
PLANNING & ZONING COMMISSION

March 7, 2005

Minutes

Members Present: Ovelia Campos
Eddie Boykin
Jack Harkins
Jeff Luther
Tim McClarty

Members Absent: Neomia Banks
Floyd Miller

Staff Present: Jon James, Director of Planning and Development Services
Jeff Armstrong, Development Services Manager
Dan Santee, First Assistant City Attorney
Gloria Brownell, Planner I
JoAnn Sczech, Executive Secretary (Recording)

Others Present: Bob Hammond
Tony Kearney
H.B. Terry, Jr.
Faye Terry
Fern Hudson
Ron Harrell
Kenneth & Amy Pybus
Bobbie Hotchkiss
Bob & Joyce Power
Betty Ligon
Betty Morris
Jim Nichols
Cade White
Melissa Borden
Charlie Wolfe

Item One: Call to Order

Mr. Harkins called the meeting to order at 1:30 p.m. and declared a quorum present.

Item Two: Invocation

Ms. Ovelia Campos gave the invocation.

Item Three: Approval of Minutes:

The minutes from the February 7, 2005, meetings were considered for approval. **Mr. Luther moved that the minutes of the February 7, 2005, meeting be approved as submitted. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Campos, Harkins, Luther, and McClarty) to none (0) opposed.**

Item Four: Plats

Ms. Gloria Brownell, Planner I, stated that plats identified as items “a., b., d., and h.” were incomplete and would not be considered at this meeting. Information was provided regarding the plats to be considered at this meeting (Items c, e, f. and g). **Mr. McClarty moved to approve the plats c., e., f., and g. as submitted. Mr. Boykin seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Campos, Harkins, Luther, and McClarty) to none (0) opposed.**

Item Five: Rezoning Requests

a. Z-2005-2 (withdrawn as Z-0105)

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Idanel McCraw, to rezone approximately 5 acres from Agricultural Open Space (AO) and Light Industrial (LI) to Planned Development District (PDD), located at 4002 Buffalo Gap Road. The legal description being CW Kenner Subdivision, Lot 4, Abilene, Taylor County, Texas.

Request: To rezone 5 acres from AO/LI to PDD

Location: 4002 Buffalo Gap Road, the site of the vacant North’s Funeral Home

Analysis: Property consists of two different zoning types (AO in front, LI in rear). Originally brought forth as a rezoning to GC, withdrawn before last month’s P & Z hearing. Site is undeveloped, with the exception of the vacant North Funeral home building. Applicant proposing several different uses - will replat into at least 3 parcels for 3 different uses. Staff created a PDD to address issues such as permitted uses, signage, lighting, and buffering of town homes to the north.

Staff Recommendation: Staff recommends approval of rezoning to PDD.

Eight comment forms were received: 1 in favor; 1 undecided, and 6 opposed.

Mr. Harkins opened the public hearing.

Mr. Keith McNeese, Lubbock, Texas, developer for this project addressed the Commission. Mr. McNeese stated that this project is similar to one developed in Lubbock. Proposed usages for the property include a self-storage facility, a car wash, and a restaurant.

Mr. H.P. Terry, 3101 Crossroads Drive, Abilene, Texas, stated that many senior citizens with a limited income live in this area. Mr. Terry stated that a carwash would hurt the atmosphere and environment of the area. Also, there are more than enough restaurants in the area.

Mr. Ron Harrell, 3848 Crossroads Drive, Abilene, Texas, spoke on behalf of the Crossroads Homeowners Association. Mr. Harrell stated that the proposed development should not be allowed to the detriment of adjacent property owners. The proposed development would increase traffic flow; increase noise and light pollution; and increase storm water runoff in the area.

Ms. Joyce Powers, 2993 Crossroads Drive, Abilene, Texas, requested that if the proposed development is allowed, no exits be allowed onto Crossroads Drive.

Mr. Harkins closed the public hearing.

Mr. Harkins stated that it would be helpful for the Commission if staff highlighted conditions of the PDD Ordinance.

Mr. Armstrong provided the following information:

- Access Standards:
 - A maximum of one driveway shall be permitted onto Buffalo Gap Road.
 - A maximum of three driveways shall be permitted onto Crossroads Drive
- Building Setbacks (from property line):
 - Buffalo Gap Road: 30 feet
 - Crossroads Drive: 20 feet
 - Southern Property Line: 15 feet
 - Western Property Line: 20 feet
 - Northern Property Line adjacent to town homes: 30 feet
- An opaque fence at least six feet in height shall be provided along the property line adjacent to the town home property to the north
- Additional screening in the form of trees shall be provided along the property line where adjacent to the town homes, at an average spacing of one tree for every 15 feet. Evergreen species shall make up at least 50 percent of these required trees. Trees must be a minimum of 2" caliper at planting.
- Refuse containers, HVAC equipment, and other utility or mechanical equipment shall be screened from view from the public right-of-way.
- All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from adjacent residential areas
- Landscaping and Buffers:
 - The parkways shall remain landscaped.
 - A minimum 10' width of landscaping shall be provided along all street frontages to include additional shrubs, grasses, or other low-profile materials. Xeriscape principles and drought tolerant landscaping shall be utilized

- One monument-style group sign is permitted. The sign shall not exceed 8 feet in height or 10 feet in width. Sign design shall include low-profile landscaping along bottom of sign.
- Storage and Display:
No freight containers shall be permitted.
No outdoor storage of materials shall be permitted.

Mr. Harkins addressed the issue of storm water. Storm water detention is required on site – no increase in storm water runoff.

Mr. McClarty expressed concern regarding the car wash. This type of use could be intrusive on neighborhood.

Mr. McNeese stated that the proposed carwash is an express car wash, utilizing the minimum number of employees and operating only specific hours.

Mr. McClarty moved to approve Z-2005-2 with the following conditions:

- **Make Site Plan part of the PDD**
- **Back 400/450 feet limited to storage units, multi-family, town houses, parks or playgrounds, churches or places of worship**

Ms Campos seconded the motion and the motion carried by a vote of four (4) in favor (Campos, Harkins, Luther and McClarty), one (1) abstention (Boykin), and none (0) opposed.

b. Z-2005-3

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Christian University to rezone property from RM-3 (Multi-family residential) to (CU) College University, located at 809 and 825 EN 16th Street. The legal description being Abilene Heights, Block 1, Lots 11 and 12, Abilene, Taylor County, Texas.

Request: From Abilene Christian University, to rezone 2 lots from RM-3 to CU

Location: 809 and 825 EN 16th Street, just south of main campus

Analysis: 809 EN 16th already in use as Alumni Center offices. ACU proposes to rezone both properties to accommodate future university-affiliated uses. The 825 EN 16th Street property may develop to accommodate other offices or possibly a parking lot. ACU campus master plan does not address this area. Other parcels north and west of subject property are zoned CU.

Staff Recommendation: Staff recommends approval of CU zoning, but would like to see a more holistic approach to zoning (block by block) rather than one parcel at a time.

Staff received no comment forms either in favor or in opposition of this request.

Mr. Armstrong stated that Abilene Christian University wishes to expand the structure at 825 EN 16th Street. However, use of the property is currently a non-conforming use in an RM district and the Zoning Ordinance does not allow the expansion of a non-conforming use.

Mr. Boykin asked for clarification regarding the rezoning of only two parcels – appears to be piecemeal zoning.

Mr. Armstrong provided clarification regarding this issue. Staff is supportive of this request given the nature of the broader area. A more holistic or larger review of this area would be more desirable (rezoning of the entire block).

At this point Mr. Harkins abstained from discussion and voting due to a conflict of interest and asked Mr. Luther, Vice Chairman, to conduct the meeting.

Mr. Luther opened the public hearing.

Mr. Kevin Watson, 709 Green Valley, represented Abilene Christian University for this rezoning request. Mr. Watson stated that ACU has owned this property since 1984 and is currently utilized for the alumni office complex. Mr. Watson stated that ACU has no plans to sell or otherwise dispense of this property. Mr. Watson stated that rezoning is being requested so that the property may be utilized and modified as needed. Currently, there is a need to expand the building to accommodate more office space.

Mr. Luther closed the public hearing.

Mr. McClarty moved to approve zoning request Z-2005-3. Ms. Campos seconded the motion and the motion carried by a vote of four (4) in favor (Boykin, Campos, Luther and McClarty); one (1) abstention (Harkins); and, none (0) opposed.

Mr. Luther continued to chair the Commission as Mr. Harkins abstained from voting on this item due to a conflict of interest.

c. Z-2005-4

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Christian University to add Patio Home Overlay zoning to 3.88 Acres described as Lots 16 through 33, a replat of part of Lot 1, Block A, ACU Addition and Lots 1-17, Block L, Section 2, University Hills Addition, Abilene, Taylor County, Texas

Request: Abilene Christian University, to add Patio Home Overlay to 18 undeveloped, platted lots.

Location: West side of Pemelton Dr, just north of EN 16th

Analysis: Lots currently zoned CU and RS-8. Patio homes already permitted in CU, wanted consistency. Applicant would replat lots to accommodate the types of higher density patio

homes. Staff would like to encourage the design to include an alley for trash pick up and garages that enter off alleyways to maintain neighborhood aesthetics.

Staff Recommendation: Staff recommends approval of adding the PH overlay to the requested lots.

Four (4) comment forms were received in favor of the request and five (5) in opposition of the request.

Mr. Armstrong stated that there are currently 18 platted lots within the proposed rezoning area. The request is not to change the existing zoning but to add Patio Home Overlay zoning. This overlay zoning allows a different type of single-family residential development – it is not multi-family; and each unit will be a separate, free standing home. The Patio Home Overlay allows for development at a higher density due to smaller lot sizes and lesser setback requirements. Mr. Armstrong stated that the applicant has stated that perhaps as many as 25 patio homes could be constructed on the currently-platted 18 lots. The proponent has spoken with staff regarding a private alley along the back of the lots for rear entry parking.

Mr. David Todd, 402 Cedar, represented Abilene Christian University regarding this request. Mr. Todd stated that this property has been vacant for many years. Mr. Todd stated that the Patio Home Overlay request is an effort to encourage development activity in this part of Abilene.

Mr. Luther asked if it is correct that some of the lots contained in this request are currently zoned CU (College-University). Mr. Luther asked if individuals could own property zoned CU.

Mr. Armstrong stated that this is correct. In the area being considered for the Patio Home Overlay, some of the lots are currently zoned Residential Single Family and some are zoned College/University. Since patio homes are allowed in CU zoning, for consistency the overlay is being requested for the entire area indicated on the map.

Mr. Luther asked staff why residential construction is encouraged in a College/University zoning district. Why does staff not encourage the rezoning of the area to multi-family or a similar residential zoning and drop the CU zoning?

Mr. Armstrong stated that CU zoning allows residential uses and if it is this type of rezoning is the desire of the Commission, staff could be directed to review the areas that will clearly be developed as residential areas.

Mr. Steve Conley, #2 Lamar Circle, developer for this project provided a sketch of the proposed patio home overlay for this area. Mr. Conley stated that it appear to him that the area will accommodate approximately 24 patio homes.

Mr. Luther closed the public hearing.

Commissioners expressed concern regarding the CU zoning in the area of this request. Ms. Campos stated she would prefer the CU zoning be removed and zone the entire area RS-8.

Mr. Armstrong stated that this could not be accomplished at this meeting; however, Commissioners can direct staff to submit this information to the Commission for consideration at a later meeting.

Mr. James stated that this area is clearly a candidate for consideration in terms of comprehensively rezoning areas – rezoning to residential rather than CU.

Mr. McClarty moved to allow the placement of Patio Home Overlay on the lots to the north and those lots to the south, zoned CU, remain as presently zoned (without the Patio Home Overlay). Mr. McClarty’s motion failed for lack of a second.

Ms. Campos moved to approve Z-2005-4. Mr. McClarty seconded the motion and the motion carried by a vote of four (4) in favor (Boykin, Campos, Luther, McClarty), one (1) abstention (Harkins), and none opposed.

Mr. Luther returned chairmanship to Mr. Harkins. Mr. Harkins stated that the main issue is that when property zoned CU (owned by a college/university) changes ownership (someone other than a college/university), rezoning should be initiated at this point. Mr. Harkins stated that this issue needs to be addressed and asked staff to investigate this matter.

Mr. James asked for clarification regarding this issue; i.e., is the direction to study is issue and bring back more for discussion or should staff look at a staff-initiated rezoning for these areas.

Mr. Harkins stated that he will be requesting a workshop session and perhaps this could be an item for consideration at this workshop.

d. Z-2005-5

Public hearing and possible vote to recommend approval or denial to the City Council on a request from WolfePak Software, agent Charles Wolfe to rezone five parcels from RM-3 (Multi-family residential) to LC (Limited Commercial) located at 2902, 2918, 2926, 2934 S 2nd Street, and 126 Mockingbird Boulevard. The legal description being Lots 4, Lots 7-8, Lot 9, and the East 87 feet of Lot 6, Mid 40 by 50 feet of Lot 6, and West 48 feet of Lot 6, Block 7, Scott Highway Place, Abilene, Taylor County, Texas.

Request: From Charles Wolfe to rezone 5 parcels from RM-3 to LC.

Location: Four parcels on S 2nd Street and one at 126 Mockingbird, just south of WolfePak Software.

Analysis: Applicant desires to rezone to accommodate the development of additional offices and parking. Two single-family homes would be demolished with the approval of the rezoning request. LC zoning would require screening along property lines adjacent to RS zoning.

Staff Recommendation: Staff recommends approval of the request.

Two (2) comment forms were received in favor of the request and one (1) in opposition.

Mr. Harkins opened the public hearing.

Bobbie Hotchkiss, 4057 Waldemar, asked the Commission to delay consideration of this request until she has an opportunity to speak with Mr. Wolfe. Ms. Hotchkiss stated that both she and Mr. Leal signed the application; however, prior to any action by this Commission requested time to speak with Mr. Wolfe to determine how this rezoning would affect property taxes.

Mr. Charlie Wolfe, 2901 South 1st Street, stated that six parcels of land are included in this rezoning request. Mr. Wolfe stated that staff recommended rezoning of the entire block, but the owner of one of the parcels could not be located. Mr. Wolfe stated that his building is currently 7500 square feet and would like to add 8000 square feet along the backside.

Mr. Harkins asked Mr. Wolfe if he is correct that Mr. Wolfe does not have ownership of all of these lots. Mr. Wolfe responded affirmatively and at this time there are no offers to buy. Mr. Wolfe stated that this request reduces the possibility of spot zoning and offers the opportunity for placement of a parking lot – Limited Commercial (LC) zoning allows a parking lot – Residential Multi-Family (as currently zoned) does not allow a parking lot at this site.

Mr. McClarty asked to speak with Ms. Hotchkiss again. Mr. McClarty explained to Ms. Hotchkiss that since she owns one parcel included in this rezoning request, she must agree with the zone change. Mr. McClarty stated that the Commission needs to know at this time if Ms. Hotchkiss is not agreeing to this rezoning request.

Mr. James pointed out that the recommendation Planning and Zoning Commission regarding this request will be forwarded to the City Council for final approval on March 24, 2005.

Mr. McClarty stated that the Commission could vote on this request today and, if approved, would be forwarded to the City Council. During this time (between today and March 24, 2005), Ms. Hotchkiss could withdraw from the rezoning application. Mr. McClarty asked if the Commission could table this item or approve rezoning only for Mr. Wolfe's property. This is a possible option.

Mr. Wolfe stated that he would prefer to go forward with this request for the property that he currently owns.

Mr. Harkins closed the public hearing

Mr. James reminded the Commission that this request must be forwarded to the City Council for final approval. If at any time between now and then staff receives correspondence from any of the property owners requesting to be removed from the request, this will be done. If any of the property owners are removed today from the request, they cannot be included when considered by Council.

Mr. McClarty stated that it would be his recommendation to approve the request as submitted and if any of the property owners wish to withdraw they could at the Council meeting or prior to the Council meeting.

Mr. James stated that technically notification for this case includes the entire request. Therefore, it is assumed that the entire request area would be forwarded to City Council, including the recommendation(s) of this Commission.

Mr. Harkins stated that now that he has heard that any of the property owners could withdraw from this request at any time between now and the Council meeting and this removes their property from the request, this changes his mind somewhat. This leaves all the flexibility needed.

Mr. Santee added that the City Council could also rezone the property over the property owners' objections.

Ms. Campos stated that she wanted to make sure that Ms. Hotchkiss understands that if the Commission votes on this item today and approves the request as submitted, she still has time to pull her property from the request prior to the Council meeting. Approval of this request by the Planning and Zoning Commission does not mean that Ms. Hotchkiss cannot remove her property – all that is required of her is to notify City staff in writing that she would like her property removed from the request.

Mr. Boykin moved to approve Z-2005-5. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Campos, Harkins, Luther and McClarty) to none (0) opposed.

e. Z-2005-6

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Ted Flournoy and Red Armadillo Ltd, Agent, Houma Dollar Partners, LLC to amend existing PDD 77 and to add a .54-acre parcel located near Catclaw Drive and Curry Lane. The legal description being Curry Park Addition, Section 1, Block A, Lot 1, Cont 4, Abilene, Taylor County, Texas.

After clarification, Mr. McClarty stated that a conflict of interest exists for him and he will abstain from voting on this item.

Request: From Ted Flournoy and Red Armadillo, Agent Dollar General, to add a .54 acre GC-zoned tract to existing PDD 77, and to amend same PDD.

Location Catclaw Drive and Curry Lane.

Analysis: Original PDD created 2002, to accommodate neighborhood commercial uses. Dollar General proposes a new store on this vacant site, which would be situated partially on GC tract. Request would add GC tract to entire PDD, increasing total size to 7 acres. Amendments to PDD include adding variety store, façade treatments, signage, landscaping, and sidewalks. Floodway concerns exist on property. Walkable use would be attractive for apartment residents.

Staff Recommendation: Approval of rezoning request.

Mr. Armstrong stated that property owners in the area were notified and no comment forms were received either in favor or in opposition of the request.

Planning and Zoning Commissioners were provided with a site plan submitted by the applicant indicating the proposed development a lot currently zoned General Commercial and Planned Development District. Revisions to the Planned Development District include:

PDD Ordinance

- Adds variety store as permitted use
- Requires additional landscaping
- Deletes old language pertaining to signage, instead allowing monument-style group signage, one per lot up to three
- Requires architectural detail and limits building materials on facades facing Catclaw Drive
- Requires sidewalks along Catclaw Drive
- Requires decorative lighting along Catclaw Drive and limits light spillover onto adjacent properties

Before opening the public hearing, Mr. Harkins expressed concerns regarding the dictating of design. Mr. Harkins expressed these concerns during development of the Comprehensive Plan and stated that there have been award-winning designs utilizing metal siding and concrete blocks. Therefore, there is concern with the PDD in the limitations of the exterior façade. Mr. Harkins stated that he did not want codes written with this type of restriction (materials for exterior facades).

Mr. James stated that other ordinances were reviews in order to strike a balance between not being overly restrictive yet avoid an undesired appearance. Mr. James stated that the problem, in the past, has been at what stage can these requirements be implemented. Mr. James stated that staff would welcome wording that would accomplish the intent without excessive restrictions.

Mr. Harkins opened the public hearing.

Mr. Sam Evans, Reeves Development, stated that he is the broker for this project and would be happy to answer questions from the Commissioners. Mr. Evans stated that they do not have a problem with the stucco finish as it improves the “image” of tenant.

Mr. Harkins stated that in the “Analysis Section” of the staff report, it is stated that the building does not meet the required 30-foot setback as stated in the existing PDD. Mr. Harkins asked for clarification.

Mr. James stated that the setback requirement to the street is met, however, the 30-foot rear setback is not met. If the property is platted as a part of the PDD, the rear property line would have to be extended to meet the 30-foot setback. Staff’s recommendation is to keep this as a part of the PDD.

Mr. Armstrong stated that the PDD states, “all other setback, other than the one along the street, are 30 feet.” In this case, two property lines are questionable regarding the 30-foot setback. A replat will be required indicating the setbacks.

Mr. Evans asked if it is correct that additional property would have to be bought to meet the setback requirements.

Mr. Armstrong stated that this is correct as the PDD is currently written unless the PDD is amended to alter the setback requirements.

Mr. James stated that the PDD setbacks could be amended; however, staff’s concern is that two commercial building would be very close if the setbacks are reduced.

Mr. Santee stated that the proponent might have more specific aspects of the setbacks when considered by City Council and Council has the authority to change the setback requirements.

Mr. Harkins closed the public hearing.

Mr. Harkins stated that he would be in favor of granting the request but not modifying that part (setbacks) of the PDD at this point in time. Mr. Harkins stated that he felt the proponent should work within the existing PDD requirements.

Mr. Luther moved to approve Z-2005-6 as written with the omission of language in the Ordinance, Exhibit “A”, Page 3, Building Design, Masking and Scale, bullet 2: “Exterior façade shall not include exposed metal siding or standard concrete masonry units.” Mr. Harkins seconded the motion and the motion carried by a vote of four (4) in favor (Boykin, Campos, Harkins, and Luther), one (1) abstention (McClarty) and none (0) opposed.

Item Seven: Discussion Item:

- a. Discussion and direction to staff on a potential staff-initiated rezoning of multiple parcels along Buffalo Gap Road and South Danville Drive.

Mr. Harkins requested that a workshop session be scheduled to discuss the Items 7 and 8 on the agenda. Mr. Harkins asked that this Item 7 be expanded to discuss this item in the context of the City of Abilene, not site specific. Also, the issue discussed today regarding College/University zoning is included in this discussion.

It was the consensus of the Commissioners to postpone and broaden the discussion.

Mr. James asked Commissions if they were agreeable with a special meeting to discuss the issue of a Thoroughfare Closure removed from this agenda. Commissioners agreed to meet to discuss this item.

Item 8: Director's Report

Mr. James mentioned that staff is continuing to research some of the projects discussed regarding implementation of the Comprehensive Plan and Commissioners should receive information on this within the next few months.

On Thursday, March 10, 2005, the City Council will be considering the freight container ordinance and the itinerant business ordinance. These issues were considered by the Planning and Zoning Commission a while back and will not be considered by the Council for adoption.

There being no further business, the meeting was adjourned at 4:04 p.m.

Approved: _____, Chairman