
PLANNING & ZONING COMMISSION
March 5th, 2012
Minutes

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

Members Absent: Clint Rosenbaum

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

Others Present:

| | |
|---------------------|-----------------|
| Glen Almond | Debra Nevarez |
| Steve Savage | Robert Kern |
| Valarie Lantrip | Dudley Kowell |
| Grady Waddell | Bobby Galimale |
| Eddie Chase | Tommy Downing |
| Kenneth Musgrave | Randy Voorhees |
| Bruce Kreitler | Connie Robinett |
| Dan Symonds | Brennan Peel |
| Tim Cook | Dale Boecker |
| Winston T Ohlhausen | Mike McMahan |
| Seaton Higginbotham | Ryan Holmes |
| Brent Bell | Jake Day |
| David McMeekan | Marvin Norwood |
| Tracy Gilliam | Meagan Santee |
| Robert Briley | Jim Holzberlien |

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. Famble moved to approve the minutes of the February 6th, 2012 and February 20th, 2012 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

No plats were submitted for approval.

Item Five: Zoning

a. Z-2012-08

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Randy Voorhees to amend PD-82 concerning signage, located on the east side of Loop 322 at Lone Star Dr.

Mr. Ben Bryner presented the staff report for this case. The subject property totals approximately 33.74 acres and is currently zoned PD (Planned Development). The property is mostly developed with retail & commercial uses with the exception of the north and south edges of the PD boundary. The adjacent properties have AO & LI zoning to the south, PD zoning to the east, CU & GC zoning to the north, and a mix of LI & HI zoning across the freeway to the west. The property was annexed in 1968 and was zoned PD in 2003. Two other amendments have been approved in 2005 & 2006.

The property is zoned PD and has been defined into two tracts: Tract 1 is on the north side of Lone Star Drive and allows a range of uses from residential to retail. The majority of this area has been developed with retail and restaurant uses. Tract 2 is on the south side of Lone Star Drive and allows the same uses as Tract 1 plus some additional uses that are more commercial & service oriented. The primary development in this tract is the Prime Time entertainment facility. The PD allows for free-standing signage; however, only 1 free-standing sign is allowed on Tract 2 and only within the north 250 feet. The request is to allow a 2nd free-standing sign, specifically in front of the Prime Time facility. The proposed sign would be 10 feet by 12 feet with a maximum height of 30 feet tall.

The Future Land Use section of the Comprehensive Plan designates the general area at the intersection of Industrial Boulevard and Loop 322 as a Major Commercial/Business Center. Signage plays an important role in identification to the retail, restaurant, educational and entertainment uses that exist in the area. At the same time, development in the Loop 322 corridor has been held to a higher standard to ensure an attractive corridor through development standards and PD's. The proposed PD achieves a balance between allowing additional signage and the aesthetic standards established in the original PD.

Property owners within 200 feet of the zoning request were notified. Seven (7) 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. Bixby addressed the intent in regards to the architectural quality of the proposed sign. Mr. Bryner explained the proposed sign should be constructed with the similar materials as the buildings.

Mr. McClarty reopened the public hearing.

Mr. Randy Voorhees (applicant) stated that his intent is for a digital pole sign. Mr. McClarty explained that under the PDD it would be required to be constructed with similar materials as to the building. Mr. Voorhees stated that his request is for a digital pole sign.

Mr. Robert Kern (Acme Sign) spoke in favor of this request. He added that in the past there has been a pole sign located in this PDD.

Mr. Glenn moved to approve Z-2012-08. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Yungblut, Famble, Glenn and McClarty) and none (0) opposed.

b. Z-2012-06

Public hearing and possible vote to recommend approval or denial to the City Council on a request from North Abilene G2K Development Partners, LLC to rezone property from HC (Heavy Commercial) and MD (Medium Density) to GR (General Retail) zoning, located at 836 & 844 Ambler Ave., 2218 & 2226 Hardy St., and 2217 Walnut St.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.92 acres and is currently zoned HC (Heavy Commercial) and MD (Medium Density). The property had been primarily developed with residential uses. The adjacent properties have HC & GC zoning to the west, MD zoning to the north, and HC zoning to the east and south across the street. The property was annexed in 1951 and was zoned HC & MD sometime after it was annexed.

The property is zoned HC & MD and has been developed primarily with residential uses. The applicant is proposing to remove the existing structures and develop a larger tract of land for a single use, a Family Dollar store. The MD zoning on the northern properties do not allow for retail uses. The applicant is requesting a zoning that would allow for the retail use and be more appropriate for the Ambler Avenue corridor. The adjacent properties along Ambler have been developed other retail and commercial uses. Residential uses remain on the properties to the north.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Special Activity area that would include a mix of uses. The subject property is also along an Enhancement Corridor for Ambler Avenue. The area currently includes commercial uses, especially along the Ambler frontage. The GR zoning is an appropriate zoning along the Enhancement corridor as it does not allow some of the more intensive heavy commercial uses. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

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

Mr. Bixby questioned the depth of the property to the west. Mr. Bryner stated that this would be consistent with the surrounding properties.

Mr. McClarty opened the public hearing.

Mr. Glen Almond spoke in favor of this request. He stated he has inquired in the past on the process to change zoning on this area and now understands that process.

Mr. McClarty closed the public hearing.

Mr. Bixby questioned the number of owners related to this property. Mr. Bryner stated the information that was provided states the applicant, G2K Development Partners, was the owner. Mrs. Messer questioned if the applicant was present. Mr. Bryner stated that he was not.

Mr. Glenn moved to approve Z-2012-06. Mr. Todd seconded the motion and the motion carried by a vote of four (4) in favor (Yungblut, Glenn, Todd and Famble) and two (2) opposed (Bixby and McClarty).

c. Z-2012-07

Public hearing and possible vote to recommend approval or denial to the City Council on a request from VFW, agent Deborah Nevarez, to rezone property from MF (Multi Family) to PD-138 (Planned Development) zoning, located at 825 & 933 Veterans Dr. and 6249 Pueblo Dr.

Mr. Bryner presented the staff report for this case. The subject property is approximately 12.91 acres and is currently zoned MF (Multi Family Residential). The property is mostly vacant with a pavilion in the center of the property. The adjacent properties have PD zoning to the west across Arnold Blvd, MH & RS-6 zoning to the south, MH & GC zoning to the north, and RS-6 & MH zoning to the east. The property was annexed in 1959 and was zoned MF after it was annexed.

The property is zoned MF and is vacant except for a pavilion in the center of the property. The property is owned by the VFW which is located to the south. The request is to allow for an RV park that would permit members of the VFW to stay on the property for extended periods of time. Currently, the VFW has RV spaces on the north side of their facility. Additionally, the request is proposing to allow for storage units to be developed in the future in the northern part of the property. Properties to the north along Arnold Blvd have GC zoning, which allows for storage units.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Local Community Center. The property is across from Dyess AFB and near the park at Military Drive. The VFW also provides services to the local area. Arnold Boulevard is a major thoroughfare providing access to Dyess AFB from both the north and south. By complying with the requirements of this PD, the request would not have a negative impact on the surrounding properties and would be compatible with the existing 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.

Mrs. Deborah Nevarez (applicant) spoke in favor of this request. Mrs. Nevarez described the intent for this request is to allow veterans that are not able to lease property in Dyess to stay at the location on a monthly basis. She added that the only tenants allowed are members of the VFW or their families. Mrs. Nevarez stated that at the end of each month the tenants are required to sign a new contract for the following month.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2012-07 with the option that as long as VFW owns the current property and uses it for their operation. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Todd, Bixby, Famble and McClarty) and none (0) opposed.

d. Z-2012-09

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Development Associates for Musgrave Children's Trust, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MF (Multi Family) zoning, located on the south side of Hwy 351 at Union Ln.

Mr. Bryner presented the staff report for this case. The subject property is approximately 6.2 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have GR (General Retail) zoning across the street to the north and AO zoning to the east, west and south. The property was annexed in 1980 & 1982 and was zoned AO as part of the annexation.

The property is zoned AO and is currently undeveloped. The applicant is proposing to develop the property with a low-income apartment complex. The adjacent properties across Hwy 351 have been developed with a mix of apartments and single-family residential uses. The area adjacent to Hwy 351 is zoned GR and is planned to be developed with retail uses.

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential. The intersection of Hwy 351 with I-20 is identified as a Major Commercial/Business Center. The City has recently adopted the Highway 351 Development Plan to help define the goals of the corridor. One of the goals of the plan includes: "Encourage the development of mixed income diverse housing including market rate and affordable housing." The request would not have a negative impact on the surrounding properties and would be compatible with the City's plans for this area.

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.

Mr. Tal Fillingham (agent for Abilene Development Assoc.) spoke in favor of this request. Mr. Fillingham stated the intent of this request is to build an apartment complex and is requesting the approval from the commissioners.

Mr. McClarty closed the public hearing.

Mr. Famble moved to approve Z-2012-09. Mrs. Yungblut seconded the motion and the motion carried by a vote of five (5) in favor (Yungblut, Glenn, Todd, Famble and McClarty) and none (0) opposed. (Mr. Bixby requested to abstain from this request).

Item Six: Thoroughfare Closure

TC-2012-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from North Abilene G2K Development Partners, LLC to abandon the east to west alley right-of-way and a 50' portion of the north to south alley right-of-way between Hardy St. and Walnut St. and between Ambler Ave. and Sandefer St.

An alley currently exists along the east to west right-of-way. Improvements have not been made to the existing north to south right-of-way. There are homes on the adjacent properties to the north but all access and refuse collection is from the streets.

The applicant intends to abandon the subject right-of-way to develop a larger tract of land for a single use, a Family Dollar store. The portion of the alley to be abandoned does not service any residential uses and no longer provides for any refuse collection. There are homes on the adjacent properties to the north but all access and refuse collection is from the streets.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested closure as requested with the following conditions:

1. Where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities or the applicant will be responsible to move all of the utilities;
2. Provide for cul-de-sac turnarounds where the closures will result in a dead-end or provide an alternate connection to the adjacent street network;
3. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff Recommendation: Approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

Mr. McClarty opened the public hearing.

Mr. Glen Almond questioned the process for notifying property owners in the area. Mr. McClarty stated that staff is required to notify property owners within 200 feet of a zoning request and at that time the property owners have the opportunity to voice any concerns.

Mr. McClarty closed the public hearing.

Mr. Bixby expressed concerns with the accuracy of notifying all the property owners involved.

Mr. Famble moved to approve TC-2012-01. Mr. Todd seconded the motion and the motion carried by a vote of four (4) in favor (Yungblut, Glenn, Todd and Famble) and two (2) opposed (Bixby and McClarty).

Item Seven: Conditional Use Permit:

CUP-2012-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from The Salvation Army, agent Eddie Chase, for a Conditional Use Permit to allow a Social Service Facility on property zoned RS-6 (Single-Family Residential) and MF (Multi Family), located at 1733 Poplar St. and 1342 Westway Dr.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.91 acres and is zoned RS-6 (Single Family Residential) and MF (Multi Family). The surrounding properties have RS-6 zoning to the west, MF zoning to the north, and HC zoning to the south and west. The area was annexed in 1951 and was zoned RS-6 & MF sometime after it was annexed.

Currently the property is zoned RS-6 on the northern part of the property and zoned MF on the southern part. The property has been developed with a gym/chapel on the northern half that has been used by The Salvation Army to provide services to their mission. A house existed on the southern half of the property that was used for office and storage. The building has been removed recently. The surrounding properties to the north and west have been developed primarily with single family residential dwelling units with some multi-family units. This property is 1 block west of Butternut Street which is a major commercial roadway zoned HC.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant plans to develop the southern part of the property with a storage/garage building to store a large service vehicle and supplies. Based on the information provided, staff believes a Conditional Use Permit at this location will be compatible with the surrounding uses as long as the proposed conditions are approved.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested with the following conditions:

1. The site must meet required landscaping standards, regardless of whether triggered by a site plan;
2. No new driveway shall be permitted on Poplar;
3. Any proposed fencing/walls shall meet standards for residential fencing.

Property owners within 200 feet of the zoning request were notified. Six (6) comment forms were received in favor and one (1) in opposition of the request. Planning staff recommends approval of the request.

Mr. Todd questioned the landscaping requirements. Mr. Bryner stated the existing facility would not have to implement the landscaping requirements, only the new development would be affected. Mrs. Yungblut questioned the sidewalk requirements for this development. Mr. Bryner stated the existing facility was developed prior to the sidewalk ordinance. He added that the applicant would have to re-plat the property and this would trigger the sidewalk requirement. Mr. James stated that Westway is on the Safe Routes to Schools plan and is more critical than Poplar, although staff would prefer sidewalks to be constructed on both. Mr. Glenn questioned the requirement for fencing. Mr. Bryner stated there is not a requirement for fencing in this development.

Mr. McClarty opened the public hearing.

Mr. Eddie Chase (agent for the applicant) Mr. Chase discussed the storage facility for this development. He added the facility will take the place of the trailers currently used for storage and would also house the relief van. Mr. Chase addressed the sidewalks intended for Westway but did not intend to put sidewalks along Poplar street. Mr. Chase stated they want to continue with the current landscaping at this development.

Mr. Dudley Kidwell (Property chair of the Salvation Army) discussed the proposed storage facility. He explained the importance of this facility for the storage of their relief van and materials for the Salvation Army. Mr. Kidwell stated they need to keep expenses down due to the fact they are a non-profit organization, in regards to implementing sidewalks along Poplar street.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve CUP-2012-01 as written. Mrs. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Todd, Famble, Bixby and McClarty) and none (0) opposed.

Item Eight: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code related to the Sign Regulations.

Mr. Famble moved to remove from the table the ordinance amending the Land Development code related to the Sign Regulations. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Todd, Yungblut, Famble, Glenn and McClarty) and none (0) opposed.

Mr. McClarty expressed concerns with the decisions that are being made regarding the proposed sign ordinance. He stated the original Comprehensive Plan conducted years ago addressed the sign ordinance along with other issues. Mr. McClarty added that in that original plan the sign ordinance was put on hold and is now being reviewed some six years later. He believes that the information in that ordinance is now outdated and he believes should be returned to a committee for review.

After discussion among the Commissioners and Staff, the majority of the Commissioners stated they believe the Sign Ordinance should be tabled and returned to a Sign Committee for review. Mrs. Messer stated that since the public hearing was advertised the public needs to be able to speak to this matter.

Mr. McClarty opened the public hearing.

Mr. Cecil Fain spoke in opposition of sending this sign ordinance back to a committee for review. He questioned the original committee involved in the sign ordinance. Mr. Fain expressed concern with the time spent so far on this ordinance to return it back to a committee. He questioned the voting methods used originally to pass this ordinance onto the City Council. Mr. James stated that the Sign Committee was not a voting committee, but that they presented a recommendation to the Commission. Prior to those general recommendations being put into an ordinance, the sign ordinance was put on hold in order to proceed with other tasks, including the Land Development Code adoption process. Mr. McClarty discussed the process involved in the original reviewing of the sign ordinance with the sign committee. Mr. Fain addressed the enforcement of the current sign ordinance. Mr. James detailed the enforcement of the sign ordinance.

Mr. Brent Bell asked clarification in sending this proposed sign ordinance back to a sign committee. Mr. McClarty stated that a lot of work was put into the proposed sign ordinance over six years ago, and when it was readdressed currently, issues arose that need to be re-evaluated. He added, this is the reasoning for having the sign ordinance committee review it and return it to the Planning and Zoning Commission. Mr. Bell asked if there is a legal requirement to change the current ordinance. Mrs. Messer stated that there is no legal requirement to change the current ordinance but the sign ordinance is outdated and that is the reasoning for this review of the proposed sign ordinance.

Mr. Marvin Norwood (Flag World) spoke in opposition of returning this proposed sign ordinance back to a committee. He addressed the work that has gone into reviewing this ordinance and would not like to see that information lost.

Mr. Glenn expressed his concerns with sending this proposed sign ordinance back to a committee. He stated he would like to finish with what has been reviewed so far and send it on to the City Council for their approval.

Mr. Steve Savage expressed his concerns with the time spent reviewing this ordinance for it to be tabled and returned to a sign committee to re-evaluate. He addressed the enforcement issue of the current ordinance.

Mr. Robert Kern (Acme Sign) asked clarification of this ordinance returning to a sign committee. He added that his understanding was the commissioners were to review the proposed ordinance and send their recommendations on to the City Council for approval or denial. Mr. Bixby and Mr. McClarty described their concerns with the decision that have been made regarding portable signs, and other sign proposal recommendations. Mr. McClarty stated that when the proposed sign ordinance was to be reviewed by the commissioners it should have been fine-tuned and ready for the commissioners to review and able to forward their recommendations on to City Council. He added that the Planning and Zoning Commissioners are not to re-write what a committee has sent to them for approval.

Mr. Randy Voorhees questioned that if this ordinance does go back to a sign committee, that those individuals that serve on the committee would be able to represent themselves when it does return to the Planning and Zoning Commission for review. Mr. McClarty stated that the committee is made up of a variety of people including realtors, sign companies and small business owners. He added that anyone can attend these meetings. Mr. Voorhees questioned the attendance of the committee members to these proceedings. Mr. McClarty stated that the commissioners make recommendations to the City Council and do not attend the Council meetings. Mr. Famble stated that Mr. James reports back to the commissioners with the Council decisions at the following meeting.

Mr. Jim Holzberlien (Garbo's Locksmith) agreed with sending the sign ordinance back to a new sign ordinance committee for re-evaluation.

Mr. Bruce Krietler (Broken Willow Tree Service) stated that he believes that if this is to go back to a committee for review then he suggested that the committee be volunteers and appointed individuals.

Mr. Glenn addressed the work that has been through this commission and expressed his concerns with sending this back to a committee when the work is so close to being completed.

Mrs. Connie Robinette expressed her concerns with sending this ordinance back to a committee after the decisions that have been made so far.

Mr. McClarty closed the public hearing.

After discussion among the commissioners and staff,

Mr. McClarty moved to table the ordinance amending the Land Development code related to the Sign Regulations and send to committee for review. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Yungblut, Todd, Famble, Bixby and McClarty) and one (1) opposed (Gary Glenn).

Item Eight: Director's Report:

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

Item Nine: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 3:45 P.M.

| |
|---------------------------|
| Approved: _____, Chairman |
|---------------------------|