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**PLANNING & ZONING COMMISSION**  
**December 4, 2006**  
**Minutes**

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Members Present: Ovelia Campos  
Eddie Boykin  
Jack Harkins  
Jeff Luther  
Lydia M. Long  
Tim McClarty

Members Absent: Fred Famble

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

Others Present: Cheryl Mason  
Donus & Mada Belew  
Kayla Slack  
Shanna Hall  
David & Pam Barnhill  
David Dickerson  
Felicia McGrinson-Joseph  
Trish Aldridge  
Daniel Green  
Lindy Merryman Ashlock  
Bob Hammond

Media Present: Sarah Kleiner-Varble, Abilene Reporter-News.

**Item One: Call to Order**

Ms. Campos called the meeting to order at 1:31 p.m. and declared a quorum present.

**Item Two: Invocation**

Ms. Campos gave the invocation

Ms. Campos read the opening statement for the Planning and Zoning Commission.

**Item Three: Approval of Minutes**

**Mr. McClarty moved to approve the minutes of the November 6, 2006, meeting as submitted. Dr. Long seconded the motion and the motion carried unanimously.**

**Item Four: Plats**

Gloria Brownell provided information for completed plats (Agenda Items a., b., d, and e.). Ms. Brownell stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements. Ms. Brownell stated that Item c. did not comply with the Subdivision Regulations and that staff recommends denial.

Ms. Campos opened the public hearing and asked if anyone wished to speak regarding any of the plats being presented for approval. No one came forward and the public hearing was closed.

**Mr. Boykin moved to approve Items a., b., d., and e. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

**Mr. McClarty moved to deny Item d. Mr. Harkins seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

**Item Five: Rezoning Requests**

a. Z-2006-44 (Tabled on November 6, 2006)

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Sam Daggubati, M.D., to rezone property from RS-6 (Single-family Residential) to PDD (Planned Development District) zoning, located at 2002 Jameson Street. Legal description being part of Block 1, J.B. Collins Subdivision of the North Park Addition, Abilene, Taylor County, Texas.

**Mr. McClarty moved to remove this item from the table. Mr. Harkins seconded the motion and the motion carried unanimously.**

Jeff Armstrong provided the staff report for this item. This property is the site of a former elementary school. The property was recently purchased by the applicant from the Abilene Independent School District. The property has streets on all four sides. I-20 is to the north (freeway with frontage road), Old Anson Rd. is to the west (arterial), Jameson St is south (local) and Victoria is east (local). The buildings are all located on the eastern half of the property. The parking lot is located at the east end of the property with one driveway onto both Jameson and Victoria Streets. There is also head-in diagonal parking along both Jameson and Victoria Streets. The western half of the parcel is open space with an oval running track. The entire property is within the 100-year floodplain.

Since the November meeting, the ordinance has been changed to require parking to meet the minimum requirements of the Zoning Ordinance for uses established on the property. In addition, it allows the existing on-street diagonal parking to count toward the requirement. The ordinance also prohibits the construction of new parking until the requirement for the on-site uses exceeds the amount of existing parking. Once new parking is added to meet the requirement, the number of excess spaces may not be more than 10% of the total spaces required by the Zoning Ordinance.

The applicant is proposing the establishment of an Indian cultural center that would include various products and services related to the culture of India, including a Hindu Temple, food, and a museum. Existing facilities such as the gymnasium would be made available for organized children's and youth activities. Reuse of the property would benefit the neighborhood by continuing to have an occupied viable structure as opposed to vacant buildings and property that deteriorates over time.

The PDD is designed to utilize the existing buildings and to maintain existing green spaces. Much of the west half of the property would not be used. If in the future uses for the undeveloped portions of the

property were to be identified, a request to amend the PDD could be made. The PDD has several provisions that are consistent with other recent PDDs, including prohibitions on outdoor storage and certain types of signage, limitations on fencing materials, and provisions for signage.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were returned in favor and three (3) in opposition.

Planning staff recommends approval of the zone change request.

Dr. Long stated that at last month's meeting the Commissioners requested a "master plan" for this area and asked if this had been received.

Mr. Armstrong stated that staff has not received such a plan.

Commissioners expressed concerns regarding increased traffic in this residential neighborhood; use of existing structures; and, parking issues.

Ms. Campos opened the public hearing and asked if anyone wished to speak regarding this rezoning request. No one came forward and the public hearing was closed.

**Mr. McClarty moved that Z-2006-44 be tabled until a Master Plan for the site is received. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

b. Z-2006-47

Public hearing and possible vote to recommend approval or denial to the City Council on a request from David and Pam Barnhill to rezone property from RM-3 (Multi-family Residential) to PDD (Planned Development District) zoning, located at 1443 Hickory Street. Legal description being the South 60 feet of the North 110 feet of the West 140 feet of Block 202, Original Town of Abilene, Taylor County, Texas.

Gloria Brownell provided the staff report for this case. The request is to rezone property from RM-3 to PDD for development of a fitness center. The property is currently developed with a single-family home in the front and a detached garage that has been converted into a second dwelling unit. It is surrounded by residential properties except for the vacant lot to the south and the church located directly across Hickory Street. The request is approximately five blocks away from Hendrick Medical Center and the new Texas Tech Pharmacy School site.

The subject parcel is part of the Original Town of Abilene plat created in 1895. The 1948 zoning map designates the area for Two-Family Residential use, which was later reclassified to RM-3 in 1974.

The applicants intend to convert the primary residence into a fitness center mainly designed to accommodate handicapped individuals. The applicants currently reside in a detached dwelling located on the northeast corner of the parcel. Staff does not feel that the fitness center use is particularly incompatible, but the conversion raises concerns due to the proximity to other residences and the site limitations for parking. The proposed PDD ordinance attempts to address these issues by reducing the parking requirement to an amount that seems feasible given the limited size of the parcel, while still providing sufficient space for customers and the applicants. Other provisions are designed to preserve the residential character of the site in order to reduce the impact on neighboring properties. Screening

requirements for the parking, required greenspace in the front yard and parkway, and limitations on signage are included to address these concerns.

The Comprehensive Plan designates the area northeast of the subject parcel as a Special Activity Center that encompasses both Hendrick Medical Center and Hardin-Simmons University. Each Special Activity Center should promote its own unique character and provide a mix of supportive uses that are compatible with the primary assets of the area and the surrounding neighborhoods. The subject parcel is located along Hickory Street, which has experienced gradual and intermittent rezoning over the past few decades. Hickory Street and Pine Street are both classified as collector streets and provide the primary connection between the Special Activity Center and the Central Business District. Hickory Street, unlike Pine Street, still has numerous residences along its frontage that are intermixed with offices built since the 1970s. The current zoning in the area seems to support the long-term trend toward mixed-use by the existence of multiple parcels of Office zoning scattered among the existing Multi-family Residential zoning. Staff feels that mixed uses are appropriate in the area between N. 10<sup>th</sup> and N. 18<sup>th</sup> Streets as long as the residential scale and character is preserved for the remaining homes along Hickory Street and the larger residential areas to the east and west.

Planning staff recommends approval; however, staff recommends approval of this request only if the Commission and Council agree that the long-term plans for the area include mixed-uses to support both the Special Activity Center and the Central Business District.

Property owners within 200 feet of the rezoning request were notified. Two (2) comment forms were returned in favor of the request and none (0) in opposition.

Ms. Campos opened the public hearing.

Ms. Pam Barnhill stated that they are currently working to set up grants to complete the work on this structure; however, these funds have not yet been obtained. The equipment in this facility will be accessible not only to the handicapped but to everyone.

The Barnhills were asked about ADA regulations and parking/maneuvering areas on the site. All ADA regulations must be met prior to receiving a Certificate of Occupancy.

Ms. Campos closed the public hearing.

**Mr. McClarty moved to approve Z-2006-47. Mr. Boykin seconded the motion and the motion carried by a vote of five in favor (Boykin, Campos, Harkins, Luther, and McClarty) to one (1) opposed (Long).**

c. Z-2006-48

Gloria Brownell provided the staff report for this rezoning request. The request is to rezone property from MH to RS6. Staff is requesting additional lots for consideration of RS6 and RM3.

A majority of the parcels are currently or are planned to be developed with single-family homes. There are two duplexes on the north side of Duchess Avenue as well.

The area was rezoned from RM2 to MH in 1982. The lots at the eastern end of Duchess Avenue were platted as part of the Monarch Subdivision in 1983. The remaining lots on the western end were platted more recently as the Sandy Creek Village Addition in February 2006.

The applicant intends to continue developing single-family homes on the remaining lots in the first section of the Sandy Creek Village Addition. The MH zoning district has more stringent setback requirements than RS6 and RS8 zoning districts and they are having difficulty fitting homes onto the corner lots. They are requesting rezoning to RS6 to take advantage of the reduced setbacks so the new homes will maintain a more uniform appearance with the existing ones. Furthermore, staff feels that RS6 zoning affords more protection for the existing lots that were not originally included in the applicant's request. Under current conditions, a mobile home could be placed on any of the vacant lots or even on a developed lot if the home was removed. Staff also recommends RM3 zoning for the two duplexes located on the north side of Duchess Avenue to make them conforming uses.

The Comprehensive Plan does not provide specific recommendations for the request area, but the Future Land Use Plan designates a Local Community Center at the intersection of Military Drive and Dub Wright Boulevard located approximately 1.5 miles north of the request. The development's proximity to Dyess Air Force Base and plain visibility from Dub Wright Boulevard, which is the major corridor used to access the base, heighten the need for quality development with higher aesthetic standards. Furthermore, staff feels that additional housing opportunities in this area are appropriate to provide easy access to the large amount of jobs on the base and the potential amount of jobs that may develop in the Local Community Center.

Planning staff recommends approval of the applicant's request and the additional staff initiated area under consideration.

Property owners within 200 feet of the rezoning request were notified. Ten (10) comment forms were returned in favor of the request and one (1) form was returned in opposition.

Ms. Campos opened the public hearing and asked if anyone wished to speak regarding this rezoning request. No one came forward and the public hearing was closed.

**Mr. McClarty moved to approve Z-2006-48. Mr. Harkins seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

d. Z-2006-49

Public hearing and possible vote to recommend approval or denial to the City Council on a request from David Dickerson to rezone 3.23 acres from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 3334 E. Hwy. 80. Legal description being 2.25 acres out of the Northwest Quarter of Survey No. 45, Blind Asylum Lands, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this item. The request is rezone 3.23 acres from AO (Agricultural Open Space) to GC (General Commercial).

There was a building on this site that was demolished in January 2006. The building had been used as a club since before it was annexed into the City. The applicant bought the property and demolished the building after the City condemned it.

This property is currently developable land, which is not in the flood zone and is in the vicinity of other vacant land, heavy commercial and light industrial uses. This property has been zoned AO since it was annexed in 1964. It is surrounded by AO and LI zoning.

The applicant wishes to use this site to build a golf cart sales store. The sale of golf carts in this location is compatible with other uses in the area.

The Comprehensive Plan designated this area as a Business/ Industrial Gateway. The proposed use is lower in intensity than other uses in the area. It is also relatively small in scale. For these reasons staff is not recommending a PDD.

Planning staff recommends approval of this rezoning request.

Ms. Campos opened the public hearing and asked if anyone wished to speak regarding this rezoning request. No one came forward and the public hearing was closed.

**Mr. McClarty moved to approve Z-2006-49. Mr. Harkins seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

**Item Six: Director's Report**

a. Discussion of the possibility of adding a second monthly meeting.

Mr. James stated that this item was discussed at last month's meeting and the consensus of the Commissioners was to reserve the third Monday of the month for a second meeting for critical issues such as the Land Development Code, Community Appearance, etc. Mr. James asked the Commissioners if they were in agreement with a second meeting, if required. The Commissioners agreed that a second meeting should be held on the third Monday of the month, if required. This meeting will be scheduled for 5:30 p.m.

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

Staff provided the Commission members with a memorandum regarding recent Council actions of recommendations forwarded from the Planning and Zoning Commission.

b. City Council considering updated Nuisance Ordinance.

Jon James stated that the Nuisance Ordinance on only one of the issues that will be addressed under the Community Appearance portion of the Comprehensive Plan. This ordinance will address weeds; junk and debris; and other code issues under the umbrella of Community Appearance. This item will be considered by the City Council on December 7, 2006.

**Item Seven: Adjourn**

There being no further business, the meeting was adjourned at 2:35 p.m.

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