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**PLANNING & ZONING COMMISSION**  
**September 4, 2007**  
**Minutes**

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Members Present: Bruce Bixby  
Ovelia Campos  
Fred Famble  
Lydia M. Long  
Tim McClarty

Members Absent: Jack Harkins  
Clint Rosenbaum

Staff Present: Jon James, Director of Planning and Development Services  
T. Daniel Santee, City Attorney  
Edward S. McRoy, Assistant Director of Planning and Development Services  
Kyle Thomas, Assistant City Attorney  
Robert Allen, Transportation Planning  
Matt Jones, Planner I  
Zack Rainbow, Planner I  
JoAnn Sczech, Executive Secretary (Recording)

Others Present: Charles Anderson, Sr.  
David Shores  
Barry McCullar  
Kenneth L. Musgrave  
Mary J. Griffith  
Larry C. Sanders

**Item One: Call to Order**

Ms. Campos called the meeting to order at 1:30 p.m. and declared a quorum present.

**Item Two: Invocation**

Mr. McClarty gave the invocation.

**Item Three: Approval of Minutes**

**Mr. Bixby moved that the minutes of the August 6, 2007, Planning and Zoning Commission meeting be approved as submitted. Mr. Famble seconded the motion and the motion carried unanimously.**

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

**Item Four: Plats**

Matt Jones presented information regarding plats listed on the agenda. Two (2) plats are being submitted for consideration by the Commission. Mr. Jones stated that staff is recommending approval of these plats as both meet Subdivision Regulation requirements.

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. McClarty moved that the plats listed as Items a. and b on the agenda be approved. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Long and Rosenbaum) to none (0) opposed.**

**Item Five: Rezoning Requests**

a. Z-2007-18

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Kenneth Musgrave to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District) zoning, located at the southeast corner of I-20 and Musgrave Blvd.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District). The subject parcel is 2.7 acres and is currently zoned as agricultural open space and is intended to be used as a hotel in the future. The area has AO zoning to the North, South, and East. Across Musgrave Boulevard to the West is an area of HC (Heavy Commercial) and a PDD, which staff is recommending we amend to include the subject property.

A part of the parcel was annexed in 1964 and the rest was then annexed in 1980. It was zoned to AO sometime soon after. A home was built on the property along with a metal barn, but has since been demolished and a vacant lot remains.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a commercial development off of I-20. There is currently a PDD in place across Musgrave Boulevard from the subject property that requires a higher standard of aesthetic quality. Expanding that PDD to include this property, as requested by the applicant, would ensure this same higher standard of development on this site.

Property owners within 200 feet of the rezoning request were notified. Two (2) responses were received in favor of the request and none (0) were received in opposition. Staff recommends approval of the rezoning to PDD.

Mr. Jon James pointed out some language changes in the Landscaping portion of the PDD. The languages changes are as follows:

F. Landscaping

1. (a) A landscaped area of 10-foot average width with a minimum width of seven (7) feet.
- (b) Landscaping within or adjacent to the required 10-foot strip.

Item (b) has been included because the location of the landscaping strip on this property is also the location of a drainage ditch. This item would allow the trees to be planted farther from the street.

Mr. James stated that staff is in agreement with this change to the PDD and believes the applicant is in agreement as well.

Ms. Campos opened the public hearing.

Mr. Tal Fillingim, agent for the proponent, stated that they agree with the current language of the PDD, as mentioned by Mr. James (regarding landscaping). This zoning is to accommodate a Residence Inn at this location and the applicant is requesting the Commission's approval.

Ms. Campos closed the public hearing.

**Mr. McClarty moved to approve Z-2007-18. Mr. Famble seconded the motion. Mr. James requested that the motion be clarified that the PDD is recommended for approval as amended by staff. Mr. McClarty modified his motion to approve Z-2007-18 adding the staff amendments as requested by Mr. James. The motion to approve, as amended, failed due to a lack of four affirmative votes. The vote total was three (3) in favor (Famble, McClarty and Campos), one (1) in opposition (Long), and one (1) abstention (Bixby).**

Ms. Campos asked Mr. Santee what action the Commission should take at this point.

Mr. Santee responded that four (4) favorable vote are required to approve the item; however, the item can proceed to City Council if appealed by the proponent.

b. Z-2007-20

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Greg Shaheen to rezone property from RS-12 (Residential Single-Family) to RS-12/H (Residential Single-Family with Historic Overlay) zoning, located at 1120 Elmwood Drive.

Mr. Larry Abrigg presented the staff report for this case. The request is to add HO (Historic Overlay) to the existing zoning district (RS-12). This residence was built in 1946. The parcel is .837 acre and is surrounded by residential development. This area was annexed in 1927 and has been zoned and developed residential.

This is one of the few Art Moderne or Modernistic style homes in Abilene. It is actually a variation from that style because of the roof overhangs and the fact that it was built after 1940, but is a good example and unique to Abilene. The style was popular in Hollywood in the 1920's through the 1940's. The style is characterized by its horizontal lines using long simple repeated curved lines with an abundance of tile glass windows and metal detailing. This home appears to have used Austin stone for siding. The original owner was Henry J. Moreland who was associated with the Dr. Pepper Bottling Company. It was rated as high priority in the 1989 Historic Survey.

The Landmarks Commission considered this request at its August 28, 2007, meeting and recommended approval of the addition of HO to the existing zoning district.

Property owners within 200 feet of the rezoning request were notified. One (1) response was received in favor of the request and none (0) were received in opposition. Staff recommends approval of the request.

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

**Mr. McClarty moved to approve Z-2007-20. Dr. Long seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Long, McClarty and Campos) to none (0) opposed.**

c. Z-2007-21

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Tennessee Southwest Investments, LLC, to rezone property from RM-2 (Residential Multi-Family) to GC (General Commercial) zoning, located at the intersection of Cedar Run Road and Catclaw Drive.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from RM-2 (Residential Multi-Family) to GC (General Commercial). The subject parcel is 2.961 acres and is currently zoned multi-family residential. Currently the property is vacant. The surrounding zoning is PDD and RM-2 to the West, along with RM-2 to the North, South and East. The area was annexed in 1963 and zoned to RM-2 in 1981.

Currently the property is zoned RM-2 and is being used as an open field. This is an area of mostly multi-family zoning, with some limited use commercial Planned Development Districts. The requested General Commercial zoning is too intensive for this transition area, which is located close to nearby residential uses and zoning. Limited Commercial zoning, on the other hand, would still allow the applicant's proposed use, but would limit the allowable uses and provide greater protection for surrounding residential development.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Major Commercial Business Center. This tract lies at the edge of this Center and is in an area of transition between the General Commercial and Shopping Center Commercial uses on Catclaw closer to Southwest Drive and the lower density residential farther south.

Property owners within 200 feet of the zone change request were notified. No comment forms were received either in favor or in opposition of the request. Planning staff recommends approval of LC (Limited Commercial) zoning rather than the requested GC (General Commercial) zoning.

Ms. Campos opened the public hearing.

Mr. David Shores with Tennessee Southwest Investments, LLC, owner of the property and adjacent property, stated that they are agreeable with the Limited Commercial zoning recommended by City staff.

Ms. Campos closed the public hearing.

**Dr. Long moved to approve Limited Commercial zoning for Z-2007-21. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Long and McClarty) to none (0) opposed.**

**Item Six: Thoroughfare Plan Amendment**

Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Thoroughfare Plan by eliminating a proposed future collector street proposed to connect Buffalo Gap Road and Beltway South (FM 707). The future proposed collector road is currently shown to extend west from Buffalo Gap Road at approximately .85 of a mile south of Beltway South (FM 707) and then curve north to intersect with Beltway South (FM 707) approximately .85 of a mile west of the intersection of Beltway South (FM707) and Buffalo Gap Road. The proposed road location is in the Extra-Territorial Jurisdiction of the City of Abilene, Taylor County, Texas.

Mr. Edward McRoy presented the staff report for this case. Mr. McRoy stated that the proposal is for the elimination of a collector street, currently shown on the City's Thoroughfare Plan (connecting Buffalo Gap Road and Beltway South Road). A preliminary development plan was received for a potential residential development along the west side of Buffalo Gap Road south of Beltway South (FM 707). The property in question is located outside the City limits but within the City's Extraterritorial Jurisdiction. The preliminary development plan received by staff indicates a low density residential development (the proposed site is to be gated with private streets). In reviewing the preliminary development plan, staff noted that a proposed thoroughfare passed through the site and the plan for the development did not incorporate the proposed collector street. Staff notified the applicant of staff's findings and provided the applicant with options for providing the proposed collector street. At that time, the applicant indicated that a public thoroughfare passing through the site would be contrary to their desired development concept. Staff does not have the authority to modify the Thoroughfare Plan; therefore, the applicant requested an amendment to the Thoroughfare Plan be considered. .

Mr. McRoy stated that today's discussion is specifically related to the Thoroughfare Plan. To date, the applicant has not provided City staff with specific analysis of the site relating to why modifying the Plan would be justified. The Thoroughfare Plan was developed and approved to ensure an adequate transportation system for the future of the community.

The use of the submitted PDP as a basis for altering the Thoroughfare Plan is highly speculative and problematic. Since the property is outside the City and not subject to zoning controls, the low-density residential development shown on the currently proposed Preliminary Development Plan could be easily and significantly altered by the developer. If market conditions change or if the developer creates a new development concept for the site they could increase the density significantly.

The current plan is based on best practices in transportation planning and transportation engineering and should only be changed based on presentation of adequate evidence that there will not be negative impacts on the transportation system as a whole. City Staff finds no evidence to support altering the current Thoroughfare Plan and therefore recommends denial of this request.

Planning Commissioners discussed possible locations for the collector street in order to provide the maximum number of lots for the gated subdivision. Another concern was the interconnectivity between Buffalo Gap Road and FM 707.

Ms. Campos opened the public hearing.

Mr. David Todd, agent for Mr. Jim Watson, stated that the proposed subdivision encompasses 279 acres of land. The applicant's desire is to have a private, gated community. Streets will be constructed to County standards, on-site sewerage disposal and View-Caps will provide water for this subdivision. Mr. Todd stated that as Mr. McRoy pointed out, Thoroughfare and Collector Plans are speculative in nature; however, the one issue not mentioned today is that spacing is also based on estimated density requirements. Mr. Todd stated that the proposed development contains 79 lots in this subdivision and the need for the collector street through the subdivision is not warranted. Mr. Todd stated that the continuation of Sierra Sunset, to the east, and Olhausen Road, to the south of the proposed development, will provide two thoroughfares – north and south of the proposed subdivision – that should be adequate for whatever cut-through or trip generation that is developed by the land to the north. Mr. Todd stated that he has received a letter from the City Engineer for design alternatives stating that if the thoroughfare amendment is approved the length of the cul-de-sac streets and length of the blocks are acceptable (even though they exceed the Subdivision Regulation guidelines).

Ms. Campos closed the public hearing

Planning Commissioners discussed the repositioning of the proposed collector street. Mr. McClarty stated that he views the proposed streets as a future master plan that has been laid out for development and subject to change based on actual development. Mr. McClarty stated that it is his belief that the Thoroughfare Plan should be adjusted to accommodate development, such as the development being proposed today.

Ms. Campos asked if it is correct that the responsibility of the Planning and Zoning Commission was to amend the Thoroughfare Plan – but not necessarily how to amend the plan.

Mr. McRoy stated that the Planning and Zoning Commission has several options:

- If the Commission is comfortable with a proposal, the Commission can take action
- The Commission can table the item
- The Commission can recommend denial
- The Commission can send this item forward to the City Council with no recommendation

Mr. James stated that as part of the last option, the Commission can direct Planning staff to work with the Traffic and Transportation Division to answer questions raised at this meeting in order to accommodate the Commission's intent without deciding today where the collector street would be placed on the ground.

Mr. Santee stated that there is a reason for review of Thoroughfare Plan amendments by the Planning and Zoning Commission. To fulfill the duties of the Planning and Zoning Commission, Mr. Santee recommended that the item be forwarded to the City Council with a recommendation. If it is to eliminate one of the two collector streets to provide staff time to reposition the roadway, than so be it. Mr. Santee stated that it would be wise to send this item forward to the Council with a recommendation.

**Dr. Long moved to table this item until next month's meeting in order to receive additional information prior to making a recommendation. Mr. Famble seconded the motion and the**

**motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Long and McClarty) to none (0) opposed.**

**Item Seven: Director's Report**

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

Mr. James provided information to the Commissioners regarding recent City Council actions. The Council approved the two (2) items as recommended by the Planning and Zoning Commission.

- b. Discussion of upcoming Texas Chapter of the American Planning Association State Conference in Addison, Texas, October 17 through 20, 2007.

Mr. James provided the Commissioners with information regarding the upcoming State Conference of the American Planning Association. Beginning last year, the City Manager's approval was obtained for budgeting for two Planning Commissioners to attend this conference. The policy has been to give the first opportunity to newly-appointed Commissioners. Mr. James asked those Commissioners interested in attending this conference (particularly Mr. Bixby and Mr. Rosenbaum) to contact the Planning Office as soon as possible.

Mr. Bixby stated that he will be unable to attend the APA Conference; therefore, this will provide an opportunity for another Commissioner to attend.

Mr. Santee introduced Ms. Kyle Thomas, the newest member of the City Attorney's staff.

**Item Eight: Adjourn**

There being no further business, the meeting was adjourned at 2:32 p.m.

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