to transportation infrastructure improvement or construction. There

is a Public Participation Plan (PPP) which outlines the goals and requirements for a minimum standard of public outreach. In addition, the MPO maintains and updates the Transportation Improvement Plan (TIP) and the Master Transportation Plan (MTP). Ms. Tackett mentioned the organization's new website and the features made available to the public, and mentioned some of the more recent outreach events they have conducted.

AJ Fawver, Interim Director of Development Services, came forward to speak on this item. She mentioned that the Planning Commission members may find themselves wondering how this MPO group relates to their work. She explained that there are two main areas where the work of the MPO and the work of the Planning Commission overlap: (1) the future Thoroughfare Plan; (2) the Comprehensive Plan. Both groups have expertise in areas that affect the long-term development of the city and make decisions based upon their understanding of how that development will take place. Planning staff is working with MPO staff to put together a standard operating procedure for how Thoroughfare Plan amendments are handled and recommendations from both the Planning Commission and MPO are obtained, as an example.

#### **VIII. Future meeting agenda.**

The next regular meeting of the Planning Commission is scheduled to begin at 9:00 a.m. on Monday, February 17 of 2014, in Council Chambers (South Meeting Room) of McNease Convention Center at 500 Rio Concho Drive.

#### **IX. Adjournment.**

Motion, to adjourn, was made by Ms. Jones and seconded by Ms. Jackson. The motion passed unanimously at the meeting adjourned at approximately 11:28am.

**This notice of meeting was posted on the bulletin board at the City Hall for the City of San Angelo before 9:00 a.m. on Thursday, January 23 of 2014, in accordance with Chapter 551 in the Government Code for the State of Texas.**

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AJ Fawver AICP, Secretary  
to the Planning Commission