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**PLANNING & ZONING COMMISSION**

**February 6, 2006**

**Minutes**

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Members Present: Neomia Banks  
Eddie Boykin  
Ovelia Campos  
Jack Harkins  
Tim McClarty

Members Absent: Floyd Miller  
Jeff Luther

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

Others Present: Mack Moye, Jr.  
Annie Mae Anderson  
Randall Smith  
Petty Hunter  
Tanya Johnson for Anne Valentine  
Edna Cassidy  
Heloise Munson  
Sharron Gregory  
David McMeekan  
Aaron Waldrop  
John A. Knight

Media Present: Sarah Kleiner, Abilene Reporter-News

**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. Tim Rice McClarty gave the invocation.

**Item Three: Approval of Minutes:**

**Mr. Eddie Boykin moved that the minutes of the January 3, 2006, meeting be approved as submitted. Ms. Banks 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 ten (10) plats (identified as items a. through j.) were complete and provided information for each plat. Staff recommends approval of these plats as all meet the requirements of the Subdivision Regulations.

Commissioners questioned Item f. pertaining to a temporary building in front of the KRBC/KTAB studio on South 14th Street. Commissioners asked if the structure met the building codes and asked how this structure is classified (from a zoning standpoint).

Ms. Brownell stated that from a zoning standpoint, the building must undergo some modifications to meet the International Building Code standards. With these modifications and an approved site plan this structure could become a permanent structure. The current Zoning Ordinance does not specify building materials, appearance, etc. The building was originally placed on the site under a temporary permit. The plat being considered today is to replat all of the KRBC property into one lot.

Mr. Santee stated that since the plat meets the Subdivision Regulations, whether or not this Commission takes action on this plat, the plat will be approved, by law, in 30 days.

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.

**Ms. Banks moved to approve plats a., through j. as submitted. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Campos, Harkins, and McClarty) to none (0) opposed.**

#### **Item Five: Rezoning Requests:**

a. Z-2006-04  
Public hearing and possible vote to recommend approval or denial to the City Council on a request from David McMeekan to rezone property located at 1202, 1210, & 1218 Mesquite Street from RS6 (Single-Family Residential) to HC (Heavy Commercial). The legal description being Lots 4-6, 200 1-C, Johnston Subdivision of the Original Town of Abilene, Taylor County, Texas.

Mr. Justin Fortney provided the staff report for this case. The request is to rezone three (3) Residential Single-family (RS-6) lots to Heavy Commercial (HC). The three (3) properties are currently vacant and are adjacent to residential homes and lots. The parcels are also adjacent to the applicant's sign business including outdoor storage of signs.

#### **ZONING HISTORY:**

The subject property has been part of Abilene since 1895 and was zoned Local Retail in the 1940's. Shortly thereafter, the lots on Walnut were rezoned to General Commercial and the others were rezoned to Residential. In the 1960's the General Commercial area was rezoned to Heavy Commercial. The lot just to the north of the subject parcels (1226 Mesquite) was rezoned from RS-6 to HC in 1988.

#### **ANALYSIS:**

- Current Planning Analysis

The applicant is the owner of Acme Sign Company and is requesting Heavy Commercial zoning to expand his storage of signage. There have been multiple complaints over the past couple of years from

the resident who lives across the street from the subject lots. The applicant had stored materials and trailers on these residential lots in violation of the Zoning Ordinance. The applicant has always been willing to comply with the regulations, after being contacted by the Planning and Development Services Department. However, the violations would eventually reoccur.

If the applicant were able to screen the proposed storage with a tall enough fence, the fence itself would be a visual intrusion to the neighboring residential property owners. Heavy Commercial and residential zoning districts are not compatible adjacent to each other. Moving large signs and poles on and off of the property could create noise and truck traffic even closer to residential properties than before.

Although the applicant is proposing to use the subject properties only for storage, they or someone they sold the property to would then be able to use it for anything allowed in HC zoning. Often times creating a PDD for a property will alleviate concerns about impacts with the surrounding area by requiring landscaping, fences, sidewalks, and other provisions to mitigate negative impacts. Unfortunately, these types of safeguards could not make the proposed use balanced with the residential homes in the area. Creating a PDD for this property would also be inappropriate for the reasons discussed in the Comprehensive Planning Analysis.

- Comprehensive Planning Analysis

The Comprehensive Plan identifies the Carver Neighborhood Revitalization Plan as a guide to help City staff, Planning Commission, City Council, non-profit groups, and private firms make decisions that will improve conditions within the Carver Neighborhood. The focus of this plan consists of the area between North 18<sup>th</sup> and North 6<sup>th</sup> Streets between Treadaway Boulevard and Pine Street.

The Carver Neighborhood Revitalization Plan was adopted on July 6, 1998, by the City Council with the recommendation of the Planning and Zoning Commission. The creation of the plan was a collaborative effort by many individual citizens of Abilene and the following civic organizations:

- The Carver Community Steering Board
- Carver Task Force
- ICAN (Interested Citizens of Abilene) Organization
- North 13<sup>th</sup> Citizens Group
- The Community Foundation of Abilene

The Carver Neighborhood Revitalization Plan was developed to help rebuild the Carver Neighborhood into a vital and diverse community with a renewed sense of pride in its heritage. A major strategy to help achieve these goals that is highlighted in the plan is to rezone several areas that are not compatible with the surrounding area. Specifically, the plan calls for Heavy Commercial along North 13th Street from just west of Mesquite Street to Ash Street to be rezoned to Residential. In addition, all areas zoned Heavy Commercial are recommended to be rezoned to General Commercial. Rezoning areas that are incompatible with the surrounding land uses will be explored throughout the City, as staff and the Planning Commission work on producing a new Land Development Code. Certainly, perpetuating the problem in this area before we attempt to resolve the incompatibility is not desirable.

Staff recommends denial of this request.

Property owners within a 200-foot radius were notified of the request. One (1) response was received in favor and one (1) in opposition of the request. Mr. Fortney stated that a letter had been received from Reverend Andrew Penns, Chairman of the ICAN organization, stating that he would be unable to attend this meeting; however, he wanted the Planning and Zoning Commission to know that this organization is

opposed to this request. Rev. Penns stated that such a change in zoning would harm efforts to following the Carver Revitalization Plan.

Mr. Harkins opened the public hearing.

Mr. Petty Hunter, representing the ICAN organization and the Abilene Neighborhoods in Progress (NIP), stated that the housing development located on Mesquite Street is one of the first initiatives out of the neighborhood plan implemented by NIP through a housing grant. Abilene NIP is acquiring land to construct single-family structures in the community. The Abilene NIP has received a tremendous commitment from the community by being investors in this housing development and have received great support from the City of Abilene. Mr. Hunter stated that the rezoning of the three parcels before this Commission today would directly impact the ability of NIP to realistically obtain vacant properties along Mesquite Street and therefore is opposed to this request.

Mr. David McMeekan, proponent for this request, stated that he purchased the building at 1225 Walnut in 1978 and since that time has purchased additional lots and buildings in this area. Mr. McMeekan stated that he began purchasing the property being discussed at this meeting in the late 1990s. Mr. McMeekan stated that he constructed a chain link fence on the property located at North 12<sup>th</sup> and Mesquite Streets to deter individuals from parking and/or conducting illegal activities on this site. Mr. McMeekan stated that he realizes that the City would like for this area to remain residential; however, doing so denies him the use of his property in a manner consistent with the adjoining property (which he also owns). Mr. McMeekan stated that if the rezoning request is approved he will construct a seven (7) foot metal fence on the Mesquite and North 12<sup>th</sup> Street frontages of the property to screen the property.

Ms. Tanya Johnson stated that she is representing her Mother (Anna Valentine) who resides at 1201 Mesquite Street. Ms. Valentine resides directly across from the proposed rezoning area. Ms. Johnson stated that Ms. Valentine does not want the view of storage on the property across the street from her. Ms. Johnson stated that the metal fence being proposed is not high enough and is an eyesore as well.

Mr. Mack Moyer, Jr., stated that he is an Elder at the Church located at 725 North 12<sup>th</sup> Street. Mr. Moyer stated that he opposed to any changes in this neighborhood.

Mr. Harkins closed the public hearing

Mr. McClarty stated that this is a perfect example of why Heavy Commercial zoning should not be located next to Residential zoning. Mr. McClarty stated that he understands both sides of this issue – Acme Sign needs the space for their business and the neighborhood wants the area to remain residential.

**Ms. Campos moved to deny Z-2006-04. Ms. Banks seconded the motion and the motion to deny carried by a vote of five (5) in favor (Banks, Boykin, Campos, Harkins, and McClarty) to none (0) opposed.**

b. Z-2006-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Funeral Directors Life Insurance Company, agent Paul Johnson, to rezone 5.3 acres located at the northwest corner of the intersection of Director's Parkway and South Clack Street from O (Office) and SC (Shopping Center) to GC (General Commercial). The legal description being a portion of Lots 1 & 2, Block A, Section 1, Antilley Square Addition, Abilene, Taylor County, Texas.

Ms. Brownell provided the staff report for this case. The property is currently vacant and is adjacent to a retail center and a funeral home. It is located across Directors Parkway from PDD#99, which was recently expanded for hotel and restaurant development.

### **ZONING HISTORY:**

The subject property was annexed in 1980 and the western portion was rezoned from AO to Shopping Center and Office zoning in 1983.

### **ANALYSIS:**

- Current Planning Analysis

The applicant originally requested General Commercial zoning to accommodate development of a mix of medical and retail uses. Staff felt that a PDD would be more appropriate at this location, given the existing zoning and uses developed on the surrounding parcels. There are three existing PDDs in the immediate area of the request, and the proposed PDD ordinance was modeled after the regulations governing the neighboring properties. It includes standards for building materials, signage, landscaping, sidewalks, and access management.

The applicant plans to develop a primary parcel with medical uses in support of the Regional Medical Center, but there will be additional acreage available for retail or other mixed-use development. The proposed PDD ordinance allows a variety of uses for parcels with frontage on the State right-of-way, and a more limited list of uses for parcels with frontage only on Directors Parkway, which is a local street. This limitation, along with the internal circulation and pedestrian accommodations required by the proposed ordinance, should help concentrate most of the traffic on the State right-of-way where there is greater capacity.

- Comprehensive Planning Analysis

The Comprehensive Plan identifies the general area surrounding the parcel as a Special Activity Center. The Plan does not provide any information for this specific area, although it does offer some general goals for development. Mixed uses, pedestrian-friendly development, and aesthetic enhancement of building facades and site design are mentioned to help create a “more livable, vibrant, and accessible community.”

This site is located adjacent to the US 83/84 corridor, which places it in a Gateway Mixed Use Area as designated in the Comprehensive Plan. Aesthetic enhancement should be a priority in Gateway Districts because they are “the area where visitors will form their first impression of the city and as such, should reflect the highest quality and provide a glimpse of Abilene’s local identity.” The landscaping, signage, and building material regulations listed in the proposed PDD ordinance make it consistent with the strategies associated with corridor enhancement. More specifically, this PDD is consistent with the strategy designed for the US 83/84 Corridor due to the permitted uses supporting Abilene Regional Medical Center. The PDD zoning will require a more aesthetically pleasing development than the current regulations in the existing Office or Shopping Center zoning.

### **Staff recommends approval of the attached PDD ordinance.**

Property owners within a 200-foot radius were notified of the request. Two (2) comment forms were received in favor of the request (from the proponent).

Mr. Harkins asked the reason for not indicating the proposed PDD ordinance for this area on the agenda.

Ms. Brownell stated that a PDD is a less intensive zoning district and allows many of the uses allowed in a General Commercial zoning district with additional provisions.

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

**Mr. McClarty moved to approve the PDD ordinance. Mr. Boykin seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin Campos, Harkins, and McClarty) to none (0) opposed.**

**Item Six: Director's Report**

Recent City Council decisions regarding items recommended by the Planning and Zoning Commission.

Mr. Jon James stated that additional information has been provided with this report – the Commission's vote and the Council's vote.

Z-2005-37 – recommended for approval by the Planning and Zoning Commission was tabled due to the fact that only six (6) Council members were present and the vote was deadlocked.

Z-2005-38 - recommended for denial by the Planning and Zoning Commission was withdrawn by the applicant prior to being heard by the Council

Z-2005-39 - recommended for approval by the Planning and Zoning Commission was tabled by the Council (based on the fact that the applicant was currently in violation of the outdoor storage requirements under current zoning regulations. The Council asked the applicant to clean the property and come into compliance with the regulations prior to the Council acting on the request for rezoning).

Mr. James reminded the Planning and Zoning Commissioners of the joint City Council/Planning and Zoning Commission workshop scheduled for February 16, 2006, at 8:30 a.m. at the Oakwood Trails Lodge located at the Abilene State School. Mr. James asked the Commissioners to be prepared to ask questions or provide their views, particularly regarding Community Appearance issues.

There being no further business, the meeting was adjourned at 2:25 p.m.

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| Approved: _____, Chairman |
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