



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

Board Present: Travis Stribling, Chairman
Luke Uherik, Vice Chairman
Brittany Davis
Michelle Miller
Joe Self

Staff Present: Rick Weise, Assistant City Manager
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 Trueman, Planning Technician

I. Call to Order

Chair Stribling called the meeting to order at 9:00 am, recognized a quorum of 5, and called for the consent agenda.

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. Meeting minutes - Consideration of approval for the November 20, 2023 Planning Commission meeting minutes.

The Chair opened and closed public comment after none was raised.

*Commissioner Davis moved to **approve** the consent agenda, seconded by Vice Chair Uherik. This motion carried 5-0.*

III. Regular Agenda

A. Subdivision Plats

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

1. FP23-36 Stonewall Estates at Fairview: A request for Final plat in the extraterritorial jurisdiction of

the City of San Angelo called Stonewall Estates at Fairview being 39.351 acres totaling 23 lots. A variance request has been submitted for paving width on Whittington Loop and a variance to paving request for Fairview Rd a major collector.

Asst. Dir. Aaron Vannoy presented this request to the Commission. This case will create 23 housing tracts of greater than an acre in size and will include a new interior street. The applicant is requesting two variances with the plat. Staff recommends approval of the request and its two variances with seven conditions.

The Chair opened for public comment.

Jackie Chestnut from a local engineering firm, JCR Engineering, approached the podium. Ms. Chestnut is asking why the city does not want the extra paving width on the streets. It being a money issue should not factor into any decisions on why we shouldn't have the full paving width.

Russell Gully, representing SKG Engineering, approached the podium. The variance for Fairview Rd is for the paving width and curb and gutter on the streets. Fairview already exists. Whittington Loop will be a new road but is an undeveloped area, so they are requesting a variance on paving width. There is a large overhead electrical line that runs through the property so the variance will help with that. He offered to answer any questions that the Commission may have.

Jackie Chestnut approached the podium again and discusses her disagreement to allow septic rather than city and to not allow the street variance for safety reasons.

David Curry the developer approached the podium. He does agree with Ms. Chestnut that it is mostly about cost and if the variances are not granted, the project is no longer viable.

Having no questions, the Chair closed public comment.

Chair Stribling shares his opinion on the variances. The Whittington loop is only 12 lots so he's not as worried about granting that variance request. The Fairview one is close to Hwy 87 and might carry some of the traffic. Fairview is a major collector and do we think it will stay or still serve as a major collector?

Commissioner Davis does not believe it will stay a major collector as there are other roads around that can serve as one.

Chair Stribling asks the minimum width and Asst. Dir. Vannoy doesn't want to provide an incorrect answer but the City Engineering representative is not in attendance. Chair Stribling then asks since some of these lots are fronting Fairview and its not a wide street, can they also park on the side of the street. Asst. Dir. Vannoy says that is mostly a County concern as this is outside city limits.

Chair Stribling opens public comment again for Ms. Chestnut to answer the minimum width per the ordinance online which is 10ft per lane. Mr. Gully also returns to the podium to say that if 8ft of right-of-way is not enough than 10ft is also good with the applicant.

Vice Chair Uherik asks if the applicant is only responsible for their incremental half to which Mr. Vannoy say yes, that is correct. The north side of Fairview property owners would be responsible for their half.

*Commissioner Davis gave a motion to **approve** as presented including granting both variances, seconded by Commissioner Self. This motion carried 4-1 abstained.*

2. RP23-37 Leal Subdivision Section Two: Request for a Residential replat to Leal Subdivision Section 2 is combining 6 RS-1 of the Exall Addition Block 31 lots 1-6 into zoning lots in one RS-1 lot being 0.961 Acres being renamed Leal Subdivision Section 2.

Asst. Dir. Vannoy presented this request to the Commission, which combines six lots from Exall Addition into one lot and being renamed Leal Subdivision. Asst. Dir. Vannoy does explain the remaining lots do have street access. Staff is recommending approval with one condition and two notes.

The Chair opened public comment.

As no one came forward, the Chair closed public comment.

*Commissioner Self gave a motion to **approve** as presented. Commissioner Davis seconded this motion, which then passed 5-0.*

B. Rezoning and Comprehensive Plan Amendments

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

1. Z23-17: A request for a zone change from Single Family Residential (RS-1) to Two Family Residential (RS-2) at 1212, 1210 & 1208 Roosevelt Street.

Principal Planner Sherry Bailey presented this request to the Commission, which will allow duplexes to be built on those three lots. Staff is recommending approval for the rezoning request.

The Chair opened public comment.

Jackie Chestnut approached the podium. She questions if there's been any thought on if there's been any long-term consideration on adding to the sewer and water loads by allowing a duplex instead of a single-family home.

Russell Gully with SKG approached the podium. He responds that there is a new sewer and water main in that area so there is no issue with handling this load to utilities.

Jackie Chestnut approached again clarifying that it is the main facilities that have the problem not the pipes that lead to it.

Alisa Denny the original property owner and neighbor stepped up to the podium. She took a risk when she purchased the properties and ran water and sewer to them. She built houses on a few of the lots and she is selling these three to a building contractor to build homes. The street is a private street and he has investors to help with the building of it.

Chris Trevino the new property owner and building contractor stepped up to the podium. He passed out pictures of what the duplexes will look like. The investors are looking at using these for military housing.

Asst. Dir. Vannoy does clarify that it is a driveway or considered a private road leading up to the houses in the back and is the responsibility of the builder.

David Holman whose address is 1214 Roosevelt Street. He is the one protesting this rezoning. He is concerned about pride of ownership or people not taking care of their stuff since they are renters. Are there any guarantees the neighbors can have that they will be rented to military? What about HUD or

section 8 housing or tiny homes, we don't want it to become that.

Chair Stribling responds answering some of his questions. The city has no authority on who can rent a house no matter the zoning. If they wanted to put tiny homes, they would have to replat unless they want to put one tiny home on each of those three lots.

The Chair closed public comment.

Commissioner Davis comments that the area is an infill area and having a mixed use is a huge benefit. This is a developing area and the need for nicer rentals is good there.

Chair Stribling does not think it's an unreasonable request for rezoning. The flag lots are not great, but the use of multi-family is a great option for the area. He does not believe denying a rezoning request because the flag lot access is not great is not a viable option. He is in support of this rezoning request.

*Commissioner Davis moved to **approve** as presented. Commissioner Miller seconded this motion, which passed 5-0.*

C. Conditional Uses

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

1. CU23-53: Request to approve a Conditional Use to allow a Short-term Rental located at 2301 Palms Court.

Principal Planner Sherry Bailey presented this request to the Commission, which is the first request for a short-term rental at this location.

Chair Stribling interrupts Principal Planner Bailey and mentions a very important topic that should have been mentioned during the short-term rental ordinance discussion. Deed restrictions are something that needs to be discussed. Chair Stribling asked if its possible to put language in the amended short-term rental ordinance that if there is a deed restriction that will not allow it, they cannot apply for a conditional use. Asst. City Attorney Dyson says it is possible but it is not recommended as there are a couple of Texas Supreme Court cases where this was discussed and putting language in our ordinance with restrictions might open the city up to legal issues. Deed restrictions are meant to be upheld by surrounding property owners not the city. There is another section in the ordinance, outside of the short-term rental, that addresses this issue.

The Chair opened for public comment on deed restriction discussion.

Jackie Chestnut approached the podium. She has lived in a subdivision that has a deed restriction against short-term rentals and it became a huge ordeal when one of the homeowners tried to turn it into an AirBnB.

Chair Stribling agrees and that this case at 2301 Palms Court has a deed restriction against a short-term rental. He was asking for clarification on if we can deny or approve based on a deed restriction. Asst. City Attorney Dyson said it cannot be a reason to deny but can be mentioned for information to the neighbors and surrounding properties.

Chair Stribling closes public comment for the deed restriction discussion.

Principal Planner Bailey continues with her presentation. There are 8 total in opposition. With all the opposition Staff received and as the applicant is already operating before receiving any approval from the city, Staff is recommending denial.

The trustees of the property at 2342 & 2334 Palms Court, Joel and Lindsey Carr, approached the podium. A benefit they saw to owning a house in this area was the deed restrictions. A short-term rental should not be allowed as it lowers the equity in your home. Before you purchase a home in this area, you are supplied a copy of the deed restrictions and have to sign that you received and understand it.

Chair Stribling asked if the applicant or the operator for this property present. No one stepped forward.

The Chair closed public comment.

Commissioner Davis commented while seconding the motion that to not be present or have a representative present while trying to make money off your property is not a good business standard.

*Commissioner Miller gave a motion to **deny** the request. Commissioner Davis seconded this motion, which then was carried 5-0.*

2. CU23-54: Request to approve a Conditional Use to allow a Short-term Rental located at 322 S Van Buren Street.

Principal Planner Sherry Bailey presented the request to the Commission, which is the first request for a short-term rental at this location. One opposition was received, none in favor. Staff is recommending approval.

The Chair opened public comment.

Paul and Melissa Calusio approached the podium. They are the owners of this property. It used to be Melissa's grandmother's house. Thank you to the Commissioners for hearing this request. They have fixed the house up quite a bit and are looking to help recoup the money with this AirBnB.

The Chair closed public comment.

*Vice Chair Uherik moved to **approve**, seconded by Davis. The motion passed 5-0.*

3. CU23-56: Request to approve a Conditional Use to allow a Short-term Rental located at 1710 W Avenue H.

Principal Planner Sherry Bailey presented this request to the Commission, which is the first request for a short-term rental at this location. Zero responses were received. Staff is recommending approval.

The Chair opened and closed public comment after none was raised.

*Vice Chair Uherik moved to **approve** as presented, seconded by Commissioner Self. This motion carried 5-0.*

4. CU23-57: Request to approve a Conditional Use to allow a Short-term Rental located at 306 N Monroe Street.

Planner Rae Lineberry presented the request to the Commission, which is the first request for a short-term rental at this location. Zero in opposition was received and one in favor. Staff is recommending approval.

The Chair opened and closed public comment after none was raised.

*Commissioner Miller moved to **approve** as presented, seconded by Commissioner Davis. The motion passed 5-0.*

5. CU22-19 Renewal: Request to renew a Conditional Use to allow the continued use of a Short-term Rental located at 2015 Beaty Circle.

Planner Rae Lineberry presented the request to the Commission, which is the first renewal request to continue a short-term rental at this location. One in opposition was received and one in favor. Staff is recommending approval for a renewal.

The Chair opened and closed public comment after none was raised.

*Commissioner Self moved to **approve** as presented, seconded by Commissioner Davis. The motion passed 5-0.*

6. CU22-23 Renewal: Request to renew a Conditional Use to allow the continued use of a Short-term Rental located at 1607 S Park Street.

Planner Rae Lineberry presented the request to the Commission, which is the first renewal request to continue a short-term rental at this location. Zero in opposition was received and one in favor. Staff is recommending approval.

The Chair opened and closed public comment after none was raised.

*Commissioner Miller moved to **approve** as presented, seconded by Commissioner Davis. The motion passed 5-0.*

7. CU22-26 Renewal: Request to renew a Conditional Use to allow the continued use of a Short-term Rental located at 2542 Baylor Avenue.

Principal Planner Sherry Bailey presented the request to the Commission, which is the first renewal request to continue a short-term rental at this location. Zero in opposition or in favor was received. Staff is recommending approval.

The Chair opened and closed public comment after none was raised.

Commissioner Davis moved to **approve** as presented, seconded by Commissioner Self. The motion passed 5-0.

D. Ordinance Amendments

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

Item D was discussed before Item C: Conditional Uses. Also see Item C.1 for deed restriction discussion.

1. Short-term Rentals - Discussion on amendments to Section 406 of the Zoning Ordinance regarding Short-term Rentals.

Planner Rae Lineberry presented the discussion, which is a continuation from the two previous month's hearing. The changes from November that Planning Commission requested have been made. Added the language of an educational building that is in use for the 500ft boundary requirement. Staff also verified that the language did say "closest property line to closest property line" for measuring the 500ft between another short-term rental.

Staff, during their discussions, have realized there are a couple items that have not been discussed and are requesting direction. In the amended ordinance, we have the 500ft requirement only in RS-1, RS-2, and RS-3. This means that R&E can have multiple short-term rentals right next door to each other. Staff is asking if that is how the board intended it to be.

Chair Stribling mentions that the intent was for residential areas like subdivisions. All the board members present agreed that was the intent. Staff agreed that they would update the amended ordinance to include R&E zoning in the 500ft requirement.

The first line of the amended ordinance says "in all zoning districts". Staff would take that to mean a conditional use is required in all zoning districts but feel the discussions have been more geared toward not requiring one in CBD, commercial, etc. So staff is recommending correcting that line to say these standards apply to those in RS-1, RS-2, RS-3 and R&E zoning.

Asst. City Attorney Dyson clarifies that there is a use table in our ordinance Section 313. CBD currently allows short-term rentals without a conditional use. Staff was thinking the other zonings like commercial and manufacturing should also be allowed by right.

Chair Stribling mentions that yes, in those other zonings there are hotels which are basically short-term rentals. The conditional uses in Chair Stribling's mind have always been in residential areas. Asst. City Attorney Dyson says we would change that first sentence under General Standards in the amended ordinance to say unless allowed by right in the use table of Section 313, then you need to proceed with the following requirements.

Asst. City Manager Rick Weise mentions the Planned Development zoning would require a conditional use no matter what the base zoning is listed as if they want a short-term rental included in the Planned Development area. The board agrees that will work.

Planner Lineberry sums up the changes made in the amended ordinance that is going to City Council for discussion Dec 19th. The memo bullet points are presented again. Remove the reference to a license and refer to a conditional use; re-worded expiration and renewal text to all renew at the same time. Chair Stribling goes into a more in-depth explanation of the new renewal requirements as he feels it's a

significant change. Planner Lineberry continues with changes: removed the requirement for the owner to provide operator information to 200' notification area if it changes but staff will still be required in their notifications to provide it; 500ft requirement in RS-1, RS-2, RS-3, R&E and PD zoning for short-term rentals from each other and fenced area or closest used building for an elementary and/or secondary public school and is not variable by ZBA (Planner Lineberry verified that if there was a short-term rental operating in a commercial zone right next to a residential zone, they would not be included in the 500ft restriction to which the board agreed); shortened and clarified the appeal to City Council process; replaced a change of occupancy requirement with an inspection safety checklist requirement which will be done before a conditional use is granted; eliminated requirements that are no longer allowed (outdoor gathering limitations, 30' of pavement, etc); added a failure to comply section where their conditional use can be revoked or suspended. Planner Lineberry clarifies that the renewal process will be administrative unless they fail to comply with one of the new items listed in this section in which they will be required to go to Planning Commission board for renewal.

Chair Stribling opens it up for public comment.

Jackie Chestnut approached the podium. She would like clarification on what a license is that the city will require. The checklist is to help alleviate the need for more inspectors as it will only require what is under the IRC rather than the IBC and IFC.

Chair Stribling closes public comment.

Planning Commission is good with moving forward to allow Staff to discuss with City Council.

Chair Stribling asks for an update on compliance on short-term rentals. Asst. Dir. Vannoy says Staff has been working with finance as some properties have also not paid their hotel tax. A letter was sent out and we've seen a number come into compliance but there are still others that have not. Staff is working with finance and code compliance to continue working on getting all in compliance. Asst. City Manager Weise clarifies that we do not have Staff going out and looking for ones that are not in compliant but is complaint based.

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.

The Chair opened public comment.

Jackie Chestnut approached the podium. She believes our city has a severe issue with complying to commercial codes. Ms. Chestnut brings up Stadium Park Plaza as an example. Stores have come and gone in this plaza and items have changed without permits. The parking lot has outdoor storage that makes it difficult to find your way around. Ms. Chestnut mentions the public restrooms and trees around electrical lines.

Asst. City Manager Weise requests Ms. Chestnut submit these items in writing either online or to our office and Staff will get them to Code Compliance.

Josh Pleasant, owner of a few short-term rentals, stepped up to the podium. Mr. Pleasant wanted to give his thoughts on the whole short-term rental process. He is glad to hear we are working on updating the

ordinance but it does bother him to hear the city does not have a budget for enforcement. Mr. Pleasant asks why is he trying to jump through all these hoops to comply when the rules have no teeth. There is no benefit to following the rules.

Chair Stribling comments that he understands the frustration and for him it is a safety issue.

Mr. Pleasant also wants the board to consider not denying those applicants that were operating illegally but are coming forward to become compliant. Chair Stribling mentions that is not a reason for denial to which Mr. Pleasant apologized saying that is what he thought happened on an earlier case but understands that was not the main issue. Chair Stribling clarifies that it was not about them previously operating, it was more about all the opposition and the applicant did not show up to respond. It does not show good practice.

Mr. Pleasant also wants to mention the hotel tax is unfair. There are also pointless discounts mentioned that needs to be either changed or removed. A copy of the receipt would also be helpful. Mr. Pleasant has been working with Ryan Gaddy but wanted to make Commissioners or City Council aware of these points.

Mr. Pleasant came forward during the Planning Director's report to ask that Planning Commissioners please make it easier for short-term rentals as part of bringing in visitors.

V. Planning Director's Report

- A. Discussion** - Assistant Director Aaron Vannoy mentions our Planning Department was awarded a Planning Excellency award from the American Planning Association.

VI. 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 **January 22, 2024** at the East Mezzanine of City Hall, 72 W College Avenue, San Angelo, Texas.

VII. Adjournment

Commissioner Davis moved to adjourn, seconded by Vice Chair Uherik. The meeting adjourned at 11:06 am.



Travis Stribling, Chairman

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

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