
PLANNING & ZONING COMMISSION

March 15, 2005

Minutes

Members Present: Neomia Banks
 Ovelia Campos
 Jack Harkins
 Jeff Luther
 Tim McClarty
 Floyd Miller

Members Absent: Eddie Boykin

Staff Present: Jeff Armstrong, Development Services Manager

Others Present: Cathryn Fleming

Item One: Call to Order

Mr. Harkins called the meeting to order at 12:05 p.m. and declared a quorum present.

Item Two: Thoroughfare Closure Request

a. TC-2005-1

Public Hearing and possible vote to recommend approval or denial to the City Council on a request from Cathryn Fleming to abandon the North 1 foot of the public right-of-way on S. 4th St. and the East 1 foot of the north-south alley adjacent to Lots 5 & 6, Block 157, Original Town, Abilene, Taylor County, Texas (342 Palm St).

Request: To abandon 1' of right-of-way along the alley and S. 4th St.

Location: Adjacent to 432 Palm St

Analysis: Mr. Armstrong provided the staff report. Two accessory apartments were constructed in approximately 1925 and encroach on the subject right-of-ways. The applicant is attempting to sale the property and the lending institution requires some remedy to the encumbrances. The Plat Review Committee suggested a street-use license, but this was not an acceptable solution for the transaction. However, the Committee was still ok with the abandonment.

Staff Recommendation: Staff recommends approval of the request.

No comment forms were received.

Mr. Harkins asked for clarification regarding discrepancies between the survey provided showing eaves overhanging the S. 4th St. ROW where it appears there is little or no eave to the building. Mr. Armstrong said that from the City's perspective it does not matter if it is eave or building.

Mr. Armstrong stated that the Commission could condition the approval to require that the balance of the area where there are no buildings be kept as an open easement. This was discussed with Sharon Hicks, City Attorney prior to the meeting and Ms. Hicks indicated that such a condition would be appropriate.

Mr. Harkins opened the public hearing.

Mrs. Cathryn Fleming, 342 Palm St., applicant, addressed the Commission. She clarified the eave issue and stated that actually the second floor of the building is what hangs over. Mr. Luther asked if the condition suggested by staff would be ok. Mrs. Fleming said yes. There was general discussion about the balcony on the alley side of the northern building.

Mr. Harkins closed the public hearing.

Mr. Harkins discussed with the Commission a concern about the condition preventing the reconstruction of support structures for the upper part of the building. Mr. Armstrong suggested that the condition be for areas not within the footprint of the existing buildings.

Mr. Luther moved to approve TC-2005-1 with the following condition:

- **That an open easement be kept on the 1' areas except for where the existing structures encroach.**

Ms Banks seconded the motion and the motion carried by a vote of Six (6) in favor (Banks, Campos, Harkins, Luther, McClarty, and Miller), and none (0) opposed.

There being no further business, the meeting was adjourned at 12:14 p.m.

Approved: _____, Chairman