



Planning Commission
10/16/2023

Notice is hereby given of a regular meeting of the Planning Commission of the City of San Angelo to be held on October 16, 2023 at 9:00 AM at City Hall – East Mezzanine, 72 W. College Ave., San Angelo, Texas, for the purpose of considering the following agenda items.

I. Call to Order

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. All items on the consent agenda have been recommended for approval by staff with no opposition received to date. Since some items on the Consent Agenda may require a public hearing, the Commission will accept public comment on any item on the Consent Agenda in one public hearing.

- A. Consider approving the meeting minutes from September 18, 2023.
- B. CU43-47: A request to renew a Conditional Use for a Short-term Rental located at 2330 Fisherman's Rd.

III. Regular Agenda

A. Subdivision Plats

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

- 1. A request for a revised preliminary plat for The Meridian to add 52 residential lots.

B. Conditional Uses

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

- 1. CU23-40: A Conditional Use request for a Short-term Rental located at 1725 Live Oak.
- 2. CU23-43: A Conditional Use request for a Short-term Rental located at 1305 S Jackson.
- 3. CU23-48: A Conditional Use request for a Renewal of a Short Term Rental at 205 Crestwood Drive.

C. Rezoning and Comprehensive Plan Amendments

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

- 1. PD23-06 & CP23-02, Coliseum Drive: A request for an amendment to the Comprehensive Plan changing from Neighborhood to Neighborhood Center and rezoning from RS-1 (Single Family Residential), RS-2 (Two-Family Residential), and CG/CH (General Commercial/Heavy Commercial) to a Planned Development District, allowing RS-1, RS-2,

and Neighborhood Commercial uses subject to certain conditions and limitations, located along and approximately one block on either side of the 4000, 4100, and 4200 blocks of Coliseum Drive.

2. **PD23-07:** A request to rezone from the Single Family Residential (RS-1) to the Planned Development (PD) zoning district with an underlying RS-1 zoning with storage units as an allowed use on approximately 5 acres located at 4415 Armstrong St.
3. **223-12:** A request to rezone 18.046 acres from the Ranch and Estate (R&E) district to the Low Rise Multifamily Residence (RM-1) district and to rezone 10.814 acres from the Ranch and Estate (R&E) district to the General Commercial (GC) district, on a property located at the southwest corner of Loop 306 and Foster Rd.
4. **223-13:** A request to zone 15.496 acres to the Single-family Residential (RS-1) zoning district in Blocks 5-7 and to the Zero Lot Line, Twinhome and Townhome Residential (RS-3) zoning district in Block 8 in the Meridian North Subdivision, located along the extension of Slayde Drive north of Royal Oak Street.
5. **223-14:** A request to rezone property from General Commercial (CG) to Heavy Commercial (CH), located at 3420, 3502, 3550 N. Bryant Blvd and associated unaddressed parcels.

D. Special Use Permit

City Council has final authority for approval of Special Uses.

1. **SU23-01:** A request for a Special Use to allow a 119-bed skilled nursing facility in the Heavy Commercial Zoning District located at 3215 YMCA Drive.

E. Ordinance Amendments

City Council has final authority for amendments to the zoning or subdivision ordinances.

1. Amendments to the Land Development and Subdivision Ordinance regarding administrative approval of certain subdivision plats and other revisions and clarifications to ensure consistency with state law and changes to the City's zoning ordinance.
2. Amendments to Section 406 of the Zoning Ordinance regarding Short-term Rentals.

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, begin by stating their name and address or Single Member District number, and limit their remarks to less than three minutes.

V. Planning Director's Report

VI. Follow Up and Administrative Issues

- A. Announcements and consideration of Future Agenda Items

VII. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, SU23-48: 3215 YMCA Dr.

A handwritten signature in blue ink, reading "Jon James", is positioned above a horizontal line.

Jon James, Director of Planning and
Development Services

All agenda items are subject to action. The Planning Commission reserves the right to consider business out of posted order.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending board or commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

REPORT TO PLANNING COMMISSION



Requestor:	Sherry Bailey, Sr. Planner, Planning and Development Services
Meeting Date:	October 16, 2023
Item type:	Consent Item

Caption:

Consider approving the meeting minutes from September 18, 2023.

Staff Recommendation:

Approve

Summary/History:

Consider approving the meeting minutes for September 18, 2023.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | | |
|----|----------------------|---------------------------|
| 1. | PC Minutes September | PC Minutes September.docx |
|----|----------------------|---------------------------|

Presentation:

Approvals/Reviews:



RECORD OF MINUTES
CITY OF SAN ANGELO, TX
PLANNING COMMISSION
MONDAY, September 18, 2023, 9:00 A.M.

Board Present: Travis Stribling, Chairman
Michelle Miller
Joe Self
Kandi Pool
Trinidad Aguirre
Brittany Davis

Staff Present: Jon James, Director, Planning and Development Services
Aaron Vannoy Asst. Director, Planning and Development Services
Brandon Dyson, Asst. City Attorney
Sherry Bailey, Principal Planner
Rae Lineberry, Planner
Austin Reed, Planning Technician
Olga Truman, Planning Technician

I. Call to Order

Chair Stribling called the meeting to order at 9:03 am, recognized a quorum, and called for the consent agenda.

II. Consent Agenda

- A. Meeting minutes:** Consideration of approval for the August 21, 2023 Planning Commission meeting.
- B. RP23-32:** A request for approval of a second replat of Bentwood Country Club Estates Section 16-D. The replat will combine Lots 56 and 57 into one lot 57 A with an adjacent drainage area called Tract A

The chair opened for public comment. No public comment was presented. The Chair closed public comment and sought a motion.

Commissioner Davis made a motion for approval, seconded by Joe Self. The motion carried 6-0.

III. Regular Agenda

A. Rezoning and Comprehensive Plan Amendments

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

1. **Z23-11 & CP23-04:** A request for a Comprehensive Plan Amendment from “Neighborhood” to “Neighborhood Center” and for a rezoning from Single-family Residential (RS-1) to Neighborhood Commercial (CN); located at 4415 Armstrong.

Planner Rae Lineberry presented the request to the Commission. A plat was approved for this location at the previous month’s meeting. The applicant now wishes to rezone the property to accommodate a storage unit business. Neighborhood Commercial zoning was settled upon to limit other potential commercial uses in the future, given that the property is near & borders several residences. The surrounding area is zoned RS-1 and R&E. The vision plan designates the area as largely residential with some commercial neighborhood to the near south. In platting, an unused street bordering the property to the west was abandoned, which will be publicly inaccessible.

The Chair opened for public comment. There was none, and the Chair closed public comment.

Some discussion ensued regarding the property’s small amount of frontage on Armstrong, its shape as a flag lot, and the possible location of the units. To this, it was speculated that the units would be near the rear (west), and that if the lot were to be commercial, the shape of the lot would suit self-storage units. Director Jon James provided that the applicant would still need to re-appear before the board for a Conditional Use to operate the storage business at this location, and that fencing would be required between the commercial and residential areas.

The Chair asked if the case could be heard once accompanied by more detailed plans for use, to which Director James cautioned against. The Board expressed concerns with rezoning without the guarantee of storage units. It was raised that a planned development district may be most appropriate as to tailor the zoning towards storage units alone while maintaining a residential base.

A motion was made by Commissioner Self to table to the October meeting.

This was seconded by Brittany Davis, and the motion carried 6-0.

2. **Z23-12:** A request to rezone 18.046 acres from the Ranch and Estate (R&E) district to the Low-Rise Multifamily Residence (RM-1) district and to rezone 10.814 acres from the Ranch and Estate (R&E) district to the General Commercial (GC) district, on a property located at the southwest corner of Loop 306 and Foster Rd.

Principal Planner Sherry Bailey presented the request to the Commission. The subject property is currently outside of city limits. It is moving towards annexation and the applicant wishes to come

into the city as a combination of RM-1 and CG. The northern portion towards Loop 306 will be CG, and the southern will be RM-1. These plans are compatible with the vision plan for the area.

Concerns were quickly raised about the disrepair, propensity for flooding, and traffic on Foster Road, to which the Commission feared that adding a low-rise multifamily district would only worsen. Most of the concern came from and surrounds the neighborhood south of the subject property, Butler Farms, which bottlenecks into Foster Road.

The Chair opened for public comment.

Alan Price, resident of Butler Farms, approached the podium and echoed some of the same concerns as the Commission including drainage, traffic, and access.

Russell Gully, representing the applicant, spoke to these concerns and mentioned working with the Texas Department of Transportation to establish additional access points. He also mentioned that, when platting, the applicant will have the obligation to improve Foster Road and that there are options to improve the drainage. He specified that RM-1 is not necessarily restricted to multi-family, but that it is inclusive and could result in the development of single-family or townhome residences. The Chair asked Mr. Gully about curb-cuts/access points into the CG portion, to which he suggested that there may be access off of Foster Road a suitable distance away from the access road to Loop 306.

Elizabeth Garrett, also a nearby resident, approached and expressed concerns with traffic and the intersection at the top of Foster Road. She also asked as to why the zoning would become CG (General Commercial) instead of CN (Commercial Neighborhood), and asked of the differences. Director Jon James explained that an automotive-related business, for instance, would not be allowed in CN, but a grocery store would.

Danny Calhoun, Butler Farms resident, spoke of Foster Road's width and flooding, and mentioned that there have been propositions for repair and increased access that he would like to see materialized.

Stephanie Bass, also a Butler Farms resident, spoke anecdotally of times when fires and collisions resulted in people being trapped in the neighborhood for hours, stating her dissatisfaction with Foster Road and her concerns with adding additional traffic.

The Chair closed public comment and mirrored the public's concerns with Foster Road. The Chair asked about which parts of the property are within city limits and what was not. The Planning Director explained that the subject area was almost entirely encircled by the city limits, and that the future thoroughfare plan shows the continuations of Foster Road south over the river and westward into Bentwood, providing additional future connectivity.

The Chair opened public comment once again, where Russell Gully spoke of his understanding

towards the concerns that were raised, proposed working with TxDOT on a traffic study, and that this case was the first step towards development and making improvements as requested - as opposed to letting the area stagnate. He also reassured that there is an obligation for stormwater mitigation which accompanies platting/improvement. Commissioner Aguirre drew comparisons to Cox Lane and shared Mr. Gully's sentiment about the need for development and improvement to start somewhere at the risk that the area goes unimproved for a considerable amount of time.

Mr. Calhoun spoke again, where he and the Chair raised that the notice given for the particular case was not adequate. The minimum required notification range of 200 feet did not reach the residents of Butler Farms, and the one sign posted was not easily seen. Mr. Calhoun spoke of his support for a connection to Crystal Point Drive to the west.

Mr. Gully approached again, requesting that the Commission table the case for the time being so that he can have further conversations with the applicant about how to ensure that they adequately meet the requests brought before them.

The Chair closed public comment.

Commissioner Davis asked if staff typically had access to future plans in cases like these prior to the meeting, to which Director James stated they did not, and that even if they did, caution should be exercised because they can be misleading, since the Commission is only approving the zoning, not any specific plans. The Chair requested that staff find a way to better notify residents in cases like these. Commissioner Miller asked if staff notified homeowner associations, to which Mr. James answered that they sometimes do when that information is available, but that it is not required.

The Chair asked for a motion. Joe Self presented a motion to table the case to the next meeting (October). Brittany Davis seconded. The motion carried 6-0.

3. PD23-04 & CP23-02, Coliseum Drive: A request for an amendment to the Comprehensive Plan changing from Neighborhood to Neighborhood Center and rezoning from RS-1 (Single Family Residential), RS-2 (Two-Family Residential), and CG/CH (General Commercial/Heavy Commercial) to a Planned Development District, allowing RS-1, RS-2, and Neighborhood Commercial uses subject to certain conditions and limitations, located along and approximately one block on either side of the 4000, 4100, and 4200 blocks of Coliseum Drive.

NOTE: This case was the fourth discussed in the meeting. CU23-44 was brought out-of-order before this case because there were several present for it. That case can be found under the Conditional Use section.

Principal Planner Sherry Bailey presented the request to the Commission. This case was originally brought before the Commission at the previous month's meeting and was tabled for further discussion. Most notably, the area included was expanded on its southern boundary around the Stripes gas station, and 31 additional notifications were mailed. This development is being spurred by gradual changes within the neighborhood and its intention is to open the door to the commercial development of properties leading towards and around the Coliseum. Some notable conditions for development include landscape plans, urban design reviews, rear parking, 15-foot front setbacks, lighting, and required sidewalks.

The Chair opened for public comment.

Kara Bowles, family of a nearby resident and property owner, spoke to express her opposition towards the additional foot traffic and potential crime the development may bring to a neighborhood she sees as elderly and low-income.

Another nearby resident/land owner approached the podium and sought clarification on what the intention of the development was, to which the Chair explained that it was to allow commercial development along the area while still maintaining the character of the neighborhood. The resident expressed concerns about traffic - namely exiting traffic during high-intensity events at the Coliseum which affect his property's accessibility. There was also a brief discussion about why the area is not within the TIRZ district.

Dolores Zapata, who lives right behind the Stripes, sought answer for crime and safety, fearing that the development would attract additional unwanted traffic. The Commission responded with reasoning that additional lighting, sidewalks, and rear-parking should all deter unsafe situations.

Commissioner Davis spoke and raised an issue about mortgage lending and the effect that re-zoning may have on FHA and VA loans. When a residential property is not zoned as expected, verifications from city staff are required for the loan process, which can result in delays. In some cases, residents are required to re-plot. Director James provided that the planned development district would still have a residential base, and that typically these issues arise on properties that have straight commercial zoning and are legal non-conforming as a result. In this case, properties would be conforming (as opposed to legal, nonconforming).

Kara Bowles, who happens to be a lender wanted to know if the development would have an effect on residential properties' homestead value as businesses are brought in around them, and asked about the allowed commercial uses as proposed under the planned development and the process business will need to follow in order to locate themselves there. Mr. James answered that the zoning essentially allows for residential uses, as well as neighborhood commercial with stipulations, and the Chair answered that prospective businesses would be subject to multiple forms of staff review.

The Chair closed public comment.

The conversation concerning lending and government-insured loans continued among the

Commission, and it was suggested that the item be tabled to the following meeting to allow for further conversation while other local lenders are consulted.

Commissioner Davis moved to table, seconded by Kandi Pool. The motion passed 5-1.

4. **PD97-07:** A request to amend the Master Site Plan and concept plan for PD97-07 by adding a 14,500 square foot building for the Angelo State University flight training program at the San Angelo Airport.

Commissioner Joe Self recused himself from this item.

Principal Planner Sherry Bailey presented the request to the board. The purpose of this request is to accommodate for a new flight training facility/educational center in tandem with Angelo State University. One concern for development is drainage issues located around the proposed construction. This request represents an amendment to the original Planned Development from 1997, which was also amended in 2020. Upon a question from the Chair, Bailey confirmed that the Airport Board has heard and is in full support of the amendment.

The Chair opened for public comment.

Brooks Wehner, an architect, approached the podium to address any questions and to let the Commission know that they will be addressing the drainage issues with a stormwater detention pond.

The Chair closed public comment.

Brittany Davis made a motion to approve as presented. Commissioner Miller seconded this motion, where it carried 5-0.

B. Conditional Uses

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

1. **CU23-41:** A request for a Conditional Use for a Short Term Rental located at **2274 Joy Road** in the RS-1 zoning district.

Asst. Dir. Aaron Vannoy presented the request to the Commission. This item involves a new short-term rental at Lake Nasworthy. The property currently lacks paved parking or a paved street connection, which will be required should they receive approval. The house on this property is placed considerably closer to the street than the neighboring house to its east, to where the subject property's backyard directly borders the neighbor's front yard. This neighbor returned their notification in opposition, as did two others.

The Chair opened for public comment.

Jerry and Loretta Lancaster, neighbors of the subject property, approached the podium. Mr. Lancaster expressed dissatisfaction with the quality and size of the property's parking, and feared that a short-term rental would introduce drinking, partying, and noise into their otherwise quiet neighborhood. Mrs. Lancaster asked if there are local operators and how they would be contacted. The Chair mentioned that local operator contact information should be included within the mailed notification that property owners receive, which Vannoy confirmed. Mr. Lancaster asked if the applicant was shown to be the legal owner of the property. Mr. Vannoy answered that, according to the information that staff does have, there is shown to be an out-of-town owner and a local operator who signed the applications.

The Chair asked if the applicant was present, to which there was no answer. The Chair said that he is generally uncomfortable approving short-term rentals when there is no applicant present. Director Jon James cautioned that, when disapproving a short-term rental, there should be a rational basis beyond an applicant's absence. The Chair reasserted that it would be illogical to expect an operator to be responsive to neighbors if they are not able to attend their Planning Commission hearing, which Commissioner Davis echoed. Davis also voiced her concern with the forward offset of the house in relation to its neighbor. Michelle Miller took the opportunity to express the same sentiment as others regarding an applicant's absence, especially if there is opposition or there are questions which cannot be answered.

Commissioner Miller made a motion to deny the request. Commissioner Davis seconded. The motion to deny carried unanimously 6-0.

2. CU23-42: A request for a renewal of a Conditional Use for a Short-Term Rental located at **181 A & M Ave.**

Planner Rae Lineberry presented the request to the Commission. This request is for the renewal of a short-term rental in the ASU-College Hills neighborhood. Although it has been a year since its initial approval, they have only been operating for a month. Two notifications were returned in favor and three came in last-minute in opposition. The only explanation for opposition mentioned dissatisfaction with an unused vehicle in the front yard that has been converted to an art piece. The Chair asked if said car was in compliance with City ordinances, to which Ms. Lineberry answered that Code Compliance found no violation. Otherwise, there were no complaints.

The Chair opened public comment. There were none, and the Chair closed public comment.

The Chair noted that renewals can be approached differently, and the Commission recognized that the only expressed opposition was towards the car and not the short-term rental itself.

Brittany Davis moved to approve the item. This motion was seconded by Joe Self. The motion passed 6-0.

3. CU23-44: A request for a Conditional Use for a Short Term Rental at **2950 Red Bluff Circle** in the RS-1 zoning district.

NOTE: This case was discussed earlier in the meeting directly after Z23-12. It is being categorized here under the Conditional Uses for organizational purposes.

Asst. Dir. of Development Services Aaron Vannoy presented the request to the Commission. The subject property is a home on the water at Lake Nasworthy which shares an access with multiple neighboring properties. The owner has been improving the home over the last two years, including paving the property's private driveway. One notification was returned in favor and one was opposed.

Commissioner Self asked who owned the shared approach, to which Mr. Vannoy answered that it is city-owned. The shared approach eventually branches into dedicated connections to each of the neighboring homes.

The Chair opened for public comment.

Patrick Agan, immediate neighbor to the east, approached the podium. He fears that potential renters will be confused on where to park when approaching the residence, and that the subject property's address numbers are not yet apparent. Mr. Agan handed staff and the Commission a printed satellite image highlighting points of interest between the two properties, one of which being a shared driveway down to the water that is split 50/50 by the side property line between him and the subject property. The subject property's access to this driveway is not gated. Per questions from the Chair, Mr. Agan provided that this access is barely wide enough for a vehicle but difficult to maneuver through. He answered that he does access this driveway to the water from his property, and that the access on his side is gated as to prevent others from using it. He has been in correspondence with the applicant but remains in opposition.

Donna Weatherford, nearby neighbor, approached and stated her opposition to the short-term rental and short-term rentals in general, holding the belief that it will result in excessive noise, trash, and parties.

The applicants then spoke, providing that they have been in contact with Mr. Agan and that they have plans to install a locked gate on their access to the shared driveway that goes down to the water with no-trespass signs. They shared that they do not intend to have parties at the property and have been in contact with the neighbors. They also have large numbers for the address that they will put up, and said that their personal paved driveway can hold up to seven cars.

Jerry Lancaster approached the podium and stated that even though he was here for a separate case, that he was opposed to all short-term rentals in general and wanted to make sure that the case he was concerned about was not being missed.

Patrick Agan again spoke, asking questions about the possibility of attaching conditions to an approval, and reiterated his concerns about tenants wandering onto his property.

Donna Weatherford asked about who would be supervising the property given that the applicant lives out of town. Staff provided that a local operator is required. The applicant had family who were present at the meeting who they said they intend to maintain and supervise the home. Family member Robin Tidwell spoke and stated that some of the opposed don't use their properties as their primary residence.

The Chair closed public comment, and recognized the potential for issues with the shared drive to the water. Commissioner Davis asked about, in addition to the locked gate, fencing on the subject property's side further separating it from the Agan property. The applicant shared that there is a fence already, but it is only four feet tall.

Commissioner Davis made a motion to approve with the conditions that the applicant "put distinct numbering on both sides of the entrance of the property, limit parking to just inside the applicant's fence, [has] a gate added that leads down to the shared drive with a lock on it... a lock on the eight-foot gate, [and] no trespassing signs in multiple locations." Commissioner Davis also sought a condition that the online listing includes a photo highlighting property boundaries and off-limits areas. Asst. City Attorney Brandon Dyson expressed that this condition would be difficult to enforce. Upon a word from Mr. Agan, an added stipulation of "no access signs where applicable" was given. Trinidad Aguirre seconded the motion. The motion passed 5-1.

4. CU23-45: A request for a Conditional Use for a Short-Term Rental at **2512 Princeton** in the RS-1 zoning district.

Asst. Dir. Aaron Vannoy presented the request to the Board. The request is for a new short-term rental in the ASU-College Hills neighborhood. This item was located within the prohibited 500-feet of another short-term rental, but sought: 1) the ability to seek a variance for this distance from the Zoning Board of Adjustment, and 2) an actual variance for their distance at this specific property, which is 332 feet from STR property line to STR property line.

This case being the first of its kind and the ability to seek this variance being new to the Planning Commission, Planning Director Jon James took the opportunity to explain. Planning staff's original interpretation of the ordinance was that the 500-foot stipulation was not able to be varied. However, anyone has the ability to challenge these ordinance interpretations. The applicants in this case did challenge this interpretation before the Zoning Board of Adjustment, who agreed with the applicant and found that the 500-foot measurement is one that can be

varied. The following month, the applicant was granted that variance. The Chair asked what the basis for this case's variance was, which Mr. James answered that the street distance is significantly longer than the property line to property line distance.

The property is located near the stadium and university in a neighborhood with a significant number of other rentals. The property meets parking requirements.

The Chair opened for public comment. Doug Robinson, applicant, approached the podium and explained some of his experiences with this case. He explained that they were aware of the 500-foot rule, but operated on incomplete information from staff whose maps were not yet updated with the other nearby short-term rental. By the time he and staff had learned about the other STR, he had purchased the property with the sole intent of operating one of their own.

The Chair closed public comment.

Kandi Pool expressed her belief that a member of the public who has done their due diligence in proceedings with city staff should not be penalized, and therefore empathized with the ZBA in their decision.

Commissioner Pool made a motion to approve. Joe Self seconded this motion. The motion carried 6-0.

IV. Discussion Items

1. Discussion of potential future changes to the Subdivision Ordinance to allow more preliminary plats and final plats to be approved administratively without review by the Planning Commission per Texas House Bill 3699.

Planning Director Jon James presented this item, which was introduced at the last meeting. Recent changes to State law allows most plats to be approved administratively with some exceptions surrounding residential replats and those requiring variances. Staff recommends amending the subdivision ordinance to allow these plats to be reviewed administratively, and ask the Commission if there are any plats that they would prefer to always hear. It is mentioned that applicants are always able to appeal staff decisions to the board, regardless.

The Planning Director and the Chair came into agreement that some cases, such as large and significant preliminary plats, should be heard by the Commission. The Chair expressed concern with flag lots. Director James asked if there were a rough threshold for which preliminary plats would be considered large enough to need to be heard. The Commission tentatively settled upon 10 acres. Commissioner Davis later mentions that this figure should be dependent upon zoning, given different zone's densities.

2. Meridian North – A request to annex 15.496 acres.

Principal Planner Sherry Bailey spoke to the Commission to inform them about a potential annexation that will present some complications in accessibility/street connection and drainage. Commissioner Davis asked if the Fire Department had found issue, to which Bailey responded that the Fire Department will conduct a review.

The Chair asked if the Commission's input was needed for anything, to which staff responded that this was simply to keep them informed about upcoming cases – one of which being the rezoning for the area in question, and another being its plat.

V. 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, begin by stating their name and address or Single Member District number, and limit their remarks to less than three minutes.

No public comment was raised, but Commissioner Davis took the opportunity to raise an issue she's been made aware of regarding communication and responsiveness between city staff and members of the public.

VI. Planning Director's Report

Director James mentions that, in the case of Riviera Lane and its rear setbacks, they are taking a resolution to City Council to acknowledge that the modification of said rear setbacks was a scrivener's error, which staff is asking the Council to correct.

Upon a question from the Chair, Mr. James answered that those lots are going before the Zoning Board of Adjustment at its next meeting for a variance request.

Commissioner Davis asked staff how often the map showing short-term rentals was being updated to include that information. Director James answered that the process has been improved such that any approved short-term rental cases should be sent in GIS memos to the GIS Department within a week of approval.

The Chair posed the concept of implementing a city-run website including a working list and map of all short-term rentals in San Angelo, including useful information and links to ordinance, state registration, requirements, etc. Asst. Director Vannoy mentions that this would be a useful place to include short-term rental operators' contact information.

VII. Follow-up and Administrative Issues

A. Announcements and Consideration of Future Agenda Items

The next regular meeting of the Planning Commission is scheduled to begin at 9:00 a.m. on **October 16, 2023** at the East Mezzanine of City Hall, 72 W College Avenue, San Angelo, Texas.

VIII. Adjournment

Brittany Davis made a motion to adjourn, seconded by Michelle Miller. The motion passed 4-0, and the meeting adjourned at 12:57pm.

Travis Stribling, Chairman

All agenda items are subject to action. The Planning Commission reserves the right to consider business out of posted order.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending board or commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

REPORT TO PLANNING COMMISSION



Requestor:	Aaron Vannoy, Assistant Director, Planning and Development Services
Meeting Date:	October 16, 2023
Item type:	Consent Item

Caption:

CU43-47: A request to renew a Conditional Use for a Short-term Rental located at 2330 Fisherman's Rd.

Staff Recommendation:

Approve

Summary/History:

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|------------------------|-----------------------------|
| 1. | CU23-47 - Staff Report | CU23-47 - Staff Report.docx |
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Presentation:

Approvals/Reviews:



STAFF REPORT

Planning Commission: October 16, 2023

APPLICATION TYPE:		CASE:	
Conditional Use – Short Term Rental Renewal		CU23-47: 2330 Fishermans Rd.	
SUMMARY:			
Request for a renewal of a Conditional Use for a Short-term Rental located at 2330 Fishermans Rd. in the RS-1 Zoning district. The property is 2400 feet from Knickerbocker Rd. on Lake Nasworthy.			
LOCATION:		LEGAL DESCRIPTION:	
2330 Fishermans Rd.		Lot: 8, Blk: 1, Subd: LAKE NASWORTHY, GROUP 15	
SM DISTRICT / NEIGHBORHOOD:	ZONE DISTRICT:	VISION PLAN:	SIZE:
District 1 – <i>Tommy Hiebert</i> Neighborhood – Nasworthy	RS-1	Neighborhood	0.264 acres
NOTIFICATIONS:			
10 notifications were mailed out on September 29, 2023 to land owners within a 200-foot radius of the subject land. Received 0 in support and 0 in opposition.			
THOROUGHFARE PLAN			
Fishermans Rd: Parkway Road, 30' of paving and variable ROW. Additionally, a 64' access easement across city owned property to reach the property.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of CU23-47: a request for a renewal of a Conditional Use for a short-term rental on a property zoned RS-1 (Single Family Residence), being 0.264 acres located at 2330 Fisherman Rd.			
PROPERTY OWNER/PETITIONER:			
Property Owner: Odom Brothers Investments, LLC			
STAFF CONTACT:			
Aaron Vannoy Assistant Director Planning and Development Services (325) 657-4210, Extension 1542 aaron.vannoy@cosatx.us			

Conditional Use: Approval of a conditional use by the Planning Commission shall be based upon the following criteria.

1. **Impacts Minimized:** Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties. There are no adverse effects that will be created by the establishment of a short-term rental property. No complaints registered for this property with City of San Angelo Code Compliance nor the Police in the past year.
2. **Consistent with Zoning Ordinance:** Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement. This conditional use is in conformance with the zoning ordinance and the residential zoning district (RS-1).
3. **Compatible with Surrounding Area:** Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land. The area is a recreational area on Lake Nasworthy. Property across the street is undevelopable due to airport regulations for incoming and outgoing aircraft.
4. **Effect on Natural Environment:** Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment. There will be no adverse environmental effects that will result from the proposed use.
5. **Community Need:** Whether and the extent to which the proposed conditional use addresses a demonstrated community need. There are no other short-term rental facilities within 500-feet of this establishment. The proximity of this location to Lake Nasworthy makes it a good opportunity to increase tourism as well as business travelers coming into San Angelo Regional Airport.
6. **Development Patterns:** Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community. The proposed conditional use is providing a logical use to the property in question, as well as in context with the area and neighborhood.

Recommendation:

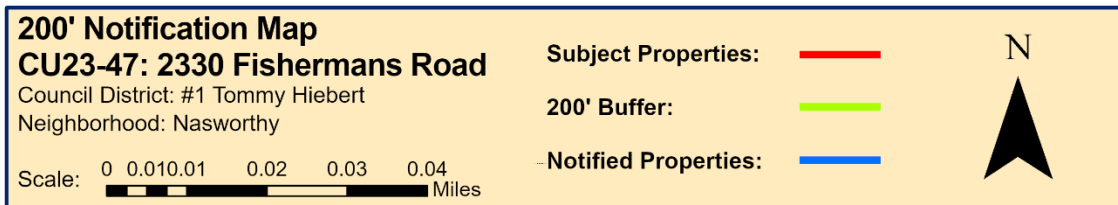
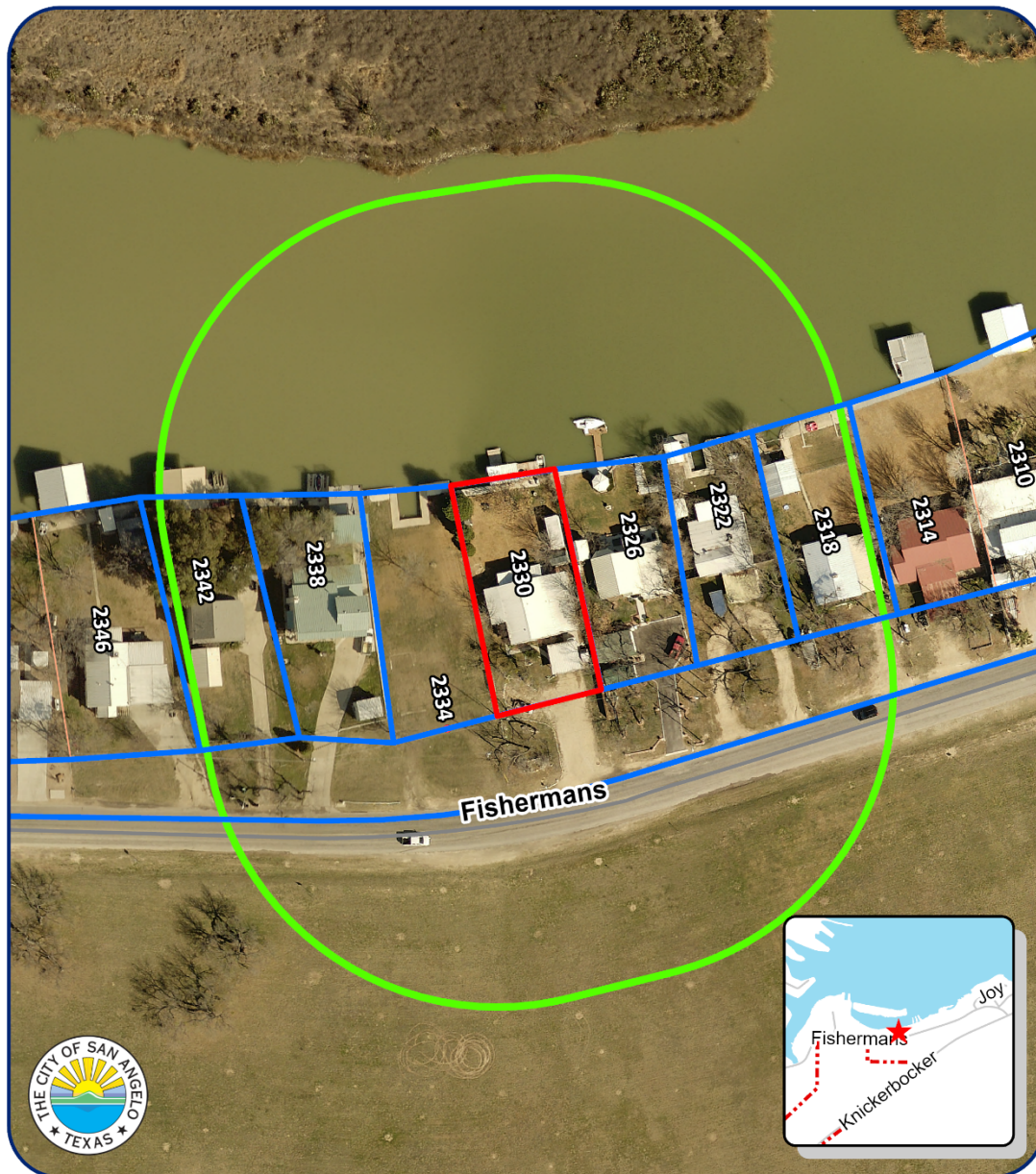
Staff's recommendation is for the Planning Commission to **APPROVE** the renewal of CU23-47: a Conditional Use for a short-term rental on a property zoned RS-1 (Single Family Residence), being 0.264 acres located at 2330 Fisherman Rd.; **subject to the following four conditions of approval:**

1. The applicant shall maintain the Certificate of Occupancy for existing single-detached dwelling as a short-term rental.
2. The property owner shall maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance.
3. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, initial permit acquisition and subsequent permit renewals.
4. The property owner is required to have an annual Fire Prevention inspection.

Attachments:

Notification Map
Aerial Map
Zoning Map
Site Visit Photos

Notification Map



Aerial Map



Aerial Map
CU23-47: 2330 Fishermans Road
Council District: #1 Tommy Hiebert
Neighborhood: Nasworthy

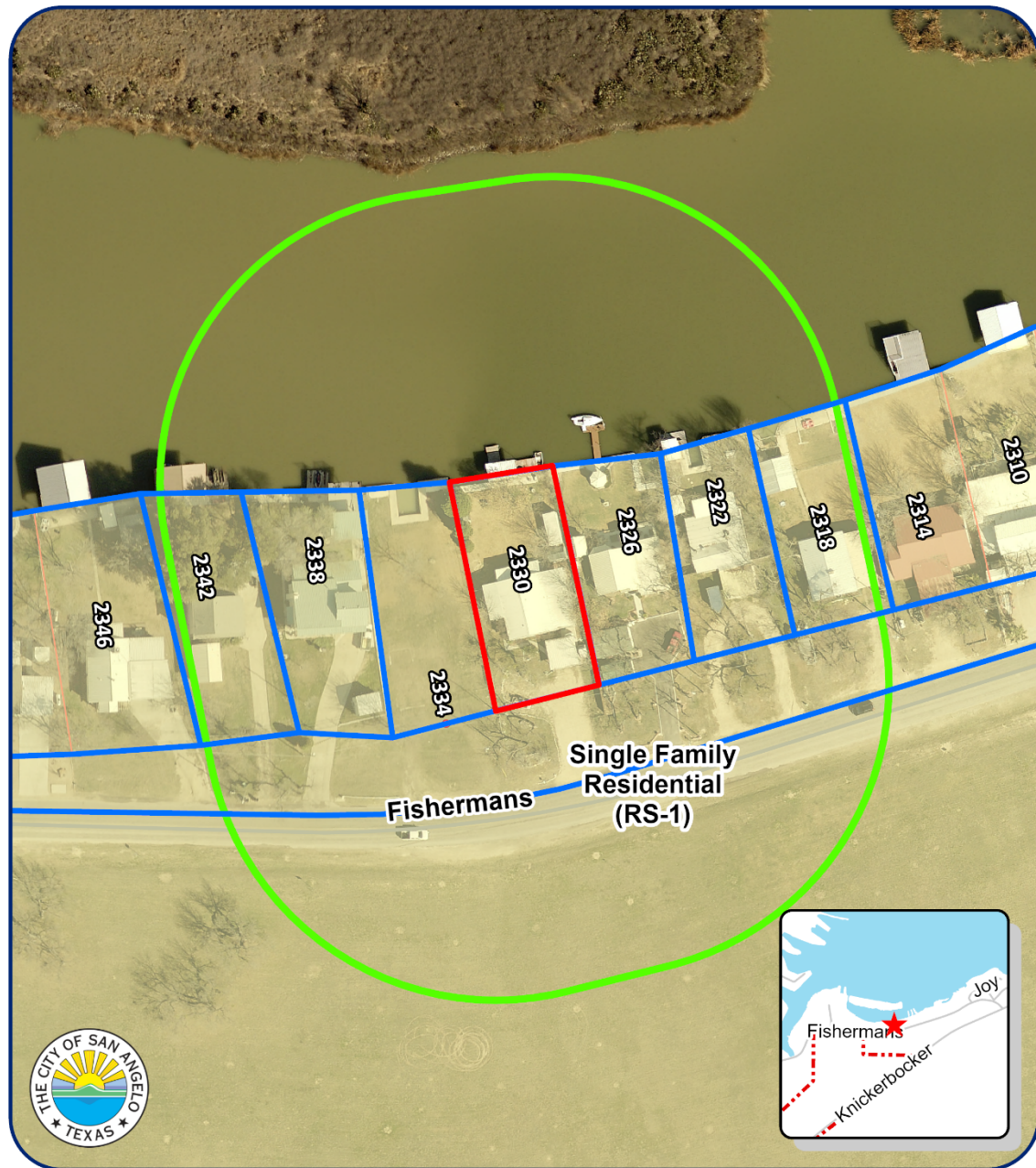
Subject Properties: 

Scale: 0 0.01 0.02 0.03 0.04 Miles

N



Zoning Map



Zoning Map
CU23-47: 2330 Fishermans Road

Council District: #1 Tommy Hiebert
Neighborhood: Nasworthy

Scale: 0 0.010.01 0.02 0.03 0.04 Miles

Subject Properties:

200' Buffer:

Notified Properties:



Site Photos

MEMO

**Meeting**

Date: September 18, 2023

To: Planning Commission

From: Aaron Vannoy
Assistant Director Planning and Development Services, City of San Angelo

Request: Discussion and action on Revised Preliminary Plat – The Meridian – PP23-12

Background: The original Meridian Preliminary Plat was approved in the Fall of 2020 with section 1A and 1B coming for Final approval. This revised Preliminary plat now moves north along Slayde ST. And Lilah Lane with a connecting street Catarina Ct. Blocks 5, 6, 7, and 8 will add 41 RS-1 lots and 11 RS-3 lots potentially.

Notification: No notification is required for this Revised Preliminary Plat

Information: Roads are designed to have 50' ROW with a 40' paving. Drainage is being addressed with Engineering Services at the Final Plat stage.

Planning Commission Requested Action:

Staff recommends the **APPROVAL** of the request for the Revised Preliminary Plat PP23-12 The Meridian with the following condition:

1. Obtain the RS-3 zoning district for Block 8 before filing with local jurisdiction.

Preliminary Plat – The Meridian

MEMO



Meeting

Date: October 16, 2023

To: Planning Commission

From: Rae Lineberry
Planner, City of San Angelo

Request: Short-Term Rental request with a distance variance approved by ZBA by a vote of 7-0

Background: 1725 Live Oak St applied for a Conditional Use for a short-term rental in August 2023. However, when maps were reviewed it was determined the request was within 500' distance of another short-term rental. In August 2023 the Zoning Board of Adjustment (ZBA) heard an appeal of the Director's Interpretation where the distance between Short-term rentals was not a variable distance due to this being a change of property use rather than a setback distance. The ZBA approved the appeal allowing applicants to seek a distance variance. The distance variance for the subject property was heard on October 2 at the ZBA. The Board voted in favor of the distance variance.

Notification: 22 notices were mailed out to property owners within 200 feet. We have received two responses that did not have an objection and zero in opposition.

Information: This request comes to Planning Commission with a distance variance approved by the Zoning Board of Adjustment to allow an STR within 500 feet of another STR. The property is located in the Santa Rita neighborhood. The owners will need to provide 2 paved parking spaces.

Planning Commission Requested Action:

Staff recommends the **APPROVAL** of the request for Conditional Use to allow the property at **1725 Live Oak St** to operate as a Short-Term Rental **with three conditions of approval.**

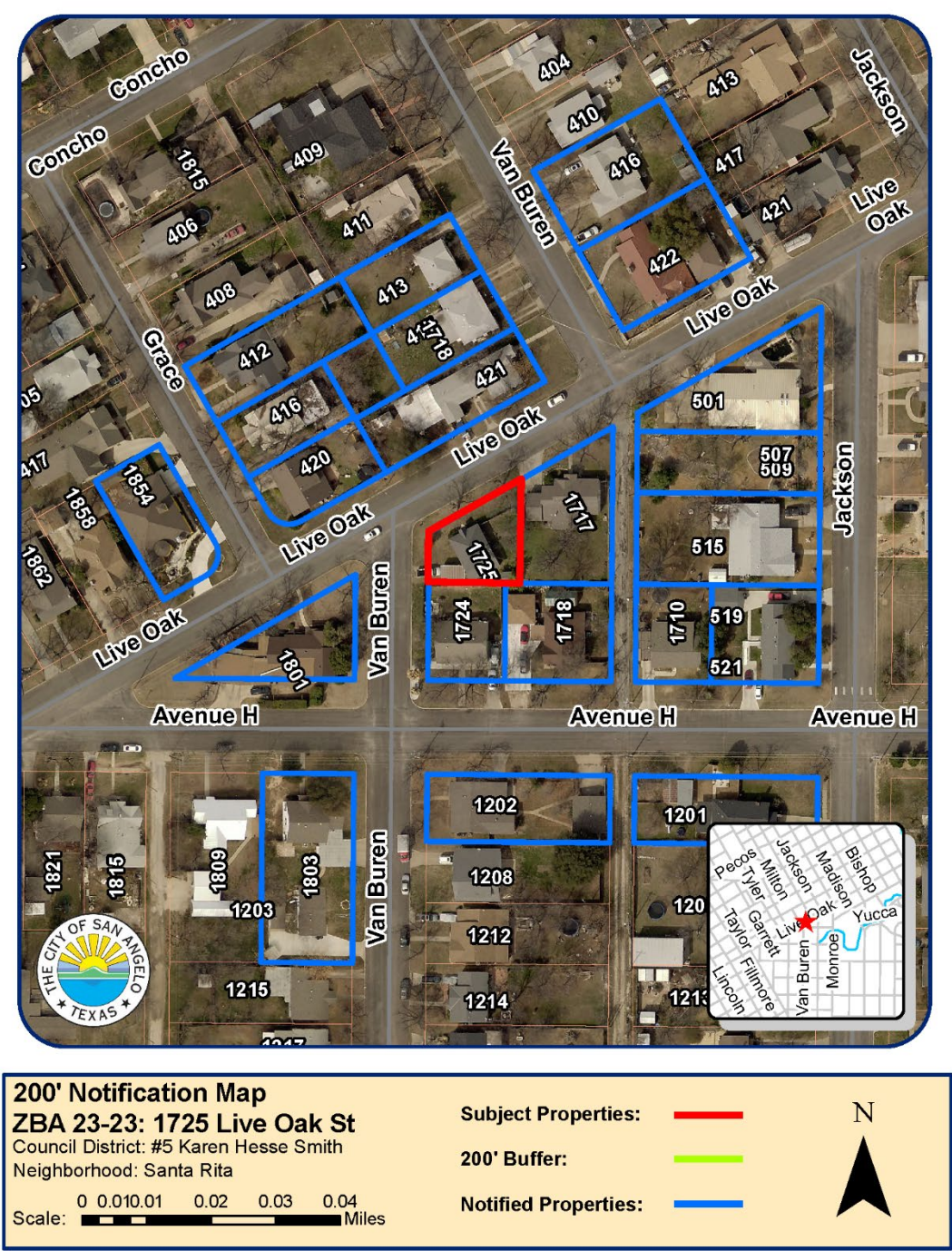
- Pave and maintain two off-street parking
- Obtain a change of occupancy from Permits & Inspections
- Obtain a fire inspection annually

This approval is good for one year. By October 2024, we should be working on the second approval. The request will need to be submitted by September Deadline for October PC 2024 meeting.

1725 Live Oak St Site

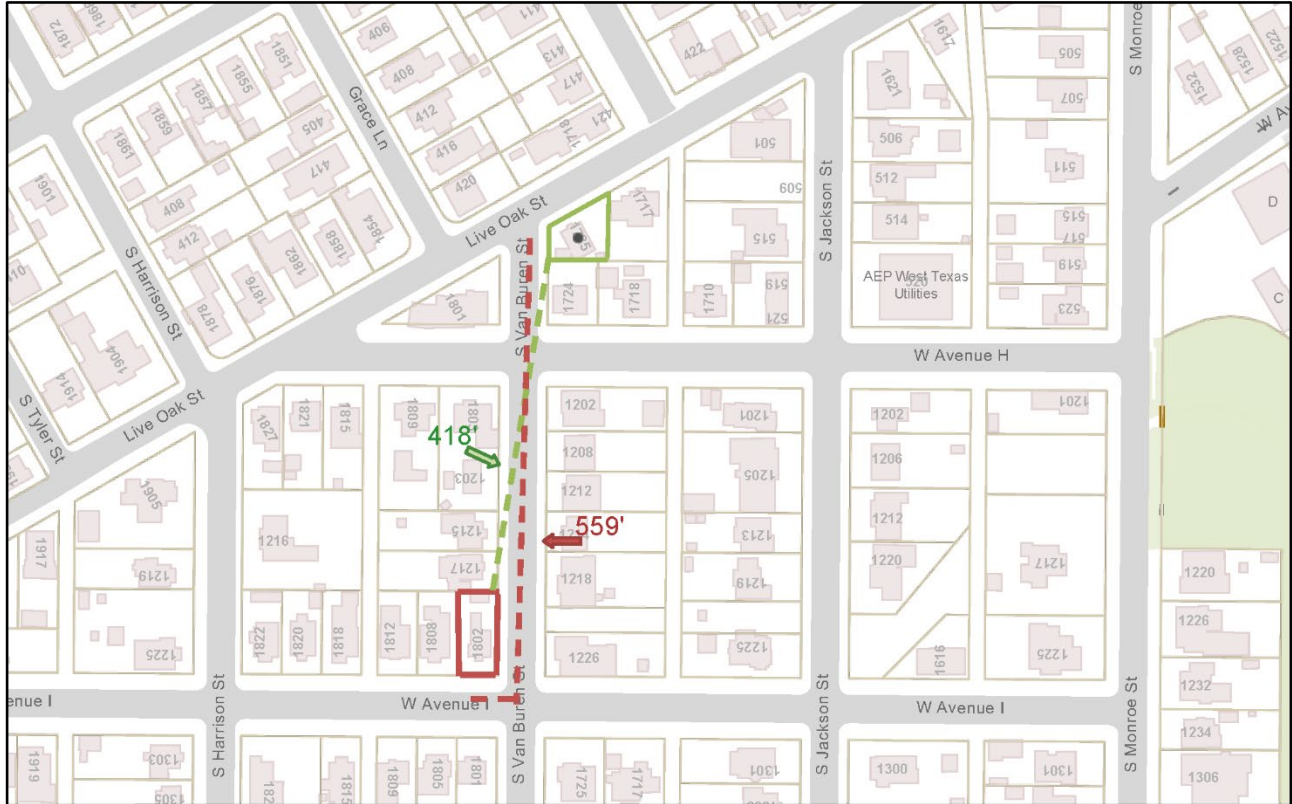


Notification Map



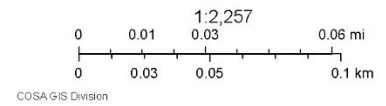
Distance Map

ArcGIS Web Map



9/24/2023, 12:21:08 PM

Parcels



ArcGIS Web AppBuilder
none | COSA GIS Division | COSA GIS Divisions | City of San Angelo Copyright 1987-2014 |

From: [Larry Jackson](#)
To: [*Planning](#)
Subject: CU23-40
Date: Saturday, September 30, 2023 4:17:29 PM

CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.

I have no objection to the property at 1725 Live Oak being used as a Short-Term Rental. I am responding for the property listed in my name and the other listed as Jackson L Properties LTD, 501 S. Jackson St and 507 S. Jackson St.

--

Larry L. Jackson
ljax@ljaxphotos.com

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

MEMO



Meeting

Date: October 16, 2023

To: Planning Commission

From: Rae Lineberry
Planner, City of San Angelo

Request: Short-Term Rental request with a distance variance approved by ZBA with a vote of 7-0

Background: 1305 S Jackson St applied for a Conditional Use for a short-term rental in August 2023. However, when maps were reviewed it was determined the request was within 500' distance of another short-term rental. In August 2023 the Zoning Board of Adjustment (ZBA) heard an appeal of the Director's Interpretation where the distance between Short-term rentals was not a variable distance due to this being a change of property use rather than a setback distance. The ZBA approved the appeal allowing applicants to seek a distance variance. This distance variance for the subject property was heard on October 2 at the ZBA. The Board voted in favor of the distance variance.

Notification: 23 notices were mailed out to property owners within 200 feet. We have received one response in favor and zero in opposition.

Information: This request comes to Planning Commission with a distance variance approved by the Zoning Board of Adjustment to allow an STR within 500 feet of another STR. The property is located in the Santa Rita neighborhood. There are two paved parking spaces.

Planning Commission Requested Action:

Staff recommends the **APPROVAL** of the request for Conditional Use to allow the property at **1305 S Jackson St** to operate as a Short-Term Rental **with three conditions of approval.**

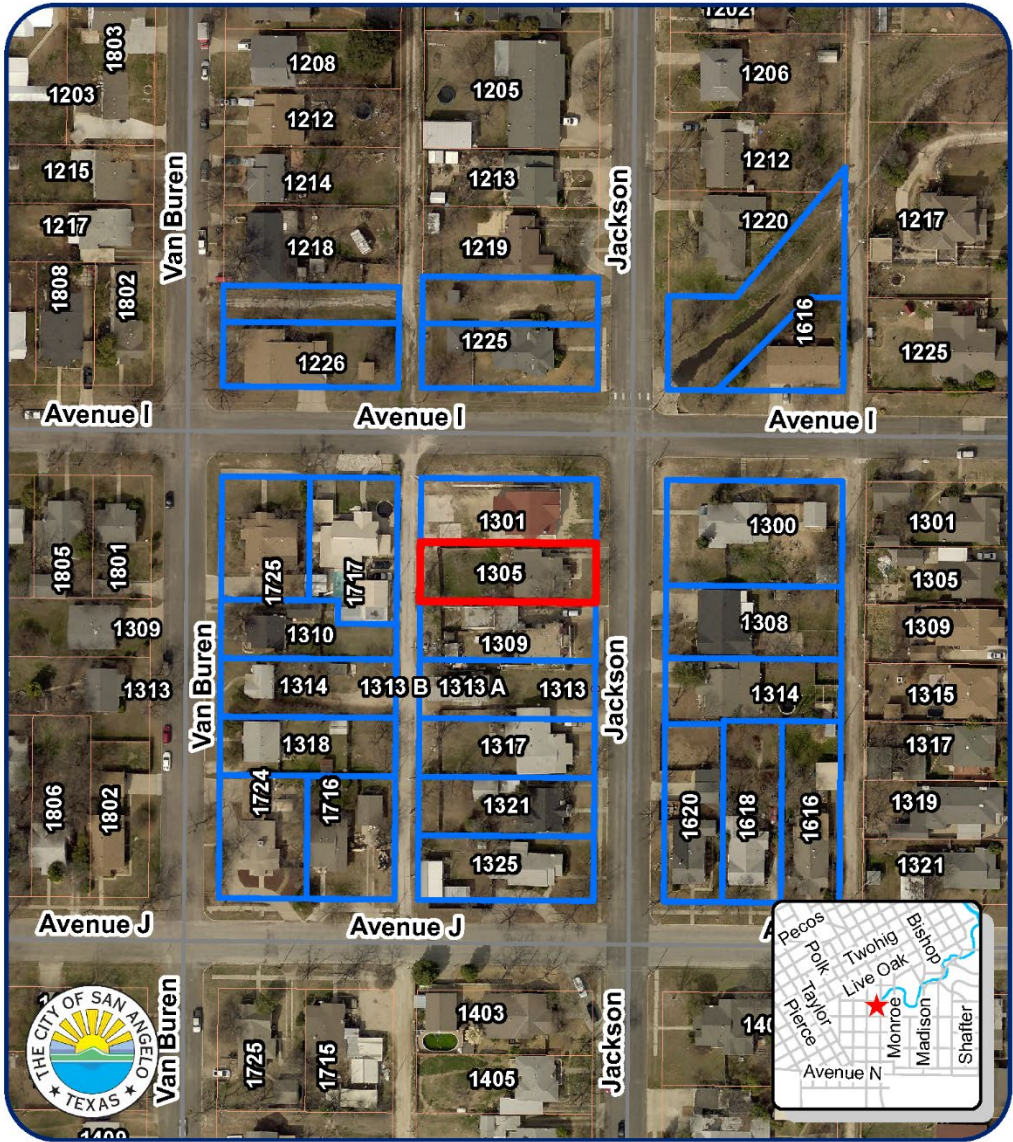
- Maintain the two off-street parking
- Obtain a change of occupancy from Permits & Inspections
- Obtain a fire inspection annually

This approval is good for one year. By October 2024, we should be working on the second approval. The request will need to be submitted by September Deadline for October PC 2024 meeting.

1305 S Jackson St Site



Notification Map



200' Notification Map
ZBA23-26: 1305 S Jackson Street
Council District: #5 Karen Hesse Smith
Neighborhood: Santa Rita

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —

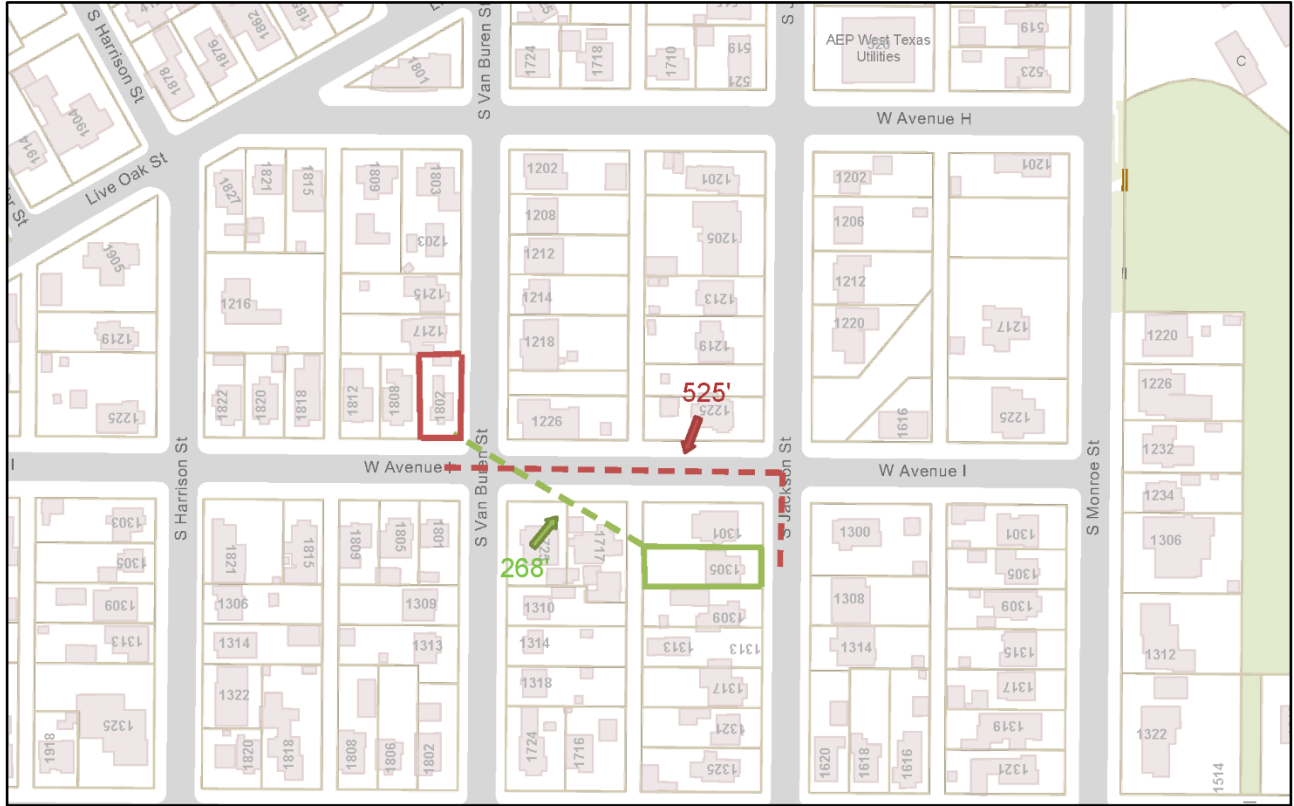
200' Buffer: —

Notified Properties: —

N

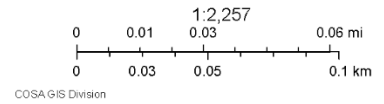
Distance Map

ArcGIS Web Map



9/24/2023, 12:37:52 PM

 Parcels



COSA GIS Division

ArcGIS Web AppBuilder
none | COSA GIS Division | COSA GIS Divisions | City of San Angelo Copyright 1987-2014 |



The City Of
San Angelo, Texas
Planning Division
52 West College Avenue, 76903

RADER BRIAN J
3314 BRIARGROVE LN
SAN ANGELO, TX 76904

NOTICE OF PUBLIC HEARING

RE: CU23-43

09/27/2023

On **Monday, October 16, 2023**, during a meeting scheduled at **9:00 AM**, the Planning Commission for the City of San Angelo will hold a public hearing on the request described below. The meeting will be held in the **East Mezzanine of City Hall, 72 W College Avenue**, to approve or deny **a request for approval of a Short-Term Rental Conditional Use at 1305 S Jackson**, San Angelo, Tom Green County, Texas.

Operator: Makayla Gorman 806-787-1669

This hearing is open to any interested person. Opinions, objections and/or comments on this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form you may cut off, fill out, and mail. Comments are also accepted by email, as listed below.

The attached map shows the notification area of this request. Only the property bounded by the red line on the map is being considered for this request. The green boundary line around the subject property is the notification area.

Planning Commission members are citizens appointed by San Angelo's City Council, specifically to hear and decide certain matters regarding the use and development of land within the city limits of San Angelo. If you have questions about these proceedings, please contact **the planning department** at telephone 325-657-4210 or by email address planning@cosatx.us.

CASE #: CU23-43

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: RADER BRIAN J
Parcel I.D.: 28441
Address: 1616 W AVENUE I

Mailing To: ATTN: Planning and Development Services
52 W. College Ave
San Angelo TX 76903

Email: planning@cosatx.us

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

MEMO



Meeting

Date: October 16, 2023

To: Planning Commission

From: Sherry Bailey
Principal Planner, City of San Angelo

Request: Short-Term Rental Renewal

Background: 205 Crestwood Drive applied for a renewal for their Conditional Use for a short-term rental. This is the applicants first renewal so that their next renewal will be in two years unless the city is notified of any complaints or police actions. This STR is zoned Single Family Residential (RS-1). It is in the Glenmore Neighborhood and in Single Member District #1 – Tommy Hiebert’s district.

Notification: 21 notices were mailed out to property owners within 200 feet. We have received one response in favor and zero in opposition.

Information: This request comes to Planning Commission for a renewal of their existing Conditional Use for a Short Term Rental. There is no record of any complaints or police or code enforcement actions at this property.

Planning Commission Requested Action:

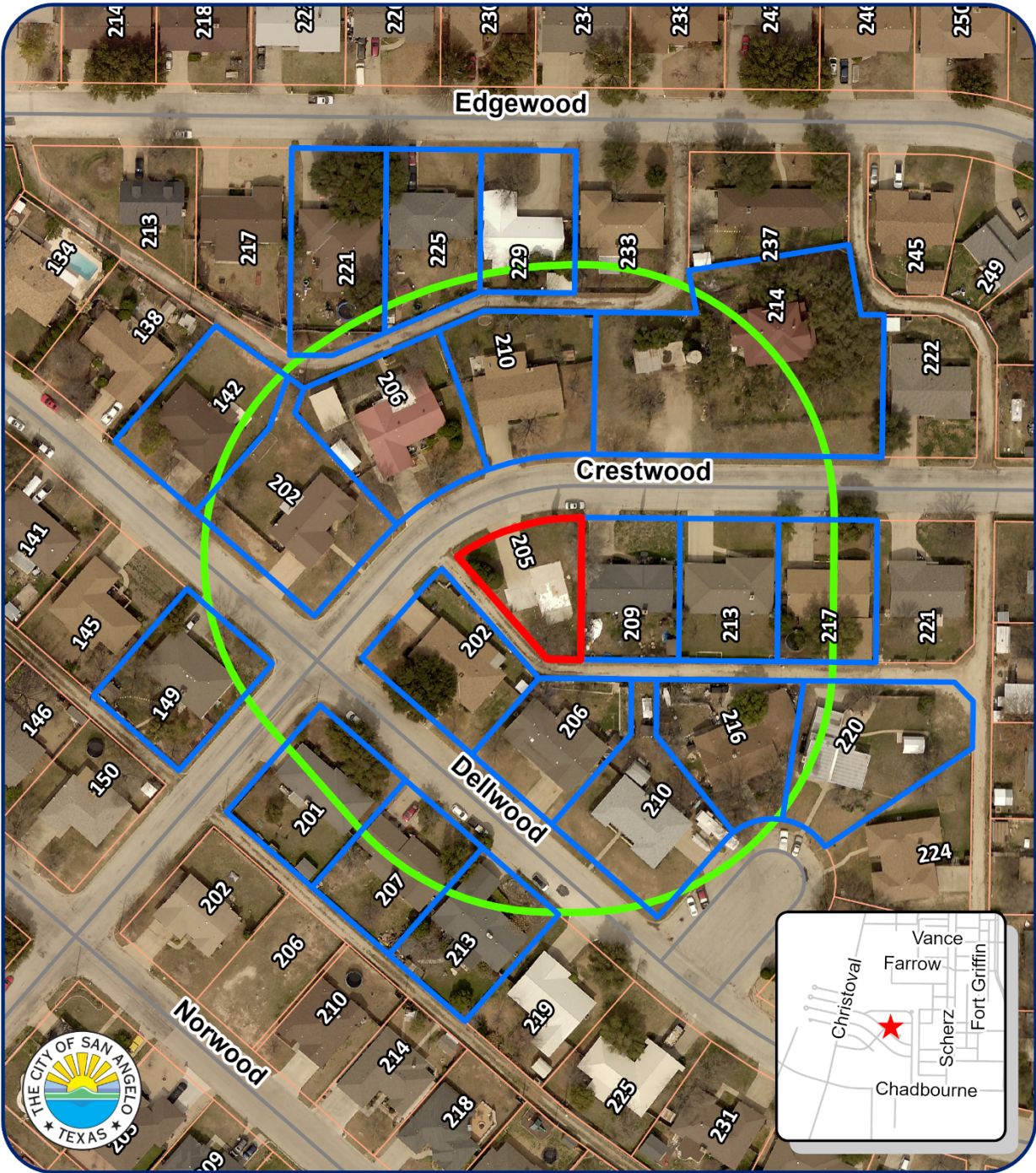
Staff recommends the **APPROVAL** of the request for a Renewal of their Conditional Use to allow the property at **205 Crestwood Drive** to continue to operate as a Short-Term Rental **with two conditions of approval.**

- Maintain the two off-street parking
- Obtain a fire inspection annually

This approval is good for two years. The request will need to be submitted by the September 2025 deadline for the October 2025 Planning Commission meeting.



Notification Map

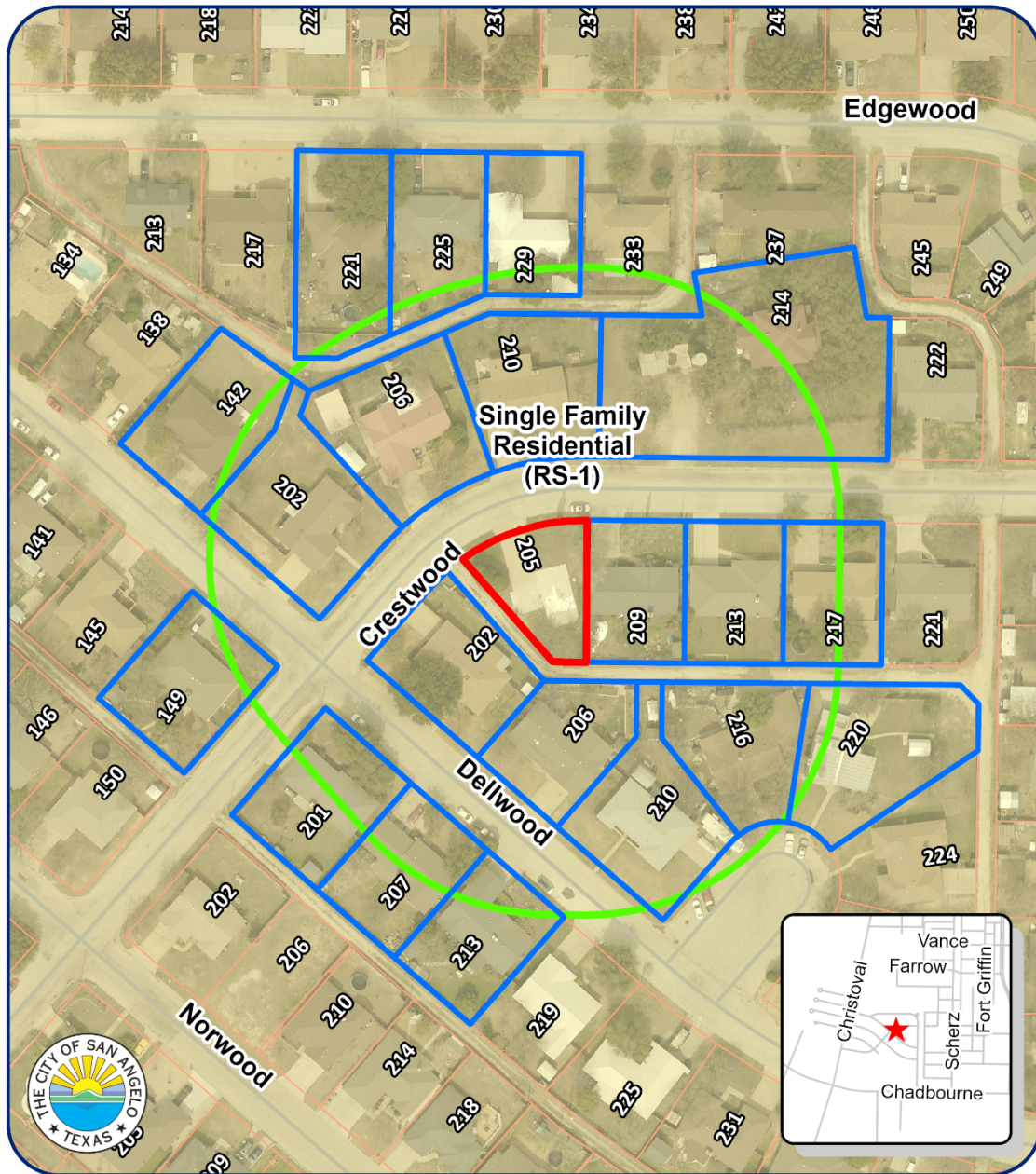


200' Notification Map
CU23-48: 205 Crestwood Drive
Council District: #1 Tommy Hiebert
Neighborhood: Glenmore

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —
200' Buffer: —
Notified Properties: —





Zoning Map CU23-48: 205 Crestwood Drive Council District: #1 Tommy Hiebert Neighborhood: Glenmore		Subject Properties: — 200' Buffer: — Notified Properties: —	N
Scale: 0 0.01 0.02 0.03 0.04 Miles 			

CASE #: CU23-48

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: PACE ROBERT ANDREW
Address: 202 DELLWOOD DRIVE

Mailing To: ATTN: Planning and Development Services
62 W. College Ave
San Angelo TX 76903

Email: planning@cosatx.us

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: Robert A. Pace

MEMO



Meeting

Date: October 16, 2023

To: Planning Commission

From: Sherry L. Bailey
Principal Planner, City of San Angelo

Request: Discussion and action on CP23-02 and PD23-06
19.705 acres

Background: At the April meeting of the Planning Commission, staff was asked to bring forward a discussion and plan for the area to the south of the Coliseum property. The plan was to take into consideration the fact that the area along Coliseum Drive is an entry area to the arena area and the Coliseum stadium. At the May meeting staff asked that additional time be granted to talk with those in the area that have indicated they are either in support or against any changes to the ordinance that governs how this area is regulated. At the August meeting the Planning Commission requested that staff expand the area to include the area from the Y at Chadbourne and Coliseum to about one block either side of Coliseum. That area includes where the Strips is located.

Notification: 96 notices were mailed out to property owners within the area and another 20 to property owners within 200 ft. An additional 17 persons returned comments on the second mailout. Most of those were in favor, with three against. In the expanded notice area we had comments from 4 in support and none against.

Information: The Coliseum area has been a discussion and project since 1952. The initial building project was completed in 1958. There have been additional structures built that facilitated the original intention for the area and a major expansion was completed over 20 years ago when the entrance, refreshment gathering area was built. On April 22, 2023, the board presented a major construction expansion plan that will take around 30 million dollars. It will expand the seating significantly to approximately 10,000 persons. That expansion will serve additional concerts and gatherings. The approach is to make the Coliseum an expanded entertainment center while not losing touch with its core supporters and intent.

The original effort with the purchase of the development land involved multiple meetings in the community. At least three discussions were held with surrounding property owners where their concerns were listened to, and they were assured that a plan would be forthcoming that would work to help protect their property and would make the area a positive attraction. The commercial development would be held to a minimum along Coliseum Drive and in the general area of the homes. We have had a number of calls from owners in the area concerned about the expansion and now the discussion by the City. There is

distrust. What they would like to see is for the residential use to continue and for any commercial use to be limited to small neighborhood commercial, restaurants but not fast food, smaller service retail, or offices. No chain stores, no Dollar Trees, nothing that would add to the traffic that is normally generated or generated during the rodeo. Smaller apartment complexes didn't seem to raise concern, but a hotel would. The concept of more landscaping being required along Coliseum Drive didn't receive much enthusiasm since most of the people I talked with didn't believe it would be maintained.

The area was observed at multiple times of the day and on weekends. Early in the morning and after 4:00 pm there is a large amount of traffic. The traffic generated by the rodeo is substantial, as expected, but it was managed by the police on weekends. What was observed was the speed at which traffic moved along Coliseum. There was a traffic study that recommended some extensive improvements, particularly the building of 40th Street which had a positive effect on managing the traffic. Expanding the seating and use of the Coliseum will have a dramatic effect on the amount of traffic generated, the times of the impact, and the expected demand for services.

What would be of most help for the area would be a comprehensive plan and zoning that matched that plan. There is a recognition that expansion will have an effect on this entrance into the Coliseum. It will have an effect on the existing residential uses, including in the larger area not included in our notification. It is reasonable to assume that if the zoning is left as is there will be a chipping away of the residential area and a hodge podge of development that occurs. West of Coliseum Drive there is a short area of RS-1 zoning that is up against the CG/CH that is along Chadbourne. The more inclusive heavy commercial will start to infiltrate toward Coliseum Drive. When that occurs the residential on the east of Coliseum which has already started to change into support businesses for the rodeo and auto repair service will be impacted. It is expected that the first block east of Coliseum Drive will continue to change.

The residential east of that first block would benefit from an effort to maintain the residential character of the area. A slow transition to complementary residential types could provide support for the residential character and housing for workers in the area. In turn, those workers would provide some sustainability for the neighborhood commercial that could be encouraged.

The comments staff heard most often was about the Stripes convenience store that went in shortly after the Coliseum was constructed. Because this convenience store is open 24 hours a day and the parking lot lighting is so bright, this has a negative impact on the neighboring properties. Future development and redevelopment should ensure that similar light spillover is minimized, which is addressed through a recommended condition.

There is a recognition that the area is changing but the general feeling was the owners did not want to be swallowed up by commercial development while also benefiting from potential growth. The area south of E. 40th Street and E. 41 Street and east of Coliseum is still basically residential with some homes becoming rental homes and only three areas converting to a more commercial use without a change of us with the City. In those areas if major damage occurred they would only be allowed to rebuild as a residential use without rezoning. Two lots along Coliseum Drive have rezoned and developed commercially years ago. Both are service uses. Left of Coliseum there was a change to General Commercial/Heavy Commercial (CG/CH) in 2003 which has had a major impact on the area. We would recommend including this area in the Planned Development and reference their specific use as allowed for just their location and use.

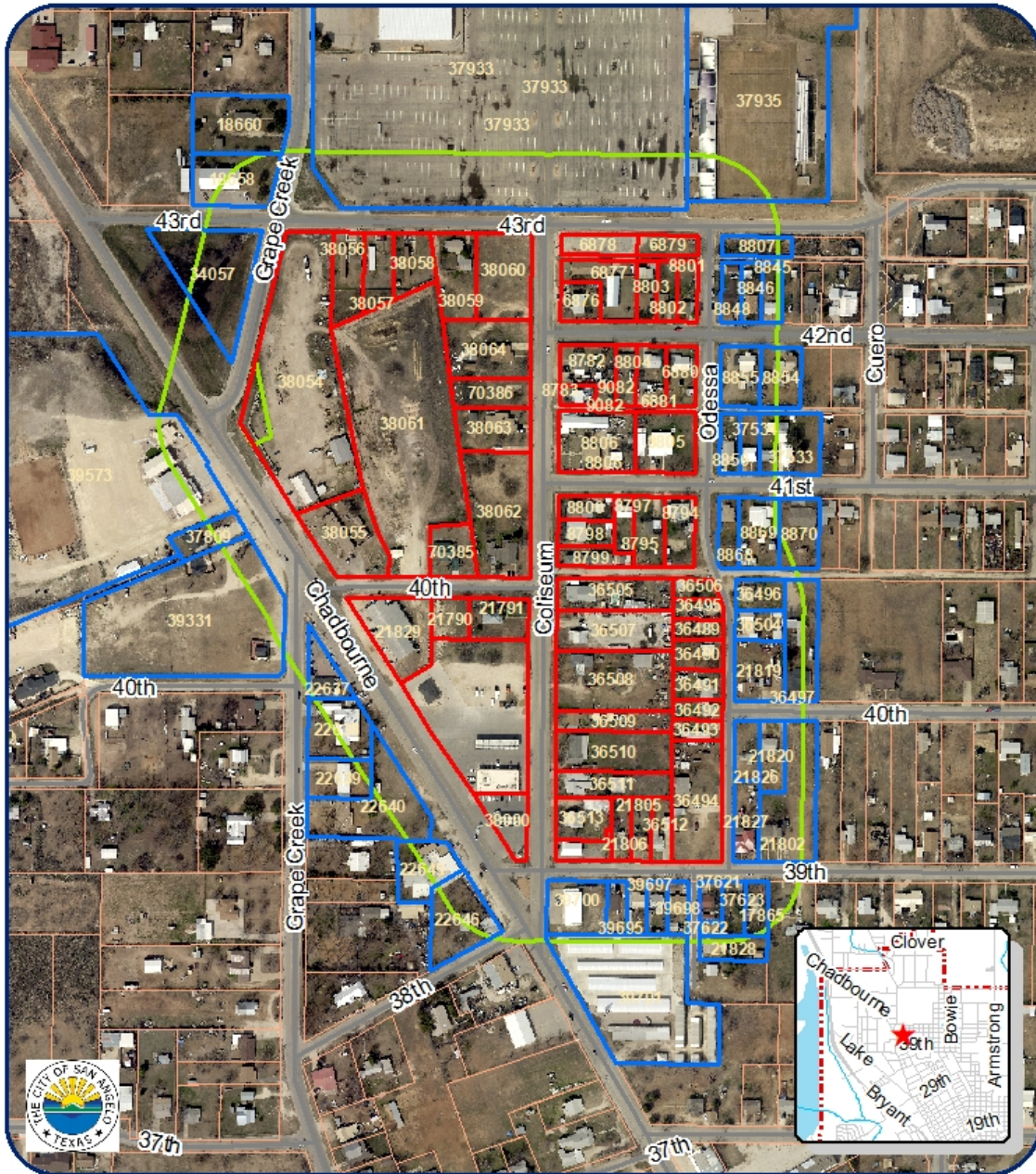
Recommendations:

1. Consider a Planned Development that provides for the residential and neighborhood commercial that could benefit both the existing owners and anticipated growth in the future from the expansion plans, with limitations to protect the concerns of the neighborhood.
2. Consider the west side of Coliseum Drive and the more likely growth area for neighborhood commercial moving into general commercial. Set the expectations for landscaping, access, parking, lighting, and a more limited front setback that would encourage walking with parking in the rear of the smaller stores. That would keep the neighborhood concept and encourage creative conversion along with established design elements. Each of these steps would provide for slower and more incremental changes rather than a hands-off approach that has been the existing practice.
3. Work with the owners of the area and the expansion committee to include design controls and size limitations that would benefit the neighborhood. Both groups need to give input and consideration of the needs of the area and the expansion vision.

Planning Commission Requested Action:

Staff recommends the **APPROVAL** of an amendment to the Comprehensive Plan changing the future land use plan for this area from “Neighborhood” to “Neighborhood Center” and **APPROVAL** of a Planned Development District with an underlying zoning allowing the current uses of Single Family and Two-Family Residential zoning, along with uses allowed within Neighborhood Commercial zoning, subject to the limitations noted below:

1. The front setback along Coliseum will be 15 feet for both residential and commercial uses. All parking will then be encouraged to be to the rear of the buildings and the front yards designed to accommodate pedestrian accessibility.
2. For non-residential development or redevelopment, the front setback area will require a landscaping plan approved through the Urban Design Review process prior to approval of a site plan or issuance of a building permit.
3. Any signage for non-residential uses must be attached to the building and limited to 50 square feet. Freestanding signage is not allowed.
4. Use of existing homes for offices or commercial use is encouraged.
5. Non-residential uses must be compatible in size, scale, and design with the existing residential uses and the desired character of the neighborhood. Site and building design must be approved through the Urban Design Review process prior to approval of a site plan or building permit.
6. Lighting for non-residential uses shall be fully shielded in order to minimize spillover lighting and glare on adjacent and nearby properties.
7. Allowable Neighborhood Commercial uses are generally to be service and retail uses and drive-through uses are not allowed.
8. Sidewalks shall be required along both sides of Coliseum Drive and 43rd Street.
9. For purposes of this Planned Development, the Birk Monument Manufacturing Company is considered an artisan use and is considered a special allowed use within this District.



200' Notification Map

CP23-02 & PD23-04 E 39th to E 43rd

Council District: #2 Tom Thompson

Neighborhood: Lakeview

Scale: 0.00 0.06 0.09 0.12 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —

N

STAFF REPORT – PD23-07

Planning Commission: October 16, 2023

City Council 1st reading: November 21, 2023



APPLICATION TYPE:		CASE:	
Rezoning		PD23-07: 4415 Armstrong St (temporary address)	
SYNOPSIS:			
The applicant has applied for a rezoning of Lot 4 of the JNO March Subdivision from Single-family Residential (RS-1) to a Planned Development (PD). This is to allow a base zoning of Single-family Residential with the ability to allow a commercial storage unit at the property located at 4415 Armstrong St.			
LOCATION:		LEGAL DESCRIPTION:	
4415 Armstrong St		First Replat in Block 10 and Second Replat in Block 9 of JNO. Abe March Subdivision	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lakeview Neighborhood	RS-1 to PD	Neighborhood	5.0 Acres
THOROUGHFARE PLAN:			
Access to Armstrong St will require TxDOT approval			
NOTIFICATIONS:			
25 notifications mailed within 200-foot radius on 9/27/2023. We have received zero in support and one in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from Single-family Residential to Planned Development of Lot 4 of the JNO. Abe March Subdivision located at 4415 Armstrong with four conditions .			
PROPERTY OWNER/PETITIONER:			
Owner: Gene Gully Petitioner: Iron Horse of Lipan LLC			
STAFF CONTACT:			
Rae Lineberry Planning (325) 657-4210, Ext 1533 rae.lineberry@cosatx.us			

Additional Information: The petitioner intends to build commercial storage units on the back lot. At the September meeting, because of opposition and the area being mostly residential, Commissioners were worried a rezone would possibly allow more than storage units. This item was tabled and staff was instructed to return with a Planned Development zoning with the base of Single-family Residential but also allow commercial storage units. This will allow conditions to be met to ensure the storage units blended well with the residential. This will also not require a conditional use for the petitioner.

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The replat was just approved in August 2023. There is residential and Ranch & Estate all around. The vision plan has some neighborhood center to the south, campus/institutional to the west and neighborhood to the north, east and some in the south.
 2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed planned development will not conflict with the Zoning Ordinance.
 3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As noted above, the properties in this area are mostly single-family residence and ranch & estate.
 4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** This area has been vacant for a long time. Adding commercial storage units will be beneficial to surrounding residential.
 5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There are no anticipated adverse effects on neighboring properties.
 6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** Staff believes that this type of use has a history of success.
 7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** It provides a compatible transition from residentially to neighborhood commercially zoned areas.
-

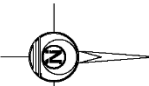
Recommendations:

Staff recommends **APPROVAL** of the rezoning from Single-family Residential to Planned Development of Lot 4 of the JNO. Abe March Subdivision located at 4415 Armstrong with **four conditions**:

1. The applicant shall obtain an approved Urban Design Review (UDR), to be approved by the Planning Director, to ensure that the development is compatible with this residential area and to ensure appropriate screening from the residential neighborhood that surrounds it (including an opaque fence or equivalent). At a minimum, the UDR shall include a landscaping plan and building elevations, including materials and colors.
2. All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential properties.
3. No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
4. Provide a copy of an approved permit from the Texas Department of Transportation for a driveway approach off of Armstrong Street.

Attachments:

Approved Plat
Zoning Map
Notice Map



SCALE: 1"= 100'

0 50 100 200

GRAPHIC SCALE : FEET

NOTE: Bearings shown hereon are based on the Plat of Record.

LEGEND:

- Found 1/2" Iron Pipe or Rod (unless otherwise noted)
- Set 1/2" Iron Rod with Cap

PLANNING COMMISSION
Approved for recording this ____ day of _____, 20____, City Planning Commission of San Angelo, Texas.

By: _____
Chairman

Secretary

DEPARTMENT OF WATER UTILITIES
Approved for recording this ____ day of _____, 20____.

By: _____
Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
Approved for recording this ____ day of _____, 20____.

By: _____
Director of Public Works

COUNTY CLERK
Filed for record this ____ day of _____, 20____ @ _____
County Clerk of Tom Green Co., Tx.

By: _____

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before me on _____
by Gene Gully in the capacity shown.

Notary Public, State of Texas

EAST 44TH STREET

REF.: 30 Ac. Tr.
Vol. 1141, Pg. 739 O.P.R.P.

WEST 958.89'

577.33'

269.25'

389.25'

120.00'

SOUTH

ARMSTRONG STREET (S. H. 208)
100' R.O.W.

41.2' STREET
REF.: Vol. 63, Pg. 534 D.R.

REF.: 0.391 Ac. Tr. out of Block 9, JNO. Abe March Subdivision Instr. No. 201601824 O.P.R.

REF.: Lot 2, Block 9, First replat in Block 9, JNO. Abe March Subdivision of 160 Acres out of N.E. Corner of W. Co. R.R. Co. Sur. #182, Cabinet F, Slide 77 P.R.

REF.: 2.64 Ac. Tr. Out of Blocks 9 & 10 JNO. Abe March Subdivision, Instr. No. 447809 O.P.R.P.

REF.: Tr. 5, Corrigan Addition Cabinet E, Slide 72, P.R.

LOT 4
5.000 Ac.

LOT 3
3.569 Ac.

EAST 577.33'

EAST 958.89'

**FIRST REPLAT IN BLOCK 10 AND
SECOND REPLAT IN BLOCK 9
JNO. ABE MARCH SUBDIVISION**

City of San Angelo, Tom Green County, Texas.

OWNER/DEVELOPER: IRon Horse of Lipan, LLC.

DESCRIPTION: Being 8.569 acre of land out blocks 9 and 10 of the JNO. Abe March Subdivision of 160 acres out of the northeast corner of the Washington County Railroad Company Survey No. 182, Abstract No. 8177, City of San Angelo, Tom Green County, Texas according to the plat recorded in Volume 63, Page 534, Deed Records of Tom Green County, Texas, and being out of that certain 11 3/4 acre tract described and recorded in Volume 187, Page 518, Deed Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION
We, Iron Horse of Lipan, LLC., do hereby adopt this plat as the subdivision of our property.

Gene Gully
Manager

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

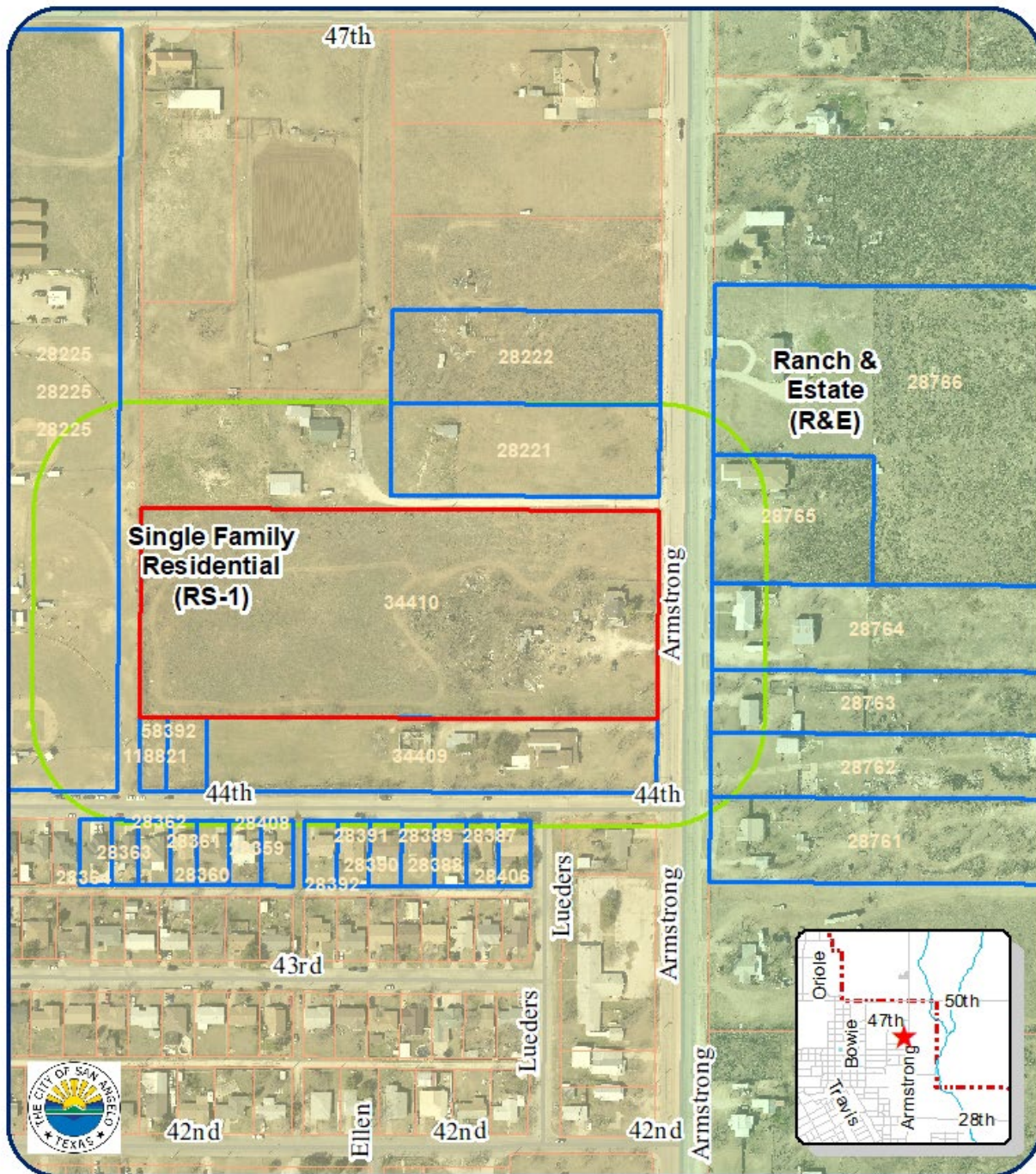
SURVEYOR'S CERTIFICATE
Know all men by these presents: that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo; and I further certify that the tract of land herein platted lies within the city limits of the City of San Angelo, Texas.

23-S-0760

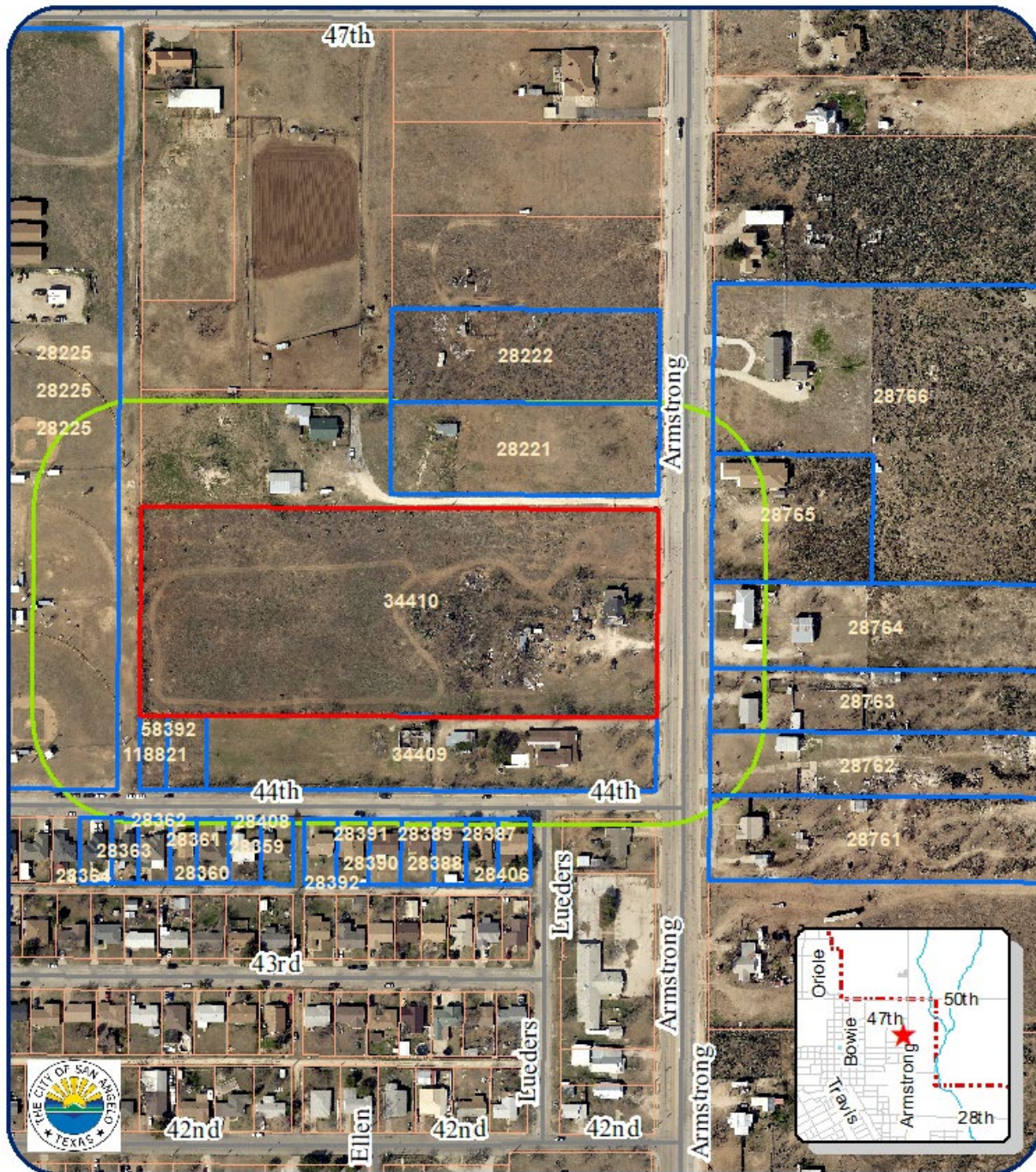
SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
Firm No. 10102400
www.skg.com

PHONE: 325.655.1288
FAX: 325.657.8189



Zoning Map		Subject Properties: — 200' Buffer: — Notified Properties: —	
Z23-11 & CP23-04 4401 Armstrong			
Council District: #2 Tom Thompson			
Neighborhood: Lake View			
Scale: 0.00 0.02 0.04 0.06 0.08 Miles			



200' Notification Map		
Z23-11 & CP23-04 4401 Armstrong		
Council District: #2 Tom Thompson		Subject Properties: —
Neighborhood: Lake View		200' Buffer: —
Scale: 0.00 0.02 0.04 0.06 0.08 Miles		Notified Properties: —

October 6, 2023

Planning Division,

We have lived on our property for 40 years and plan on retiring at this same location. The majority of the neighborhood consist of homes with 2 or more acres. We have chosen to live this life style to be able to have space and our animals.

It is not in the best interest of the neighborhood to place a commercial building in the middle of the neighborhood. Put yourself in my shoes who wants to open their front door every day and have the view of a commercial building! I DON'T

Why would you allow someone to come in and change our lives by placing a commercial building in our neighborhood when they don't even live in the area! You would not allow this to happen in other areas of San Angelo (Green Acres, Bentwood, etc.) why ours!

What happens in 5, 10 or even 20 years and there has been no up keep to this commercial building!

My biggest concern is what is going to happen to the value of my property! And if I did want to try to sell my land who wants to live next to a commercial building!

Randy and Kelly Edwards

4501 Armstrong St

San Angelo TX 76903



The City of
San Angelo, Texas
Planning Division
52 West College Avenue, 76903

EDWARDS HARRELL R & KELLY & SHAWN H
4501 ARMSTRONG ST
SAN ANGELO, TX 76903-1947

NOTICE OF PUBLIC HEARING

RE: PD23-07

09/27/2023

On **Monday, October 16, 2023**, during a meeting scheduled to begin at **9:00 am**, the Planning Commission for the City of San Angelo will hold a public hearing on the requests described below. The meeting will be held at **City Hall East Mezzanine Conference Room, 72 W College St. San Angelo, TX., 76903** to recommend approval or denial to the City Council for a request for a zone change from the **Single Family Residential (RS-1) zoning district to a Planned Development (PD) with an underlying base of Single Family Residential (RS-1) zoning with storage units as an allowed use for the 5 acres at the property located at 4415 Armstrong Street.**

The attached map shows the subject area bounded by the red line that is being considered for these requests. The green boundary line around the subject area is only a notification area. Planning Commission members are citizens appointed by San Angelo's City Council, specifically to hear and decide certain matters regarding the use and development of land within the city limits of San Angelo. If approved by the Planning Commission or if denied and appealed to San Angelo's City Council within the specified ten-day period, this case will be heard by City Council for a hearing on **Tuesday, November 21, 2023 at 8:30 AM in McNease Convention Center 501 Rio Concho Dr., San Angelo, Texas 76903**

This hearing is open to any interested persons; and opinions, objections and/or comments relative to this matter may be expressed in writing, or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail out or deliver via email.

If you require further assistance regarding these proceedings, please contact the **Planning Division**, at telephone 325-657-4210 or by email address planning@cosatx.us

CASE #: PD23-07: 4415 Armstrong Street. You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: EDWARDS HARRELL R & KELLY & SHAWN H
Parcel I.D: 28221
Address: 4505 ARMSTRONG

Mailing To: ATTN: Planning and Development Services
52 W. College Ave
San Angelo, TX, 76903
planning@cosatx.us

I am in favor ☐

I am opposed ☒

Signature

Additional Comments:

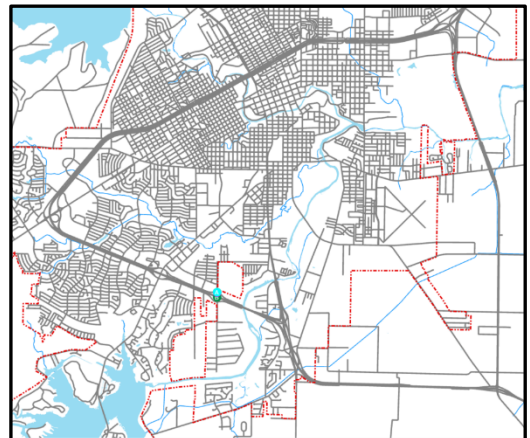


STAFF REPORT - Z23-12

City Council 1st reading: November 21, 2023

City Council 2nd reading: December 5, 2023

APPLICATION TYPE:		CASES:	
Rezoning		Z23-12: Loop 306 & Foster Road	
SYNOPSIS:			
The representative for the owner of the property 402 N Bryant Blvd. (has submitted a request to the Planning Staff for a rezoning from Ranch & Estate (R&E) to General Commercial (CG) along the norther portion of the property, 10.814 acres, and Low Rise Multi-family (RM-1) over the remaining 18.046 acres. In this area, there is a mix of commercial uses, businesses and single family homes, with Ranch & Estate across Foster Road. The proposal is in keeping with the Future Land Use Plan for the area since it shows Neighborhood Center and Neighborhood as the intended uses. With multi-family proposed the General Commercial could easily supply the commercial needs for both the Loop traffic and the higher density residential development.			
LOCATION:		LEGAL DESCRIPTION:	
Southwest of the intersection of Loop 306 and Foster Road		28.860 acres out of C. Berberich Survey No. 177 Abstract No. 52, Tom Green County, TX	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
FUTURE: SMD #1 – Tommy Hiebert Country Club Neighborhood	Existing - None Proposed: CG & RM-1	Commercial/Multi-family	RM-1-18.046 CG -10.814
NOTIFICATIONS:			
12 notifications for Z23-12 were mailed within a 200-foot radius on August 30, 2023. No responses in favor or against have been received.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Ranch & Estate (R&E) to General Commercial (CG) for the northern 10.814 acres and Low Rise Residential (RM-1) for the 18.046 acres			
PROPERTY OWNER/PETITIONER:			
<i>Applicants:</i> HBB Investment Co. LLC & La Vista Grand Investments LLC <i>Representative:</i> Russell Gulley - SKG			
STAFF CONTACT:			
Sherry L Bailey Principal Planner (325) 657-4210, Extension 1546 Sherry.bailey@cosatx.us			



Additional Information: Over the past few years there have been many discussion about annexing this property into the city and the best use of the property. With the development of the sewer line extension the intended use has become the favorite overall choice. Foster Road will continue to grow as a Minor Arterial carrying traffic from the future developing areas of the city.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The Comprehensive Plan identifies this area as Commercial and Neighborhood. Given the existing mix of uses, the proposal is in keeping with that use.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The proposed rezoning will not conflict with the Zoning Ordinance.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* As noted above, the properties in this area are a mix of uses. In surveying the area, the one thing that all uses have in common is they are all indicative of a growing and developing area. As such, they complement the area and the various uses.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* This area is constantly changing. That is part of what keeps it a vital alive area.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* There are no anticipated adverse effects on neighboring properties.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Staff believes that this type of use has a history of success. Quick, concise, meeting multiple needs in one place seems to be filling a need. This project is consistent with that business type.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The property in question is well suited for the proposed project and will meet the development needs.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Ranch & Estate to General Commercial (CG) for the norther portion of the property (10.814 acres) and Low Rise Multi-family (RM-1) 18.046 acres for the remaining property.

Attachments:

Site Photos

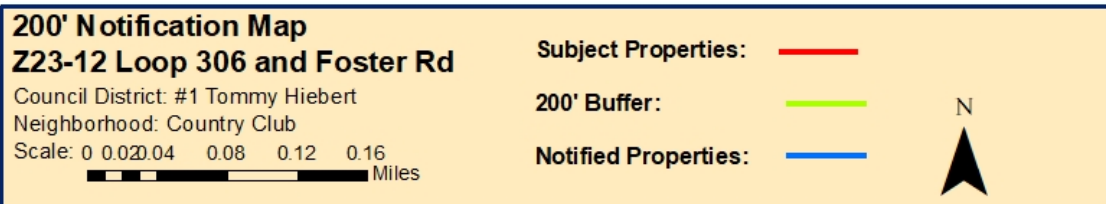
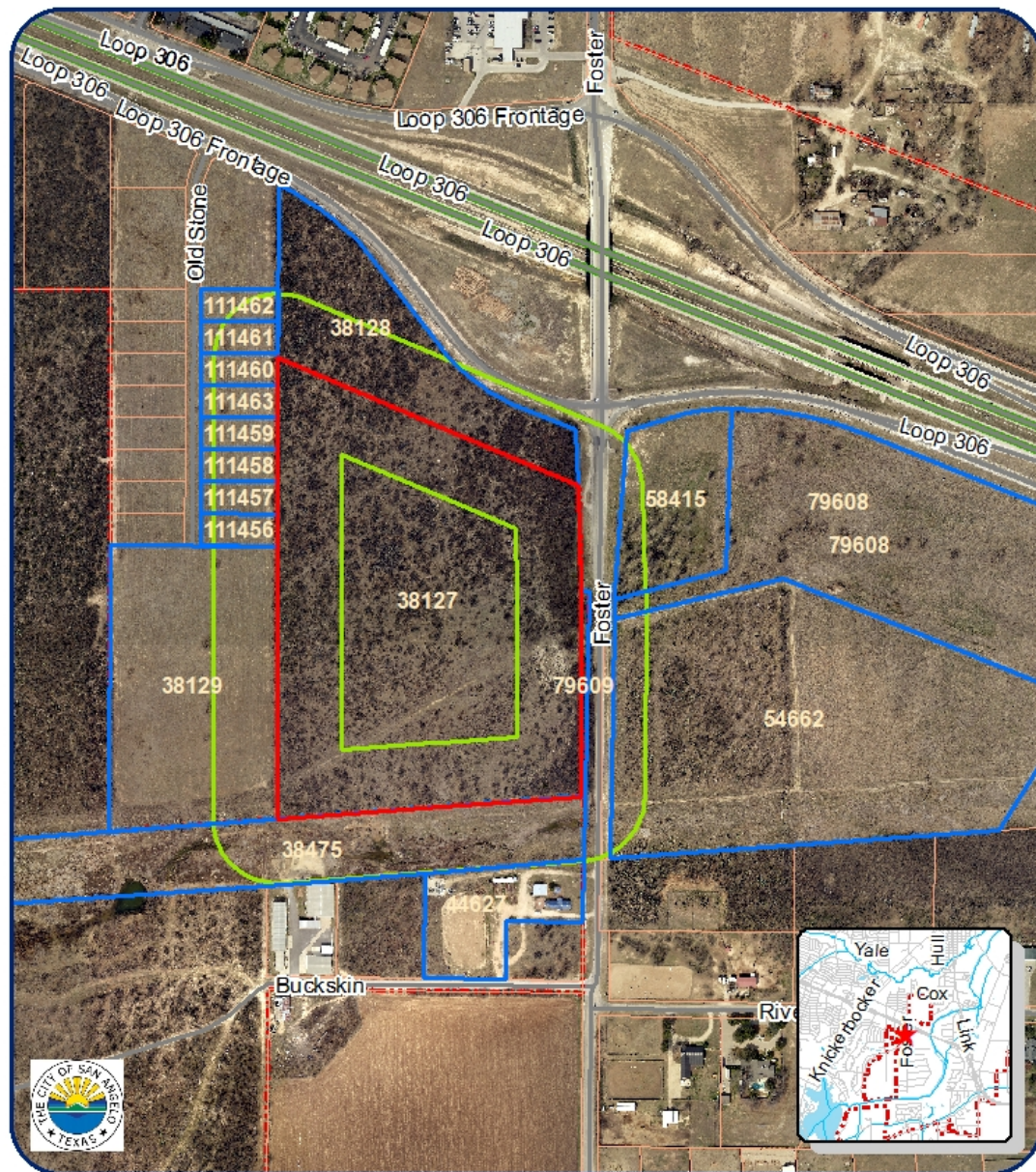
Aerial/Notification Map

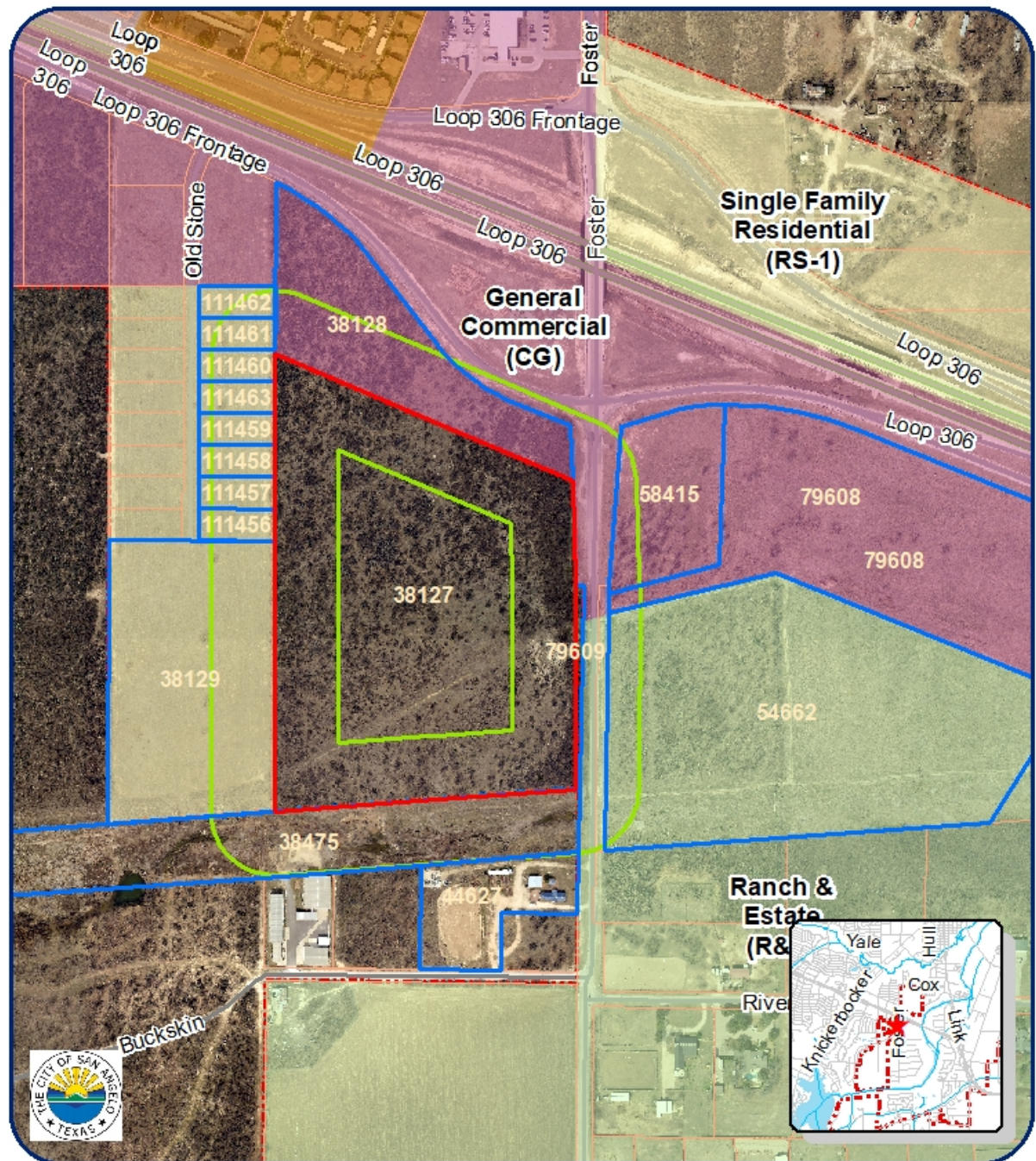
Zoning Map

Future Land Use Map









Zoning Map		
Z23-12 Loop 306 and Foster Rd		
Council District: #1 Tommy Hiebert		Subject Properties: —
Neighborhood: Country Club		200' Buffer: —
Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles		Notified Properties: —
		N ▲



Aerial Map Z23-12 Loop 306 and Foster Rd

Council District: #1 Tommy Hiebert

Neighborhood: Country Club

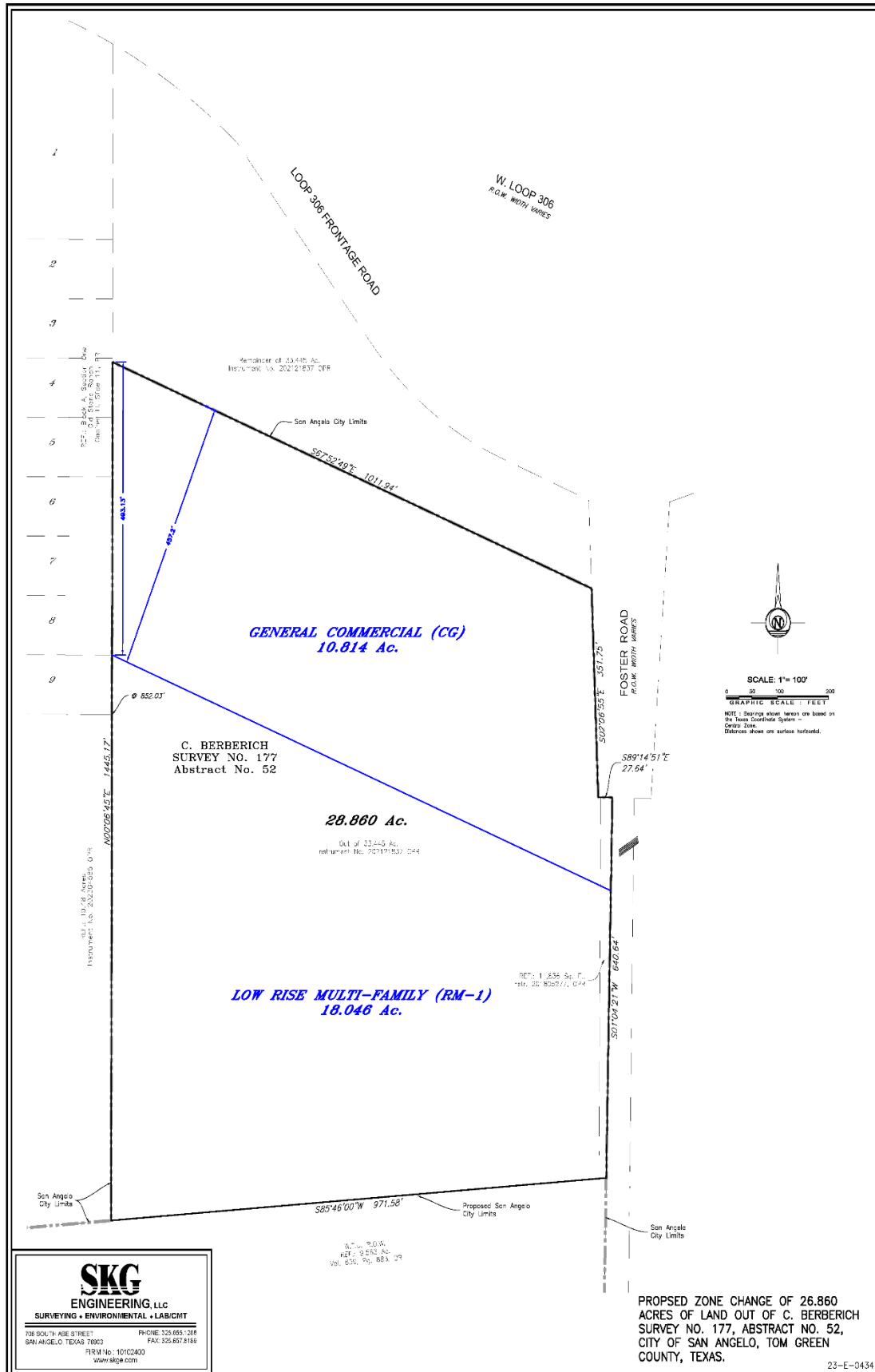
Scale: 0 0.02 0.04 0.08 0.12 0.16
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —







STAFF REPORT - Z23-13

Planning Commission: October 16, 2023

City Council 1st reading: November 21, 2023

APPLICATION TYPE:		CASES:	
Zoning		Z23-13: Meridian North	
SYNOPSIS:			
The owner of the property is requesting zoning of Single-Family Residential (RS-1) for Blocks 5-7, and Zero-lot Line, Twinhomes, Townhouses Residential (RS-3) for Block 8 on this 15.496 acre property. This surrounding area is largely Single-family Residential (RS-1) with a little bit of Zero-lot Line, Twinhomes, Townhouses Residential (RS-3) to the Northeast.			
LOCATION:		LEGAL DESCRIPTION:	
West of Red Oak and Scarlet Oak and North of Dominion Ridge Dr		15.496 acres out of Abst: A-8108 S-0008, & Abst: 8211 S-0002 Survey: A WILLEKE	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
FUTURE: SMD #6 – Larry Miller Bonham Neighborhood	Existing - None Proposed: RS-1 & RS-3	Neighborhood	15.496
NOTIFICATIONS:			
32 notifications were mailed within a 200-foot radius on August 30, 2023. Staff has received zero in favor and one against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of zoning to the Single-Family Residential (RS-1) zoning district for Blocks 5-7, and to the Zero-lot Line, Twinhome, and Townhouse Residential (RS-3) zoning district for Block 8.			
PROPERTY OWNER/PETITIONER:			
Applicant: Danny Aguerro, Sierra Vista Construction Representative: Russell Gulley - SKG			
STAFF CONTACT:			
Rae Lineberry Planner (325) 657-4210, ext 1533 Rae.lineberry@cosatx.us			

Additional Information: This property will be annexed into the city and will add more single-family homes.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The Comprehensive Plan identifies this area as Neighborhood. Given the existing mix of RS-1 and RS-3 currently in the area, the proposal is in keeping with that use.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The proposed zoning will not conflict with the Zoning Ordinance.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The proposed use is compatible with the surrounding area.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* This area has been vacant and adding single-family homes will help the community to grow.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* There are no anticipated adverse effects on neighboring properties.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Staff believes that this type of use has a history of success.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The property in question is well suited for the proposed project and will meet the development needs.

Recommendation:

Staff recommends **APPROVAL** of a zoning to Single-Family Residential (RS-1) for Blocks 5-7, and Zero-lot Line, Twinhome, and Townhouse Residential (RS-3) for Block 8.

Attachments:

Aerial Map
Notification Map
Zoning Map
Preliminary Plat

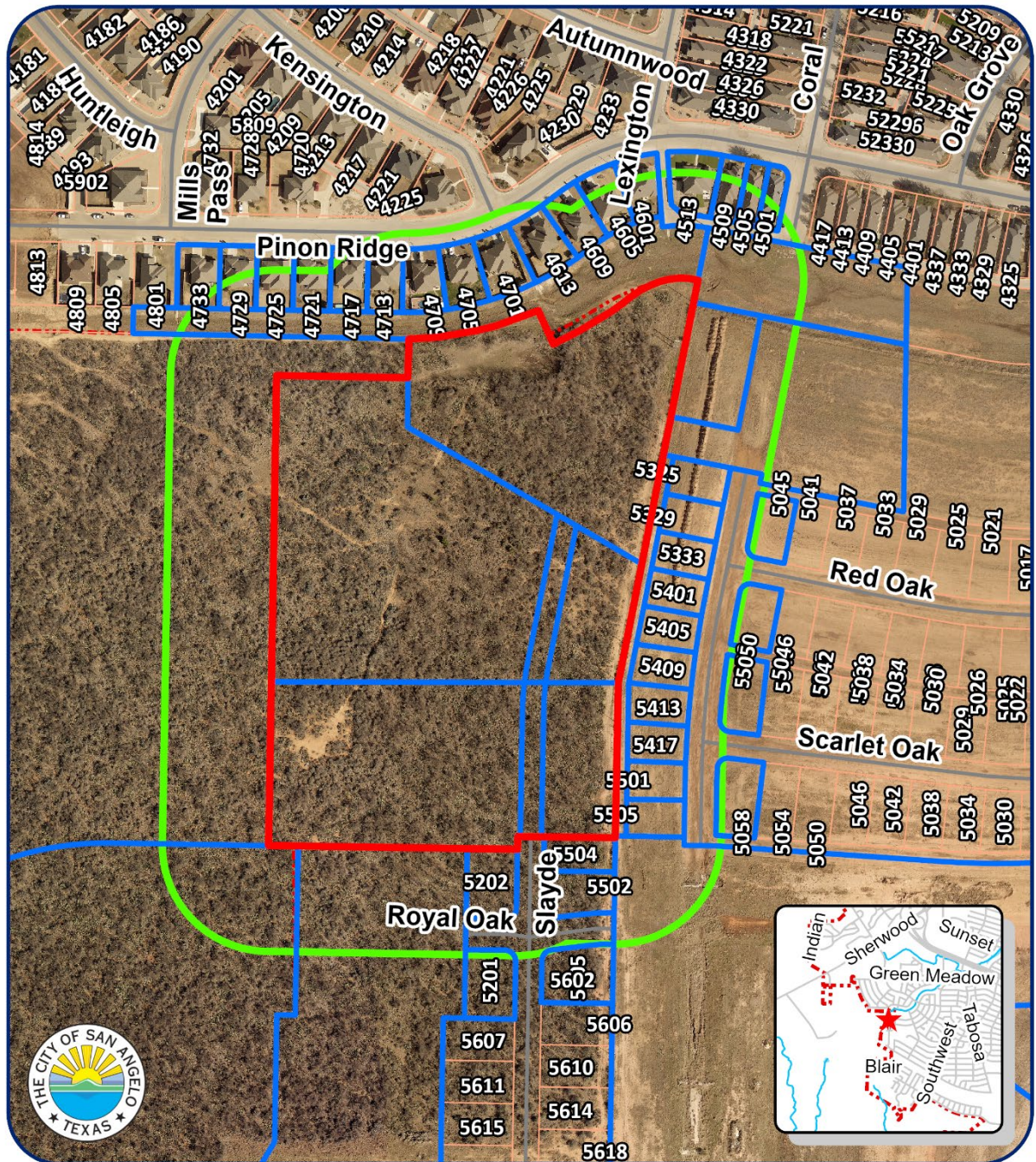


Aerial Map
PP23-12 & Z23-13: Meridian North
Council District: #6 Larry Miller
Neighborhood: Bonham

Subject Properties: 

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles

N

200' Notification Map

PP23-12 & Z23-13: Meridian North

Council District: #6 Larry Miller
Neighborhood: Bonham

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

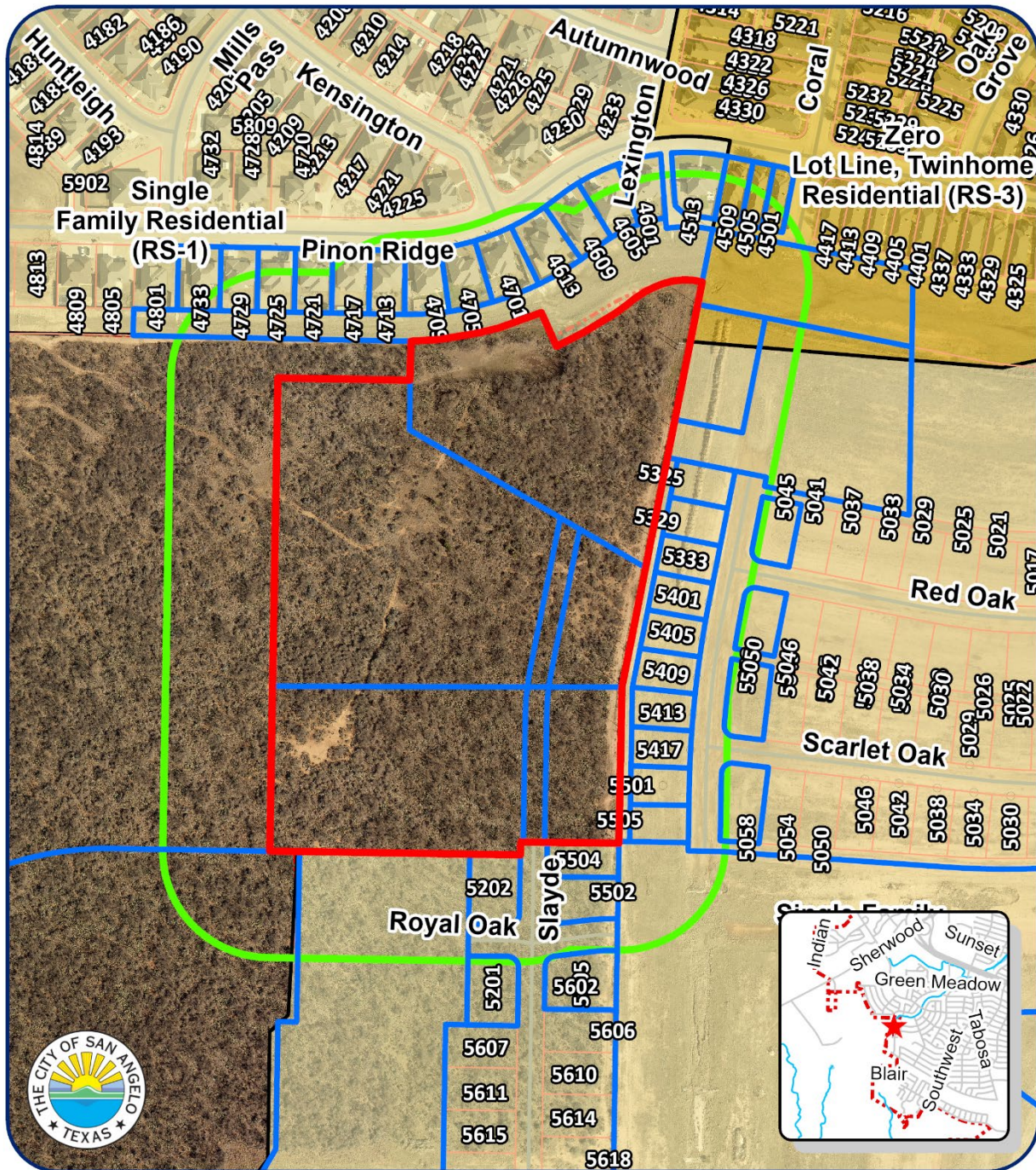
Subject Properties: —

200' Buffer: —

Notified Properties: —

N





Zoning Map

PP23-12 & Z23-13: Meridian North

Council District: #6 Larry Miller

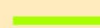
Neighborhood: Bonham

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

Subject Properties:



200' Buffer:

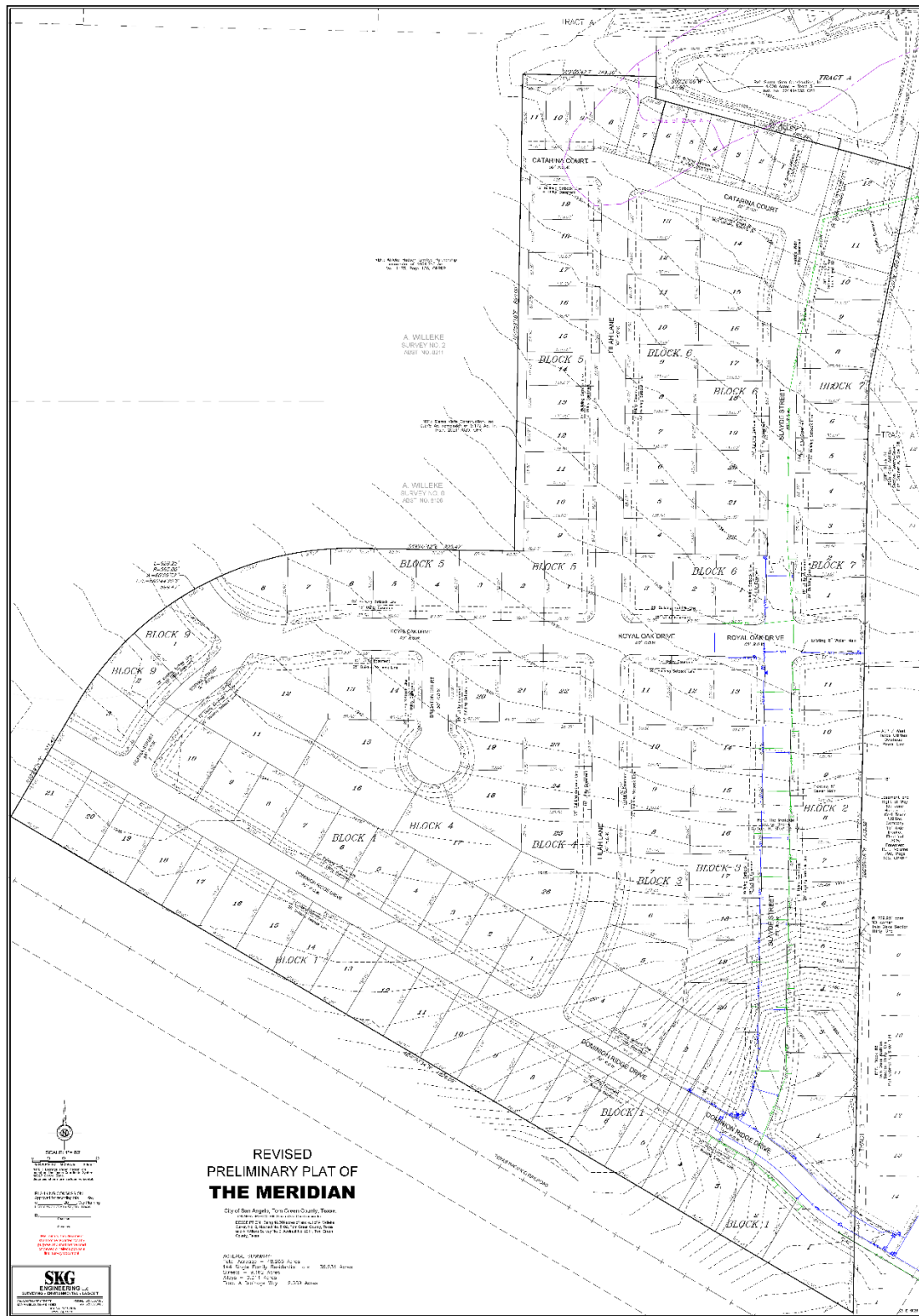


Notified Properties:



N





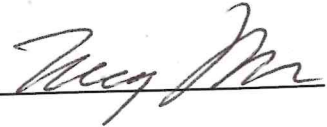
CASE #: Z23-13: Meridian North. You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: RIMROCK DEVELOPMENT CO LLC
Parcel I.D: 54083
Address: 5405 CORAL WAY

Mailing To: ATTN: Planning and Development Services
52 W. College Ave
San Angelo, TX, 76903
planning@cosatx.us

I am in favor ☐

I am opposed ☒

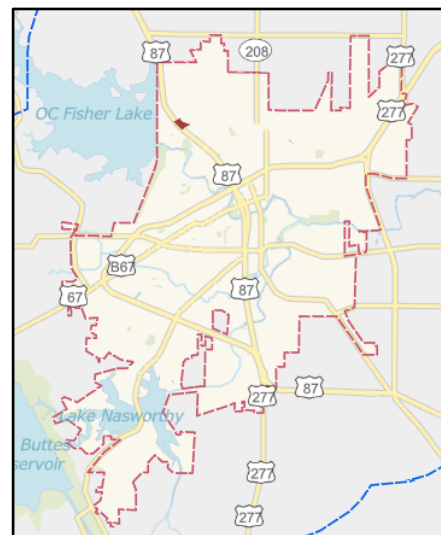
Signature: 

Additional Comments:

Opposed to higher density w/ zero car lift
& townhome designation / Single family off
TRAFFIC — Congestion In + Out

STAFF REPORT
PLANNING COMMISSION – October 16, 2023
City Council First Reading November 21, 2023
City Council Second Reading December 5, 2023

APPLICATION TYPE:	CASE:		
Rezoning	Z23-14 - 3420, 3502, 3550 N. Bryant Blvd.		
SYNOPSIS:			
The applicant's representative has submitted a zone change request to go from General Commercial (CG) to Heavy Commercial (CH) at 3420, 3502 & 3550 N Bryant and associated parcels. The owner wants to build offices, as well as retail and sales and service of heavy equipment along outdoor display. Presently this area is zoned General Commercial (CG) but what the owner wants to do is have exterior display of heavy equipment which requires Heavy Commercial (CH) zoning. He is also look for compatible businesses that would benefit from siting their office next to a similar usage.			
LOCATION:	LEGAL DESCRIPTION:		
East side of N. Bryant Blvd., north of W. 33 rd St., and south of Humble Rd.	Being inclusive of Lakeside Gardens Addition Blk 1 E pt. of Lot 6, Lots 3, 4, & 5, Lot 25 & NE pt L24, Lots 26 & 27, Lot 29 & 30 less SW Triangular pt of NE pt of Lot 31		
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #2 – Tom Thompson Neighborhood: Riverside	CG	Commercial	14.311 acres
THOROUGHFARE PLAN:			
N. Bryant Blvd. Major Arterial State Highway 87			
NOTIFICATIONS			
32 notices were mailed out. None have been received either for or against at this time.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from General Commercial to Heavy Commercial.			
PROPERTY OWNER/PETITIONER:			
Owner: Kevin Allbright Petitioner: Russell Gully SKG Engineering			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Information:

This property is in an older area of the city zoned commercial, along a state highway. However, it has not yet been part of the commercial development push. We see signs that that is changing. Traffic along N Bryant is increasing. Future development seems to be trending to highway commercial and large facilities.

Planning Commission evaluation of appropriateness.

Section 213(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any rezoning request as outlined in #1 through #7 below:

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*
The property proposed to be rezoned is in the General Commercial (CG) zoning district. The Comprehensive Plan has the area as "Commercial." Rezoning to Heavy Commercial (CH) is in keeping with the "Commercial" Land Use designation in the City's Comprehensive Plan, updated in 2009.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* As proposed, all lots will meet the requirements for the Heavy Commercial zoning.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The rezoning is generally compatible with the surrounding area as outlined in the Comprehensive Plan mentioned above. Both lots are presently vacant. If rezoned, they will be adjacent to Light Manufacturing (ML) zoning to the north and across the street to the west. There will be Single Family (RS-1) zoning to the east, but that is separated by a street and the applicant will be required to provide a fence buffer. In addition, those homes are on very large, deep lots and the actual residences are at quite a distance from the subject property. The property to the south is General Commercial (CG) which is compatible with the proposed CH zoning.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The applicant wants to develop a medium to large service center including sales and rentals with complementary businesses in the center.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not anticipate any adverse environmental affects at this time. A review of drainage, grading, and stormwater will be conducted by Engineering Services to address any environmental issues through the subdivision platting process.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Staff believes there is a need for this type of product and service centers in San Angelo.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* This buildout would provide additional commercial traffic in an area that is just starting to develop more commercial services.

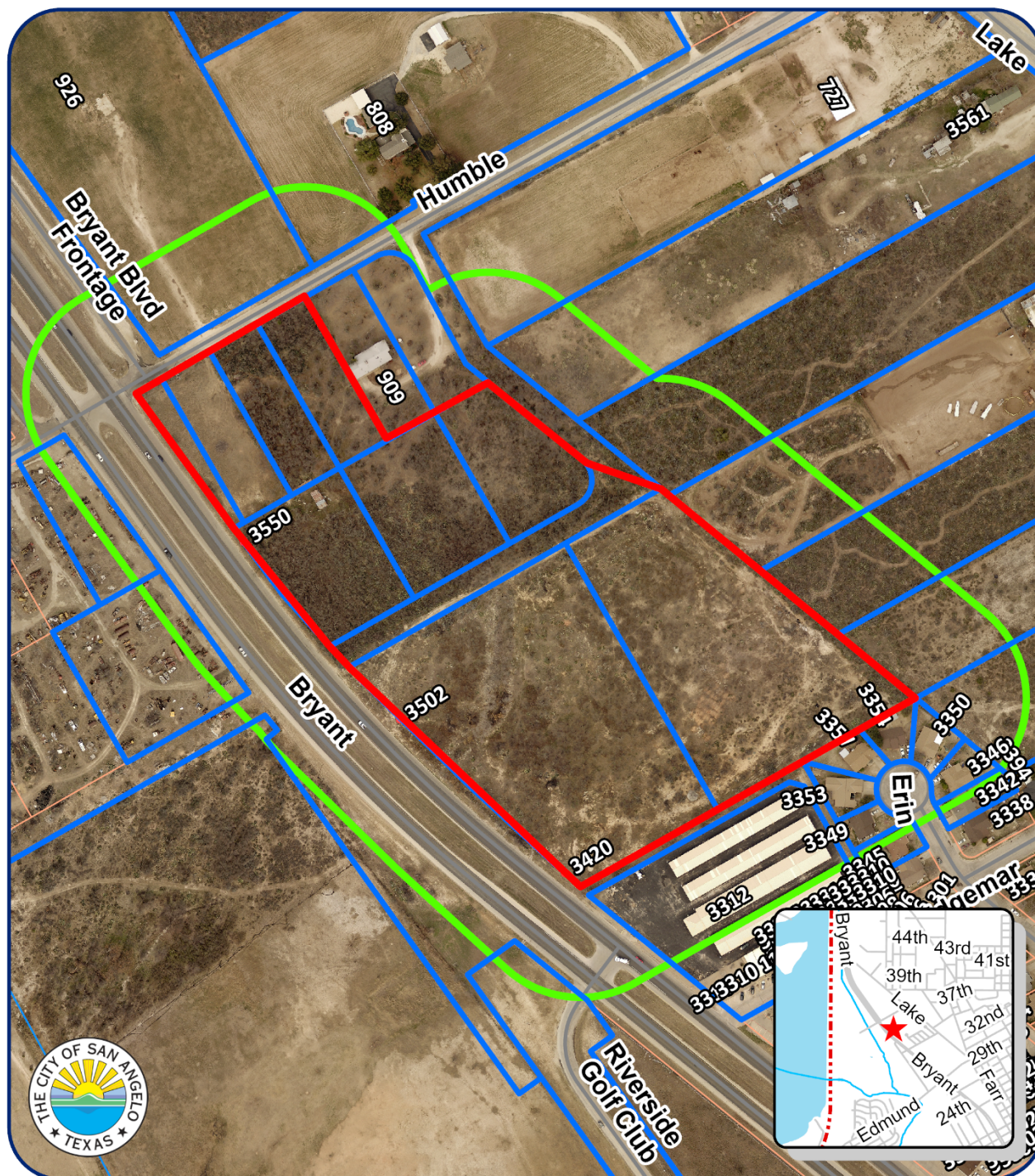
Recommendation:

Staff recommends APPROVAL of the rezoning request.

Attachments:

Notification Map
Aerial Map
Zoning Map

Notification Map



200' Notification Map

Z23-14: 3420, 3502, 3550 N Bryant

Council District: #2 Tom Thompson

Neighborhood: Riverside

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

Subject Properties:



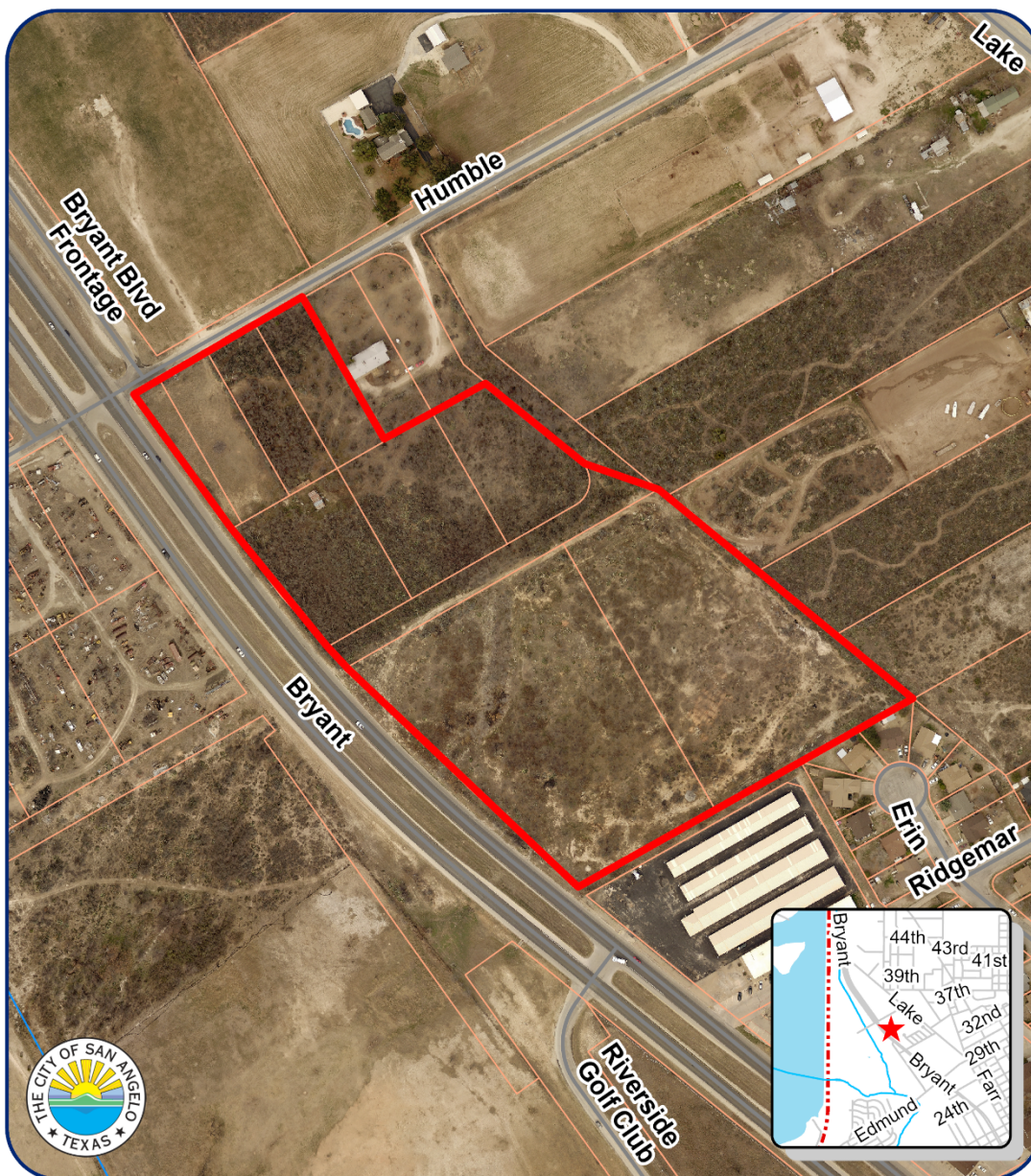
200' Buffer:



Notified Properties:



Aerial Map



Aerial Map

Z23-14: 3420, 3502, 3550 N Bryant

Council District: #2 Tom Thompson

Neighborhood: Riverside

Subject Properties: 

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles



This is an aerial map of a portion of San Angelo, Texas, overlaid with zoning information. The map shows several large parcels of land, some of which are highlighted in red and purple. These parcels are labeled with zoning designations: 'General Commercial (CG)' and 'Light Manufacturing (ML)'. Other areas are labeled 'Ranch & Estate (R&E)' and 'Single Family Residential (RS-1)'. The map includes street names such as Bryant Blvd, Humble, and Erin. A red star is placed on the map, indicating a specific location. An inset map in the bottom right corner shows the location of the main map area within the city of San Angelo, Texas, with a red star marking the same location. The City of San Angelo logo is visible in the bottom left corner.

N

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

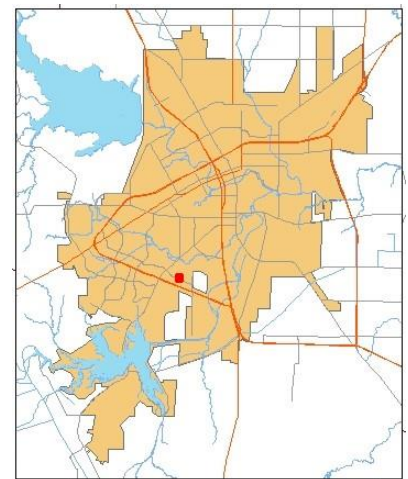
PLANNING COMMISSION – October 16, 2023

STAFF REPORT

City Council November 21, 2023



APPLICATION TYPE:	CASE:		
Special Use	SU23-01: Assisted Living Facility		
SYNOPSIS:			
The applicant has applied for a Special Use on the subject property to allow 119 bed skilled nursing facility in the Heavy Commercial (CH) Zoning District located on YMCA Drive. A skilled nursing facility (nursing home-Group Living) use is not allowed by right in the current zoning district but can be allowed through an approved Special Use.			
LOCATION:		LEGAL DESCRIPTION:	
YMCA Drive; 850 feet northwest of the intersection of YMCA Drive and Sunset Drive.		Tract 3 & south 1/2 of former Parkview Street, Block 1, Section 2, J C M Addition; 5.13 Acres out of a 22.517 acre tract & north 1/2 of former Parkview Street, Block 2, Section 2, J C M Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Neighborhood – Rio Vista	Heavy Commercial (CH)	Neighborhood	8.25 acres
THOROUGHFARE PLAN:			
YMCA Drive – Urban Minor Collector Street, 60' ROW required – 80' provided; 48' pavement required – 48' provided			
NOTIFICATIONS:			
17 notifications mailed within 200-foot radius on September 28, 2023. Three received in favor and none against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Special Use request to allow the Skilled Nursing Facility in the Heavy Commercial Zoning District on the subject property located on YMCA Drive, subject to four conditions of approval .			
PROPERTY OWNER/PETITIONER:			
RW Senior Housing Development, LLC			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information. This group has been looking for a site in San Angelo for over a year. They have several facilities in Texas and surrounding states with a focus on communities around the size of San Angelo or just a little smaller. Under San Angelo's zoning ordinance no zoning districts allow nursing homes or assisted living facilities by right but all require approval of a Special Use.

1. **Impacts Minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.** The conceptual site plan shows the facility setback on the property with a circular fire lane/drive and the parking placed between the facility and YMCA Drive. The general look of the facility is more commercial in nature which matches the zoning, but the facility will be single story and landscaped. The impact on the properties across YMCA Drive should be minimal.
2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.** The property in question is zoned Heavy Commercial, however the use of nursing home (Skilled Nursing Facility) is not an allowed use in any zoning district. Therefore, a Special Use designation is the only approach to allow this use. The intensity of the nursing facility is much less than allowed Heavy Commercial uses.
3. **Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.** Directly south of the proposed facility is a large apartment complex, and across YMCA Drive is single family housing. The traffic generated currently by the apartment complex is much greater than that that will be generated by the Skilled Nursing Facility. There will be no loud parties or outdoor gatherings at this facility like those one would expect at an apartment complex. With the existing Heavy Commercial zoning the possibility of more incompatible uses than the Skilled Nursing Facility could be developed on this site. The nursing home is residential (Group Living) and less intrusive in nature.
4. **Traffic Circulation. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.** The existing apartment complex which fronts on both YMCA Drive and Sunset Drive already generates traffic impacts to the area so the proposed use will not greatly increase the existing traffic circulation. Sunset Drive and YMCA Drive are both collector streets that were designed to handle major traffic generators.
5. **Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Staff does not believe the proposed facility will create any negative environmental affects, once constructed. The construction and site runoff will be handled through existing ordinances and state requirements.

6. **Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.** If approved, the Special Use would provide a nursing home facility that is intended for middle income and Medicare qualified clients. That is a demographic that is missing in the existing available facilities. With the ever-increasing older population the need is apparent.
7. **Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.** Current development patterns would not change. The new proposed use will be using existing streets but not generating significantly larger traffic volumes.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the Special Use to allow a Skilled Nursing Facility in the Heavy Commercial zoning district, subject to **four conditions of approval**.

1. As part of the site plan review process, prepare and submit plans for approval, illustrating the proposed installation of sidewalks along YMCA Drive, and complete the installation in accordance with the approved version of these plans.
2. Submit, obtain approval, and record a subdivision plat meeting all requirements of the Land Development and Subdivision Ordinance for the proposed 8.25 acre site which may include extending utilities, dedicating and improving YMCA Drive.
3. Any proposed signage must be submitted through the City's online submittal portal (ProjectDox) for a sign permit which must comply with the standards in the City of San Angelo Sign Ordinance.
4. Submit and obtain approval of an Urban Design Review which must include a parking plan, landscape plan, and building design, including materials, colors, and design elevations.

Attachments:

Aerial Map
Zoning Map
Notification map
Photographs
Site Concept Plan



Aerial Map

SU23-01: 3215 YMCA Drive

Council District: #1 Tommy Hiebert

Neighborhood: Rio Vista

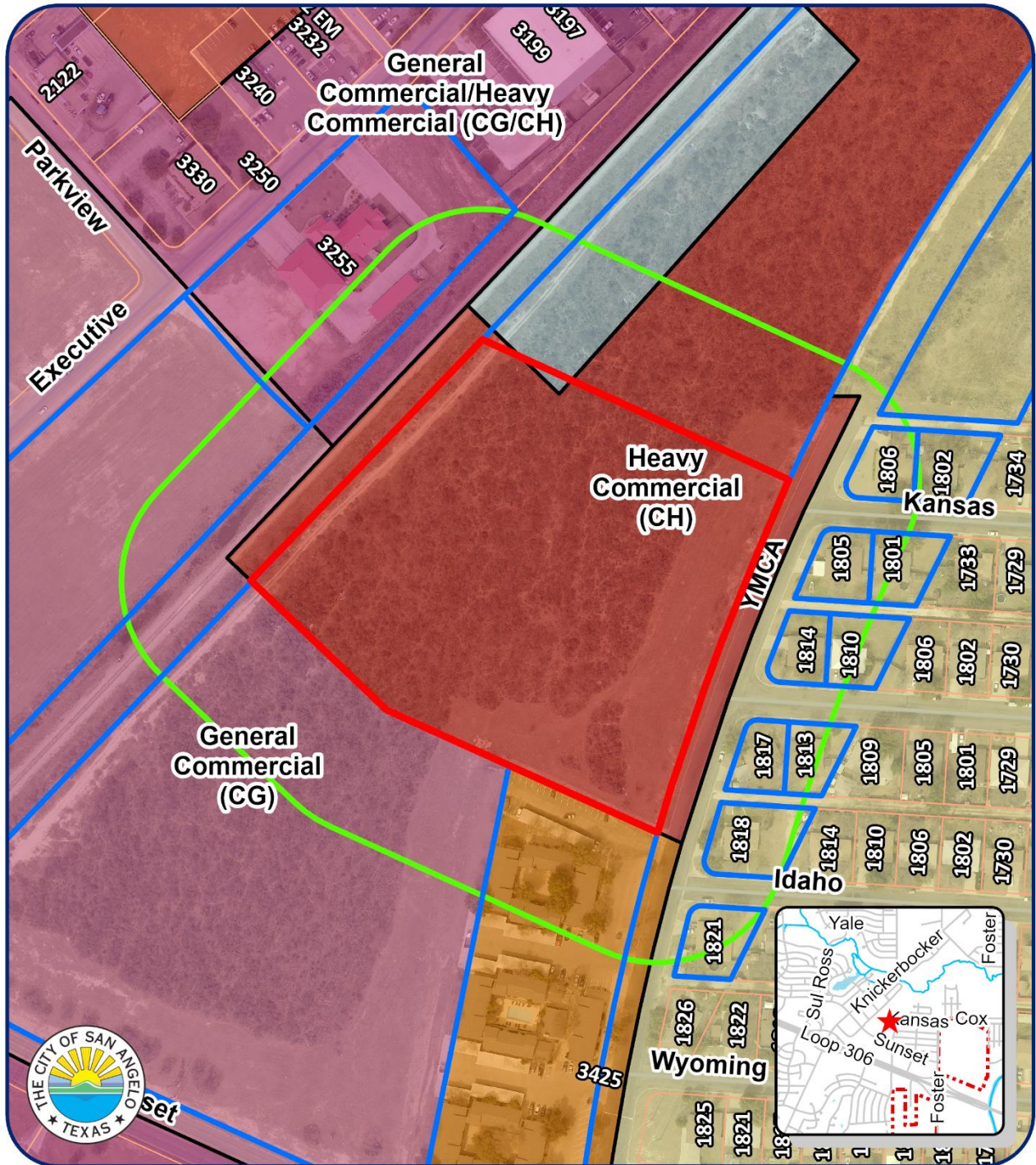
Scale: 0 0.01 0.02 0.04 0.06 0.08
Miles

Subject Properties:



N





Zoning Map SU23-01: 3215 YMCA Drive

Council District: #1 Tommy Hiebert
 Neighborhood: Rio Vista

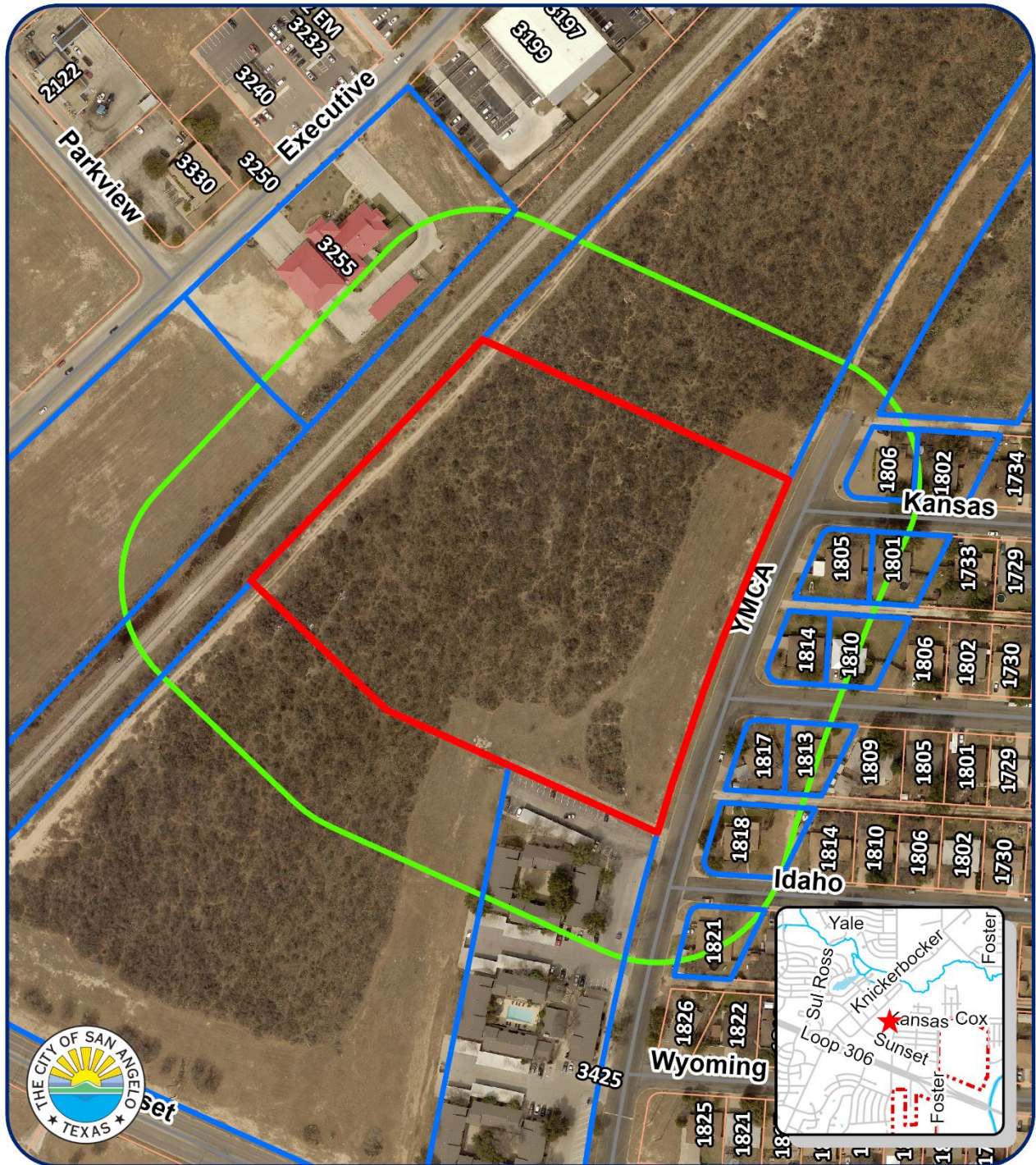
Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





Photos of Site and Surrounding Area

Residences across from the subject property



Single family homes on Kansas Ave. and Parkview Dr.





Site of the Skilled Nursing facility adjacent to the apartment complex



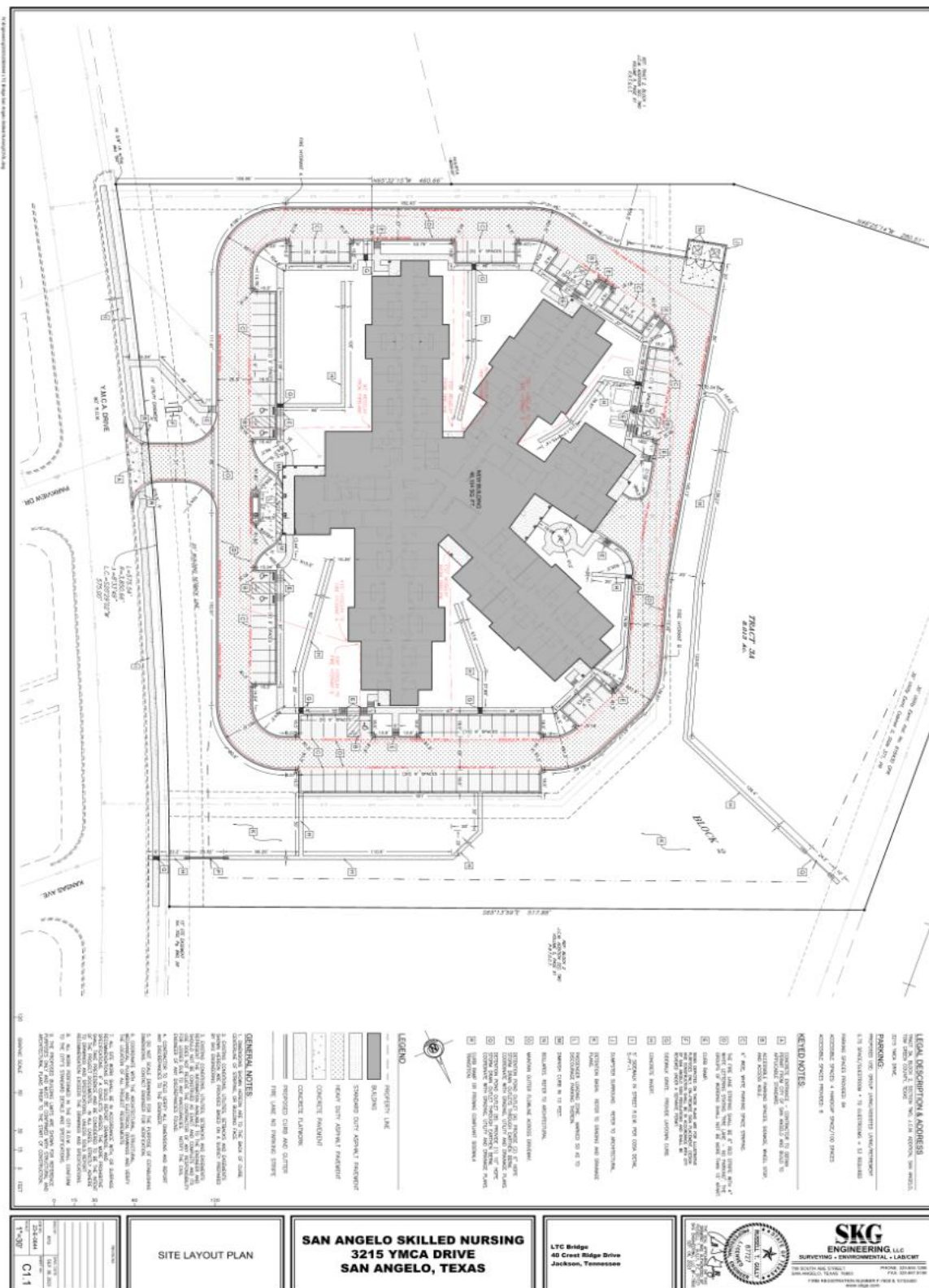
Apartment complex



Single family on the east with apartment complex on the west



Apartment complex on YMCA Dr. and Sunset Dr. which is adjacent to Skilled Nursing facility site



MEMO

**Meeting**

Date: October 16, 2022

To: Planning Commission

From: Planning Division, City of San Angelo

Request: An amendment to the Land Development and Subdivision Ordinance regarding administrative approval of certain subdivision plats and other revisions and clarifications to ensure consistency with state law and changes to the City's zoning ordinance.

Background:

Recent changes to state law allow most plats to be approved administratively, rather than requiring approval by the Planning Commission. Since plats must be approved if they meet the requirements of the Subdivision Ordinance, an administrative approval process seems logical. However, in certain situations a plat will still go to the Planning Commission:

- Any plat for which a variance is requested, must be heard by the Commission.
- Per the Commission's recommendation, any Preliminary Plat covering 10 acres or more will require Commission review and approval.
- An applicant can always appeal an administrative decision to the Commission (whether a denial or an approval with conditions, if they disagree with any of the proposed conditions).

Other changes proposed include:

- Clarification that a variance must be approved before (or concurrent with) approval of a subdivision plat.
- Clarifies that the Planning Commission or Planning Director can act on a plat even if the Plat Review Committee does not make a recommendation. (This is to ensure that a decision is made within 30 days in compliance with state law.)
- Removes the "Administrative Subdivisions" section since most plats will become administrative under this proposal.
- Modifies the notification requirements to align with recent changes to state law.
- Removes references to "Planned Industrial Park" zoning district, which no longer exists in the zoning ordinance.

Staff Recommendation:

Staff recommends APPROVAL of the proposed changes to the Land Development & Subdivision Ordinance.

Attachments:

Draft ordinance amendments

The following are amendments to Chapter 12, Exhibit C – Land Development and Subdivision Ordinance of the City of San Angelo Code of Ordinances:

Replace Chapter 1, Section IV in its entirety to read as follows:

SECTION IV: VARIANCES AND APPEALS

~~If a variance from any provision of this ordinance is necessary for the approval of a subdivision, an applicant must first apply for and obtain approval of a variance from the Planning Commission prior to submission of an application for subdivision approval. For a plat that is being considered by the Planning Commission, the variance request and plat may be considered concurrently. An application for subdivision approval shall indicate any desired request(s) for variance from the terms of this Ordinance.~~ An accompanying narrative, explaining the reasons for such request(s) is highly desirable.

- A. *Criteria for Approval.* Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or that the public interest may be served to a greater extent by an alternative proposal, the Planning Commission may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 4. The variance will not, in any significant way, vary the provisions of applicable ordinances.
- B. *Conditions.* In approving variances, the Planning Commission may impose conditions as will, in its judgment, secure substantially the objectives of this Ordinance.
- C. *Appeal to City Council.* Action taken by the Planning Commission on a requested variance from the terms of this Ordinance shall be considered the final decision on said request, unless that decision is appealed to City Council by the developer or ~~city~~City, in which case the City Council is authorized to reverse, modify or affirm any such decision of the Planning Commission. A majority vote of City Council members present shall be necessary to reverse or modify such decision of the Planning Commission.
1. An appeal of action taken by the Planning Commission on an application for subdivision or requested variance must be made in writing, signed by the developer, or by the Director of Planning or Director of Public Works if the appeal is by the City, and received in the office of the Director of Planning within thirty (30) days following the Planning Commission's action.
 2. The City Council shall consider an appeal within thirty (30) days following the timely receipt by the office of the Director of Planning of a written appeal.

Replace Chapter 5, Sections I through III to read as follows:

CHAPTER 5 PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS

SECTION I: APPLICATION

An application must be submitted to the ~~Planning~~ Department ~~of Planning~~ for each subdivision to be reviewed. The filing date of the application shall be when Items A, B and C below are received and accepted by the ~~City Planning Commission~~ Planning Department. A completed application shall consist of:

- A. a completed application form signed by the owner of the property;
- B. the required number of copies of the plats prepared in accordance with this ordinance, along with any accompanying material that may be required by this ordinance; and
- C. the appropriate application fee.

SECTION II: FEES

- A. Application fees for subdivisions shall be computed based on the current fee schedule, as adopted by the City Council.
- B. All fees shall be paid before the deadline date for submission of subdivision applications.
- C. ~~A new fee shall be due each time a subdivision plat is reviewed by the City Planning Commission, once a final action is taken by City Planning Commission or City Council.~~

SECTION III: STAGES OF DEVELOPMENT REVIEW

- A. *Major Subdivisions.*
 - 1. *Sketch Plan.* This stage of the review process is not mandatory. It is often desirable for an applicant to schedule a meeting with the Planning Department to discuss a proposal before a substantial amount of design and engineering time is invested in the development. The classification of the subdivision can be determined at this time.
 - 2. *Preliminary Plat.* The preliminary plat shall be submitted to the ~~City Planning Commission~~ Planning Director for approval before consideration of a final plat intended for future recording with the Tom Green County Clerk. A preliminary plat of less than 10 acres may be approved by the Planning Director. A preliminary plat of 10 acres or more must be approved by the Planning Commission. However, a preliminary plat shall not be required when the entirety of a parent tract is included in a final plat. Preliminary plats will not be reviewed by the City Planning Commission or Planning Director, until such plats are officially accepted by the Planning Department. Plats not accompanied by an official application and not containing all requisite information will not be accepted for review. Either the preliminary plat itself or an accompanying map shall illustrate the total contiguous tract(s) of land owned by or under the control of the subdivider, even if only a portion of the tracts are intended for subdivision by a final plat. A boundary survey will not be required, but the boundaries of land intended to be submitted as a final plat shall be dimensioned and accurately drawn to scale, and so shall the boundaries of all contiguous land owned by, or under the control of, the subdivider (if more extensive than the area intended for final subdivision). Boundary data from recorded deeds shall be used, whenever appropriate. The preliminary plat shall be prepared by a qualified professional, trained and experienced in subdivision design.
 - a. *Deadline for submission.* Copies of the preliminary plat must be submitted to the Planning Department in accordance with submittal deadlines posted on the Planning Department's website.

Exhibit A – Amendments to the Land Development & Subdivision Ordinance

- b. *Plat Review Committee.* Members of this committee include representatives from both the Department of Planning and the Department of Public Works, as well as other affected municipal departments or public agencies. The purpose of the committee's meeting is to develop a unified recommendation from the City staff, and to resolve technical considerations prior to ~~the City Planning Commission's meeting action on the proposed subdivision, in response to particular proposals for subdivision.~~ The applicant or ~~his~~their representative is strongly encouraged to attend this meeting. The Committee can make a recommendation to approve, approve with conditions, deny, or make no recommendation. Failure to make a recommendation shall not invalidate subsequent action by the Planning Director or Planning Commission.
- c. Planning Commission or Planning Director action. Following ~~its~~a recommendation from the Plat Review Committee consideration of on a preliminary plat, the Planning Commission or Director shall take one of the following actions:
- (1) approve the preliminary plat;
 - (2) approve the preliminary plat conditionally upon additional information, corrections, collateral approvals and/or other necessary changes;
 - (3) at the request of the applicant, defer action on the preliminary plat, until additional information or changes are made to the plat; or
 - (4) deny approval of the preliminary plat, if the Commission or Director finds the plat does not comply with requirements of this or other applicable municipal ordinances, or if in the Commission's or Director's opinion, the proposal would not be in conformance with the City's Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance. Action taken by the Commission or Director to deny a preliminary plat shall be communicated to the developer in writing, and the reasons for denial shall be specified. Conditional approval shall also be considered the same as denial, until all required conditions have been met to the satisfaction of the Directors of Planning, Public Works and/or Water Utilities, and the City Engineer, as applicable.
 - (5) A decision of the Planning Director may be appealed by the applicant to the Planning Commission, which shall consider the proposal based on the same criteria noted above and the Commission may take the same actions to approve, approve with conditions, defer action, or deny approval of the preliminary plat.
 - (i) An appeal of the Planning Director's decision on a preliminary plat must be made in writing and provided to the Planning Director within thirty (30) days following the Planning Director's decision.
 - (ii) This appeal must be presented to the Planning Commission within thirty (30) days following the Planning Director's receipt of such appeal.
 - (6) The Planning Commission's action shall be considered final, not requiring subsequent consideration by the City Council, unless that decision is appealed to City Council which is hereby authorized to reverse, modify or affirm any decision made by the Planning Commission, on a preliminary plat. Notwithstanding procedural requirements of the City Charter, a majority vote of the City Council members present shall be necessary to reverse or modify such decision made by the Planning Commission.
 - (i) An appeal of the Planning Commission's decision on a preliminary plat must be made in writing and provided to the Director of Planning within thirty (30) days following the Planning Commission's decision.
 - (ii) This appeal must be presented to the City Council within thirty (30) days following the Planning Director's receipt of such appeal.

Exhibit A – Amendments to the Land Development & Subdivision Ordinance

- (67) The City's approval of a preliminary plat does not constitute acceptance of the subdivision or land development, but is merely an authorization to proceed with the preparation of one or more corresponding final plat(s) for City approval.
 - (78) No improvements shall be made on land within the proposed subdivision shown on an approved preliminary plat, before a final plat of such subdivision is approved, unless written approval from the Directors of Planning, Public Works ~~and~~, Water Utilities, ~~and City Engineer, as applicable,~~ is obtained. For the purpose of this paragraph, subdivision-related improvements shall include, but not be limited to, excavation and dirt work or any site preparation.
 - (89) The City's approval of a preliminary plat does not constitute approval of any proposed land uses that may be shown on such preliminary plat.
3. *Final Plat.* A subdivider shall be responsible for filing an application for final plat review of a major subdivision, after a preliminary plat thereof has been approved. A final plat may be submitted for all or any portion of the preliminary plat, unless the ~~City Planning Commission~~ Planning Director determines that final platting is necessary for additional land covered by the preliminary plat. A final plat will not be considered ~~by the City Planning Commission,~~ until an approved preliminary plat incorporating all changes or corrections required by the approval City Planning Commission is on file with the Planning Department. A revised preliminary plat may be submitted to the Planning Department at the same time an application is made for a final plat. The final plat shall generally conform to the approved preliminary subdivision plat ~~as approved by the City Planning Commission.~~ A final plat that does not conform with the preliminary may require submission, and approval, of a revised preliminary plat, ~~for review by the City Planning Commission.~~ This requirement will be determined by the Planning Director; however, this determination may be appealed to the City Planning Commission.
- a. *Deadline for submission.* Copies of the preliminary plat must be submitted to the Planning Department in accordance with submittal deadlines posted on the Planning Department's website.
 - b. *Plat Review Committee.* The same process for Plat Review Committee consideration, as set forth under the previous subsection III.A.2 for preliminary plats, shall be followed for final plat review.
 - c. *Planning ~~Commission-Director~~ action.* The Planning ~~Commission-Director~~ shall have thirty (30) days from the filing date to act on an application for final plat. The Planning ~~Director~~ Commission shall take one of the following actions with regard to a proposed final plat:
 - (1) approve the final plat;
 - (2) approve the final plat conditionally upon additional information, corrections, collateral approvals and/or other necessary changes; or
 - (3) deny approval of the preliminary plat, if the Planning ~~Commission-Director~~ finds the final plat does not comply with requirements of this or other applicable municipal ordinances, or if in the ~~Commission's-Director's~~ opinion, the proposal would not be in conformance with the City's Comprehensive Plan and/or with the intent of purpose statements set forth in Chapter 2 of this Ordinance. Action taken by the ~~Commission-Director~~ to deny a final plat shall be communicated to the developer in writing, and the reasons for denial shall be specified. Conditional approval shall also be considered denial, until the required conditions have been met to the satisfaction of the Directors of Planning, Public Works and/or Water Utilities and the City Engineer, as applicable.
 - (4) The decision of the Planning Director may be appealed by the applicant to the Planning Commission, which shall consider the proposal based on the same criteria noted above and the Commission may take the same actions to approve, approve with conditions, or deny approval of the final plat.

DRAFT: October 16, 2023

- Page 5 of 10

Exhibit A – Amendments to the Land Development & Subdivision Ordinance

~~DC.~~ *Resubdivision or Replatting.*

1. *Authority.* A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat (without vacation of that plat) if the replat:
 - a. is signed and acknowledged by only the owners of the property being replatted;
 - b. is approved, after a public hearing at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving the replat; and
 - c. does not attempt to amend or remove any covenants or restrictions.
2. *Process.* Replats are classified as either major, minor, or administrative subdivisions, and will be processed (and if approved, subsequently recorded) in accordance with the requirements outlined herein.
3. *Notification Requirement for Certain Replats.* Where any of the area to be resubdivided or replatted was, within the immediate preceding five (5) years, limited by an interim or permanent zoning classification to residential use for not more than two dwelling units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, then the following additional procedures shall apply:
 - ~~a. Notice of the public hearing shall be published at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in Tom Green County.~~
 - ~~b. Written notice of the public hearing shall be mailed to the owners (according to the most recently approved ad valorem tax roll) of all lots that are within the original subdivision and that are within 200 feet of the lots to be replatted, together with a copy of Section 212.015(c) in the Local Government Code for the State of Texas.~~
 - ~~c. If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the City Planning Commission and/or City Council, as applicable. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal authority responsible for approving the replat, prior to the close of the public hearing. In computing this percentage of land area, the area of streets and alleys shall be included within the adjacent lots.~~
 - ~~d. Compliance with subsection c above is not required for approval of a replat of part of a preceding plat, if the area to be replatted was designated or reserved for other than single- or two-family residential use, by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.~~
 - a. If a proposed replat described by Subsection 3. requires a variance or exception, a public hearing must be held by the Planning Commission.
 - b. Notice of the public hearing shall be given before the 15th day before the date of the hearing by:
 - (1) publication in an official newspaper or a newspaper of general circulation in the Tom Green County; and
 - (2) by written notice, with a copy of Section 212.015(c) of the State of Texas Local Government Code, forwarded to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with

Exhibit A – Amendments to the Land Development & Subdivision Ordinance

postage prepaid, in a post office or postal depository within the boundaries of the municipality.

- c. If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning Commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning Commission prior to the close of the public hearing.
- d. In computing the percentage of land area under Subsection c., the area of streets and alleys shall be included.
- e. Compliance with Subsections c. and d. is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- f. If a proposed replat described by Subsection 3. does not require a variance or exception, the City shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection b.
- g. The notice of a replat approval required by Subsection f. must include:
 - (1) the zoning designation of the property after the replat; and
 - (2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

ED. *Recordation and Expiration of Plats.*

1. *Administrative plats.* Administrative plats shall be filed for recording with Official Public Records of Real Property, Tom Green County, within a period of twelve calendar months from approval, or the approval shall expire, no longer be valid, and the plat shall not be recorded.
2. *Final Plats and Replats.* If any final plat or replat (not classified as an administrative subdivision) has not been filed for record with Official Public Records of Real Property, Tom Green County, within a period of three years from its approval by the Planning Commission or City Council, approval of such plat shall expire, no longer be valid, and the plat shall not be recorded.

FE. *Preliminary Plat Approval and Expiration.*

1. After approval has been granted ~~by the Planning Commission~~, a preliminary plat will remain valid for a period of five years. An approved final plat within the area of the preliminary plat will extend the period of validity by an additional five years from the date of final plat approval. After this time, the approval shall expire, no longer be valid, and the preliminary plat shall automatically expire, unless additional progress towards completion of the project has occurred, in which case the preliminary plat will remain valid for five years from the date of the most recent applicable action indicating such progress. All preliminary plats in effect on the date of this ordinance shall automatically expire 5 years from the effective date of this ordinance, unless progress toward completion of the project has occurred during that time period, in which case the preliminary plat will remain valid for five years from the date of the most recent applicable action indicating such progress.
2. Progress towards completion of the project shall include any one of the following:

Exhibit A – Amendments to the Land Development & Subdivision Ordinance

- a. an application for a final plat or plan is submitted to the City;
- b. a good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
- c. costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- d. fiscal security is posted with the City to ensure performance of an obligation required by the City;
or
- e. utility connection fees or impact fees for the project have been paid to the City.

Replace Chapter 9. Land Development and Subdivision Design Policies, Section II in its entirety to read as follows:

SECTION II: BLOCKS

- A. *Width.* Blocks should have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.
- B. *Length.* The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not exceed two thousand, two hundred (2,200) feet nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collectors streets shall be not less than one thousand (1,000) feet in length. In long blocks, the ~~Planning Commission~~City may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the City for the prospective use.
- C. *Pedestrian Ways.* Pedestrian ways, or crosswalks, not less than ten feet (10') wide, and related traffic and/or pedestrian control devices, may be required by the City ~~Council~~ through the center of blocks more than eight hundred (800) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Replace Chapter 9, Section IX in its entirety to read as follows:

SECTION IX: APPLICABILITY; PLANNED DEVELOPMENT DISTRICTS ~~AND PLANNED INDUSTRIAL PARKS~~

No subdivision shall be approved unless the plat and accompanying improvement plans conform to the policies expressed in this chapter; provided, however, that literal conformance with these policies shall not be required of subdivision in Planned Development (PD) ~~and Planned Industrial Park (PIP)~~ Districts as shown on the official zoning map for the City of San Angelo, so long as such nonconformance is clearly authorized by the specific language or graphic concept plan of the Planned Development (PD) ~~or Planned Industrial Park (PIP)~~ zoning district wherein the subdivision is situated. Overall accessibility to and availability of public services such as transportation, utilities and drainage shall nonetheless be generally comparable with that required by conventional subdivision design policies of this chapter.

Replace Chapter 10, Section IV in its entirety to read as follows:

CHAPTER 10 CONSTRUCTION STANDARDS AND SPECIFICATIONS

SECTION IV: APPLICABILITY; PLANNED DEVELOPMENT DISTRICTS ~~AND PLANNED INDUSTRIAL PARKS~~

No subdivision shall be approved unless the plat and accompanying improvement plans conform to the standards and specifications expressed in this chapter; provided, however, that literal conformance with these standards and specifications shall not be required of subdivision in Planned Development (PD) ~~and Planned Industrial Park (PIP)~~ Districts as shown on the official zoning map for the City of San Angelo, so long as such nonconformance is clearly authorized by the specific language or graphic concept plan of the Planned Development (PD) ~~or Planned Industrial Park (PIP)~~ zoning district wherein the subdivision is situated. Overall accessibility to and availability of public services such as transportation, utilities and drainage shall nonetheless be generally comparable with that required by conventional standards and specifications of this chapter.

MEMO

**Meeting**

Date: October 16, 2022

To: Planning Commission

From: Planning Division, City of San Angelo

Request: A request to amend Section 406 of the City Ordinance regarding Short-term Rentals.

Background: Recent discussions on Short Term Rental (STR) requests prompted the City Council to request that staff revisit the current regulations regarding STRs. In addition, recent court cases have limited how City's in Texas can regulated STRs and these proposed change incorporate that direction. Below is a brief summary of items removed or changed:

- Remove the reference to a license required and instead refer to the required Conditional Use.
- Re-worded expiration and renewal text to clarify intent.
- Added an administrative renewal process for renewals with no complaints or opposition.
- Removed requirement to provide operator information in notification.
- Removed prohibition on STRs within 500 feet of another (leaving it as a discretionary decision of the Commission).
- Added a prohibition on an STR within 500 feet of the property line of a school and included a provision that this is not variable by the Zoning Board of Adjustment.
- Added and clarified process and requirements for appeals to the City Council and shortened appeal period to 15 days (instead of 30 days).
- Replace requirement for a Change of Occupancy (C.O.) and replaced with a required inspection checklist for critical building and fire inspections.
- Eliminated requirements that are no longer allowed, including limits on outdoor gatherings and the requirement that an STR must be on a road with at least 30' of pavement width.

Attachments:

Copy of the ordinance with tracked changes showing the proposed revisions.
Clean copy of the proposed ordinance with all proposed changes.

Sec. 406. Bed and Breakfast Establishments and Short-Term Rentals

Specific use standards applicable to a bed and breakfast and short-term rentals are:

A. *General Standards.* In all zoning districts, the following will be required:

1. The operator of a Bed and Breakfast or a Short-Term Rental must obtain a ~~license from the Director of Planning and Development Services~~ Conditional Use approval from the Planning Commission, on an application form approved by the Director of Planning and Development Services.
2. An approved Conditional Use shall automatically expire ~~unless renewed after~~ one year after initial approval unless a renewal application is received before the expiration date and is thereafter approved in accordance with this Section. A renewed Conditional Use shall automatically expire every two years unless further extended in accordance with this Section. If a Conditional Use expires, a new Conditional Use must be applied for and is not eligible for administrative renewal in subsection 3.
3. Renewals shall be approved administratively by the Director if no City Code violations or police reports are found concerning the operation of the Short-Term Rental, with proof of payment of hotel taxes, and if no opposition has been received within 20 days of the date of mailing the notification letter. Otherwise, renewals shall be heard and considered by the Planning Commission.
- ~~43.~~ The application shall designate an "Operator" who must reside in Tom Green County, Texas and shall furnish a telephone number for the operator. The operator of a Bed and Breakfast or a Short-Term Rental must post conspicuously in the common area of each unit (1) the name and contact information of the operator, and (2) the occupancy limits and restrictions on noise as set out in this Section 8.01.005. This information shall be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator shall mail notice of the new contact information to owners of real property within 200 feet of the lot lines.
- ~~54.~~ Neither a Bed and Breakfast nor a Short-Term Rental may be approved unless it adjoins a public street at least 30 feet in width. A Short-Term Rental use may not be located on a lot that is within 500 feet of a lot on which another Short-Term Rental use is located. The restrictions contained in this subsection 4 shall not affect any property which is registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax on or before September 1, 2016. The property line of a public school property. This restriction may not be varied by the Zoning Board of Adjustment. The restrictions contained in this subsection 5 shall not affect any property which already has an approved Conditional Use for a Short-term Rental prior to adoption of this amended ordinance.
- ~~6.~~ A Short term Rental use may not be located on a lot that abuts the property line of a lot with an approved Conditional Use for a Short term Rental. The restrictions contained in this subsection 6 shall not apply to any property located in the CBD zoning district or which was registered with the State of Texas and City of San Angelo for the purpose of Hotel Occupancy Tax on or before September 1, 2016.
- ~~65.~~ The operator shall keep a current guest register in compliance with the state code.
- ~~76.~~ For the purposes of determining privacy fence requirements, a Bed and Breakfast or a Short-Term Rental will always be considered a residential use.
- ~~87.~~ On a residentially zoned property, all lighting shall be directed toward the establishment and not at surrounding neighbors.
- ~~8.~~ The operator of a Bed and Breakfast or a Short-Term Rental must post conspicuously in the common area of each unit (1) the name and contact information of the operator, and (2) the occupancy limits and restrictions on noise as set out in this Section.
- ~~99.~~ A minimum of two paved off-street parking spaces, plus one additional off-street parking space per separately rented guest room, shall be provided on the same lot or tract of land as the establishment, except in the CBD zoning district as outlined in Section 511.A.1 of this Zoning Ordinance.

Exhibit A: Amendments to Section 406 of the Zoning Ordinance

- ~~190.~~ Neither a Bed and Breakfast nor Short-Term Rental establishment may be operated on a city-owned property that is leased for residential purposes.
- B. *Standards for a Short-Term Rental.* In addition to the requirements in Section 406.A, the following shall apply on the premises of a Short-Term Rental establishment on a residentially zoned property.
- ~~1. Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited,~~
- ~~21.~~ ~~M~~Meal service may not be provided,
- ~~3. permitting or hosting of outdoor gatherings before 7:00 a.m. or after 10:30 p.m., or permitting or hosting any outdoor gathering to include more than 20 people attending at one time is prohibited,~~
- ~~4. in addition to occupation by a single family, a Short-Term Rental may be occupied by up to 6 individuals unrelated by blood, marriage, or adoption, and~~
- ~~52.~~ these requirements shall not apply for any period in which the owner is occupying the dwelling as a single-family dwelling or when the property is rented as a single-family dwelling for a period of 30 consecutive days or more.
- ~~36.~~ Camping Units are prohibited on the premises of a Short-Term Rental establishment on a residentially zoned property.
- C. *Standards for a Bed and Breakfast.* In addition to the requirements in Section 406.A, the following shall apply to a Bed and Breakfast establishment:
1. On a residentially zoned property, a maximum of four guest rooms shall be permitted in any one Bed and Breakfast establishment.
 2. No food preparation, except beverages, shall be permitted within individual guest rooms. Meal service may only be provided to overnight guests.
 3. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas and the City of San Angelo.
 4. On a residentially zoned property, the operator of the Bed and Breakfast shall be a full-time resident of the dwelling unit in which the Bed and Breakfast establishment is housed and shall remain onsite when the unit is occupied by guests.
 5. On a residentially zoned property, on-site sales will be permitted only as an accessory use to the Bed and Breakfast establishment; said sales will be limited to Bed and Breakfast guests only; no other sales not otherwise permitted in the zoning district shall be permitted on the premises of a Bed and Breakfast establishment.
 6. No exterior evidence of the Bed and Breakfast shall be allowed, except for one sign, no larger than six square feet, which is not internally lit.
- D. Appeals, Registration, Inspections, and Enforcement.
1. The applicant or any citizen may appeal the decision of the Planning Commission to the City Council by submitting a written request to the Planning Director within 15 days of the decision of the Planning Commission.
 2. All Bed and Breakfast and Short-Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax prior to operating.
 32. An -change in occupancy from a single family home to a Bed and Breakfast or Short-Term Rental shall require issuance of a new Certificate of Occupancy- inspection checklist is required to ensure compliance with all applicable building and fire standards. A Short-Term Rental that is currently operating and paying City and State hotel tax as of the effective date of this ordinance shall have one

Exhibit A: Amendments to Section 406 of the Zoning Ordinance

~~year therefrom to obtain Conditional Use approval and a Certificate of Occupancy for the Short-Term Rental use.~~

- ~~43.~~ The owner shall obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
- ~~45.~~ The offering of a dwelling unit for Bed and Breakfast rental or Short-Term Rental, or the solicitation for such rental, creates a rebuttable presumption of such use.
- ~~56.~~ Failure to comply with all applicable standards for such an establishment may result in revocation of the ~~Certificate of Occupancy~~Conditional Use.
7. To the extent of any conflict between this Section 406 and any other provision of the Zoning Ordinance, this Section 406 shall control with respect Conditional Uses for Bed and Breakfast and Short-Term Rentals.

Sec. 406. Bed and Breakfast Establishments and Short-Term Rentals

Specific use standards applicable to a bed and breakfast and short-term rentals are:

- A. *General Standards.* In all zoning districts, the following will be required:
1. The operator of a Bed and Breakfast or a Short-Term Rental must obtain a Conditional Use approval from the Planning Commission, on an application form approved by the Director of Planning and Development Services.
 2. An approved Conditional Use shall automatically expire one year after initial approval unless a renewal application is received before the expiration date and is thereafter approved in accordance with this Section. A renewed Conditional Use shall automatically expire every two years unless further extended in accordance with this Section. If a Conditional Use expires, a new Conditional Use must be applied for and is not eligible for administrative renewal in subsection 3.
 3. Renewals shall be approved administratively by the Director if no City Code violations or police reports are found concerning the operation of the Short-Term Rental, with proof of payment of hotel taxes, and if no opposition has been received within 20 days of the date of mailing the notification letter. Otherwise, renewals shall be heard and considered by the Planning Commission.
 4. The application shall designate an "Operator" who must reside in Tom Green County, Texas and shall furnish a telephone number for the operator. The operator of a Bed and Breakfast or a Short-Term Rental must post conspicuously in the common area of each unit (1) the name and contact information of the operator, and (2) restrictions on noise as set out in Section 8.01.005.
 5. A Short-Term Rental use may not be located on a lot that is within 500 feet of the property line of a public school property. This restriction may not be varied by the Zoning Board of Adjustment. The restrictions contained in this subsection 5 shall not affect any property which already has an approved Conditional Use for a Short-term Rental prior to adoption of this amended ordinance.
 6. The operator shall keep a current guest register in compliance with the state code.
 7. For the purposes of determining privacy fence requirements, a Bed and Breakfast or a Short-Term Rental will always be considered a residential use.
 8. On a residentially zoned property, all lighting shall be directed toward the establishment and not at surrounding neighbors.
 9. A minimum of two paved off-street parking spaces, plus one additional off-street parking space per separately rented guest room, shall be provided on the same lot or tract of land as the establishment, except in the CBD zoning district as outlined in Section 511.A.1 of this Zoning Ordinance.
 10. Neither a Bed and Breakfast nor Short-Term Rental establishment may be operated on a city-owned property that is leased for residential purposes.
- B. *Standards for a Short-Term Rental.* In addition to the requirements in Section 406.A, the following shall apply on the premises of a Short-Term Rental establishment on a residentially zoned property.
1. Meal service may not be provided,
 2. these requirements shall not apply for any period in which the owner is occupying the dwelling as a single-family dwelling or when the property is rented as a single-family dwelling for a period of 30 consecutive days or more.
 3. Camping Units are prohibited on the premises of a Short-Term Rental establishment on a residentially zoned property.
- C. *Standards for a Bed and Breakfast.* In addition to the requirements in Section 406.A, the following shall apply to a Bed and Breakfast establishment:
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Exhibit A: Amendments to Section 406 of the Zoning Ordinance

1. On residentially zoned property, a maximum of four guest rooms shall be permitted in any one Bed and Breakfast establishment.
 2. No food preparation, except beverages, shall be permitted within individual guest rooms. Meal service may only be provided to overnight guests.
 3. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas and the City of San Angelo.
 4. On residentially zoned property, the operator of the Bed and Breakfast shall be a full-time resident of the dwelling unit in which the Bed and Breakfast establishment is housed and shall remain onsite when the unit is occupied by guests.
 5. On a residentially zoned property, on-site sales will be permitted only as an accessory use to the Bed and Breakfast establishment; said sales will be limited to Bed and Breakfast guests only; no other sales not otherwise permitted in the zoning district shall be permitted on the premises of a Bed and Breakfast establishment.
 6. No exterior evidence of the Bed and Breakfast shall be allowed, except for one sign, no larger than six square feet, which is not internally lit.
- D. *Appeals, Registration, Inspections, and Enforcement.*
1. The applicant or any citizen may appeal the decision of the Planning Commission to the City Council by submitting a written request to the Planning Director within 15 days of the decision of the Planning Commission.
 2. All Bed and Breakfast and Short-Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax prior to operating.
 3. An inspection checklist is required to ensure compliance with all applicable building and fire standards.
 4. The owner shall obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
 5. The offering of a dwelling unit for Bed and Breakfast rental or Short-Term Rental, or the solicitation for such rental, creates a rebuttable presumption of such use.
 6. Failure to comply with all applicable standards for such an establishment may result in revocation of the Conditional Use.
 7. To the extent of any conflict between this Section 406 and any other provision of the Zoning Ordinance, this Section 406 shall control with respect Conditional Uses for Bed and Breakfast and Short-Term Rentals.