
PLANNING & ZONING COMMISSION
May 7th, 2012
Minutes

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

Members Absent: Gary Glenn
Clint Rosenbaum

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

Others Present: Don Whitehead
Tony Conder
Ty Holcomb
James Karnes
Safreno Rodriguez
Martin Caddell
Dave Boyll
Don Strickland
Chris Biggers
Debbie Rowland
Leonard Carrion
Amber Taylor
Diane Carrion
Tina Martinez

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. Bixby moved to approve the minutes of the April 2nd, 2012 meeting. Mr. Famble seconded the motion and the motion carried unanimously.

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

Item Four: Plats

Mr. Zack Rainbow presented the staff report for these cases.

PP-0612

A public hearing to consider a Preliminary Plat, of Scenic Point, Section 3, City of Abilene, Taylor County, Texas.

FP-0712

A public hearing to consider a plat Final Plat, Lot 3, Block A, Section 2, Scenic Point Addition, being 0.917 acres situated in the J.M. Beck Survey, Abstract NO. 42, in the City of Abilene, Taylor County, Texas.

FRP-0812

A public hearing to consider a plat of Lot 101, Block 2, Howell Subdivision, being a Replat of Lots 1-10 and Lot 17, Block 2, Howell Subdivision and Abandoned Alley, City of Abilene, Taylor County, Texas.

MRP-1212

A public hearing to consider a plat of Lot 101, Block A, Being a replat of the west part of Lot 1, Block A, Davis Addition, to the City of Abilene, Taylor County, Texas.

MRP-1312

A public hearing to consider a plat of Lot 101, Block A, Being a replat of the west part of Lot 1, Block A, Atlas Industrial Addition, Continuation 2, and also being a replat of the east part of Lot 1, Block A, Davis Addition, to the City of Abilene, Taylor County, Texas.

FP-1412

A public hearing to consider a plat of Section 5, Lone Star Ranch, City of Abilene, Taylor County, Texas.

MRP-2012

A public hearing to consider a plat of Lot 1, Block A, Sandra McCright Addition, City of Abilene, Taylor County, Texas.

Mr. Rainbow stated that the applicant for FP-1412 requests to table this plat.

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

Mr. Famble moved to table FP-1412. Mr. Bixby seconded the motion and the motion carried by a vote of three (3) in favor (Famble, Bixby and McClarty) and none (0) opposed. (Mrs. Yungblut and Mr. Todd asked to abstain for FP-1412.)

Mr. Famble moved to approve PP-0612, FP-0712, FRP-0812, MRP-1212, MRP-1312 and MRP-2012. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Famble, Bixby, Yungblut, Todd and McClarty) and none (0) opposed.

Item Five: Zoning

a. Z-2012-11

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Village Investment Partners, LP, Agent Dunaway Associates, LP, to amend PD-33 concerning allowable building height, located at 5550 S. Clack St. and 2225 Covenant Dr.

Mr. Ben Bryner presented the staff report for this case. The property within the PD boundary is approximately 27.03 acres and is currently zoned PD-33 (Planned Development). The west half of the property is developed with a retirement community. The east half of the property is currently undeveloped. The adjacent properties have RS-12 (Single-Family Residential) zoning to the west, PD (Planned Development) zoning to the north and south, and a small portion of GC (General Commercial) to the south as well. Highway 83/84 bounds the property to the east. The property was annexed in 1978. It was rezoned to PD-33 in 1985.

The property is zoned PD-33. The west half of the PD area is developed with a retirement community. The east half of the property is currently undeveloped. The applicant is proposing to develop the property with a Sam's Club store. The PD allows for GC uses in the area within 400 feet Highway 83/84. The remaining area to the west allows for HC uses. However, a regulation was included restricting the maximum height of all structures to twenty-five (25) feet. The proposed Sam's Club will be approximately 40 feet in height. The applicant is proposing to amend the PD to allow for a maximum height of forty-five (45) feet. No other changes are proposed to the PD.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial. This area is just to the north of a Special Activity Area that includes Abilene Regional Hospital. There are existing residential subdivisions to the west. The existing retirement community serves as a transition from the allowed commercial uses along the highway to those residential uses to the west. 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. Ten (10) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request.

Mr. Bixby questioned that if the height increase would apply to the retirement village. Mr. Bryner stated that there is no immediate need to have the retirement village included in this amendment. Mr. Famble questioned the distance between the two facilities. Mr. Bryner stated there is approximately 520 feet distance between the two facilities. Mr. Todd questioned the ownership of the retirement village. Mr. Bryner stated the retirement village is not owned by this company in this request. Mr. Todd questioned that since this PDD involves the retirement village, can the amendment just include the proposed site. Mr. James stated that it could be limited to the new development.

Mr. McClarty opened the public hearing.

Mr. Chris Biggers (Dunaway Associates, agent for the applicant) spoke in favor of this request. Mr. Bixby questioned the reasoning for the height request. Mr. Biggers stated that the applicant has no objection to the height request in regards to the adjacent property. He added the applicant is only interested the height requirements for the proposed new development.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2012-11 with the 45ft height restrictions for the eastern portion of the property and the remaining tract to remain at the 25ft restrictions. Mrs. Yungblut seconded the motion and the motion carried by a vote of five (5) in favor (Yungblut, Famble, Todd, Bixby and McClarty) and none (0) opposed.

b. Z-2012-12

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Bone & Joint Clinic, LLP, to rezone property from MD (Medium Density) to GR (General Retail) zoning, located at 1549, 1557, 1601, 1609, 1617, & 1633 Cottonwood St.

Mr. Bryner presented the staff report for this case. The subject property is approximately 5.91 acres and is currently zoned MD (Medium Density). The majority of the property is currently undeveloped. A house currently exists on the northern lot of the proposed area. The adjacent properties have MD zoning to the north and south, HC (Heavy Commercial) zoning to the west across Cottonwood St, and LI (Light Industrial) to the east. The property was annexed in 1911. The property was zoned LI sometime after. It was rezoned to RM-3 in 2008. The zoning was re-designated to MD with adoption of the LDC in 2010.

The property is zoned MD. The property was rezoned in 2008 to develop a series of duplexes on the property. That development did not happen and the property is currently undeveloped with the exception of a house on the northern lot of the proposed area. The surrounding area is developed with industrial and heavy commercial uses both across Cottonwood St on the properties along N. Treadaway Blvd to the west and the properties to the east across the railroad right-of-way. The applicant is proposing to develop the property with a medical office as well as a physical fitness & training facility. The applicant is requesting the GR (General Retail) zoning to allow for the proposed uses.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. This area is just to the east of the N. Treadaway Boulevard commercial corridor and is bounded by a railroad right-of-way on the east. The residential uses in this area were originally zoned for industrial uses. While there are existing residential uses in this area, staff believes the proximity to N. Treadaway Blvd and the railroad would lend itself for commercial development throughout this area. However, this assumes that the larger area will continue to transition to non-residential uses. If this area is instead to be protected as a residential neighborhood from commercial encroachment, this request should be denied.

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

Mrs. Yungblut questioned the property ownership of the opposition. Mr. Bryner stated the property is occupied but not by the owner. Mr. Bixby questioned if this project is immanent or speculative. Mr. Bryner stated that it is an immanent project and the applicant is planning on moving forward with the development.

Mr. McClarty opened the public hearing.

Mr. Safreno Rodriquez (1541 Cottonwood) spoke in opposition of this request. Mr. Rodriquez presented the board with two additional oppositions for this request. (Diane Carrion and Leonard Carrion) Mr. McClarty questioned his opposition to this request. Mr. Rodriquez stated he is purchasing the property adjacent to this request. He added that there are certain times of the year when they would have livestock on their property and their concern is the increase of traffic that would result from this development.

Mr. McClarty closed the public hearing.

Mr. Bryner discussed the various zonings that lead to this request. He added that the landscaping requirements would be put into effect for this request.

Mr. Famble moved to approve Z-2012-12. Mrs. Yungblut seconded the motion and the motion carried by a vote of five (5) in favor (Yungblut, Famble, Todd, Bixby and McClarty) and none (0) opposed.

Item Six: Conditional Use Permit:

- a. CUP-2012-02
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Robert Krieger, Agent C-Tex Heating, Cooling, & Electrical, for a Conditional Use Permit to allow a Rehabilitation Facility on property zoned GC (General Commercial), located at 1133 S. 27th St.

Mr. Bryner presented the staff report for this case. The subject property is approximately 1.16 acres and is zoned GC (General Commercial). The surrounding properties have GC zoning to the west, LI (Light Industrial) zoning to the south, HI (Heavy Industrial) to the north, and AO (Agricultural Open Space) zoning to the east. The area was annexed in 1959 and was zoned GC sometime after it was annexed.

Currently the property is zoned GC and has been developed with a rehabilitation center, the Substance Abuse Center of CSCD of Taylor, Callahan, & Coleman Counties. Prior to approval of the Land Development Code (LDC), the use was permitted in the GC zoning district. The use now requires a conditional use permit (CUP) in the GC zoning district. The facility has been expanded in the past. The request for a CUP is to bring the site into conformance and allow for expansion of the facility again.

The property to the north has been developed as a jail. The properties to the west and south are developed with commercial and industrial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and identifies S. 27th Street as an enhancement corridor. The applicant plans to add a building to the site to increase the scope of the services provided. Based on the information provided, staff believes a CUP 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 zero (0) in opposition of the request. Planning staff recommends approval of the request.

Mr. McClarty opened the public hearing.

Mr. Don Strickland (agent for C-TEX) spoke in favor of this request.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve CUP-2012-02. Mr. Todd seconded the motion and the motion carried by a vote of five (5) in favor (Yungblut, Famble, Todd, Bixby and McClarty) and none (0) opposed.

Item Seven: Directors Report :

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

Mr. James stated that all recommendations to the City Council have been approved.

Mr. McClarty questioned the progress toward the Sign Ordinance Committee. Mr. James stated that staff is awaiting direction from the City Council.

Item Eight: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 2:15 P.M.

Approved: _____, Chairman