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**PLANNING & ZONING COMMISSION**  
**September 6<sup>th</sup>, 2011**  
**Minutes**

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Members Present: Bruce Bixby  
Fred Famble  
Pam Yungblut  
David Todd  
Tim McClarty

Members Absent: Gary Glenn  
Clint Rosenbaum

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

Others Present: Mike O'Neal  
Amanda Lowe-Early  
Charlie H. Dessey  
James Boyd  
Eddie Chase  
Bill Wieman  
George Deffenbaugh  
John Tyson  
Tim Clark  
Nick Coates  
Chad Carter, City Engineer  
Carin Ezzell  
Brennan Peel  
Alana Oeta  
Paul Patterson  
Larry McCright  
Larry Kaylee

**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. Famble gave the Invocation.

**Item Three: Approval of Minutes**

**Mr. Famble moved to approve the minutes of the August 1st, 2011 meeting. Mrs. 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-3211

A public hearing to consider a preliminary plat of Preliminary Plat of the Geiser Addition, Taylor County, Texas.

FP-1411

A public hearing to consider a plat of Lot 1, Block A, Geiser Addition, Taylor County, Texas.

FP-1911

A public hearing to consider a plat of Legacy Village, Section 1, 6.931 Acres out of Lot 3, of the Alfred and Mary Fasshauer Subdivision, Survey No. 10, Lunatic Asylum Land, Abstract No, 1011, City of Abilene, Taylor County, Texas.

FRP-2811

A public hearing to consider a plat of Lots 201 and 202, Block A, Continuation 1, Hendrick Health System Subdivision, Abilene, Taylor County, Texas.

PP-3611

A public hearing to consider a preliminary plat of Continuation 2, Five Points Business Park, Abilene, Taylor County, Texas.

FP-3711

A public hearing to consider a plat of A Plat of Lots 1, 2, and 3, Block D, Continuation 2, Five Points Business Park, Abilene, Taylor County, Texas.

Planning staff recommends approval of these requests.

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

**Mrs. Yungblut moved to approve PP-3211, FP-1411, FP-1911, FRP-2811, PP-3611 and FP-3711. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Yungblut, Todd and McClarty) and none (0) opposed. Mr. Todd abstained from FRP-2811, PP-3611 and FP-3711.**

**Item Five: Zoning**

a. Z-2011-19

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene and Larry and Sandra McCright to rezone property from AO (Agricultural Open Space) to RS-8 (Single Family Residential) zoning, located at 3049, 3041, 3033, 3025, 2941, and 2825 Antilley Rd.

Mr. Matt Jones presented the staff report for this case. The subject parcels total approximately 5.75 acres and are currently zoned AO (Agricultural Open Space). The properties have been developed with single family residential homes. The adjacent properties have PD (Planned Development) to the north, PH (Patio Home) zoning to the west, and AO (Agricultural Open Space) zoning to the east and south.

Currently the properties are zoned AO and have been developed with single family residential homes. The PD to the north has been developed with single family homes, and there is a patio home development to the west. There is a church facility to the east of the subject properties and a larger AO tract of land with a single family dwelling to the south.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The original request was for an 80' wide strip of property to the west of 3033 Antilley Rd. After reviewing the request, City Staff thought it would be beneficial to include the other properties as part of the request as well. Under the current zoning the subject properties are legal nonconforming lots because they do not meet the minimum lot size for AO zoning. Therefore, the requested zoning would be a more compatible zoning for the properties, and make them conforming lots. Staff does not see any negative affects with the request and the requested zoning would be compatible with the surrounding land uses.

Property owners within 200 feet of the zoning request were notified. Eight (8) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request.

Mr. Todd questioned if Mr. and Mrs. McCright were the owners of all these properties. Mr. Jones stated they were not. He added that this addition to the rezoning was staff initiated and staff believes this would benefit the land owners.

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

**Mr. Bixby moved to approve Z-2011-19. Mrs. Yungblut seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Todd, Yungblut and McClarty) and none (0) opposed.**

b. Z-2011-20

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Nick Coates to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to HC (Heavy Commercial) zoning, located at 3642 W Lake Rd.

Mr. Jones presented the staff report for this case. The subject parcel totals approximately 8.0 acres and is currently zoned AO (Agricultural Open Space) and GC (General Commercial). The property is currently undeveloped. The adjacent properties have MD (Medium Density Residential) and GC zoning to the east, MD and AO zoning to the west, AO zoning to the north, and GC and AO zoning to the south across I-20.

Currently the property is zoned AO and GC and is currently undeveloped. The properties adjacent to the subject property to the west have all been developed with residential dwelling units. The properties to the southeast have been developed with General Commercial uses. The property to the north is undeveloped Agricultural Open Space.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential and commercial. The commercial designation is only along the access road for I-20. This request is for a large parcel to be rezoned to HC directly across from residential zoning. HC zoning is not compatible with residential zoning and given the proximity of the request to residential zoning, the request is not compatible with the surrounding land uses. Although commercial zoning would be acceptable along the I-20 frontage, this large of a property with HC zoning would not be compatible with the residential dwellings to the west.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and four (4) in opposition of the request. Planning staff recommends denial of the request.

Mr. McClarty stated he was informed the original request was for eight acres and now has been increased to thirty acres. He asked clarification on the increased zoning request. Mr. Jones stated the application was for eight acres.

Mrs. Yungblut questioned the type of Heavy Commercial business that would be located at this property. Mr. Jones stated the application is for large truck sales and repair.

Mr. Todd stated that the Comprehensive plan shows this property as Commercial on the interstate and Low Density residential. Mr. Jones agreed. Mr. James stated that Low Density residential in the plan does not necessarily mean single family it could include apartments.

Mr. McClarty opened the public hearing.

Mr. Eddie Chase (representing the applicant) spoke in favor of this request. He stated the applicant had originally requested eight acres and had not intended to rezone the total thirty acres. Mr. McClarty asked where the eight acres would be located. Mr. Chase stated the eight acres in question is located centered on the property facing East Overland Trail. Mr. McClarty questioned the type of facility this business would consist of. Mr. Chase answered this business would consist of sales and repairs of semi-trucks. Mr. Bixby questioned this location as opposed to another location already zoned HC (Heavy Commercial). Mr. Chase stated this location would allow visibility from the Interstate for prospective customers. Mr. Bixby asked for an example of another existing business similar to this business. Mr. Chase answered that Peterbilt in Tye, Tx would have a similar facility.

Mrs. Yungblut asked if this request could be modified to accommodate the City of Abilene's requirements. Mr. Chase stated this could be something they could work with. Mr. James added that one of the concerns staff has with this request is the distance from the Interstate and also a general concern with the HC zoning for this area regarding the hotels and the residential area. Mrs. Yungblut questioned the hours of operation.

Mr. Bill Wieman (Construction consultant for Roberts Truck Center) spoke in favor of this request. He discussed the depth constraints with TXDOT, stating the width of the entrances to the driveways are controlled by TXDOT. Mr. Wieman stated that in order to conform to TXDOT's requirements for the width that this would also affect the depth of the construction. Mr. McClarty asked if the request could be reduced to seven acres. Mr. Wieman stated they could but would prefer the eight acres originally requested. Mr. Famble addressed the noise factor. Mr. Wieman described the facility, stating the overhead doors are insulated and all the heavy machine work would be performed inside the building. He added they do have refrigerated trucks that could possibly run all night. Mr. Wieman addressed the hours of operation stating they could have access to the facility at any time.

Mr. George Deffenbaugh (General Manager for Roberts Truck Center) stated the current hours of operation run from 7:00 a.m. to 7:00 p.m. during the week and 8:00 a.m. to 12:00 p.m. on Saturday.

Mr. James Boyd (citizen) stated concerns with water retention that could result from the development of this facility. Mr. McClarty explained the process that when any development of a property is done the developer is required to do a flood water detention plan and also flow plan across the property. Mr. Boyd expressed additional concerns on the traffic flow exiting the property. Mr. McClarty stated that the traffic should not affect his property.

Mr. Bixby asked staff if after learning the eight acres is the original request, would this make a difference in their decision. Mr. James explained that staff still has issues with the HC zoning adjacent to the hotels and residential area. He added that GC would be more consistent with this area.

Mr. McClarty expressed concerns with buffering noise between this property and the hotel adjacent to this property. He suggested using trees to use as a buffering agent. Mr. Wieman stated that this would decrease visibility from the Interstate. Mr. McClarty suggested using an eight foot fence. Mr. Wieman stated there is an existing six foot fence on this property. Mr. McClarty questioned if the applicant would be opposed to an opaque fence instead. Mr. Wieman stated he did not have an issue with the opaque fence.

Mr. Todd questioned the quantity of trucks that would occupy this facility at any one time. Mr. Deffenbaugh stated there could be anywhere from to seventy-five to hundred trucks present on the facility. He added that these trucks would not be running all the time they are present at this facility.

Mr. McClarty closed the public hearing.

Mr. Famble questioned the opposition from staff on this request. Mr. Jones stated that staff is still in opposition of the HC zoning for this area. He added that staff would like to see GC in this area instead. Mr. Bixby asked clarification on what HC zoning would allow. Mr. Jones discussed the various possibilities resulting from HC zoning. Mr. Jones stated that adding buffers are a great improvement for noise barriers but not in a zoning request such as this. He added that the only contingencies that could be added to a request is when it would involve a PD or CUP.

Mr. McClarty re-opened the public hearing.

Mr. McClarty addressed Mr. Chase concerning changing the zoning from HC to PD so as to implement a buffer between this property and the hotel. Mr. Weimer stated that time is a concern and the process for this request would add an additional month wait. Mr. Chase asked clarification on a CU permit. Mr. Todd stated that a CU permit would need to be zoned other than AO to be considered.

Mr. Nick Coates (representing the seller) spoke in favor of this request. He addressed the noise concern, stating that there is already a noise issue with the Interstate. He believes this facility would be an asset to the location.

Mr. McClarty closed the public hearing.

**Mr. McClarty motioned to approve Z-2011-20 HC zoning referring to the exhibit presented by Mr. Eddie Chase with the driveways as shown on the exhibit which is dictated by TXDOT. Mr. Todd seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Todd, Yungblut and McClarty) and one (1) opposed (Famble).**

**Item. Six: Conditional Use Permit:**

- a. CUP-2011-01  
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Christian Service Center for a Conditional Use Permit for a Social Service Facility in MD (Medium Density Residential) zoning, located at 2121 N. 6<sup>th</sup> St.

Mr. Jones presented the staff report for this case. The subject property is approximately 3.0 acres and is zoned MD (Medium Density Residential). The surrounding properties have MD zoning to the east, south, and west, and the properties to the north have RS-6 (Single Family Residential) zoning.

Currently the property is zoned MD. The property was once developed as an apartment complex but the subject property is currently vacant. All of the surrounding properties have been developed primarily with single family residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant plans to develop the property as a Social Service Center, to provide care to people in need, in the form of food, clothing, household goods, etc. The proposed development will operate during normal business hours and will not provide overnight (residential) care. Based on the information provided, a Conditional Use Permit at this location will be compatible with the surrounding uses.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and two (2) in opposition of the request. Planning staff recommends approval of the request.

Mr. McClarty opened the public hearing.

Ms. Amanda Lowe-Early (resident 546 Graham) questioned if loitering would be an issue in the area.

Mr. Jim Clark (Director of the Christian Service Center) spoke in favor of this request. Mr. Clark stated there should not be any loitering, citizens are to make appointments to receive services. Mr. Bixby questioned if there has been any issues in the past at their current location. Mr. Clark stated there has only been one incident. He added that he had attended a meeting with residents in the neighborhood to inform them exactly what they could expect from this center.

Ms. Lowe expressed concerns of loitering that is already occurring in her neighborhood. She added that she feels this center could encourage more loitering. Mr. Clark explained the entrance and exit to the center would hopefully encourage citizens to pick up their supplies in a timely manner. Mr. Bixby questioned if the center had a policy on loitering. Mr. Clark answered at this time they do not.

Mr. McClarty closed the public hearing.

**Mr. Famble moved to approve CUP-2011-01. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Yungblut, Todd and McClarty) and none (0) opposed.**

b. CUP-2011-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from InSite Towers, LLC for a Conditional Use Permit for an Antenna Tower-Commercial in GR (General Retail) zoning, located at 1434 Grape St.

Mr. Jones presented the report for this case. The subject property is approximately 1.0 acre and is zoned GR (General Retail). The property has been developed with a residential dwelling unit that is used by the

church that owns the property. The surrounding properties have MD (Medium Density Residential) zoning to the west, GC (General Commercial) zoning to the north, and GR zoning to the south and east. Currently the property is zoned GR and is being used as a residential dwelling unit owned by the church. The property to the west has been developed with a nursing home facility. There are residential homes to the north of the subject property. The church facility and a shopping center are located to the south of the subject property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential and Grape St. is identified as an Enhancement Corridor. The applicant plans to lease a portion of the property in the northwest corner and construct a Commercial Antenna Tower. A recent ordinance amendment was passed that allows these antennas in GR zoning when they are compatible with the surrounding area.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and three (3) in opposition of the request. Planning staff recommends approval of the request.

Mr. McClarty opened the public hearing.

Mr. Mike O'Neal ( Senior Marketing Director for InSite Towers) spoke in favor of this request. Mr. O'Neal explained that InSite Towers would be the builder and owner of this tower and explained that the initial carrier for this tower would be AT & T. Mr. Bixby asked for pictures regarding the tower. Mr. O'Neal introduced to the Commissioners a copy of a site plan.

Mr. McClarty closed the public hearing.

**Mr. Famble moved to approve CUP-2011-02. Mrs. Yungblut seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Yungblut, Todd and McClarty) and none (0) opposed.**

**Item Seven: Discussion Item:**

Ordinance amendment to Section 2.4.7 (Wind Energy Conversion Systems) and Section 2.4.2.1 (Land Use Matrix) concerning Wind Energy Conversion Systems.

Mr. McRoy presented the discussion for this Ordinance. With approval of the Land Development Code (LDC), a request was made by City Council to have staff review the regulations for Wind Energy Conversion (WEC) systems with specific direction in making them more accessible for home owners and business to install. Upon review of the language, staff determined that several changes were warranted both in terms of clarification as well as regulation.

Staff is proposing to allow certain WEC's by right in any zoning district so long as they meet specific regulations. Other WEC's would require approval of a Conditional Use Permit (CUP) where other conditions could be added by City Council.



The use currently is not listed in the Land Use Matrix and is proposed to be included and identified as 'Wind Energy Conversion System (WEC)'. The sections proposed for amendment are Section 2.4.2.1 – Land Use Matrix and Section 2.4.7 – Wind Energy Conversion Systems (WEC).

#### Potential Ordinance Changes

- WEC Systems Allowed By Right
- WEC Systems Allowed With Approval
  - Conditional Use Permit
  - Special Exception
- Minimum Lot Size
- Location
  - Setbacks
- Separation
  - No requirement
  - 200'
  - Some other distance
- Exemptions
  - Type 'A' Billboards
- Maintenance & Abandonment

Mr. McClarty stated he was in favor of allowing citizens to obtain the WEC system. He discussed the lack of noise produced by these systems.

Mrs. Yungblut asked if one system would service one individual resident or would it be connected to multiple residents. Mr. McRoy stated that usually the ratio is one per building.

Mr. Bixby suggested some guidelines on the location of the WEC systems.

Mr. Todd discussed the issues with conflicts with residential neighborhoods and possibly Neighborhood Associations. Mr. McRoy agreed.

Mr. McRoy addressed the approval process for this type of land use. He discussed the various application requirements and the process of the Board of Adjustments regarding Special Exceptions.

| Mr. Bixby exited the meeting.

Ms. Yungblut stated she would like to have more time to review an ordinance proposal.

It was suggested that this be brought back before the Commission for further review along with a staff-recommended ordinance.

| Mr. Todd stated would like to see conditions -implemented to this Ordinance. Mr. McClarty agreed.

Mr. McClarty suggested having this presentation sent to each Commissioner for further review. Mr. McRoy agreed.

**Item Eight: Director's Report:**

- a. Recent City Council decisions regarding items recommended by the Planning & Zoning Commission.
- b. Update on the Planning Work Program.

Mr. James stated that the City of Abilene has been notified by FEMA regarding the Stormwater Regulations. He added the possibility of scheduling a special Planning and Zoning Commission meeting for September 19<sup>th</sup>, 2011 to review the Stormwater regulations.

Mr. Santee (City Attorney) stated the Stormwater Regulation Ordinance would go before the City Council on September 22, 2011 on an emergency process. This allows an adoption on one reading if it is necessary for the public health, safety and welfare. He added this was not added to the first reading for this meeting which would have been required because the notification from NFIP was not received back stating where our Ordinance was deficient. Mr. Santee stated this notification was primarily from NFIP and at this point the City of Abilene is in contact with FEMA. He added that it has been discussed that the Ordinance is not deficient due to many of the provisions do not apply to Abilene, but there are numerous situations in the Ordinance that apply strictly to Abilene.

Mr. McClarty addressed the Planning Work Program. He added he believed the infill tax abatement should not be a low priority.

**Item Ten: Adjourn**

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

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