
PLANNING & ZONING COMMISSION
August 1st, 2011
Minutes

Members Present: Bruce Bixby
Fred Famble
Gary Glenn
Clint Rosenbaum
Pam Yungblut
Tim McClarty
David Todd

Members Absent: none

Staff Present: Jon James, Director of Planning and Development Services
Dan Santee, City Attorney
Ben Bryner, Planning Services Manager
Matt Jones, Planner II
Zack Rainbow, Planner II
Mo Parker, Senior Planner
Sarah Franz, Intern
Debra Hill, Secretary II (Recording)

Others Present: Bill Tolbert
Asa Reefschneider
Jeremy Dickson
Sally Paris-Hooper
C. Mike O'Neal
Bryan Burger
Robert Chambers
Christine Chambers
Joe Humpbrey
Phil Ashby
Every Ramirez
Lory Fergueson
James Condry
Petty Hunter
Odis Dolton
James Frances
Hester Woods
Dawn Wagner
Duane Martin
David Eaton
Dave Boyll

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. Rosenbaum moved to approve the minutes of the July 5th, 2011 meeting. Mr. Glenn 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.

FP-3310

A public hearing to consider a plat of Mesa Ridge Villas Addition, Section 2, an Addition to the City of Abilene, Taylor County, Texas.

PP-1711

A public hearing to consider a Preliminary Plat for Blocks A, B, C, & D, Section 2, Ft. Phantom Hill.

FP-3411

A public hearing to consider a Final Plat for Blocks A, B, C, & D, Section 2, Ft. Phantom Hill.

PP-2911

A public hearing to consider a Preliminary Plat of KNET Enterprises Subdivision, City of Abilene, Taylor County, Texas.

FP-3011

A public hearing to consider a plat of Section 1, KNET Enterprises Subdivision, to the City of Abilene, Taylor County, Texas.

Planning staff recommends approval of these requests.

Mr. McClarty questioned the plats for Ft. Phantom Hill, asking if the properties were currently owned or are they vacant lots to be purchased in the future. Mr. Rainbow answered stating the properties are currently occupied by homeowners and would be offered to them for purchase. Mr. Santee stated this process would be the same as Phase I in which the properties would be offered to the lease holders. He added that some of these properties are vacant and after this process is completed they would be offered for sale to the public.

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

Mr. Rosenbaum moved to approve FP-3310, PP-1711, FP-3411, PP-2911 and FP-3011. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Rosenbaum, Famble, Glenn, Yungblut and McClarty) and none (0) opposed.

Item Five: Zoning

a. Z-2011-16

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 MU/COR (Medical Use with Corridor Overlay) to CU/COR (College University with Corridor Overlay) zoning, located at 1718 Pine St and 1117 N. 18th St.

Mr. Jones presented the staff report for this case. The subject parcels total approximately 3.25 acres and are currently zoned MU/COR (Medical Use/Corridor Overlay). The properties have been developed with a school of pharmacy. The adjacent properties have MU (Medical Use) to the north and west, and GC (General Commercial) zoning to the east, and CU (College University) zoning to the south.

Currently the properties are zoned MU/COR and have been developed with a pharmacy school owned by Texas Tech University. The applicant has future plans to extend their existing facility to the west. This rezoning would make the zoning consistent with the recently rezoned School of Nursing site to the south, and would allow for future building expansions.

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 facility. The requested zoning would be compatible with the surrounding land uses.

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. Planning staff recommends approval of the request.

Mr. McClarty opened the public hearing.

Mr. Duane Martin (in-house architect for Hendrick Medical Center) discussed explanation for this request, stating the purpose for the additional rezoning is to include the additional piece of property located in the corner part of the adjacent parking lot.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2011-16. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Rosenbaum, Famble, Glenn, Yungblut and McClarty) and none (0) opposed.

Commissioner David Todd entered the meeting.

b. Z-2011-17

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Chick-fil-A, Inc. to rezone property from LI (Light Industrial) to GR (General Retail) zoning, located at 1750 HWY 351.

Mr. Jones presented the staff report for this case. The subject parcel totals approximately 2.0 acres and is currently zoned LI (Light Industrial). The property has been developed with a commercial trucking facility. The adjacent properties have GC (General Commercial) and PD (Planned Development) zoning to the south, AO (Agricultural Open Space) to the east, and PD zoning to the north, south, and west.

Currently the property is zoned LI and has been developed with a commercial trucking facility. The property fronts on HWY 351 which is an arterial street. The applicant has future plans to demolish the existing structures and redevelop the property.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial uses, this area is also designated as a Major Commercial Business Center. The applicant is requesting the zone change in order to redevelop the property. The requested zoning would be more suitable for the subject property and would be compatible with the surrounding land uses.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request.

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

Mr. Glenn moved to approve Z-2011-17. Mr. Bixby seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Rosenbaum, Famble, Todd, Glenn, Yungblut and McClarty) and none (0) opposed.

Item Six: Thoroughfare Closure

TC-2011-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Independent School District to abandon Clinton St. and the north to south alley rights-of-way, between N. 8th St. and State St

Mr. Jones presented the staff report for this case. Improvements have never been made to these dedicated ROW. The property that the ROW is on has been developed with a school and has never been used as a public ROW.

The applicant intends to close the subject rights-of-way to better reflect how the property has been developed. The interconnectivity and access of the area does not appear to be impacted in a negative way by the requests.

The Plat Review Committee reviewed the request and recommends approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for 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. 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 will be resolved.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were received in favor and one (1) in opposition of the request. Staff recommends approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

Mr. McClarty questioned the opposition comment. Mr. Jones explained there was no written explanation but did receive several phone calls stating confusion with this request. Mr. McClarty questioned the structure in the center of Clinton street. Mr. Jones stated there is a breezeway and also a raised walkway.

Mr. Rosenbaum questioned why the applicants are requesting this closure now. Mr. Jones stated this request is a result of the property owner's research showing this closure had never been done. He added the owners are trying to "clean up" the property for future transactions. Mr. Rosenbaum questioned the utilities. Mr. Jones answered this is one of the conditions for the approval of this request, stating where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities.

Mr. McClarty opened the public hearing.

Ms. Lory Ferguson (homeowner on Clinton street) asked clarification on the closure. Mr. Jones explained this closure only pertains to the portions of the street located within the property.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve TC-2011-02. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Rosenbaum, Famble, Glenn, Yungblut and McClarty) and none (0) opposed. Mr. Todd abstained from this request.

Item Seven: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amendment to Section 2.4.2.1 (Land Use Matrix) concerning Antenna Tower-Commercial.

Mr. Bryner presented the staff report for this case. A request was submitted for rezoning of a property to a Planned Development (PD) district to allow for a cell tower. The current zoning on the property is GR (General Retail), which the PD proposed to maintain while also allowing cell towers as a permitted use. Upon review of the request, staff determined that rezoning the property to the PD zoning would not be the most appropriate course of action. Instead, staff is proposing that the Land Use Matrix be

amended to allow for cell towers in the GR zoning district with approval of a Conditional Use Permit (CUP).

Many of the retail areas in the City of Abilene are zoned GR and could potentially be suitable for cell towers. Final approval of any CUP is by the City Council following a recommendation from the Planning & Zoning Commission. Conditions may be added to the approval of any CUP in order to maintain compatibility with the area.

The use is identified in the Land Use Matrix as 'Antenna Tower-Commercial'. The amendment will add the CUP designation to the GR zoning district. The section proposed for amendment is Section 2.4.2.1 – Land Use Matrix.

Staff is recommending approval of this request.

Mr. Bixby asked clarification on the requirements for cell towers. Mr. Bryner stated there are height limitations, if the tower is over 100 feet there would need to be co-location so multiple antennas could go onto those towers. He added there are setback requirements and regulations in place with the Land Development Code. Mr. Bryner stated this amendment is just identifying the appropriate location as to whether this would allow a tower or not with the CU permit and staff believes that it is. Mr. McClarty asked if the individual that brought this to the staff's attention would be requesting a CU permit in the future. Mr. Bryner answered that they would be requesting a CU permit in the future.

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

Mr. Famble moved to approve the amendment as presented Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Rosenbaum, Famble, Todd, Glenn, Yungblut and McClarty) and none (0) opposed.

Item Eight: Carver Neighborhood Plan

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to adopt the City of Abilene Carver Neighborhood Plan.

Mr. Jon James presented the staff report for this proposal. In cooperation with the residents and neighborhood organizations of the Carver Neighborhood, the 1998 Carver Neighborhood Plan has been updated and prepared for presentation to the Planning and Zoning Commission for review and approval. City staff has updated demographic and other background information in the plan, as well as coordinating with neighborhood residents and organizations to provide substantial input into the process. This process of study, research, and data gathering, through community meetings, has culminated in a new plan that summarizes the accomplishments since the 1998 Plan was adopted and reflects an enhanced vision for the future of a thriving, vibrant neighborhood that can be attained through continued implementation of the plan.

The proposed plan is not regulatory and will not affect the zoning of depicted parcels. The sale of lots or tracts is a separate and distinct process. The Carver Neighborhood Plan will provide policy guidance for future development but shall not dictate outcomes.

Staff recommends approval of the 2011 Carver Neighborhood Plan.

Mr. James stated the Planning division held a public meeting to discuss the needs of the neighborhood. He added that in this meeting a S.W.O.T. (strengths, weaknesses, opportunities, and threats) analysis was conducted and a questionair was completed by each attending citizen. Mr. James discussed the strenghts, weaknesses, opportunites and threats the citizens were concerned with in this neighborhood and the Planning staff reviewed the results of the survey and created a summary of the most important issues of Carver Neighborhood, according to its residents.

The presentation included a discussion of:

- Demographics of Carver
- Location and Community Services
- Public Transportation
- Safety
- Neighborhood Appearance

Mr. McClarty asked clarification on the comparisons of this neighborhood to other typical neighborhoods regarding the crime statistics. Mr. James stated he did not have those comparison statistics, but he believed it was higher than a typical neighborhood.

Mr. James addressed the accomplishments from the 1998 plan.

Mr. James also summarized the new strategies in the 2011 Carver Neighborhood Plan:

- Designate the Carver Neighborhood as an infill area
- Conduct clean up of area debris/junk cars/structures
- Mow & remove debris from vacant lots
- Increase law enforcement/surveillance/patrol
- Establish Neighborhood Watch Program
- Repair/replace existing Street light bulbs
- Install new street lights/ poles & bulbs
- Repair existing sidewalks
- Install new sidewalks
- Improve transportation schedule & routes
- Mitigate Street flooding
- Upgrade parks/recreation centers/Carver Park
- Encourage marketing of vacant lots for in-fill housing
- Inform residents of programs for home maintenance/repair
- Inform residents of health care resources
- Expand/enhance activities for youth & seniors at G.V. Daniels
- Consider adopting a "Property Maintenance Code"

Mr. Bixby questioned the number of homes that have been demolished or condemned in this neighborhood. Mr. James answered that there have been several and there are at least two in the

process of being condemned currently. Mr. Bixby asked clarification of this area as being designated as an in-fill area, predominately housing. Mr. James answered that yes, this would be predominately housing in this in-fill area. Mr. Bixby questioned the Property Maintenance Code. Mr. James explained that a Property Maintenance Code can have various requirements for home owners such as replacing broken windows or repainting peeling paint or adding siding. He added the code could also include electrical or plumbing repairs. Mr. James stated that staff is recommending the City of Abilene consider this Property Maintenance Code and look at its pros and cons.

Ms. Yungblut stated the income for some of the citizens of Abilene would inhibit them from abiding by the Property Maintenance Codes. Mr. James added that this would be one of the examples of the pros and cons of this code, the City requires citizens to keep their yards mowed, houses up to code and other requirements for the safety of the community. He stated this is one of the questions of how restrictive do we need to make this code.

Mr. Bixby asked if the City owned any lots in this area. Mr. James stated he didn't believe the City owned many of the vacant lots in that area.

The Carver Neighborhood Plan of 2011 will foster continued improvement within the Carver community. Residents have identified several key areas where changes are needed, including traffic issues, public transportation, street lighting and clearing vacant lots of debris and abandoned buildings. These needs can be addressed by the City of Abilene in conjunction with Carver neighborhood organizations and individual citizens.

Mr. Glenn asked clarification on the street lighting issues. Mr. James explained there are two issues that involve the street lighting. Many street lights are broken and simply need to be replaced but the neighborhood also feels the addition of street lights would decrease the criminal activity in this area and insure safety of the residents.

Mr. Santee questioned the funding for this project. Mr. James explained that some of these requests are already something the City is enforcing but just needs special attention to this neighborhood. He added that there are other programs in this request that would need funding that could be folded into, for example, the CIP budget or the CDBG funding.

Mr. Santee added that on the Action Table 2011 there are timeframes listed for 1-5 years, he feels this would be something that Planning and Zoning needs to review in order to elevate any confusion from the citizens. He added this is a recommendation and not a mandate and the timeframe confuses the two.

Ms. Yungblut stated the Property Maintenance Code would be too burdensome on the homeowners. She added the City could educate property owners on resources and volunteers to improve their neighborhood and encourage owner participation.

Mr. McClarty stated he was not in favor of an appearance code but was in favor of an ordinance that would protect the health, safety and welfare of the people in that neighborhood.

Mr. Glenn questioned the homeownership of the Carver neighborhood. Mr. James answered the percentage in homeowner versus rental homes is approximately sixty percent homeowner and forty percent rental homes. Mr. Glenn suggested increasing the bus schedules and repairing the lighting in this area. Mr. James stated the issue with the bus route is the frequency and changes to the routes, not a lack of routes.

Mr. James stated that out of the seventeen Action items that only five would be capital improvement type items, some of which the City has money for already, such as sidewalk improvements for N 7th. Mr. Bixby addressed the timeframe of each project. Mr. James stated the timeframes listed are suggested timeframes and could be adjusted as needed.

Mr. McClarty opened the public hearing.

Mr. Petty Hunter (Neighborhoods in Progress and ICAN member) spoke in favor of this request. Mr. Hunter discussed purpose of a neighborhood plan is to get the neighborhood involved in the needs of their community. Mr. Hunter discussed that with the infill development there could be incentives such as a waiver on permits and fees. He believes this could increase the development in this area and with reconstruction this could bring more citizens to this area and improve the perspective most citizens have had from the past. He added that G.V. Daniels recreation center is the focal point of the neighborhood and would like to see more programs to invite other citizens into the Carver neighborhood. Mr. Hunter stated that the neighborhood is not asking the City to primarily fund and provide for the needs of this community. He added the neighborhood is willing to do their part to accomplish these goals.

Mr. Famble asked if the timeframe would be an important part of this request. Mr. Hunter agreed that there needs to be a timeframe set for these projects.

Mr. Glenn asked his opinion of the Property Maintenance Code. Mr. Hunter stated that the current codes that are in place already address the issues in this neighborhood.

Mr. Odis Dolton (ICAN and Neighborhood in Progress) spoke in favor of this request. He added that there have been many improvements in this neighborhood since the 1998 Carver Neighborhood Plan and feels this 2011 plan is a positive program to improve their neighborhood. Mr. Dolton agrees with the timeframe on the plan and adds this is a road map for the future of this neighborhood.

Ms. Pat Hipley (citizen) spoke in opposition to this plan. She stated that she believes the codes are getting more stringent and need to draw the line in these requirements to the homeowners. Ms. Hipley added she believes the funds for these kinds of projects are not as available as in the past. She commended the citizens of this neighborhood for the progress they have had so far but feels it is not in the City's best interest, at this time, to help with any of the funding for this project.

Ms. Dawn Wagner (citizen) spoke in opposition to this plan. She stated she believes that the rights of homeowners are being taken away from them by the enforcement of codes and restrictions on their own properties.

Mr. McClarty closed the public hearing.

Mr. Bixby stated that he would prefer not to have a timeframe on the Action Table 2011 for the Carver Neighborhood plan. He added that if the Commission believes there should be a timeframe it should have a disclaimer describing that the timeframes are a roadmap for the future. Mr. Famble agreed with Mr. Bixby on the disclaimer.

Ms. Yungblut stated she believes there would be ordinance issues that would need to be addressed. She added that she would like to see each section broken down to different categories to be approved, changed or amended.

Mr. Famble questioned if this plan were to be approved, what would be the next step. Mr. James stated that this Action Plan is just a blueprint for the future. He added that this plan would not change any ordinances or authorize any expenditures of funds from the City. Mr. James stated that this plan would allow the City to know that these things are important to this neighborhood. He added that this would also allow the citizens of the neighborhood to know that the City is aware of their needs and strive to help their neighborhood achieve their goals, as was the case with the 1998 Plan.

Mr. McClarty reopened the public hearing.

Mr. Hunter stated the funding for some of these projects would initially be from private investments. He added that this will be up the neighborhood to assume the responsibility for funding of future goals. Mr. Hunter stated he would like to see a timeframe but does not want the timeframe to be an issue in approving this plan.

Ms. Hipley (citizen) discussed the timeframe, stating that at this time it would not be beneficial to the City to approve this plan.

Mr. James Frances (citizen) spoke in favor of this plan. Mr. Frances discussed the improvements to property he owns in the Carver neighborhood. He added that once this project is completed he will be active in the neighborhood to continue the improvements to this area. Mr. Frances discussed the history of this area and would like to see this area redeveloped and improve the perception the citizens of Abilene have at this time. Mr. Frances stated he is not looking for funding from the City of Abilene for any redevelopment in this area but would like ordinances to be enforced and the citizens of Abilene to be aware of the improvements of this neighborhood.

Mr. McClarty asked if Mr. Frances lives in this neighborhood. Mr. Frances stated that he has lived in Abilene for nine years.

Mr. McClarty closed the public hearing.

Mr. Famble moved to approve the Carver Neighborhood Plan with revisions to the Action Table 2011 as discussed. Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Rosenbaum, Famble, Todd, Glenn, Yungblut and McClarty) and none (0) opposed.

Item Nine: Director's Report

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

Item Ten: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 3:30 P.M.

Approved: _____, Chairman