
PLANNING & ZONING COMMISSION

January 4, 2010

Minutes

Members Present: Bruce Bixby
Ovelia Campos
Fred Famble
Gary Glenn
Clint Rosenbaum
David Todd

Members Absent: Tim McClarty

Staff Present: Jon James, Director of Planning and Development Services
Dan Santee, City Attorney
Ken Dozier, Fire Chief
Ed McRoy, Assistant Director of Planning and Development Services
Tony Neitzler, Assistant Director of Community Services
Ken Merchant, Assistant Police Chief
Ben Bryner, Planning Services Manager
Matt Jones, Planner I
Zack Rainbow, Planner I
JoAnn Sczech, Executive Secretary, Recording

Others Present: Al Calloway
Ernest Q. Rodriguez
Steve & Bonnie Willingham
Newt Newberry
Eddie Chase
Mary Ann Fergus
James Stone
Tommy Downing
Dave Boyll

Item One: Call to Order

Mr. Fred Famble called the meeting to order at 1:31 p.m. and declared a quorum present.

Item Two: Invocation

Mr. Rosenbaum gave the Invocation.

Mr. Famble read the opening statement

Item Three: Approval of Minutes

Mr. Bruce Bixby moved to approve the minutes of the December 7th and December 14, 2009, meetings. Mr. Glenn seconded the motion and the motion carried unanimously.

Item Four: Plats

- a. FP-2109
A public hearing to consider a plat of Section 5, Indian Wells Addition, To the City of Abilene, Taylor County, Texas.
- b. FP-2509
A public hearing to consider a plat of Dakota Springs Addition, Section 1, 19.383 Acres out of the SE 1/4 of Section 67, Blind Asylum Land, Abstract No. 1461, City of Abilene, Taylor County, Texas.
- c. MP-2709
A public hearing to consider a plat of Lots 1 & 2, Block A, W.H. Blackburn Addition, out of the S/2 of the NE/4, Section 2, Lunatic Asylum Land, Taylor County, Texas.
- d. MRP-0210
A public hearing to consider a plat of Lots 122, 123, and 124, Replat of Lots 22, 23, 24 & 25, Block K, Section 2, University Hills Addition, to the City of Abilene, Taylor County, Texas.
- e. MRP-0310
A public hearing to consider a plat of Lot 1, Block A, Sea Bee Park Addition, Jones County, Texas.
- f. MRP-0410
A public hearing to consider a plat of Lot 1, Block A, Johnson Park Addition, Jones County, Texas.

Mr. Zack Rainbow presented the staff report for these plats. Staff recommends approval as all plats meet the requirements of the Subdivision Regulations.

Mr. Famble opened the public hearing. No one came forward and the public hearing was closed.

Mr. Bixby moved to approve FP-2109, FP-2509, MP-2709, MRP-0210, MRP-0310, and MRP-0410. Mr. Rosenbaum seconded the motion and FP-2109, FP-2509, MP-2709, MRP-0210 were approved by a vote of five (5) in favor (Bixby, Campos, Famble, Glenn and Todd) to none (0) opposed. MRP-0310 and MRP-0410 were approved by a vote of four (4) in favor (Bixby, Campos, Famble, and Glenn); one (1) abstention (Todd); and, no (0) opposition.

Item Five: Zone Changes:

- a. Z-2009-15 (Tabled Item)
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Donald A. Callaway to rezone property from AO/COR (Agricultural Open Space with Corridor Overlay) to LC/COR (Limited Commercial with Corridor Overlay) zoning, located at 4801 Buffalo Gap Road.

Mr. Gary Glenn moved to remove this item from the table. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six in favor (Bixby, Campos, Famble, Glenn Rosenbaum and Todd) to none (0) opposed.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from AO to LC. The subject parcel totals approximately 2 acres and is currently zoned AO (Agricultural Open Space). The parcel has been developed with a single family home and is used as such. The surrounding properties are zoned for single family residential to the east and west, O (Office) to the north, and AO to the south. The area was annexed in 1959 and was designated as AO zoning after it had been annexed.

Currently the property is zoned AO and has been developed as a single family use. The properties to the east, south, and west across Buffalo Gap Road have been developed as single family residences. The property adjacent to the north has recently been developed as an eye care office.

The Future land Use Map and the Comprehensive Plan designates this general area as low-density residential. The Buffalo Gap Road Corridor Study (BGRCS), adopted in June of 1994, encourages low density residential or office zoning along the Buffalo Gap Road frontage at mid-block locations, minimizing commercial uses adjacent to residential uses. The BGRCS goes on to say that commercial activity should only be encouraged at major intersections along Buffalo Gap Road. For these reasons the requested LC zoning would not be considered compatible with this plan.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment were received in favor of the request and four (4) in opposition.

Planning staff recommends denial based on the Future Land Use Map and the Buffalo Gap Road Corridor Study.

Mr. Bixby asked Mr. Jones if the Buffalo Gap Road Corridor Study and the Future Land Use Map were the two documents cited by staff for a recommendation of denial.

Mr. James stated that these documents and accepted planning principles were the basis of this recommendation. Low density uses, including single family and multi family units (duplexes), could be accommodated in this area.

Mr. Glenn stated that Buffalo Gap Road is primarily a commercial area.

Mr. Famble opened the public hearing.

Mr. Newt Newberry, agent for the property owner, stated that the Buffalo Gap Road Corridor Study restricts the use of this property as there are commercial uses on the east and west sides of Buffalo Gap Road. Mr. Newberry stated that this area is a commercial area currently and therefore does not understand the city's recommendation of denial from AO to LC.

Mr. Bixby asked Mr. Newberry what type of buffer, if any, has been planned for the east side of the property.

Mr. Newberry stated that 150 feet at the rear of the property will be utilized as a retention area and will be lined with trees to serve as a buffer between this property and the residential property to the east.

Mr. James Stone stated that he has concerns regarding the following:

1. Water retention at rear of property may cause problems for the alley abutting the residential neighborhood.
2. Odor emanating from a barbeque restaurant.
3. Property values and marketability of homes in the area.
4. Traffic
5. Stability of restaurant in this area

Mr. Stone stated that he is opposed to the rezoning based on the concerns he has mentioned.

Mr. Famble closed the public hearing.

Commissioners expressed concern regarding the area at the rear of the property (150 feet).

Mr. Jon James stated that the Commission could approve the rezoning request excluding the 150 feet at the rear of the property. This area to the rear of the property would then become a nonconforming tract and could not be utilized as a building site while the AO zoning remains.

Mr. Bixby moved to approve Z-2009-15 with the condition that the 150-foot area at the rear of the property be excluded. Ms. Campos seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Campos, Glenn and Todd) to two (2) opposed (Famble and Rosenbaum).

b. Z-2010-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Sojourner Drilling Corporation, Agent: Mary Ann Fergus,, to rezone property from RS-6 (Single Family Residential) to AO (Agricultural Open Space) zoning, located at 2302 and 2226 Huckleberry Lane.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from RS-6 to AO. The subject parcels total approximately 13.2 acres and is currently zoned RS-6 (Single Family Residential). The parcels have been developed with single family residential units. The adjacent properties have RS-6 zoning to the east, MH (Mobile Home) and AO (Agricultural Open Space) zoning to the south, and AO, RS-6, and MH to the west, and the City of Impact borders the subject properties to the north. The area was annexed in 1963 and zoned RS-6 sometime after it was annexed.

Currently the properties are zoned RS-6 and have been developed as such. The properties to the east are developed with single-family homes and are more characteristic of rural residential properties, the properties to the south are developed as a mobile home park, the properties to the west are used for agricultural purposes as well as a patio home development, and the City of Impact borders the properties to the north. The entire property lies within the 100 year flood plain.

The Future Land Use section of the Comprehensive Plan designates this general area as open agricultural space. The area surrounding the subject properties is mostly developed with single family dwellings that resemble rural type residential properties and the patio home development to the west, except to the north where the City of Impact has some commercial uses. The area around the property is also used for agricultural purposes making the request compatible with the current surrounding uses. However, 2226 Huckleberry Lane only has a width of approximately 151' and the minimum lot width in AO zoning is 200' so the request does not meet the minimum standards for AO zoning.

The proposed 5-acre tract does not meet the minimum lot width for AO zoning; therefore, staff does not recommend approval of this tract. Staff recommends approval of the larger tract totaling approximately 13 acres (2302 Huckleberry Lane).

Property owners within 200 feet of the request were notified. No comment forms were received in favor of the request and two (2) were received in opposition.

Mr. Famble opened the public hearing.

Ms. Mary Ann Fergus, representing Sojourner Drilling Corporation, stated that they are in favor of rezoning only 2302 Huckleberry Lane to support drilling.

Mr. Famble closed the public hearing

Mr. Todd moved to approve Z-2010-01 with the condition that 2302 Huckleberry Lane be rezoned to AO. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, Rosenbaum and Todd) to none (0) opposed.

Item Six: Land Development Code

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to adopt the Land Development Code.

Ms. Campos moved to remove this item from the table. Mr. Bixby seconded the motion and the motion carried unanimously.

Mr. Jon James stated that staff's recommendation is that this item be tabled to allow the Commissioners time to review all changes.

Mr. Bixby moved to table this item to Monday, January 11, 2010. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, Rosenbaum and Todd) to none opposed.

Item Seven: Capital Improvement Program

Report and Discussion Regarding the 2010-2014 Capital Improvement Program (CIP).

Mr. Ed McRoy provided the Commissioners with a preliminary report of the current CIP. No vote will be taken regarding this item at this meeting. Formal consideration by the Planning and Zoning Commission is scheduled for February 1, 2010.

Highlights of the 2010-2014 CIP include:

26 Projects

\$8.47 million (approximate) proposed expenditures

4 "New" Projects

75.51% of funds for Public Safety, Transportation or Municipal Facilities projects

97.4% of funds proposed for previously "planned" projects for Funded or Unfunded Lists

Item Eight: Director's Report

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

Mr. James stated that the City Council approved all cases recommended for approval by the Planning and Zoning Commission.

Item Nine: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 2:33 p.m.

Approved: _____, Chairman