
PLANNING & ZONING COMMISSION
July 1st, 2013
Minutes

Members Present: Clint Rosenbaum
 Gary Glenn
 Fred Famble
 Bruce Bixby
 David Todd

Members Absent: Pam Yungblut
 Tim McClarty

Staff Present: Jon James, Director of Planning and Development Services
 Dan Santee, City Attorney
 Ben Bryner, Planning Services Manager
 Zack Rainbow, Planner II
 Stephanie Goodrich, Planner I Historic Preservation Officer
 Donna Boarts, Secretary II (recording)

Others Present: Sam Underwood Phillip Jergins
 Joe Underwood Megan Santee
 Monte Randall Pamela Legate
 Al Hauler Chris Kinaman
 Carmen Price
 Josh Ensor
 Rhonda Holden

Item One: Call to Order

Mr. Fred Famble called the meeting to order at 1:40 p.m. and declared a quorum present.

Item Two: Invocation

Mr. Famble gave the Invocation.

Item Three: Approval of Minutes:

No minutes to approve at this time.

Item Four: Plats:

Mr. Bryner presented the staff report for these cases.

FP-2513

A public hearing to consider a plat of Section 6, Lone Star Ranch, Abilene, Taylor County, Texas.

FP-3713

A public hearing to consider a plat of Tuscany Office Park, 4.590 Acres out of the Southeast Quarter of Section 62, Blind Asylum Lands, Abstract No. 679, City of Abilene, Taylor County, Texas.

PP-4713

A public hearing to consider a Preliminary Plat of Creekside Addition, To The City of Abilene, Taylor County, Texas.

PP-5613

A public hearing to consider a Preliminary Plat of Oldham Oaks Addition, Being 33.031 Acres out of the SW/4 Section 51, B.A.L. Abstract NO. A-636, City of Abilene, Taylor County, Texas

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

Mr. Rosenbaum moved to approve FP-2513, FP-3713, PP-4713, and PP-5613. Mr. Glenn seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, Todd (abstained on FP-2513) Famble, Rosenbaum, and Bixby (abstained on FP-3713) and none (0) opposed

Item Five: Zoning:

a. **Z-2013-16**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from RUA Properties, agent Sam Underwood, to rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to MF (Multiple-Family Residential), located at 2668 Garfield Ave and approximately 12.04 acres north.

TABLED from June 3, 2013.

Mr. Bixby motioned to remove item Z-2013-16 from the table. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, Todd, Famble, Rosenbaum, and Bixby and none (0) opposed.

Mr. Bryner discussed the tabled item and presented the staff report for this case.

Currently the property is zoned AO and is undeveloped. The property to the north is zoned PD and undeveloped. Interstate 20 is also located a short distance north of the subject property. The properties to the south are largely developed with single-family homes. The property to the east is developed as a large apartment complex. The owner is asking for the MF zoning to develop the land as a nursing facility. The Future Land Use section of the Comprehensive Plan designates

this general area as 'low density residential'. The applicant is requesting the zone change to allow for development of a nursing facility. The area to the south consists of single-family homes. The primary access for this property currently is through the neighborhood on Campus Court. There is a large apartment complex adjacent to the east, but access is from N. Judge Ely Blvd and the I-20 frontage road. The requested zoning would be compatible with the adjacent apartment use but could negatively impact the adjacent single-family residential uses to the south.

Property owners within the 200 feet of the zoning request were notified. We received a petition as well which includes more than is identified here. Neighbors that have signed this petition opposing the request to the multi-family zoning. One (1) in favor and Sixteen (16) in opposition.

Mr. Bryner believes a collector road should be 70ft of right away and 40ft of pavement

Staff is recommending approval on the twelve (12) acre multi-family piece but not on the 2668 Garfield Ave. Are open to a planned development zoning to try and accommodate for the proposed use for the site.

Mr. Bixby asked what the proposed site use will be for. Mr. Bryner states it will be used as a nursing facility.

Mr. Bixby is concerned about the medical needs and traffic that it may cause.

Mr. Bryner states he is not sure what level of care will be involved at this facility.

Chairman Famble opened the public hearing.

Mrs. Carmen Price (homeowner) spoke in opposition of the zoning. States that all signatures on the petition are home owners in this Hillcrest addition, main concerns are safety, property value and traffic. Concerned about the wear on the roads.

Mrs. Kinaman (homeowner) spoke in opposition of the zoning. Questions put in a busy street into a residential neighborhood. Safety is an issue if traffic is allowed through.

Mr. Joe Underwood (builder) spoke in favor of the zoning. Agrees that the traffic will be increased but feels medical traffic speed would not be a factor. His interests are to take the property that needs to be developed and to possibly benefit the community.

Mr. Todd asked about the staff's recommendation having one entrance off of Campus Court and one off Garfield.

Mr. Joe Underwood (builder) Limited money has been allocated for building this nursing home.

Mr. Todd questioned Mr. Underwood, based on the Land Development Code that you will be required to build that road if you re-plat that property. Mr. Underwood explains the plans were to re-plat and take the retention pond off to be separate and hold off on Campus Court property for some time.

Mr. Jergins (homeowner) spoke in opposition of the zoning due to traffic and parking being an issue due to the colleges nearby. Looking instead of making improvements on Campus Court/Garfield, negotiating a better access road in.

Chairman Famble closed the public hearing.

Mr. Todd asks for clarity on the PDD (Planned Development District)

Chairman Famble asked if the RS-6 zoning on this property is limited to Institutional usage or other restricted usage.

Mr. Bryner explains it will apply the RS-6 zoning to all the property but will also include the dwelling institutional usage which will allow for the nursing home facilities and prevent multi-family within the PD boundary.

Mr. Todd has concerns about other building uses.

Mr. Bryner states that an amendment to the PDD (Planned Development District) would need to be made for different zoning.

Mr. Bixby made a motion for Denial Z-2013-16. Mr. Rosenbaum seconded the motion and by a vote of two opposed (2) (Mr. Glenn, Mr. Todd) and a vote of three (3) in favor (Bixby, Rosenbaum, Famble).

Motion Failed

Mr. Jon James explained in order for motion to be granted there must be a motion of four (4) votes.

Mr. Bixby made a motion for Approval. Mr. Rosenbaum seconded the motion and a vote of two (2) Mr. Glenn, Mr. Todd and a vote of three (3) in opposition, Bixby, Rosenbaum, Famble.

Motion failed

Mr. Jon James states if no other motions made item will be denied. If appealed goes to council as a denial.

Chairman Famble opened the public hearing

Mr. Underwood states if Campus Court does not go through will cut down on the amount of traffic. Explains that the property is landlocked from I-20 behind the property line with no access.

Chairman Famble closed the public hearing.

Mr. Todd made a motion to approve the PDD (Planned Development District). Mr. Glenn seconded the motion with a vote of two (2) in favor (Glenn, Todd) and three (3) opposed (Bixby, Rosenbaum, Famble).

Motion Failed.

Mr. Jon James states they could table this item for a later date if Campus Court comes up for re-zoning. Or deny, and it can then go to City Council if appealed. If denied, there would be a one (1) year wait to reapply on original request for multi-family. For a PDD (Planned Development District) they can re-apply immediately.

Item Six: Zoning:

b. Z-2013-18

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Aaron Waldrop, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, located at 601 Swift Water Dr.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 23 acres and is currently zoned AO (Agricultural Open Space). The subject property is currently vacant. The adjacent properties to the east are zoned RS-6 and is developed as the Dakota Springs subdivision. The property to the north is developed as the Lone Star Ranch subdivision. The properties to the west and south are zoned AO and developed with a gas utility company and other AO uses. The owner plans to develop the property as the next phase of the Dakota Springs subdivision.

Currently the property is zoned AO (Agricultural Open Space) and is undeveloped. The adjacent properties to the east are zoned RS-6 and is developed as the Dakota Springs subdivision. The owner plans to develop the property as the next phase of the Dakota Springs subdivision. Staff recommends approval.

Property owners within a 200-foot radius were notified of the request. Three (3) comment forms were received in favor and Zero (0) in opposition. Staff recommends approval.

Chairman Famble opened public hearing.

Mr. Fillingham (agent) spoke in favor of the final phase of the Dakota Springs Subdivision believes the RS-6 zoning an appropriate zoning for this location.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2013-18. Mr. Rosenbaum seconded the motion and the motion carried by a vote of (5) in favor (Glenn, Bixby, Rosenbaum, Todd, Famble) and none (0) opposed.

Item Seven: Zoning:

c. Z-2013-19

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Josh Ensor, agent Caleb Ensor, to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, being approximately 15.13 acres located on the south side of Waldrop Dr. east of 1849 Waldrop Dr.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 15.13 acres and is currently zoned AO (Agricultural Open Space). The subject property is currently vacant. The adjacent properties to the east are a mix of zonings to include AO, O (Office), & GR (General Retail) and are either developed as single-family homes or are vacant. The property to the west is developed as large estate property. The properties to north are zoned AO and undeveloped. The subdivision is developed to the south. The owner plans to develop the property as a small subdivision with large lots.

Currently the property is zoned AO and is undeveloped. The adjacent properties to the east are a mix of zonings to include AO, O (Office), & GR (General Retail) and are either developed as single-family homes or are vacant. The property to the west is developed as large estate property. The properties to north are zoned AO and undeveloped. The subdivision is developed to the south. The owner plans to develop the property as a small subdivision with large lots. The RR-1 zoning requires a minimum lot size of 1-acre per lot.

Property owners within a 200-foot radius were notified of the request. One (1) Comment Forms were received in favor and One (1) in opposition of the request. Staff recommends approval.

Chairman Famble opened the public hearing.

Chairman Famble closed the public hearing.

Mr. Todd made a motion to approve Z-2013-19. Mr. Glenn seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, Todd, Bixby, Rosenbaum, Famble) and none (0) opposed.

Item Eight: Zoning:

d. Z-2013-20

Public hearing and possible vote to recommend approval or denial to the City Council on a request from CAF Realty, LLC, agent Cecil Fain, to rezone property from HI (Heavy Industrial) to GC (General Commercial), on all except the west 140 feet of the parcel located at 2318 Butternut.

Mr. Bryner presented the staff report for this case. The subject parcel totals approximately 0.74 acres and is currently zoned HI (Heavy Industrial). The subject property is currently developed with 2 separate buildings. The properties along Butternut St and S. Treadaway Blvd are zoned HI. There is a mix of industrial uses in the area. The adjacent properties to the northwest are zoned RS-6 (Single-Family Residential) and developed as single-family homes.

Currently the property is zoned HI and is developed with 2 separate buildings. The properties along Butternut St and S. Treadaway Blvd are zoned HI and there is a mix of industrial uses in the area. The owner is requesting a change of zoning to GC (General Commercial) to allow for a 'personal service' use in the smaller building in front. The requested zoning would only be in the front part of the lot to allow for use of the smaller building as a salon.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial. The applicant is requesting the zone change on the front of the property only to allow for development of a salon in the front building. The requested zoning would be compatible with the adjacent industrial/commercial uses as well as the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. One (1) comment form was received in favor and Zero (0) in opposition of the request. Staff recommends approval.

Chairman Famble opened the public hearing.

Pamela Legate (applicant) spoke in favor of this request. Mrs. Legate explains that it will be a small nail salon, husband rents property behind purposed building.

Chairman Famble closed public hearing.

Mr. Glenn made a motion to approve Z-2013-20. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, Todd, Bixby, Rosenbaum, Famble) and none (0) opposed.

Item Nine: Directors Report:

Mr. James stated that the recent council actions noted that the council approved everything as recommended, with one exception the PDD (Planned Development District) at Lake Fort Phantom they approved with one condition, directing staff if the forth coming Lake Fort Phantom Overlay District is less restrictive, we would bring back the PDD for re-consideration based on what comes into the Overlay District. Staff would initiate the application.

Mr. Jon James explains sidewalks are still being researched based on feedback from last meeting regarding changes to the sidewalk ordinances. Will bring back at a future meeting. No update on signs, expecting to move forward soon.

Item Ten: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 2:43P.M.

Approved: _____, Chairman