
PLANNING & ZONING COMMISSION

July 2, 2007

Minutes

Members Present: Bruce Bixby
Ovelia Campos
Fred Famble
Jack Harkins
Lydia M. Long
Tim McClarty
Clint Rosenbaum

Staff Present: Jon James, Director of Planning and Development Services
T. Daniel Santee, Interim City Attorney
Ed McRoy, Assistant Director of Planning and Development Services
Matt Jones, Planner I
JoAnn Sczech, Executive Secretary (Recording)

Others Present: Larry C. Sanders
Cindy Womack
Mary Powell
Amanda Jackson
Colby Hatchett
Gary Milliorn

Item One: Call to Order

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

Item Two: Invocation

Mr. Famble gave the invocation

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

Item Three: Approval of Minutes

Mr. Harkins moved that the minutes of the June 4, 2007, Planning and Zoning Commission meeting be approved as submitted. Mr. Bixby seconded the motion and the motion carried unanimously.

Item Four: Plats

Matt Jones presented information regarding plats listed on the agenda. Two (2) minor replats were listed on the agenda. These replats are complete and staff recommends approval.

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

Mr. Harkins moved that the plats listed as Items a. and b. on the agenda be approved. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.

Item Five: Rezoning Requests

a. Z-2007-16

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Cindy Womack to rezone property from RS8/COR (Single-family Residential with Corridor Overlay) to GC/COR (General Commercial with Corridor Overlay) zoning, located at 6502 Buffalo Gap Rd. Legal description being Lot 1, CK Salon Subdivision, Abilene, Taylor County, Texas.

Matt Jones presented the staff report for this item. The request is to rezone property from RS-8/COR to GC/COR. The subject parcel is currently used as a salon and is intended to be used as a salon or other commercial use in the future. The surrounding area is developed with shopping center district to the east along Buffalo Gap Road, General Commercial to the north and vacant Agricultural Open Space to the west and south.

The area was annexed in 1963 and zoned to RS-8 sometime soon after. A home was built on the property and was later torn down and replaced with the existing structure, which was built in 1996. Corridor Overlay was applied to Buffalo Gap Road in 1995.

A Special Exception was granted by the Board of Adjustment to allow the salon use at this site. At the time, the Corridor Overlay ordinance allowed a limited number of commercial uses without requiring rezoning. This provision was subsequently removed from the Corridor Overlay. The applicant intends to keep the use of the site as a salon, and has no future plans to change it.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a node of commercial development for the general area around the intersection of Buffalo Gap Road and Antilley Road and the logical southern termination of the Buffalo Gap commercial strip. The floodway to the south creates a natural buffer between commercial uses and future residential development to the south along Buffalo Gap Road.

Property owners within 200 feet of the rezoning request were notified. No responses were received either in favor or in opposition of the request.

Planning staff recommends approval of Limited Commercial rather than General Commercial.

Mr. Harkins stated that this has been an active business and asked what triggered the zone change.

Jon James stated that in order for a Certificate of Occupancy to be issued for a new use, a zone change would be required. Mr. James stated that it is staff's understanding is that the applicant intends to sell the property which would be utilized for a different use.

Mr. Famble asked if this is the reason for staff's recommendation of Limited Commercial as opposed to General Commercial.

Mr. Jones stated that the Limited Commercial zoning is being recommended due to the size of the lot and to provide a buffer between the commercial and residential uses. Due to a portion of this property being in the

floodway, Limited Commercial provides an appropriate ending for the commercial uses on Buffalo Gap Road.

Mr. James stated that similar zoning occurs on the opposite side of Buffalo Gap Road. General Commercial zoning is limited to very close to the Buffalo Gap/Antilley Road intersection and then the zoning transitions back to Shopping Center. Staff did not feel Shopping Center zoning would be appropriate for this parcel due to the size of the parcel. Also residential zoning exists on this side of Buffalo Gap Road and Limited Commercial is more appropriate for the area due to its proximity to residences.

Mr. Harkins stated that General Commercial zoning would allow uses that would not be desirable in the area.

Dr. Long asked why the applicant is requesting General Commercial and not Limited Commercial.

Mr. James stated that often property owners are advised by a realtor (or other professional) to request General Commercial because this zoning category provides the largest variety of uses

Ms. Campos opened the public hearing.

Ms. Cindy Womack, proponent, stated that she opened her salon 10 years ago and the area was zoned residential. Ms. Womack stated that the property was rezoned to commercial, which she believed allowed any type of commercial business. She has since discovered that the use was limited to salon use only, Ms. Womack states that since only a salon can be located in this area, that limits her ability to sell or lease the property.

Mr. James stated that the corridor overlay once contained a provision which allowed certain small scale commercial uses in residential zoning without requesting a zone change. This condition has since been removed from the corridor overlay language. Existing uses which fell under this condition were allowed to continue.

Ms. Womack stated that she would like to have more options than just use as a salon. Ms. Womack stated that she has found buyers interested in her property; however, these are small business that would require General Commercial zoning.

Mr. Bixby asked Ms. Womack if anyone had explained permitted uses in a limited commercial zoning district.

Mr. Jones provided Ms. Womack with information regarding permitted uses in Limited Commercial and General Commercial zoning districts.

The Commissioners provided Ms. Womack an opportunity to review the list of permitted uses in both General Commercial and Limited Commercial zoning districts.

Mr. Bixby asked staff if the limited commercial zoning is granted, what is the timeframe, or is there a timeframe for requesting alternative zoning.

Mr. James stated that if the request is approved there would be no waiting period – the waiting period would be in affect only if the request is denied.

Ms. Mary Powell stated that she and her husband own the property north of the property being considered at this meeting. Ms. Powell stated that they are not opposed to the request. The reason for her attendance at this meeting is that she is unclear as to uses for the different zoning districts.

Ms. Womack stated that after reviewing the permitted uses for the two zoning categories, limited commercial zoning is acceptable.

Ms. Campos opened the public hearing. No one came forth and the public hearing was closed.

Mr. McClarty moved to approve Z-2007-16 with Limited Commercial zoning. Dr. Long seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.

Item Six: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Section 23-306.4 of the Zoning Ordinance regarding Driving Schools as a permitted use.

Mr. Jon James stated that a request was recently submitted to locate a driving school for a property zoned LI, Light Industrial. The City's Zoning Ordinance currently allows driving schools within the following districts: CU, College-University, CB, Central Business, GC, General Commercial, HC, Heavy Commercial, and as a Conditional Use in the O, Office District. After reviewing the subject request, staff is recommending an amendment to the Permitted Use Chart of the Zoning Ordinance that would additionally allow a driving school within the LI, Light Industrial District.

After researching current restrictions, staff recommends approval of this proposed amendment. The ordinance currently contains two classifications of driving schools. Therefore, this ordinance amendment would be limited to automobiles.

Mr. Harkins stated that if this is the case, it seems as though the ordinance amendment could be expanded to include Shopping Center, Limited Commercial, and additional zoning districts. Mr. Harkins stated that another alternative would be to approve this amendment in LI districts and request staff to review placement of driving schools in additional zoning districts in working with the consultants for the Land Development Code and zoning ordinance revision.

Mr. James stated that he would request the opportunity to study this issue in depth prior to expanding the zoning districts.

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

Mr. Harkins moved to approve the Section 23-306.4 of the Zoning Ordinance to allow Driving Schools in LI zoning districts. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.

Item Seven: Director's Report

Mr. James provided information to the Commissioners regarding recent City Council actions. For the June 14th meeting, the Council approved the Planning and Zoning Commission's recommendations. At the June 28th Council meeting, the Council approved a sidewalk waiver and the Council requested a review of the Sidewalk Master Plan. This information will be reviewed by the Planning and Zoning Commission and the City Council to consider possible revisions of the document.

Item Eight: Adjourn

There being no further business, the meeting was adjourned at 2:05 p.m.

Approved: _____, Chairman