

---

**PLANNING & ZONING COMMISSION**

**March 6, 2006**

**Minutes**

---

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

Members Absent: Ovelia Campos

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  
JoAnn Sczech, Executive Secretary (Recording)

Others Present: Tal Fillingim  
Aaron Waldrop  
Antonio L. Forty  
Duane Martin  
Bob Hammond  
Spencer Butcher  
James Compton  
Kenneth Barbian  
Jan Sorrells  
Ken Sorrells

Media Present: Sarah Kleiner, Abilene Reporter-News

**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. Neomia Banks gave the invocation.

**Item Three: Approval of Minutes:**

**Ms. Neomia Banks moved that the minutes of the February 6, 2006, meeting be approved as submitted. 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**

This item was delayed and will be considered later in the meeting.

**Item Five: Thoroughfare Closures:**

Mr. Harkins stated that the next three (3) agenda items created a conflict of interest on his part and turned Chairmanship of the Commission over to Mr. Jeff Luther.

a. TC-2006-02

Public hearing and possible vote to recommend approval or denial to the City Council on proposed closures of (1) all of Samoa Street; (2) a 20' east-west alley located approximately 110 feet south of Samoa Street; and (3) Sunrise Avenue from the south right-of-way line of an east-west alley located approximately 110 feet south of Luzon Street to the north boundary line of Lot 17, Block 1, Section 1, East Horizon Addition, located at 834 Sunrise Avenue. The legal description being Section 1, East Horizon Addition, Abilene, Taylor County, Texas.

Ms. Gloria Brownell provided the staff report for this agenda item. The proponent is requesting to abandon dedicated rights-of-way, as follows:

- (1) All of Samoa Street
- (2) All of the 20' east-west alley located approximately 110' south of Samoa Street
- (3) Sunrise Avenue from the south right-of-way line of the east-west alley located approximately 110' south of Luzon Street to the north boundary line of Lot 17, Block 1, Section 1, East Horizon Addition, located at 834 Sunrise Avenue

There are existing homes along Luzon Street and a portion of Sunrise Avenue, but most of the property in the area is vacant. Access will be maintained to all developed properties through existing alternate routes.

The site has been designated by Abilene Independent School District for the construction of a new middle school. The surrounding property was originally platted for residential development in 1959, but a large portion of the subdivision has remained vacant since that time. The proposed closures will connect the separate parcels and provide a continuous piece of land for development. Preliminary plans for the development show a new east-west street that will connect Sunrise Avenue with South Judge Ely Boulevard to provide additional circulation during peak traffic periods.

Staff recommends approval of the request subject to the recommendation of the Plat Review Committee, with the following conditions:

- (1) All abandoned right-of-way and lots adjacent to abandoned right-of-way must be replatted.
- (2) The provision of a new east-west connection between Sunrise Avenue and South Judge Ely Boulevard.
- (3) The dedication of 20' accessible utility easements for all existing sewer lines.
- (4) The dedication of drainage easements in all existing rights-of-way, or some other means of accommodation for drainage approved during the development process.
- (5) The dedication and construction of a cul-de-sac at the north end of the portion of Sunrise Avenue adjacent to Lots 17-19, Block 1, Section 1, East Horizon Addition.

*The Plat Review Committee reviewed this request and recommended approval with conditions listed above.*

Property owners within a 200-foot radius were notified of the request. No responses were received either in favor or in opposition of the request.

Mr. Luther opened the public hearing.

Mr. David Todd, representing the Abilene Independent School District, stated that current plans are to close Samoa and Sunset Streets. At some point in the future, an east-west street on Sunrise Street will be

constructed with a 10-foot landscaped tract and a 60-foot right-of-way. Also planned is a cul-de-sac for those homes currently located on Sunset. A detention pond with a six foot berm will be constructed on the site.

Mr. Luther closed the public hearing.

**Mr. Boykin moved to approve TC-2006-02 with conditions (items 1-5 on page 2). Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Luther McClarty and Miller), one (1) abstention (Harkins) and none (0) opposed.**

b. TC-2006-03

Public hearing and possible vote to recommend approval or denial to the City Council on proposed closure of Cypress Street from North 17<sup>th</sup> Street to North 18<sup>th</sup> Street, Abilene, Taylor County, Texas.

Jeff Armstrong provided the staff report for this item. Cypress Street, between North 17<sup>th</sup> and North 18<sup>th</sup> Streets, is an improved two-lane street. Along the west side of the street are a large parking lot and two vacant parcels. The parking lot would remain and would be accessible from North 18<sup>th</sup> Street. Located on the east side of the street are a medical office building, two houses and some vacant parcels.

Hendrick Medical Center is requesting the closure of this portion of Cypress Street to unify land for development.

The Plat Review Committee reviewed this proposal and recommends that the closure be conditioned on replatting the property to eliminate any land-locked lots and maintaining an open drainage easement on the right-of-way unless the drainage is redirected in a manner approved by the City of Abilene.

Staff recommends approval of the request subject to the following conditions:

- (1) All abandoned right-of-way and lots adjacent to abandoned right-of-way must be replatted.
- (2) Maintain an open drainage easement on the entire right-of-way, or provide some other means of accommodation for drainage approved during the development process.

Property owners within a 200-foot radius were notified of the request. No responses were received either in favor or in opposition of the request.

Mr. Luther opened the public hearing.

Mr. Duane Martin, staff architect with Hendrick Medical Center, stated that the proposed project is very close to completion as far as the planning of the project is concerned. The closing of Cypress Street is integral to this project.

Mr. Luther closed the public hearing.

**Mr. McClarty moved to approve TC-2006-03 with staff's recommended conditions. Ms. Banks seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Luther, McClarty and Miller), one (1) abstention (Harkins) and none (0) opposed.**

**Item Six: Rezoning Requests:**

c. Z-2006-09

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Medical Center; agent, Duane Martin, to rezone 2.94 acres from RM-3 (Residential Multi-family), MU (Medical Use), and General Commercial to GC (General Commercial), located on the north side of North 17<sup>th</sup> Street between Pine and Cypress Streets, and on the northwest corner of Cypress and North 17<sup>th</sup> Streets. The legal description being Lot 2, and the South 60 feet of Lot 1, Block C, and Lots 17-20, Block B, Nesbitt Addition; and the South 100 feet of the West 100 feet of Lot 1 and the West 100 feet of Lot 2, Block 12, Central Park Addition, Abilene, Taylor County, Texas.

Jeff Armstrong provided the staff report for this item. The request is to rezone 1.77 acres from RM-3, MU and GC to GC (a portion of this property is currently zoned GC).

The site includes all of the property between Pine and Cypress Streets between North 17<sup>th</sup> and North 18<sup>th</sup> Streets except for the parcel fronting on North 18<sup>th</sup> Street. It also includes two parcels at the northwest corner of North 17<sup>th</sup> and Cypress Streets. Currently, there are several homes and a few vacant parcels in the area. Also, there are some commercial structures that front on Pine Street.

The subject property was annexed in 1911. The MU zoning on the subject parcels west of Cypress Street were rezoned from RM-3 to MU in 1999. The small portion of MU zoning on the subject parcel to the east of Cypress Street was rezoned from RM-3 to MU in 1998. The CG portion of the property was zoned Central Business when zoning was established in Abilene in 1946. Sometime in the 1950's or early 1960's it was rezoned to General Commercial zoning. The RM-3 properties have been zoned RM-3 or "Two-family Residential" since 1946.

The applicant is proposing to develop property in the area. The applicant is also proposing the closure of Cypress Street in conjunction with this development.

Staff has concerns about GC zoning extending west from where it is currently along Pine Street. Areas to the west and south have residential zoning and uses that are not compatible with the GC district. MU (Medical Use) or some other zoning that is more restrictive than GC, e.g., College-University (CU) zoning, would be more appropriate for the area. Staff has discussed this recommendation with the proponent.

This property is in an area designated as a special activity center in the Comprehensive Plan. This activity center, although not specifically defined, is logically an area for medical and educational uses.

Property owners within a 200-foot radius were notified. One comment form was received in favor (from the applicant) and none in opposition.

Mr. Luther opened the public hearing.

Mr. Duane Martin, staff architect for Hendrick Medical Center, stated that he has spoken with Mr. Armstrong regarding rezoning. The reason for requesting GC zoning is the property fronting on Pine Street. Mr. Martin stated that from Hendrick Medical Center's standpoint CU zoning would be their second choice. Technically, the building and property will belong the Texas Tech University (School of Pharmacy).

Mr. Luther asked Mr. Martin about the property on the west side of Cypress Street currently zoned MU. Mr. Luther stated that if the proposed area is changed to CU zoning, Hendrick Medical Center might be back before this Commission next month requesting that the zoning be changed to MU.

Mr. Martin stated that when the application was submitted, it was intended that only the east 45 feet be rezoned.

Mr. Luther stated that since this portion (the east 45 feet) is smaller than the notification area it can be included as a part of this rezoning request. Mr. Luther asked Mr. Martin if he would be opposed to MU zoning for the parcel in question.

Mr. Martin stated the main issue is landscaping issues and the maintenance of a four-foot berm and shrubbery in this area. Maintenance becomes somewhat of a problem.

Mr. Luther closed the public hearing.

**Mr. Boykin moved to approve Z-2006-09 to rezone the General Commercial (GC) and Residential-Multi Family (RM-3) zoning to Medical Use (MU) zoning. Mr. Luther seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Luther, McClarty and Miller), one (1) abstention (Harkins) and none (0) opposed.**

**At this point, Chairmanship of the Commission was returned to Jack Harkins.**

d. Z-2006-06

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Weatherbee Construction, agent David Todd, to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District), located at the northwest corner of Loop 322 and Oldham Lane. Legal description being 84.29 acres out of the Northwest quarter of Section 62, Abstract 781, Blind Asylum Lands, Abilene, Taylor County, Texas

Mr. Armstrong stated that the proponent has requested, verbally, last Thursday, and in writing, last Friday, that this item be tabled. Because the legal notice had been published and property owners within 200 feet of the rezoning request had been notified, the public interest is attached and a public hearing should be held to allow anyone wishing to speak regarding this issue to do so. The Commission may take action at this meeting; however, staff's recommendation is that the item be tabled.

Mr. Armstrong stated that the request is to rezone 84 acres from AO to PDD. The property is currently vacant. It surrounds a parcel at the corner of Oldham Lane and South 27<sup>th</sup> Street that is occupied by a fire station. A tank is situated in the southeastern portion of the parcel. The property was previously owned by the State of Texas.

The applicant originally applied for General Commercial zoning. Staff felt that a PDD would be more appropriate at this location, given the size of the parcel and in an effort to encourage development along Loop 322 that is consistent with other newer development nearby along the Loop. Many of the regulations proposed in this ordinance are similar to the Lone Star Ranch commercial PDD, which is also located along Loop 322.

This rezoning is speculative. The applicant has stated only that commercial uses and possibly multi-family residential uses are desired. The only specific use mentioned is the possibility of self-storage units.

The proposed PDD directs more intensive commercial uses to the west and south along the Loop 322 frontage and allows for limited commercial uses along Oldham Lane farther north. This is due partly to the location of residential development across Oldham Lane from the north part of the proposed PDD and

due to a few areas of more intensive zoning districts scattered to the south and west of the parcel. When the applicant has more specific development plans in mind, an amendment could be proposed that could allow for other commercial development in the PDD.

The Comprehensive Plan shows a major commercial business activity center just to the south of this parcel. This property could be a part of that activity center. 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.”

The Planning and Zoning Commission held a workshop to discuss the nearby activity center when there were a number of rezoning requests in the area in 2004. At that time, the Commission felt that the activity center should focus on education and high employment activities.

The Comprehensive Plan identifies both Oldham Lane and South 27<sup>th</sup> Street as “enhancement corridors.” These corridors are generally located along major thoroughfares and are intended to preserve or enhance the aesthetics of these corridors.

The Thoroughfare Plan identifies Loop 322 as a visual pathway. The Thoroughfare Plan recommends PDD zoning along these pathways to enhance the visual environment.

Planning staff recommends approval of the attached PDD ordinance.

Mr. Harkins requested that the following corrections/conditions be made to the PDD ordinance:

- Permitted Uses – Item H: Construction/Building Contracting Services – concern regarding outdoor storage
- Site Development – Item 3: States minimum structure height of 35 feet – should be maximum structure height.

Mr. Harkins opened the public hearing. No one was present to speak regarding this item and Mr. Harkins closed the public hearing.

**Mr. McClarty moved to table Z-2006-06. Mr. Luther seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

e. Z-2006-07

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Aaron Waldrop of P-n-C Development Corporation, agent Tal Fillingim of Jacob & Martin LTD, to rezone 3.63 acres from RS-12 (Residential Single-Family) and RS-6 (Residential Single-Family) to PDD (Planned Development District), located at 101 and 102 Sugarberry Avenue. Legal Description being Lot 1, Block A and Lot 1, Block J, Section 1, Parkside Place Subdivision, Abilene, Taylor County, Texas.

Gloria Brownell provided the staff report for this item. The request is to rezone two parcels totaling 3.63 acres from RS-12 to PDD for residential development. The parcels are approximately 97.5 feet deep, which does not meet the minimum 100’ depth requirement in all residential zoning districts.

The property was annexed in February 2005 at the applicant’s request and he immediately requested rezoning of the annexed acreage. He originally requested RM-3 zoning for the subject parcels, but the Council agreed with staff and the Planning and Zoning Commission and determined that the lower density provided by RS-12 zoning was more compatible with the surrounding land uses. He recently requested RS-6/PH zoning, but withdrew the request after the Board of Adjustment denied his request for a variance

from the minimum lot depth requirements. Without the variance or a change of zoning to PDD, Mr. Waldrop would be limited to four parcels regardless of the zoning.

The applicant is proposing to develop six parcels on each side of Sugarberry Avenue. His original intention was to develop duplexes along the main entrance road to the RS-6 development occupying the majority of his 70-acre tract. Staff, the Planning and Zoning Commission, and the City Council determined during the original rezoning hearings that RS-12 zoning would be more compatible with the existing low-density residential development along Maple Street. The current zoning regulations allow the applicant to plat only four lots; two would face Maple Street and two would face Cinderella Lane. The applicant requested a variance to reduce the required minimum lot depth from 100 feet to 97 feet, but the Board of Adjustment denied the request in January 2006. **The proposed PDD ordinance provides a reduction in the minimum lot depth requirement, allowing homes to face Sugarberry Avenue, but requires the lower density afforded by RS-12 zoning. The proposed ordinance also includes provisions for screening (including a provision for drainage through weep holes, pickets above grade, or some other accommodation) from the existing homes outside the development; sidewalks for access between Kirby Park and the rest of the development; and, limiting driveway access onto Sugarberry Avenue.**

The Comprehensive Plan calls for annexation in the general area around the request as a means for controlling incompatible encroachment of Abilene Regional Airport. There are no specific land use plans other than a general expectation for Low Density Residential development similar to the existing homes surrounding the request. RS-6 zoning was approved for the majority of the new development, but staff still supports the density provided by RS-12 zoning on the subject parcels for compatibility with the large-lot homes directly adjacent to the current request.

Planning staff recommends approval of the PDD Ordinance.

Property owners within a 200-foot radius of the request were notified. Staff received four (4) comment forms – one (1) in favor and three (3) in opposition.

Mr. Boykin asked if staff is recommending four (4) lots or six (6) lots on either side of Sugarberry in the PDD.

Ms. Brownell stated that staff's recommendation is six (6) lots on either side of Sugarberry Avenue developed to RS-12 standards except for the minimum lot depth (97.5 feet as opposed to 100 feet).

Mr. Boykin asked if Mr. Waldrop is in agreement with staff's recommendation in the PDD ordinance.

Ms. Brownell responded affirmatively.

Commission members questioned the fence along the development to Maple Street, particularly regarding the open space/visibility in the area.

Mr. Luther stated that he felt it would help visibility if the houses on the first two (2) lots off Maple Street were set back as far as the current homes on Maple Street. Mr. Harkins stated that the Commission could increase the size of the first lot (on both sides of Sugarberry) to accomplish this. (This may require a 100-foot setback off Maple Street.)

Mr. Armstrong stated that if the Commission chose to utilize the setback off Maple and reduce the number of lots, the number of driveways could also be reduced (two on each side rather than three).

Mr. Harkins opened the public hearing.

Mr. Tal Fillingim, with Jacob and Martin, represented Mr. Waldrop in this case. Mr. Fillingim stated that the PDD is a culmination of efforts to develop the lots along Sugarberry Avenue in keeping with the current zoning. At the very beginning of this process, it was established that RS-12 zoning was the appropriate zoning to provide a buffer between the RS-6 lots, Maple Street, and adjacent property. Mr. Fillingim stated that based on these items, the proponent is requesting approval of the PDD as recommended by staff. Mr. Fillingim stated that if the Planning and Zoning Commission recommends five lots on Sugarberry with the proposed front setback, they would request that the two end lots to the east remain RS-6 (as currently zoned fronting onto Cinderella Lane).

Mr. Spencer Butcher stated that his property is adjacent to the Parkside development. Mr. Butcher stated that he is in opposition to this request. Mr. Butcher expressed safety concerns regarding the fence line along the entrance to this development and the flooding issue which may result with the placement of this fence.

Mr. Kenneth Barbian stated that he lives north of this property. Mr. Barbian stated that the purpose for his presence at this meeting is to ask the Planning and Zoning Commission to not make any changes other than those already in place and see how the area develops over the next one to two years (watch the housing market and determine what changes need to be made, if any).

Mr. Harkins closed the public hearing.

Mr. James stated for clarification purposes, when this request first came forward the proponent requested RM-3 zoning. The compromise that was discussed both at the Planning and Zoning Commission and the City Council was RS-12 zoning. At that point none of the proposed layouts had been proposed. Mr. James stated that he did not believe that anyone had calculated the four lots as being the maximum number of lots in RS-12 zoning. At this point staff considered the area RS-12, 12,000 square foot lots, realizing that this was smaller than the adjacent properties; however, clearly not the much denser RS-6 or RM-3 zoning. Mr. James stated that this is part of why staff recommended approval of this request – staff is staying with the 12,000 square foot lot minimum that RS-12 would allow. Mr. James stated that there was a more recent case requesting RS-6/Patio Homes. Also, the layout of the road could have been different and all of the homes could be placed on one side of the street that would have provided for more than four (4) lots – perhaps six (6) or even eight (8) lots. Mr. James stated that the proponent could, even today, provide a different layout of the lots and obtain more than four lots.

**Mr. Luther moved to approve Z-2006-07 with the following amendments**

Amendments:

- (1) The Commission removed the language that required screening along the boundary of the PDD. Further, they voted to prohibit any structures or opaque fencing within the first 100' of Maple Street right-of-way to preserve the open character along the corridor.
- (2) They reduced the maximum number of lots permitted from 12 to 10. They also allowed a single RS-6-type of lot on each side of Sugarberry Avenue at the eastern end of the PDD to accommodate a much larger lot on each side at the western end.

**Mr. Harkins seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Harkins, Luther and Miller) to none (0) opposed.**

**Item Four: Plats**



Ms. Gloria Brownell, Planner I, stated that four (4) plats (identified as items a. through d.) were complete and provided information for each plat. (Item e. is incomplete and will not be considered at this meeting.) 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. Luther moved to approve plats a., through d. as submitted. Mr. Miller seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Harkins, Luther and Miller) to none (0) opposed.**

**Item Seven: Director's Report**

Mr. James stated that a copy of *Planning Commissioners Journal* has been provided to each Commissioner. This is a national publication prepared for Planning Commissioners and is printed quarterly.

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.

1. The City Council approved the changes to the Corridor Overlay that removed the land use provisions within the Corridor Overlay and minor word changes suggested by staff. The Council did not, however, approve the corridor overlay to the Rebecca, Dub Wright, Arnold Boulevard (by a 3-3 vote) as requested by Dyess Air Force Base. The Council would like a corridor overlay in this area; however, some conditions, i.e., 10% landscaping, sign height, were too restrictive.

There being no further business, the meeting was adjourned at 4:00 p.m.

Approved: _____, Chairman
---------------------------