
PLANNING & ZONING COMMISSION
May 2, 2011
Minutes

Members Present: Bruce Bixby
 Pam Yungblut
 Clint Rosenbaum
 Tim McClarty

Members Absent: Fred Famble
 David Todd
 Gary Glenn

Staff Present: Jon James, Director of Planning and Development Services
 Kelley Messer, City Attorney
 Matt Jones, Planner II
 Zack Rainbow, Planner I
 Debra Hill, Secretary II (Recording)

Others Present: Sharon Walker
 Edward Walker
 Richard Ulmer
 Bill Tolbert
 Asakeef Schneider
 Duane Martin
 Julie Grohman
 Shaun Martin
 Charles Baum
 Andrea Smith
 Rachel Wharton
 Diana L Howard
 Paige Wilson
 Dave Boyll
 Barbara Pointer
 Scott Senter

Item One: Call to Order

Mr. McClarty 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 to approve the minutes of the April 4th, 2011 meeting. Ms. Yungblut seconded the motion and the motion carried unanimously.

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

Item Four: Plats

Mr. Rainbow presented the staff report for this case.

PP-0811

A public hearing to consider a preliminary plat of Legacy Village Addition, 15.174 Acres out of Lot 3 of the Alfred and Mary Fasshauer Subdivision of Survey No. 10, Lunatic Asylum Land, Abstract No.1011, City of Abilene, Taylor County, Texas.

MRP-1111

A public hearing to consider a plat of Lots 1&2, Block A, Stanley Redding Subdivision, of 5 Acres out of Block 27, North Park Addition, Abilene, Taylor County, Texas.

PP-1511

A public hearing to consider a preliminary plat of Beltway Park Addition, A 2.228 Acre Tract and an 8.924 Acre Tract out of the William E. Vaughn Survey NO. 104, Abstract NO. 418, City of Abilene, Taylor County, Texas.

Planning staff recommends approval of the requests.

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

Mr. Rosenbaum moved to approve PP-0811, MRP-1111, PP-1511. Mr. Bixby seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum and McClarty) and none (0) opposed.

Item Five: Zoning

a. Z-2011-09

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Cindy Corley to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential/Historic Overlay) zoning, located at 902 Sayles Blvd.

Mr. Jones presented the staff report for this case. The subject property is approximately 0.22 acres and is currently zoned MD (Medium Density Residential). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the north, south, east, and west.

Currently the property is zoned MD and has been developed with a residential dwelling unit. In 1909 Wesley E. Hargrove built this 1 1/2 story Queen Anne Victorian Cottage. The owner has requested Historic Overlay Zoning for this property, because she feels that the historic integrity of the house is intact in spite of the abuse it has suffered. The surrounding properties have all been developed with residential dwelling units except for a church across the street to the east.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. This would be the first property in the immediate area to receive the overlay which could encourage other properties to seek the Historic Overlay zoning.

Property owners within 200 feet of the rezoning request were notified. One (1) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request. The Landmarks Commission approved this request.

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

Mr. McClarty asked if the owner is who made this request. Mr. Jones stated that he was and is in favor of the request.

Mr. Bixby moved to approve Z-2011-09. Ms. Yungblut seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Yungblut, McClarty and Rosenbaum), and none (0) opposed.

Mr. McClarty questioned the removal of Z-2011-08. Mr. James stated he would review this request in his Directors report.

b. Z-2011-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Diana Howard to rezone property from RS-12/COR (Single Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay) zoning, located at 5400 Buffalo Gap Rd.

Mr. Jones presented the staff report for this case. The subject parcel is approximately 1.0 acre and is currently zoned RS-12/COR (Single Family Residential with Corridor Overlay). The property has been developed with a single family dwelling unit. The adjacent properties have PD (Planned Development) zoning to the east and RS-12 (Single Family Residential) zoning to the north, south, and west.

Currently the property is zoned RS-12/COR and has been developed with a single family dwelling unit. The applicant has future plans to use the property for an office. The properties to the east and west are developed with single family residential dwelling units. The properties to the north are undeveloped. The property to the south has been developed as a church

The Future Land Use section of the Comprehensive Plan designates this general area as residential and office. The applicant is requesting the zone change in order to use the property as an office building.

The requested zoning would be compatible with the surrounding land uses. The property fronts along an arterial street which suggests that office uses would be a suitable use for the property. The Buffalo Gap Corridor study also indicates that Office zoning is allowable along mid-block locations between intersections of major thoroughfares.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request. The Landmarks Commission approved this request.

Mr. McClarty opened the public hearing.

Diana Howard (applicant) spoke in favor of this request.

Mr. McClarty closed the public hearing.

Mr. Rosenbaum moved to approve Z-2011-10. Ms. Yungblut seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Yungblut, McClarty and Rosenbaum), and none (0) opposed.

c. Z-2011-11

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 MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to MU/COR (Medical Use/Corridor Overlay) zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west

Mr. Jones presented the staff report for this case. The subject parcels total approximately 5 acres and are currently zoned MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay). The properties have been developed with a mix of residential dwelling units and some commercial activities along Pine St. The adjacent properties have MD (Medium Density Residential) to the south and west, MU (Medical Use) to the north, and HC (Heavy Commercial) zoning to the south and east.

Currently the properties are zoned MD and HC/COR and have been developed with residential dwelling units and commercial structures. The applicant has future plans to extend their existing campus from the north, which will propose medical uses for the subject property.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and residential, as well as a Special Activity Center. The applicant is requesting the zone change in order to expand their existing campus from the north. The requested zoning would be compatible with the surrounding land uses

Staff recommends approval as requested.

Mr. McClarty questioned if Hendrick owned these properties. Mr. Jones stated yes they did.

Mr. McClarty opened the public hearing.

Sharon Walker (business owner located 1649 Pine) spoke in opposition of this request. Ms. Walker stated that her and Edward Walker (brother) own properties, 1659, 1673, 1677 Pine. Ms. Walker voiced concerns about the zoning for MU/COR (Medical Use/Corridor Overlay) in this request. She suggested the zoning be General Commercial. Mr. McClarty asked clarification on the location of her properties in reference to the proposed zoning change. Ms. Walker explained her properties were directly across from the proposed zoning change and could be affected in the future. Mr. McClarty stated in his opinion, the property value around Hendrick Medical Center could increase with time; this could mean a property value increase for Ms. Walker as Hendrick expands in the future. He added an example is Dr. John Estes, who is located close to Ms. Walker's property. Mr. McClarty stated that Dr. Estes had been surrounded by Hendrick Medical Center and Dr. Estes was paid a great deal of money for his property. He added that Ms. Walker was also surrounded and one day her property could be worth more to Hendrick, this means the property could only increase in value with time. Ms. Walker stated she had been confronted by Hendrick and the amount offered was less than what a contractor had offered them.

Mr. Bixby asked clarification on Ms. Walker's concerns. Ms. Walker stated her concerns are financial and the possibility of being "squeezed out" of the area.

Ms. Yungblut asked the nature of Ms. Walker's business. Ms. Walker stated she has a resale furniture store. Ms. Yungblut reiterated that Hendrick is only concerned with the property in this request for rezoning. Ms. Walker stated she understood this. She added that in 2006, Hendrick requested the zoning change from Residential to General Commercial in order to build the Texas Tech Pharmaceutical School. Ms. Walker stated the Planning and Zoning Commission requested to the City Council that this area be zoned Medical Use instead of General Commercial in order to stay uniform with its surroundings. She added this is why Hendrick is now requesting the MU instead of the GC.

Mr. Richard Ulmer (1217 N 16th and owner of 1209 N 16th) voiced concerns of the length of time until he is forced out of the neighborhood also. He questioned the objectives of Hendrick. Mr. McClarty stated this would be something the representative from Hendrick could answer.

Duane Martin (architect for Hendrick) discussed the property owned by Hendrick. He added that Hendrick is not pursuing property south of North 16th at this time and have no plans to in the future. Mr. Martin addressed the zoning for this area, stating the Pharmacy school is a Texas Tech facility and Hendrick Medical Center facilitated in the building of the school and was involved with the land. He added as the building was completed it was then handed over to Texas Tech and now is their property. Mr. Martin stated that this is the same scenario with the nursing school, Hendrick Medical is a facilitator for this project and once the school is completed it will then be handed over to Texas Tech. Mr. Martin addressed the zoning request for the pharmacy school, stating it was immaterial to Hendrick how the property was zoned. He added the zoning for the pharmacy school had originally been requested as GC (General Commercial) and the City of Abilene expressed concerns with the consistency of the zoning in

this area, so the pharmacy school was zoned as MU /COR (Medical Use/Corridor Overlay). So in keeping with this zoning, Hendrick Medical Center requested the same zoning (MU/COR) for the nursing school.

Mr. James pointed out that upon further study, staff has determined that the proposed use of the property as a University use would require a Conditional Use Permit (CUP), which would mean an additional step in the development process for the proponent. Mr. James pointed out that the College University (CU) zoning district, on the other hand, would not require this extra step, so staff is recommending that the Commission consider rezoning to CU rather than MU to address this concern. Mr. James explained that the Commission may recommend rezoning to the district requested or any less intense district. In this case, staff believes that the CU zoning is a less intense district than the requested MU.

Mr. McClarty questioned the replatting process of the pharmacy school and the nursing school combining the two together. He asked if there would be any issues with one plat for the two schools with two different zonings. Mr. James stated that two zonings on a single plat is not an issue. Mr. McClarty asked if rezoning this area to CU instead of MU would eliminate the additional process of Hendrick needing a conditional use permit requirement, but still allow the school to be built. Mr. James agreed that it would. Mr. Martin stated he agreed with the proposal also.

Mr. McClarty closed the public hearing.

Mr. McClarty discussed the option of approving the current request or the option of rezoning from MU to CU and its advantages.

Mr. Bixby moved to approve Z-2011-11 with the rezoning change from MD and HC/COR to CU and CU/COR zoning. Ms. Yungblut seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Yungblut, McClarty and Rosenbaum), and none (0) opposed.

Item Six: Thoroughfare Closure

TC-2011-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Medical Center to abandon all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St.

Mr. Jones presented the staff report for this case. Improvements have been made to N. 17th St, Wilson St., and the Alley ROW. The ROW's are currently being maintained by the City of Abilene. Both Wilson St. and N. 17th St. are currently designated as Local Streets, and have no plans to change into a higher classification of ROW.

The applicant intends to close the subject right-of-ways for future expansion of their existing developments to the north. There are existing platted lots along N. 17th St. and Wilson St. that would be left without street frontage if the thoroughfares are abandoned, therefore before the abandonments are

final, a replat must be done to ensure no lots are left without street frontage. The interconnectivity and access of the area does not appear to be impacted in a negative way by the requests.

Approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for relocating the utilities or providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area.

Property owners within 200 feet of the rezoning request were notified. Two (2) comment forms were received in favor and zero (0) in opposition of the request. Staff recommends approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

The applicant must also replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities can be resolved.

Mr. McClarty opened the public hearing.

Mr. Martin (Hendrick Medical Center/Architect) explained the purpose of this request. He stated that Texas Tech's goal is to create a campus environment since these two schools would be next to each other. Mr. Martin explained the way to accomplish this goal is to make them as connected as possible, so closing N 17th street, Wilson Street, and the alley would make this possible. Mr. Martin stated that relocating the utilities, such as water, electrical, and phone lines are going to be a significant investment. He added they felt it was an important enough issue for Texas Tech to build a campus environment along with Hendrick campus environment. Mr. Martin stated the connectivity of Hendrick with the school was of importance because of sharing the technology of today's education.

Mr. Bixby questioned the properties Hendrick owns. Mr. Martin stated that from Pine to Hickory and from N 16th to N 17th is owned by Hendrick. He added there are two lots north of N 17th that are not owned by Hendrick.

Ms. Walker addressed the issue of turning lanes on Pine street. She questioned the closing of N 17th and the entrances to the pharmacy school. She added that if N 17th is closed and Wilson is closed and there are no left turning lanes on Pine street, how would this allow customers access to her business.

Mr. Martin explained the turning lane for the nursing school and pharmacy school will be located at the N 17th street entrance even though N 17th will be closed and the school campus will occupy the street.

Mr. Bixby asked clarification from Ms. Walker, that she was not opposed to the school getting a turning lane, but that she just needs a turning lane into her business. Ms. Walker agreed. Mr. Martin stated clarification that he was not positive the school would even be getting a turning lane into the schools.

Ms. Walker read a statement expressing her concerns of the development of the Pine street median and the effects it would have on businesses located on Pine including hers. She stated she was informed the reason for the median along Pine Street was to impress new arrivals entering from I-20. She added that she understood this was an item not addressed in the agenda today and wanted to bring this to the

commissioner's attention before the median was completed as to allow for adjustments for a turning lane in front of her business if possible.

Ms. Yungblut asked Ms. Walker to clarify the statement regarding the median impressing the new arrivals into Abilene. Ms. Walker explained that in the beginning stages of the Pine street median development, new arrivals were directed into Abilene by Buffalo Gap Rd and through ACU.

Edward Walker (Walker Furniture) discussed the closing of N 17th and Wilson and the effects it would have on his business.

Mr. Rosenbaum addressed the left turning lanes, stating that if traveling south, there would be no left turning lanes at Wilson anyway. He added that there would only be left turn lanes to N 16th and N 17th if traveling south on Pine.

Mr. James explained the median design, stating the design was implemented before this request was submitted. He added that there would still be an opening at N 17th because N 17th still exists on the other side of the street. Mr. James stated that if Wilson street is closed through this action, there would no longer be a street intersection on either side of the street and the design would not have a median opening at Wilson street.

Mr. Jones explained the current street closures and median openings. He added that if Wilson Street is closed the median would be redesigned to have the median opening at the next intersection.

Mr. McClarty closed the public hearing.

Ms. Yungblut moved to approve TC-2011-01. Mr. Rosenbaum seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Yungblut, McClarty and Rosenbaum), and none (0) opposed.

Item Seven: Director's Report:

- a. Update on case Z-2011-08, case withdrawn by property owner.

Mr. James explained this request regarding the HO zoning at 782 Palm was tabled at the last meeting. He added the property owner at the time of this request has since sold the property and the request was tabled in order to contact the current owner. In contacting the current owner, they have decided not to pursue the HO zoning and resulted in the request to withdraw the case.

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

Mr. James stated that the recommendations from the April Planning and Zoning Commission meeting were approved by the City Council.

Item Eight: Adourn

The Planning and Zoning Commission meeting was adjourned at approximately 2:45 P.M.

Approved: _____, Chairman