

---

**PLANNING & ZONING COMMISSION**

**September 6, 2005**

**Minutes**

---

Members Present: Eddie Boykin  
Jack Harkins  
Jeff Luther  
Tim McClarty  
Floyd Miller

Members Absent: Neomia Banks  
Ovelia Campos

Staff Present: Jon James, Director, Planning and Development Services  
Jeff Armstrong, Development Services Manager  
Dan Santee, First Assistant City Attorney  
Robert Allen, Transportation Planner, MPO Director  
Ben Finley, Transportation Planner  
Gloria Brownell, Planner I  
Justin Fortney, Planner I  
JoAnn Szech, Executive Secretary (Recording)

Others Present: Connie Jennings  
Hal Pender  
Suzie Foster  
Ocie McQueen  
Russ Menke  
Bob Hammond  
Larry Earley  
Marilyn Lewis  
Raymond Blasingame  
Aletta Sparks  
Riley Griffith  
Roy Lewis  
Jerry Hallmark  
Pete Torres  
Nick Stokes  
Janell Griffith Ward  
Lorie Ware

**Item One: Call to Order**

Mr. Harkins called the meeting to order at 1:33 p.m. and declared a quorum present.

**Item Two: Invocation**

Mr. Floyd Miller gave the invocation.

**Item Three: Approval of Minutes:**

**Mr. Harkins provided the following corrections to the minutes:**

**Page 3, Paragraph 11, Line 3: Currently reads – the City’s engineer inspects  
Should read - the Civil engineer inspects**

**Page 7, Paragraph 4, Item 2: Currently reads: 50-foot sign was requested  
Should read 50-foot sign was acceptable**

**Mr. Eddie Boykin moved that the minutes of the August 1, 2005, meeting be approved with the corrections noted above. Mr. McClarty seconded the motion and the motion carried unanimously.**

Mr. Harkins read the opening statement for the Planning and Zoning Commission.

**Item Four: Plats**

Ms. Gloria Brownell, Planner I, stated that the plats identified as items “a., f., and j.” were incomplete and would not be considered at this meeting. Information was provided regarding the plats to be considered at this meeting (Items b., c., d., e., g., h., i., and k.). Ms. Brownell stated that staff recommends approval of these plats as all meet the requirements of the Subdivision Regulations.

Mr. Harkins opened the public hearing and asked if anyone wished to speak regarding any of the plats being considered for approval. There was no response and Mr. Harkins closed the public hearing.

**Mr. McClarty moved to approve plats b., c., d., e., g., h., i., and k., as submitted. Mr. Miller seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

**Item Five: Rezoning Requests**

a. Z-2005-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Connie Jennings to add Historic Overlay zoning to property located at 650 Meander Street. The legal description being the south 60’ of the east 120’ of Lot 4, Block C, Alta Vista Addition, Abilene, Taylor County, Texas.

Mr. Armstrong stated that the applicant is requesting Historic Overlay Zoning. This is “overlay” zoning and does not change the base zoning (RM-3). Three (3) comment forms were returned in favor of this request, none in opposition.

The Landmarks Commission considered this item on August 30, 2005, and recommends approval. Staff also recommends approval of this request.

Mr. Larry Abrigg, Historic Preservation Officer for the City of Abilene, provided the staff report and photographs of the structure. He further stated that the 0.16-acre parcel (7200 square feet) is occupied by a two story brick, prairie style, single-family residence built in 1925 by W.R. Balfanz, who was a contractor. It has a distinctive red tile roof, a swimming pool in the back yard, and a brick accessory building to match the home. The Sayles Boulevard area has been in the City since 1895. The property has had residential zoning all of its history. In 1932 it became home of the first Abilene Women’s Club that purchased it along with a baby grand piano for \$10,000. In 1944 it became a single-family residence again.

- Current Planning Analysis

Historic Overlay Zoning will not affect the land use or the base zoning of the subject property nor the surrounding properties.

- Comprehensive Planning Analysis

This property is in an area that is historic. The Sayles Boulevard area from South 5<sup>th</sup> to South 10<sup>th</sup> and from Meander to Highland Streets was included in a National Register of Historic Places Historic District in 1992. The Women's Club did the only change to the front elevation in the 1930's. They enclosed part of the front porch to add space to the interior. The swimming pool was added in 1986. The property was rated a high priority historic property in a 1989 Survey completed by the City and the Abilene Preservation League.

Mr. Boykin asked the significance of Historic Overlay zoning, i.e., if the property is sold does the new owner inherit the HO zoning, and how does the overlay zoning affect demolition of the structure.

Mr. Abrigg stated that as with any zoning, Historic Overlay zoning remains with the property; therefore, any new property owner would inherit the zoning. The ordinance does provide for demolition delay with historic overlay zoning. If a request for demolition of a property possessing HO zoning is requested of the Landmarks Commission, demolition could be delayed for up to one (1) year.

Mr. Harkins opened the public hearing.

Ms. Connie Jennings, current owner of the property located at 650 Meander, stated that the property will remain in her family. Ms. Jennings' son, who also resides at this address, has no plans to sell this property, as this is his home.

Mr. Harkins closed the public hearing.

**Mr. McClarty moved to approve Z-2005-27. Mr. Luther seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

b. Z-2005-28

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Charles A. McClure to rezone property located at 1365 & 1373 Jeanette Street and 1374 Peach Street from RM-3 (Multi-Family Residential) to GC (General Commercial). The legal description being Lots 4-6, Block 18, O.D. Dillingham Subdivision, Abilene, Taylor County, Texas.

Mr. Armstrong stated that the proponent is requesting to rezone three platted lots from RM-3 to General Commercial located on the north side of South 14<sup>th</sup> Street between Jeanette and Peach Streets. Staff received two (2) comment forms in favor and one (1) in opposition of the request. Mr. Armstrong provided the various zoning categories and uses in the area. Mr. Armstrong provided excerpts from the Zoning Ordinance relative to *Strip Zoning*. These include:

- Zoning Ordinance opposes strip zoning;
- Comp Plan speaks against strip zoning; and,
- General Commercial uses are not generally compatible with residential zoning.

Mr. Armstrong stated that staff recommends denial of the request.

Mr. Boykin stated that a Planned Development District would allow the uses desired by the proponent.

Mr. Armstrong stated that a PDD could be created to permit the proponent's use for the property.

Mr. Boykin asked if a PDD was suggested or offered as an option to the proponent?

Mr. Armstrong stated that, to his knowledge, it was not.

Mr. Boykin asked Mr. Armstrong if he could see this area as a PDD.

Mr. Armstrong responded, generally, no – given the shallow nature of the parcel, it would still be stripping out commercial zoning. A PDD improves the zoning because it provides for buffering and protection for the residential areas, but would not be in line with “good development.”

Prior to the public hearing being opened, Mr. McClarty stated that he has a financial interest in this project; therefore, he will abstain from voting. Mr. McClarty noted that only five members are present; he is abstaining; therefore, the remainder of the Commissioners must vote in favor of the request in order for the case to be approved.

Mr. Harkins stated that this is correct and the options for the proponent are:

1. Proceed with the rezoning request, or
2. Table until a future meeting date when more Commission members are present.

Mr. Harkins opened the public hearing.

Mr. Russ Menke stated that he is representing Mack McClure regarding this rezoning request. Mr. Menke stated that the property directly to the east (1558 South 14<sup>th</sup> Street) was rezoned in the 1990s from residential to Heavy Commercial.

Mr. Harkins stated that this Commission must consider only the zoning and what might occur in the future if the current proposed use is not the end product.

Mr. Menke stated that he spoke with City staff regarding recommended zoning for this area. Staff recommended General Commercial to him and now states that staff recommends denial of the rezoning request.

Mr. Harkins asked Mr. Menke if he would consider tabling this case and investigate the possibility of a PDD (considering the fact that only four (4) Commissioners will be voting on this item and a favorable vote must be received from all voting).

Mr. Menke stated that he would be receptive to the idea of a PDD for this request.

Ms. Aletta Sparks stated this proposed business would be located diagonally across from her home. There are many families in this area with small children and the increased volume of traffic is a big concern. Ms. Sparks stated that she opposes commercial zoning for this area.

Mr. Harkins closed the public hearing.

**Mr. Luther moved to table Z-2005-28. Mr. Boykin seconded the motion and the motion carried by a vote of four (4) in favor (Boykin, Harkins, Luther, and Miller); one (1) abstention (McClarty); and, none (0) opposed.**

**Item Six: Thoroughfare Closure**

a. TC-2005-6

Public Hearing and possible vote to recommend approval or denial to the City Council on a request from Templo Gethsemani Assembly of God; agent Nick Stokes, to abandon the entire north-south portion of a 15' alley located between Park and Forrest Avenues and extending north from N. 20<sup>th</sup> Street. Legal Description being Block 31, Sears Park Addition, Abilene, Taylor County, Texas.

Ms. Gloria Brownell provided the staff report and slides for this item. The request is to abandon the 15' north-south alley from North 20<sup>th</sup> Street to the southern edge of the east-west alley between Park and Forrest Avenues. Staff and the Plat Review Committee recommended approval with the condition that the full 15' remain accessible as a utility and drainage easement. The subject alley does not currently exist "on the ground." Three (3) comment forms were received in favor of this request.

Mr. Harkins opened the public hearing.

No one spoke either in favor or in opposition of this request and Mr. Harkins closed the public hearing.

**Mr. McClarty moved to approve TC-2005-6. Mr. Miller seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Harkins, Luther, McClarty, and Miller) to none (0) opposed.**

b. TC-2005-7

Public Hearing and possible vote to recommend approval or denial to the City Council on a request from Hal A. Pender to abandon the south one (1) foot of North 5<sup>th</sup> Street and the west one (1) foot of Cedar Street, adjacent to Block 44, Original Town, Abilene, Taylor County, Texas.

Ms. Brownell provided the staff report and slides for this item. This request is to abandon 0.3 feet of the right-of-way of North 5<sup>th</sup> and Cedar Streets adjacent to 442 Cedar Street. The Plat Review Committee and staff recommend approval of this request.

For simplicity and flexibility, staff advertised abandonment up to a full one (1) foot along the entire block of North 5<sup>th</sup> and Cedar Streets. Ms. Brownell stated that the applicant is under contract to sell the building; however, financing cannot be obtained without the release of the area requested in the thoroughfare closure.

Property owners within 200 feet of this property were notified and one (1) comment form was returned in favor of this request.

Mr. Harkins stated that there is a provision either in the ordinance or the code that addresses the remodeling of building in the Central Business District. This provision grants a six (6) inch encroachment for this very purpose – to place brick on the façade. Mr. Harkins stated that in reading this request, it seems that this is not the case – the brick was always there – this is the original building. Mr. Harkins stated that even if this is the original building footprint, is there a provision in the CBD to allow this type of encroachment and is the Commission required to go through the process of granting this (in this case, a thoroughfare abandonment).

Mr. Armstrong stated that he is unaware of such a provision.

Mr. Boykin asked about one of the slides that indicated the request is from North 4<sup>th</sup> to North 5<sup>th</sup> Street.

Mr. Armstrong stated that the applicant requested the abandonment of 0.3 feet along his property line (2 lots). Mr. Armstrong stated that when staff put this case together and published the notice, staff went beyond the request to make this allowance available to the Plat Review Committee, the Planning and Zoning Commission, and ultimately, the City Council. This would allow these groups to investigate the appropriateness of keeping the right-of-way consistent for the entire block (an even number of feet for each block). The Plat Review Committee concluded that only what is affecting this one property is satisfactory to them.

Mr. Harkins opened the public hearing.

Mr. Hal Pender stated that a survey of the property was completed about three months ago. Clear title to the property cannot be obtained without this thoroughfare abandonment.

Mr. Robert Allen, Abilene Metropolitan Planning Organization, mentioned an additional option for this situation. Based on a case considered by this Commission and the Council recently, the entire foot was abandoned but an open access easement for drainage and utilities was retained on the entire abandoned portion except for the area of the actual building footprint.

Mr. Harkins closed the public hearing.

**Mr. Boykin moved to approve TC-2005-7 to abandon 0.3 feet of the right-of-way of North 5<sup>th</sup> and Cedar Streets adjacent to 442 Cedar Street. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

### **Item Seven. Thoroughfare Plan Amendments**

- a. Request to amend the Thoroughfare Plan in the general area of I-20 and Highway 351.

Mr. Robert Allen, Abilene Metropolitan Planning Organization, stated that this is the first of two (2) Thoroughfare Plan amendments to be considered at this meeting. Maps were provided of the current Thoroughfare Plan and the proposed thoroughfare plan amendments. The Thoroughfare Plan amendments have resulted from:

1. The Comprehensive Plan – which calls for a major general commercial activity center in the area of Highway 351 and I-20; a major industrial gateway along I-20; and, improvement in development in the I-20 corridor.
2. New intensive commercial development currently occurring in the vicinity of the new Super Wal-Mart.
3. Active proposal being considered by the Texas Department of Transportation to change the operation of the frontage roads along I-20 to one-way operation.

Mr. Allen stated that Planning and Public Works staffs have reviewed this proposal and determined that a change in the pattern of arterial and collector streets is necessary in this general area. The main arterial north of IH 20 in the area is proposed to intersect SH 351 at the East Lake Road intersection. The

proposed pattern of collector streets will adjust to the new arterial route. The proposed pattern will also provide additional opportunities to provide reverse flow for one-way frontage road operations and additional opportunities to connect to the frontage roads.

The proposed area of amendment has significant terrain-related challenges to development. The proposed street pattern maximizes the development potential of the relatively level portions of the area. The current Thoroughfare Plan was based on an assumption that land development in the area would be mostly low traffic generation uses that would not justify standard urban densities of thoroughfare development. The current development assumptions of the Comprehensive Plan will create both the demand and the land values to justify the necessary improvements. Staff notified the property owners most likely to be directly impacted by this proposal.

Staff recommends that the Thoroughfare Plan be amended as shown in Attachment A.

Mr. Harkins stated that the item, as listed on the agenda, does not mention a public hearing. Mr. Harkins asked if the Commission was to hold a public hearing on the Thoroughfare Plan amendments.

Mr. Santee stated that although the item was not posted as a public hearing, public input could be received at this meeting.

Mr. Harkins opened the public hearing.

Mr. Riley Griffith stated that between his father and himself, this amendment would impact approximately 800 acres of their property. Mr. Griffith stated that his greatest concern is that development in this area will necessitate the construction of a highway. This could result in his livestock being cut off from water sources, extra fencing costs and access, and the commercial development of the area. Mr. Griffith stated that he does not see why all of a sudden a particular piece of his property goes from no routes over the property on the current plan to having a four-way intersection of a newly planned collector street crossing his property.

Ms. Janelle Griffith Ward stated that she feels this amendment is more than just a “proposal,” particularly if the I-20 access roads are changed to a one-way operation. Ms. Ward stated that she is concerned about the fencing of her property also. Ms. Ward asked who would pay for this fencing along the collector streets.

Mr. McClarty stated that the proposed collector streets would not be installed unless a subdivision or development occurs. Mr. McClarty stated that the individual developing the land pays for the collector street.

Mr. Allen stated that normally the City does not install collector streets – the developer does these. There are occasional exceptions where severe traffic problems or instances where there is a small “gap” remaining in the development when the city will install some parts of the collector street.

Mr. Harkins closed the public hearing.

Mr. Boykin asked Mr. Allen if the thoroughfare plan amendments were subject to alteration or revision.

Mr. Allen responded that this plan represents a general pattern and corridor and not specific alignments. More flexibility is provided in the undeveloped areas. With the adoption of a Comprehensive Plan for the

City, it is anticipated that several significant amendments to the Thoroughfare Plan will come before this Commission. Mr. Allen stated that because these changes can affect many individuals, staff felt that rather than doing everything at once, it makes sense to consider changes for relatively smaller regions.

**Mr. Boykin moved to approve the amendment to the Thoroughfare Plan in the general area of I-20 and Highway 351 as presented. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

- b. Request to amend the Thoroughfare Plan regarding East Lowden Street from I-20 to East Lake Road.

Mr. Allen stated that the impetus for the request is the change in development potential in the area. The Comprehensive Plan designated the area of the intersection of IH-20 and State Highway 351 as a major commercial activity center. The Super Wal-Mart development has initiated the new development trend.

Planning and Public Works staff have reviewed this proposal and determined that the additional collector route is necessary in this area to accommodate potential additional development north of Lowden Street. There is currently no street connection between Overland Trail and SH 351. The east end of Lowden Street intersects SH 351 undesirably close to the intersection of SH 351 and East Lake Road in a manner that will create challenges to traffic movement and safety as traffic flow increases in the area. The IH-20 frontage roads are likely to become one-way in the future. The proposed corridor will allow improved opportunity for reverse flow for one-way frontage road operations.

The proposed corridor crosses an area of flood plain that is treated as floodway pending further study of the exact floodway location. The current Thoroughfare Plan was based on an assumption that land development in the area would be mostly low traffic generation uses that would not justify the expense of infrastructure for thoroughfare development across the floodway. The current development assumptions of the Comprehensive Plan will create both the demand and the land values to justify the necessary improvements. Staff is notifying the property owners most likely to be directly impacted by this proposal and will report any response received.

Mr. Harkins opened the public hearing.

Mr. Roy Lewis stated that the proposed plan will be extremely expensive and provided an alternate plan that would accomplish the same thing at a much cheaper price. Mr. Lewis explained his plan utilizing the map provided by staff.

Ms. Marilyn Lewis stated that 95% of the proposed road goes through her property. Ms. Lewis stated that the front 20 acres of the property are not as sacred or hold as much intrinsic value as the remainder of the property. Ms. Lewis asked the Commission to reconsider the proposed placement of the street.

Mr. Miller asked Mr. Allen if it is correct that another area for the road was reviewed, however, there were some problems and asked for clarification as to the problem or problems.

Mr. Allen stated the primary considerations against this corridor are:

- Culpepper Farms addition has been platted and developed



- In other areas there is very little land that is developable because it is in the floodplain – it is much less likely that development would occur that would warrant the installation of a street

Mr. Harkins asked if the Planning and Zoning Commission wishes to look at alternate routes would alternate landowners be notified?

Mr. Allen stated that this is correct.

Mr. James stated that from a technical standpoint this item could be tabled with a directive to staff to notify alternate landowners.

Ms. Lorrie Ware asked if the proposed thoroughfare amendment is specifically for developing or is it to relieve traffic on Highway 351. Who will be utilizing this road?

Mr. Harkins stated that he sees one of the major purposes of this amendment is to eliminate problems in the area where Lowden Streets turns into Highway 351. Also, with the development in this area, there is a large portion of land that has the potential for development over the next 15 to 20 years. The collector street would allow this development to take place and move the location where it ties into East Lake Road away from the intersection of Highway 351.

Ms. Ware asked if the one-way traffic flow on the access roads is a definite?

Mr. James stated that it is TxDOT's desire to make the access roads one-way.

Mr. Raymond Blasingame stated that it seems to him that if the land is to be developed, a road will be required to get people in and out of the property. Mr. Blasingame stated that if Lowden Street needs to be moved, then it seems to him that the alternate route proposed by Mr. Roy Lewis would be less disruptive. Mr. Blasingame suggested that the Planning and Zoning Commission table this item and allow staff time to review other proposals.

Mr. Larry Earley stated that he lives next door to Ms. Lewis. Mr. Earley stated that he knows that Ms. Lewis does not want to sell her property and his wife does not want their property sold. Mr. Earley stated that the alternate proposal would be a better solution to the problem.

Mr. Ocie McQueen stated that he resides directly north of the proposed street on East Lake Road. Mr. McQueen stated that he would be happy to meet with Mr. Allen to discuss this issue. Mr. McQueen stated that this area is a large floodplain and it would be very difficult to install a road across the "canyon" in any manner. Mr. McQueen stated that there must be a road eventually and he is in favor of this; however, as he understands it, unless land is sold or developed, there would be no road "on the ground." Mr. McQueen stated that he is in favor of tabling this item for further study.

Mr. Harkins closed the public hearing.

**Mr. Boykin moved to table the request to amend the Thoroughfare Plan in the general area of I-20 and Highway 351. Mr. Miller seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

**Item Eight: Director's Report**

Mr. James provided the Commissioners with a summary of Council actions on items submitted from the Planning and Zoning Commission.

Mr. Harkins stated that because of the time and the hours that will be required to review recommendations of the Community Appearance Focus Group he would like to consider this item at a special workshop meeting. The Planning and Zoning Commissioners were in favor of a workshop to discuss this item. The tentative date for this workshop will be September 19, 2005. Planning and Zoning Commissioners will be contacted to determine if this date is agreeable with everyone.

There being no further business, the meeting was adjourned at 3:55 p.m.

Approved: \_\_\_\_\_, Chairman