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**PLANNING & ZONING COMMISSION**

**July 7, 2008**

**Minutes**

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Members Present: Bruce Bixby  
Fred Famble  
Lydia M. Long  
Tim McClarty  
Clint Rosenbaum  
David Todd

Members Absent: Ovelia Campos

Staff Present: Jon James, Director of Planning and Development Services  
T. Daniel Santee, City Attorney  
Paul Knippel, Director of Public Works  
Edward S. McRoy, Assistant Director of Planning and Development Services  
Ben Bryner, Planning Services Manager  
Matt Jones, Planner I  
Zack Rainbow, Planner I  
JoAnn Sczech, Executive Secretary, Recording

Others Present: Paul Watkins  
Wanda Dukes  
Mike Jeter  
Eddie Chase  
Duane Martin  
Sharon Kennedy  
James Peters  
Joe Pelton  
Dave Boyll  
Tal Fillingim  
Marshall Collingsworth  
Roy Hernandez

**Item One: Call to Order**

Mr. Tim McClarty called the meeting to order at 1:30 p.m. and declared a quorum present.

**Item Two: Invocation**

Mr. Famble gave the Invocation.

Mr. McClarty read the opening statement for the Planning and Zoning Commission.

**Item Three: Approval of Minutes**

**Mr. Famble moved to approve the minutes of the May 5, 2008, and June 2, 2008, Planning and Zoning Commission meetings. Dr. Long seconded the motion and the motion carried unanimously.**

**Item Four: Plats**

Mr. Zack Rainbow presented information regarding plats a. - f. The plats are complete and are being submitted for consideration by the Commission. Mr. Rainbow stated that staff is recommending approval of these plats as they meet Subdivision Regulation requirements.

Mr. McClarty 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. Bixby moved to approve FP-5507; MRP-1508; MP-2408; MRP-2608; MRP, 2808; and, MRP-3008. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed.**

**Item Five: Rezoning Requests**

a. Z-2008-23

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Shelley Flowers to rezone property from RM-2 (Multi-Family Residential) to O (Office) zoning, located at 1369 Sayles Blvd.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from RM-2 to O. The subject parcel totals approximately .24 acres and is currently zoned RM-2 (Residential Multi-Family). The property is currently developed as a residential dwelling. The adjacent properties have RM-2 zoning to the north, east, and west, with GC (General Commercial) to the south.

The area was annexed in 1895 and zoned AO (Agricultural Open Space). The property was zoned to RM-2 sometime after.

Currently the property is zoned RM-2 and has been used for residential purposes. The property is near the intersection of two major arterials, Sayles Boulevard and South 14<sup>th</sup> Street. There are GC zoned properties directly to the south as well as across Sayles Boulevard and South 14<sup>th</sup> Street from the subject property. McMurry University is located on the southwest corner of Sayles Boulevard and South 14<sup>th</sup> Street.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Community Enhancement Corridor. Given the location of this property and its proximity to the intersection of two major arterials, Office zoning would be compatible with the surrounding area. Office zoning would be an appropriate transition from GC zoning north from South 14<sup>th</sup> Street toward the residential properties.

Property owners within 200 feet of the rezoning request were notified. One (1) comment form was returned in opposition of the request (no comments provided) and none (0) in favor.

Planning staff recommends approval of the requested zoning.

Mr. Bixby stated that this rezoning request is beginning a transition in a residential neighborhood and asked why staff recommends approval of this request.

Mr. Jones stated that Office zoning is generally felt to be compatible with multi family zoning and serves as a transitional zoning from the General Commercial zoning to the south.

Mr. McClarty opened the public hearing and asked if anyone present could address Mr. Bixby's concerns.

Mr. Mike Jeter stated that he recently purchased this property from Mr. Flowers. Mr. Jeter stated that the zone change is being requested in order to locate an insurance agency at this location. Mr. Jeter stated that his agency works with insurance agents throughout the state, therefore, there is very limited traffic during standard office hours. There will be no night or weekend activity at this location. Mr. Jeter stated that his agency has only two employees, therefore, parking is adequate.

Mr. McClarty closed the public hearing.

Mr. Bixby stated that this area seems to be an established, residential neighborhood and has been so for a long time. Mr. Bixby stated that he felt uncomfortable beginning a transitional zoning to office and commercial in this area.

**Mr. Rosenbaum moved to approve Z-2008-23. Mr. Todd seconded the motion and the motion failed by a vote of three (3) in favor (McClarty, Rosenbaum and Todd) to three (3) opposed (Bixby, Famble and Long).**

b. Z-2008-24

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Medical Center to rezone property from O (Office) to GC (General Commercial) zoning, located at 2110 Pine Street.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from O to GC. The subject parcel totals approximately .86 acres and is currently zoned O (Office). The parcel is developed with a private health club. The adjacent properties are all zoned GC (General Commercial), including the properties to the east across Pine Street. The area was annexed in 1911 and zoned AO (Agricultural Open Space) the property has since been rezoned to O.

Currently the property is zoned O. The surrounding area is developed for medical use by Hendrick Hospital. The property was not used for a health club in the past. Due to a recent submittal for expansion and change in use, staff has determined that the property will need to be zoned as GC to allow the use.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Special Activity Center and along a Community Enhancement Corridor. The property is currently surrounded by GC zoning and rezoning the subject property to GC would make this property more compatible with the surrounding area.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were returned in favor and none (0) in opposition of the request.

Planning staff recommends approval of the requested rezoning.

Mr. McClarty opened the public hearing.

Mr. Duane Martin, Director of Architectural Engineering for Hendrick Hospital, stated that they became aware of the current zoning only recently when expansion plans for the Health Club were submitted to the City.

Mr. McClarty closed the public hearing.

**Dr. Long moved to approve Z-2008-24. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Long, McClarty and Rosenbaum); one (1) abstention (Todd); and, none (0) opposed.**

c. Z-2008-25

Public hearing and possible vote to recommend approval or denial to the City Council on a request from K.V. Sneed to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 5702 South Clack Street.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from AO to GC. The subject parcel totals approximately 1.15 acres and is currently zoned AO (Agricultural Open Space). The parcel is undeveloped. The adjacent properties have PDD (Planned Development District) zoning to the north and west, GC (General Commercial) to the south, and AO across Highway 83-84.

The area was annexed in 1978 and zoned AO (Agricultural Open Space). Since the property has not been developed it has remained AO (Agricultural Open Space) since it was annexed.

Currently the property is zoned AO (Agricultural Open Space) and is undeveloped. The proposed GC (General Commercial) zoning would be compatible with the surrounding zoning. Given the property's location along Highway 83/84, commercial activities would be appropriate.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial use. The requested zoning is comparable with other areas of the City of Abilene for properties that have frontage along highways. This property is in an entryway to the City and is just north of an area along Highway 83/84 that is designated as a gateway as well as a Special Activity Center on the Future Land Use Map.

Planning staff recommends approval of the rezoning as requested.

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

Dr. Long asked if this area was a designated entryway to the City.

Mr. James stated that the area is not an enhancement corridor – an enhancement corridor would trigger additional requirements.

Mr. Bixby asked if the Landscape Ordinance which deals with streetscaping, addressed by this Commission last year, would apply.

Mr. James responded affirmatively – the normal citywide requirements would apply.

Mr. McClarty opened the public hearing. No one came forward to speak regarding this item and the public hearing was closed.

**Mr. Bixby moved to approve Z-2008-25. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed.**

d. Z-2008-26

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Crystal City Railroad, Inc., to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, located south of Anson Avenue, north of Lowden Street, and east of the railroad right-of-way.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from AO to LI. The subject parcels total approximately 20 acres and are currently zoned AO (Agricultural Open Space). The parcels are undeveloped. The adjacent properties have AO (Agricultural Open Space) zoning to the east, with HI (Heavy Industrial) zoning to north, east, and west, with some HC (Heavy Commercial) to the west as well.

The area was annexed in 1957 and zoned AO (Agricultural Open Space). Since the property has not been developed, it has remained AO (Agricultural Open Space) since it was annexed.

Currently the properties are zoned AO (Agricultural Open Space) and are used as such. The surrounding area has been developed with industrial type uses. There are some residential homes to the west of the property across the railroad ROW that have been zoned HI since 1986. The applicant wishes to use this property for storage of materials to be shipped in on the railway and then distributed to certain sites in this general area.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential. Although this general area may be planned for low density residential, the subject properties are adjacent to a railroad right-of-way making them an ideal location for commercial/light industrial uses. Light industrial would be appropriate zoning for these properties given the location of the railroad right-of-way, the HI and HC zoned properties in the area, as well as the short distance to access I-20.

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

Planning staff recommends approval of the rezoning as requested.

Mr. McClarty opened the public hearing.

Ms. Dian Bashford asked the following questions:

1. Will the requested use of the property be a 24-hour operation?
2. Will there be a great deal of noise?
3. Will there be any odors?
4. Will there be any chemicals?

Mr. Jones responded that these questions could not be answered at this time as the use of the property is speculative. The railroad company is exploring the possibility of developing this property – currently they are trying to get zoning in place prior to bringing in a company.

Ms. Bashford stated that until these questions are answered, she would be in opposition of the rezoning.

Mr. Marshall Collingsworth stated that he resides south of the site of the requested rezoning. Mr. Collingsworth stated that it seems that everything that has developed along the railroad tracks has been junk yards, auto salvage yards, etc. Mr. Collingsworth stated that if rezoning of the property will help with the crime and activities currently occurring in the area, then, he is in favor of the rezoning.

Mr. McClarty closed the public hearing.

Mr. Famble asked staff's rationale for this property being a good transitional area.

Mr. Jones stated that in looking at the surrounding zoning, staff felt the zoning request appropriate given the adjacency of the railroad right-of-way and the highways within the area. If the homes in this area were zoned as some type of residential zoning rather than Heavy Commercial (as currently zoned), then staff might reconsider.

Mr. McClarty stated that AO zoning is always considered a "holding" area until rezoning is initiated. The area being considered is a holding area that is completely surrounded by Heavy Industrial zoning. Mr. McClarty stated that it seems that Light Industrial is a good transitional zoning for this area also.

**Mr. Bixby moved to approve Z-2008-26. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed.**

e. Z-2008-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Village Investment Partners, LP, to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, located at 5250 South Clack Street.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from AO to LI. The subject parcel is approximately 3.2 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The properties to the north, south, and west, are zoned PDD (Planned Development District). The PDD allows commercial uses closer to the freeway while allowing for industrial and multi-family uses behind the commercial uses. Kirby Lake is located across Highway 83/84 to the east and is zoned AO (Agricultural Open Space). A portion of the property was

annexed in 1957 and the rest was annexed in 1978 and given AO (Agricultural Open Space) zoning. A portion of the property was later zoned to LI (Light Industrial).

Currently the property is zoned AO (Agricultural Open Space). The surrounding uses are all compatible with the current zoning. The proposed LI (Light Industrial) zoning would be compatible with the surrounding zoning. Given the property's location along Highway 83/84, light industrial activities would be appropriate. The property directly to the north of the subject property has been developed for commercial use.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial use. The requested zoning is comparable to other areas of the City of Abilene for properties that have frontage along highways. This property is in an entryway to the City and is just north of an area along Highway 83/84 that is designated as a gateway as well as a Special Activity Center on the Future Land Use Map.

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

Planning staff is recommending approval of the rezoning request.

Mr. Bixby stated that currently four (4) different types of zoning exist in this area – PDD, AO, LI, and GC. Mr. Bixby asked staff to briefly explain how the Streetscape Ordinance applies to these different zoning areas. Mr. Bixby stated that he would like to see some consistency in this area and the zoning being requested provides this consistency. For example, LI zoning has a totally different frontage landscaping requirement than GC and possibly from the PDD zoning.

Mr. Jon James stated that the streetscape frontage landscaping would be required fairly consistently, excluding the PDD. Basically there is no difference in LI and GC in terms of the streetscaping. There is a difference in terms of the percentage of the area between the building and the street. When staff uses the term streetscape they are addressing the 10-foot strip at the very front of the property – there would be no difference in LI or GC zoning areas. In GC zoning, however, 5% of the area between the property line and the building must also be landscaped in addition to the streetscape requirement.

Mr. McClarty opened the public hearing.

Mr. Tal Fillingim with Jacob and Martin, agent for Village Investment Partners, stated that a rezoning request was submitted to the Commission last month for this same tract of land. This request was approved by the Commission. Since that time it has been determined that the business to be located on this site will require LI zoning. The uses on the adjacent sites are zoned GC and HC. Mr. Fillingim stated that it is their belief that this is an appropriate use for this property and requests the Commission's approval of the request.

Mr. McClarty closed the public hearing.

**Mr. Bixby moved to approve Z-2008-27. Mr. Todd seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed.**

f. Z-2008-28

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Paul Johnson to rezone property from O (Office) to PDD (Planned Development District) zoning, located at 501, 601, 609, 617, 625, 633, and 641 S. Judge Ely Boulevard.

Mr. Ben Bryner provided the staff report for this case. The request is to rezone property from O to PDD. The subject parcel totals approximately 3.21 acres and is currently zoned O (Office). The parcels are undeveloped. The adjacent properties have RS-6 (Single-Family Residential) and RM-2 (Multi-Family Residential) to the east, RS-6 and O to the south and west, and LC (Limited Commercial) and LI (Light Industrial) to the north. The area was annexed in 1957 and zoned AO (Agricultural Open Space). Sometime later the property was zoned O.

Currently the properties are zoned Office and are undeveloped. The surrounding area is developed with a mix of single-family and multi-family dwellings to the east and west with LC and LI to the north. Craig Middle School is located to the southwest of the subject properties. The City's Bike Path runs along the west ROW line of the subject properties.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Local Community Center and an Enhancement Corridor. Commercial activity along Judge Ely Boulevard is compatible with the surrounding area. But given the close proximity to residential areas and a school, some commercial uses may not be appropriate. There is also a Bike Path along the east side of South Judge Ely Boulevard so access and traffic flow might be an issue that can be addressed by a PDD. For these reasons the applicant and staff are proposing the properties be zoned PDD.

Property owners within 200 feet of the rezoning request were notified. No comment forms were returned in favor and one (1) comment form was returned in opposition.

Planning staff recommends approval of the PDD rezoning request.

Mr. Bryner stated that as a part of the PDD zoning, the applicant has requested GC (General Commercial) uses. Staff has concerns about permitting GC uses in this area. Staff discussed these concerns with the applicant and arrived at the decision to allow Shopping Center uses and add the General Commercial uses the applicant felt necessary for this rezoning. This zoning (GC) primarily involves self-storage uses along the rear of the property. The applicant sent an email to staff regarding proposed uses of the property. Staff would be amenable to uses where all activity takes place within the buildings; no outside storage; and, disallowing any type of automobile type uses. Currently, only the self-storage usage has been included; however, if the Commission believes other uses are appropriate for this area, these could be included. Building setbacks would follow SC requirements; however, they would be allowed a 15-foot setback as long as only landscaping would be located between the building and the street. Additionally, if self-storage units are constructed along the east property boundary, a minimum setback of 20 feet would be required. No access to these structures would be permitted to face the residential area; no parking or driveways permitted on the east boundary; and because this site is located in an enhancement corridor, articulation requirements have been identified for buildings over 25,000 square feet; and, 10% of the exterior materials must be brick or masonry – the remainder must be stucco or similar type materials. The number of driveways will be limited to three (3) off Judge Ely Boulevard and a single drive access will be limited to the side streets



(Yeoman's and Friars). Signage has been limited to two (2) pole signs and one (1) monument sign per site and height restrictions would be in place for these signs. Wall signs would be allowed, with restrictions.

Mr. Bixby questioned if General Commercial zoning would be appropriate given the close proximity to the residential area. Also, once the Sign Ordinance is completed it will not be necessary to add sign restrictions within each PDD ordinance. Mr. Bixby encouraged staff to work toward completion of the Sign Ordinance. Mr. Bixby expressed concern regarding additional landscaping requirements and perhaps the Landscape Ordinance adopted by this Commission is inadequate.

Mr. James stated that at the time the Landscape Ordinance was adopted, it was discussed that a citywide standard was being set and there may be instances where a higher standard was warranted. At the time, the Commission discussed writing this "higher standard" into the ordinance, but chose not to do so. However, staff did not take that as a complete rejection of applying higher standards in certain circumstances.

Mr. Rosenbaum stated that his interpretation of the PDD ordinance is that if there is a 20-foot separation (between storage buildings and property line) than a masonry wall would not be required.

Mr. James stated that the masonry wall would not necessary be required with a 20-foot separation; however, #5 of the PDD states that the access doors of the storage units cannot face the residential area.

Mr. Todd asked if the Bike Trail fulfills the Sidewalk Master Plan requirement along Judge Ely Boulevard.

Mr. Bryner responded affirmatively. Sidewalks would, however, be required along Yeoman's and Friars.

Mr. Bixby asked if the rezoning request is based on speculation at this time.

Mr. Bryner stated that this is his understanding at this time.

Mr. McClarty opened the public hearing.

Ms. Wanda Dukes stated that she is completely opposed to the storage facility proposal. Ms. Dukes stated that she believes it will make the area look "trashy" and will cause safety issues for the area. Ms. Dukes stated that currently there are only three entrances into Canterbury Trails from Judge Ely and an entrance/exit into this area off Yeoman's will cause traffic problems and a dangerous environment for the children going to school across Judge Ely. Ms. Dukes stated that she is not opposed to construction on this site but did not want storage facilities right up against her property and noise from individuals moving items in and out of the units.

Mr. McClarty stated that, as proposed by the Commission, the residential area will have a triple buffer: masonry wall, volume of building and landscaping. The proposed use is much better than an office building.

For clarification purposes, Mr. James stated that a platted alley does exist between a portion of Yeoman's to Friars. The alley has never been constructed.

Mr. Todd stated that under the "Setbacks" section it is stated that "no setbacks will be required for the rear property line for self-storage so long as the following condition is met: a public alley or common access easement (minimum of 20 feet)." Mr. Todd asked if the existing alley met the 20-foot requirement and therefore the setback would be zero (0).

Mr. James stated that the intent of the PDD was to make the back wall of the storage units the back fence as long as there is no access to the storage units on the east side and the other stipulation in the PDD.

Mr. Santee stated that caution should be exercised when stating that the storage units will a great buffer from the office buildings because at this time there is no guarantee that these units will be built. At this time, storage buildings are listed as a "potential use."

Mr. McClarty closed the public hearing.

Mr. McClarty asked to discuss #4 regarding the buffer.

Mr. Rosenbaum stated that he is unsure if the triple buffer mentioned earlier is correct. Mr. Rosenbaum stated that the PDD states, "A buffer yard shall be required along the east boundary of the PDD district that complies with the requirements of the City's Landscaping Ordinance." Mr. Rosenbaum stated that his interpretation is that if self storage units are placed in this area closer than 20 feet to the property line then a 10-foot wall would be required. However, if self storage units are not placed in this area, then the standard buffer requirements would apply.

Mr. Bixby stated that it is his belief that this area can be developed so that it is done attractively. The big problem, in his opinion, is that at this time development of this area is totally speculative. Designing a PDD for an area that is only speculative is placing "the cart before the horse." Mr. Bixby stated that this request is premature.

Mr. James stated that staff spoke with the applicant regarding the concerns expressed by Mr. Bixby. Mr. James stated that if denied the applicant cannot apply for a PDD for six months. In speaking with the applicant, it is possible that the applicant may be able to submit a detailed plan in less than six months; therefore, his recommendation would be to table the item rather than denying the item.

**Mr. Bixby moved to table Z-2008-28. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed.**

**Item Six: Director's Report**

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

Mr. James mentioned the following:

For the rezoning request on I-20 and 277 North: A compromise was reached between the applicant and the homeowner in this area – Only the front 300 feet of the property (closest to the freeway) was rezoned to HC and the rear of the property remained AO zoning.

In past years, an opportunity has been provided for one or two Commissioners to attend the annual State Planning Conference. This may be the case again this year and Mr. James asked anyone interested in attending this conference to contact him. This is generally offered to the most recent appointees and will be held in October.

Commissioners asked the status of the following:

Sign Ordinance - This item is on staff's agenda and it is anticipated that this item will commence within the next few months

Access Management - Right of Way and Approach Determination – City taking over for State regarding these decisions

Staff has been working with the Public Works Department on this issue. Preliminary recommendations have been submitted to the Consultants working on the Land Development Code for the City – Anticipate receiving a draft from the Consultants in August

Study of Group Homes and Homeless Shelters – Formation of a committee to study this issue  
Mr. Bryner stated that a list of Committee members has been developed and it is anticipated that this committee should be meeting within the next few weeks.

Mr. Bixby asked that the Commission member be informed of these Committee meetings. Mr. Bixby stated that it is important to have a balance between social groups, homeowner associations and interested citizens.

**Item Seven: Adjourn**

There being no further business, the Planning and Zoning Commission meeting was adjourned at 2:50 p.m.

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