
PLANNING & ZONING COMMISSION
August 5th, 2013
Minutes

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

Members Absent: Bruce Bixby

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: Mike O’Neal Derrell and Bessie Sloan
 Phillip Jergins Don and Rosemary Powell
 Charles Richardson Dick Spiegel
 Mandy McBain Aaron Wesson
 Al Miller Bonnie Boren-Schneider
 Duane Martin Brannon Barnes
 Corey Ruff Mark and Kris Kinnaman
 Robert Hale Dorothy Varner
 Scott Senter Jack Easterling
 Alan Hafsteler Michelle Allen
 Jason Williams Andrew Harmon
 Robert Burkhart Lisa Mitle
 Robert Warner Floyd and Trinie Thornburg
 Linda Swedlund Chad Carter
 Kyle and Camille Dickson Lance Johnson
 B.J Prichard Blair Haynie
 Richard Burdine Meagan Santee

Item One: Call to Order

Mr. Fred Famble 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. Rosenbaum moved to approve the minutes of the July 1st, 2013 meeting. Mr. McClarty seconded the motion and the motion was carried unanimously.

Item Four: Plats:

Mr. Bryner presented the staff report for these cases.

FP-4913

A public hearing to consider a plat of Lot 1, Block A, Frazier Addition, Out of the L. Bowerman Survey #83, Abilene, Taylor County Texas.

MRP-5213

A public hearing to consider a plat of Lot 101 and Lot 102, Block 79, Original Town of Abilene, A Replat of Lots 1, 2 and 3, The East 10' of an Abandoned Alley along the West Line of Said Lots 1, 2 and 3, and the North 70' of Lots 4, 5 and 6, Block 75, Original Town of Abilene, Taylor County, Texas.

FRP-5712

A public hearing to consider a plat of Bonham Elementary School Addition, Abilene, Taylor County, Texas.

MRP-5913

A public hearing to consider a plat of Lot 101, Block 1, Stinchcomb Addition, Abilene, Taylor County, Texas.

FP-6212

A public hearing to consider a plat of Southlake Estates, Section 1, to the City of Abilene, Taylor County, Texas.

MRP-6513

A public hearing to consider a plat of Lot 1, Block A, Julian Serrano Addition, a Replat of Part of Block 26, North Park Addition, City of Abilene, Taylor County, Texas.

MRP-6613

A public hearing to consider a plat of Lot 101. T.S. Rollins Subdivision, Replat of Lots 1, 2, 3, 4, 5 and the West 10' of Lot 6, TS Rollins Subdivision of 140' X 348' out of the North Portion of Out lot 3, Block 3, Fair Park Acres Addition, City of Abilene, Taylor County, Texas.

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

Mr. McClarty moved to approve FP-4913, MRP-5213, FRP-5712, MRP-5913, FP-6212, MRP-6513 and MRP-6613. Mr. Glenn seconded the motion and the motion carried by a vote of four (4) in favor (Mr. Glenn, Mr. McClarty, Mr. Rosenbaum, Mr. Famble) none (0) opposed. (Ms. Yungblut arrived late for motion) (Mr. Todd abstained from FRP-5712 and MRP-5913.

Chairman Famble asked the audience by the show of hands how many are in attendance for the Master Thoroughfare Plan Amendment hearing regarding Campus Court/Ambler Ave.

Due to a large number in attendance, Chairman Famble has moved up item #7 to be heard first.

Item Seven: Master Thoroughfare Plan Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Master Thoroughfare Plan regarding Campus Court, between Ambler Avenue and Interstate 20.

The City of Abilene received a request to rezone property to allow for a nursing home at the north end of Campus Court. As part of the discussion, staff was directed to bring an amendment to the Master Thoroughfare Plan to discuss the need for the connection of Campus Court to I-20. The designation of Campus Court as a 'collector' road makes the connection necessary.

The proposed amendment would change the designation of the roadway from a 'collector' street to a 'local' street. The change of designation would then eliminate the requirement that the right-of-way connect to I-20.

The request was reviewed by the Plat Review Committee and was deemed unsatisfactory. Staff has several concerns about the proposed amendment.

- The proposed collector connection is the only collector road between the flood zone area to the west and Judge Ely Blvd to the east. Due to this condition, the status of Campus Court as a 'collector' road is important.

- A collector connection in this location would provide greater connectivity between the university and the interstate. As development to the north continues, this collector street will provide vital connectivity for the neighborhood.

Property owners within a 200-foot radius were notified of the request. Eleven (11) Comment Forms were received in favor and four (4) in opposition of the request.

STAFF RECOMMENDATION: Staff recommends **denial** of the proposed amendment. The roadway connects to an existing expressway and will provide future connectivity from the residential area to I-20 as development occurs.

Mr. Rosenbaum questioned what happens to the right-of-way away. Mr. Bryner stated that if the designation gets changed to a local street that would give an opportunity to request to abandon the existing right-of- away that has already been dedicated. Mr. Rosenbaum asked if it was 60-40 right now for a minor collector.

Mr. Bryner explained that a collector typically has 70' ft. of right away but it's authorized to have a minimum of 60 ft. which is what it has today. As well as 40ft. of pavement this site currently has 36' for pavement. Without designation it can operate as a sub-collector which is not identified on our Master Thoroughfare Plan.

Mr. James stated that the action today would remove the collector designation it would not make the decision that the road would connect up to I-20. That would need to be done through a separate action to remove the collector designation.

Mr. Rosenbaum questioned if this would change the right-of-way. 5ft on either side. Mr. James explained that it would not eliminate any existing right-of- way nor would we give back right-of-way either.

Mr. Bryner states it should stay as a collector.

Chairman Famble opened the public hearing.

Ms. Bonnie Boren Schneider (homeowner) spoke in opposition about her property, had moved into this area years ago, is upset due to the changes the developer made to the area. Had a large population of wildlife, wondering why there was not an Environmental Impact Study done before building.

Ms. Lisa Miller (homeowner) spoke in opposition on how important it is to keep this a quiet neighborhood, explained that there are 51 openings (driveways, alley ways and other streets) and 38 homes on Campus Court 22 of them are positioned on a blind curve and could cause traffic issues...

Mr. McClarty stated that due to not being at the last Planning and Zoning meeting that he needed clarity on the Master Thoroughfare Plan.

Mr. Bryner explained to Mr. McClarty the proposed amendment stating that staff is presenting a down grade of Campus Court from a collector road to a minor road, providing an option so the road does not need to connect all the way through.

Ms. Chris Kenniman spoke in opposition, feels that connecting a busy interstate with Campus Court traffic would become an issue, crime would also become a factor as well.

Ms. Camille Dixon spoke in opposition expressing how important it is in keeping this development a quiet community.

Mr. Phillip Jergins spoke in opposition as a 20 year resident that he is not in favor of this amendment due to traffic and other safety issues.

Chairman Famble closed the public hearing.

Mr. McClarty asked if it was changed to a local street and was denied again would this have an impact on the possible nursing home being constructed. Mr. James stated that if the zoning was approved they could still close the local street and build the nursing home. There are no requirements that it would need to be built on a collector street.

Mr. Todd stated that the property just to the north is going to be developed, feels it would be a travesty to connect Campus Court to Interstate I-20.

Mr. Todd made a motion to downgrade Campus Court from Garfield to I-20 from a collector street to a local street. Ms. Youngblut seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, McClarty, Yungblut, Rosenbaum, Todd, Famble) and none (0) opposed.

Item Five: Zoning:

a. CUP-2013-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Acme Commercial Properties, LLC, agent Mike O'Neal, for a Conditional Use Permit to allow a Commercial Antenna Tower on property zoned GC (General Commercial), located at 4074 N. Clack St.

Mr. Ben Bryner presented the staff report for this case. This request is for a Conditional Use Permit to allow an Antenna Tower – Commercial' on property zoned GC. The subject parcel totals approximately 0.95 acres and is currently zoned GC (General Commercial). The property has been developed with a small office building. The adjacent properties have GC

zoning to the north & south and MH (Manufactured/Mobile Home) zoning to the west. Highway 83-277 exists along the east frontage. The property was annexed in 1959 and was zoned GC in 1983.

Currently the property is zoned GC and has been developed with small office building. The property to the south has been developed as self-storage. To the north, there is a convenience store and a bank. The properties to the west are developed with manufactured homes. The request is to allow for an 'Antenna Tower – Commercial' to provide better cell coverage in the area. The tower is needed as the existing nearby towers are either full or are not able to support additional antennas due to existing usage of the towers. The tower will be designed for co-location in the future.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity along the freeway. The applicant proposes to add a new cell tower to the property. The request would be compatible with the surrounding uses.

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

STAFF RECOMMENDATION: Staff recommends approval.

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

Mr. Rosenbaum made a motion to approve CUP-2013-01. Mr. Glenn seconded the motion and the motion carried by a vote of (6) in favor (Yungblut, McClarty, Rosenbaum, Glenn, Todd, Famble) and none (0) opposed.

b. Z-2013-21

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Directors Real Estate Management, LP, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) & GR (General Retail) zoning, being approximately 45.19 acres located at 6602 S. Clack St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned AO and is undeveloped. There are a few barn buildings on the property. The adjacent properties to the north are zoned PD & GC and developed with large offices and a hotel. The property to the west is zoned MD and developed as a retirement community. The property to the south is zoned AO and is undeveloped. Highway 83-84 exists along the east frontage. The developer plans to develop a new single-family subdivision on the majority of the property while also setting aside the eastern edge for retail development.

The Future Land Use section of the Comprehensive Plan designates the general area at the intersection of Antilley Rd and Hwy 83-84 as a Special Activity Center. Special Activity Centers

provide locations for unique attractions or activities serving local, regional & statewide needs. The area is supported by a mix of uses that are connected and of a high quality design. The applicant is requesting the zone change to allow for a single-family residential uses as well as general retail uses measuring approximately 300' in depth along the highway frontage. The requested zoning would be compatible with the adjacent uses to the north as well as the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. (1) Comment form was received in favor and zero (0) in opposition of the request.

STAFF RECOMMENDATION: Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. B.J. Pritchard was available for any questions that anyone might have.

Mr. McClarty asked about the ramp off the highway if there was going to be a problem. Mr. Pritchard stated it should not be a problem will work it out with TxDOT to make sure we have all the appropriate spacing.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to approve CUP-2013-21. Mr. McClarty seconded the motion and the motion carried by a vote of (4) in favor (McClarty, Rosenbaum, Glenn, Famble) and none (0) opposed (Ms. Yungblut, Mr. Todd abstained)

c. Z-2013-22

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Joe Hawkins, agent Aaron Wesson, to rezone property from HI (Heavy Industrial) to GC (General Commercial) zoning, located at 1001 Energy Dr.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 0.61 acres and is currently zoned HI (Heavy Industrial). The subject property is currently developed with a building. The adjacent properties in all directions are zoned HI and are developed with industrial uses. Currently the property is zoned HI and is developed with a building. The adjacent properties in all directions are zoned HI and developed with industrial uses. The owner plans to use the building as a personal fitness use. The property does not appear to have sufficient parking for such a use. Additionally, it would be the only property in the area not zoned HI. The proposed zoning change would restrict the types of uses that are currently expected in this area. The Future Land Use section of the Comprehensive Plan designates this general area for industrial uses. The applicant is requesting the zone change to allow for a personal fitness use in the existing building. The requested zoning would not be compatible with the adjacent industrial 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 four (4) in opposition.

STAFF RECOMMENDATION: Staff is recommending denial.

Mr. McClarty questioned if there was any General Commercial zoning around this piece of property.

Mr. Bryner stated that at this time this is all Heavy Industrial zoning and transitions into Light Industrial.

Mr. McClarty asked if that would be considered as spot zoning. Mr. Bryner explained that spot zoning is if you have a more intense zoning property next to a lesser intense zoning. This property did not carry the same characteristics.

Mr. Bryner states that if the property does get approved it could affect the sale in the future, however could be re-zoned back if needed.

Mr. Rosenbaum asked if there could be a conditional use or a variance.

Mr. Bryner stated that it is a permitted use for General Commercial only.

Chairman Famble opened the public hearing.

Mr. Aaron Wesson spoke in favor of this zoning (agent for Joe Hawkins), would like to purchase the property with the condition of re-zoning it. There is 6,700 sq. ft. worth of un-developed property, will add asphalt for additional parking so there will not encroach on other businesses or on-street parking. Would like to use this building for the use and would zone it back to its original zoning when done.

Chairman Famble closed public hearing.

Mr. McClarty made a motion to approve Z-2013-22. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, Todd, Yungblut, Rosenbaum, Famble) and none (0) opposed.

Mr. Todd indicated to Chairman Famble due to time constraints and zoning issues to move up the following three (3) agenda items ~ Z-2013-23, Z-2013-27 and TC-2013-05. Mr. Todd abstained from these motions.

e. Z-2013-23

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Medical Center, agent Duane Martin, to rezone property from RS-12/COR (Single-Family Residential/Corridor Overlay) & NO/COR (Neighborhood Office/Corridor Overlay) to MU/COR (Medical

Use/Corridor Overlay) zoning, located at 5302 & 5400 Buffalo Gap Rd and 5321 Ridgeline Dr.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 7.31 acres and is currently zoned RS-12/COR (Single-Family Residential/Corridor Overlay) & NO/COR (Neighborhood Office/Corridor Overlay). The subject property is currently developed with 2 homes on the southern portion of the property. The north portion of the property is vacant. These properties are all within the Buffalo Gap Corridor Overlay.

Currently the property is zoned RS-12/COR & NO/COR. There are 2 homes located at 5400 Buffalo Gap Rd and 5321 Ridgeline Dr. The adjacent properties to the west & south are zoned RS-12/COR. Single-family homes exist to the west and a large church is located to the south. The property to the north is zoned PD/COR (Planned Development) and is developed as a small office complex. The properties to the east are zoned GR (General Retail) & PD and allow for a mix of retail and office uses. The developer plans to develop a medical office complex at this site. The requested MU zoning permits medical office, but also allows for a hospital use. Staff recommends considering O (Office) or NO (Neighborhood Office) zoning as an alternative.

The Future Land Use section of the Comprehensive Plan designates the general area as low density residential. Commercial uses currently exist to the north at the intersection of Chimney Rock & Buffalo Gap Rd. The Buffalo Gap Corridor Study recommends concentrating commercial & retail uses at intersections while allowing for office zoning at mid-block locations. The NO zoning was approved at 5400 Buffalo Gap based on the corridor study. The requested zoning to allow for medical offices would be compatible with the adjacent uses to the north as well as the Buffalo Gap Corridor Study.

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 RECOMMENDATION: Staff recommends approval of O (Office) or NO (Neighborhood Office) zoning instead of the MU (Medical Use) zoning.

Chairman Famble opened the public hearing.

Mr. Duane Martin (from Hendrick Medical Center) spoke in favor of the zoning changes. Mr. Martin stated that he would like to remove 5321 Ridgeline Drive from the request. It came with the other parcels, Hendrick has no intention of using that piece of property. Feels a medical use in this neighborhood area would benefit adjacent residents. The property to the north is a PDD (Planned Development District) zoning that is zoned for medical type uses only. Hendrick is looking to build a one story 30-38,000 sq. ft. medical office building, primarily for Physician offices with lab and x-ray capabilities. One story building is planned due to numerous discussions and deed restrictions with other parties involved. Entrance off Buffalo

Gap Road due to the distance requirements. Space exists on property to have two phases to this Medical Center.

Chairman Famble closed the public hearing.

Mr. Glenn questioned staff about medical offices allowed.

Mr. Bryner explained the difference that are not allowed in office zoning. Over-night patient stay and emergency type settings.

Mr. James stated that medical zoning use permits everything in office.

Mr. Famble re-opened the public hearing.

Mr. McClarty questioned Mr. Martin if staff decides on office zoning would this impede the construction.

Mr. Martin states that neighborhood office only would affect the decision due to limiting the hours of operation.

Mr. Scott Senter spoke about the property in question, is owned by his father since 1967. Asked the City for the support in this building matter.

Mr. James reiterated that the staff is supportive of full office zoning not recommending that it needs to be neighborhood office.

Mr. Famble closed the public hearing.

Mr. McClarty made a motion to approve Z-2013-23. Mr. Rosenbaum seconded the motion and the motion carried, approval of the MU zoning for 5302 & 5400 Buffalo Gap Rd only by a vote of four (4) in favor (Glenn, McClarty, Rosenbaum, and Famble) and none(0) opposed. (Mr. Todd & Ms.Yungblut abstained)

i. Z-2013-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Development Corporation of Abilene, agent Richard Burdine, to amend the PD-73 (Planning Development) zoning regarding allowable industrial-related uses, at Five Points Business Park in the vicinity of N. Arnold Blvd.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 200 acres and is currently zoned PD (Planned Development). The subject properties have been developed with large industrial type uses. The adjacent properties have AO (Agricultural Open Space) zoning to the north, HI (Heavy industrial) to the east and west, and HC (Heavy Commercial) zoning to the south.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial as well as a Gateway into the City. The requested PD amendment would allow for repair & maintenance services and power generation within the PD. The existing developments are all large scale industrial buildings. The amendment would permit these uses while still requiring the uses to meet the development standards of the zoning so as not to detract from the overall aesthetic quality of the development within the PD.

Property owners within a 200-foot radius were notified of the request. Ten (10) comment forms were received in favor and Zero (0) in opposition.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment.

Mr. Rosenbaum questioned whether they are putting up wind turbines out there.

Mr. Bryner stated that the limited communication indicates it is along the lines of an electric power source.

Chairman Famble opened the public hearing.

Mr. Burdine (Assistant City Manager for Economic Development) working with a company that wants to put in a power source(AEP), a small generating gas fired plant to be used in case of a brown out to supplement the power through a program throughout the state.

Mr. Famble closed the public hearing.

Mr. McClarty made a motion to approve Z-2013-27. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, McClarty, Rosenbaum, Yungblut and Famble)and none (0) opposed. (Mr. Todd abstained)

Item 6: Thoroughfare Closure:

a. TC-2013-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Raj Bhakta, Agent Enprotec/Hibbs & Todd, Inc., to abandon an unimproved right-of-way for Eastview Drive, projecting east of W. Lake Rd.

Mr. Ben Bryner presented the staff report for this case. The applicant is requesting to abandon the street right-of-way (ROW) to be able to utilize the area for development of a hotel. The street has not been improved on this segment and does not provide direct access for adjacent properties. The properties to the north and east are large, undeveloped properties. The properties to the south are currently developed and have access to W. Lake Rd or I-20.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested street ROW closure with the following condition:

- 1) The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

STAFF RECOMENDATION: Approval of the requested street ROW abandonment.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and one (1) in opposition.

Mr. Rosenbaum questioned if they own this property.

Mr. Bryner states that they own 3625 as well as 3617, does not think they own the larger piece to the east, owns the two closets properties to Westlake on the North side.

Chairman Famble opened the public hearing.

Mr. B.J Pritchard (Hibbs and Todd Eng. representing Mr. Bhakta) spoke of the proposed street that will go through a larger piece of Mr. Bhakta property rendering it somewhat useless. All other properties to the North have access off of Jolly Rodgers Rd. and South off of the I-20.

Mr. Nick Coates (Agent) of property to the West (31.269 acres) speaking for the owner, they are in favor of this item.

Mr. Famble closed the public hearing.

Mr. McClarty made a motion to approve TC-2013-05 with conditions as recommended. Chairman Famble seconded the motion and the motion carried by a vote of four (4) in favor (Glenn, McClarty, Rosenbaum, Famble) and none (0) opposed. (Mr. Todd and Ms. Yungblut abstained).

Per Chairman Famble return to original order.

d. CUP-2013-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Clavel Corporation, for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 4150 E. Overland Tr.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 2.12 acres and is currently zoned HC (Heavy Commercial). The property has been developed with a small office building and a larger warehouse/storage building. The adjacent properties

have HC zoning to the north & east and AO (Agricultural Open Space) zoning to the west. Interstate 20 exists along the south frontage.

Currently the property is zoned HC and has been developed with small office building and a larger warehouse/storage building. The adjacent properties are largely undeveloped. The property was originally developed to showcase manufactured homes. The current business was permitted as a beauty product retail store. The request is to allow for 'Manufacturing (Light)' to allow for the business to compound their product on-site. The compounding of the product is considered light manufacturing and is only allowed with approval of a Conditional Use Permit in the HC zoning.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is part of a Business-Industrial Gateway. The light manufacturing request would be compatible with the surrounding uses.

Property owners within a 200-foot radius were notified of the request. Two (2) comment forms were received in favor and Zero (0) in opposition.

STAFF RECOMMENDATION: Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. Halbert in favor of the re-zoning to enlarge building for his Cosmetic Manufacturing Company.

Mr. Famble closed the public hearing.

Mr. Glenn made a motion to approve CUP-2013-02. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, Todd, McClarty, Yungblut, Rosenbaum, Famble) and zero (0) opposed.

f. Z-2013-24

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to rezone property from CB/H (Central Business/Historic Overlay) to CB (Central Business) zoning, located at 101 Oak St.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 0.67 acres and is currently zoned CB/H (Central Business with Historic Overlay). The subject property is currently vacant due to a fire destroying the historic Matera Paper Company building. The owner plans to redevelop the property.

The subject property is currently vacant due to a fire destroying the historic Matera Paper Company building. The Historic Overlay no longer applies to the property since the

resource no longer exists. The property owner has indicated that the parcel is to be redeveloped in the future. The removal of the Historic Overlay will allow the property to redevelop under the existing CB zoning.

The Future Land Use section of the Comprehensive Plan designates this general area Central Business. The city is requesting removal of the Historic Overlay Zoning to allow for redevelopment since the resource no longer exists.

Property owners within a 200-foot radius were notified of the request zero (0) comment forms were received in favor and zero (0) in opposition.

STAFF RECOMMENDATION: Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommends approval by a vote of 6 in favor (Lee, McClellan, Butman, Calk, Weatherl, & Minter) to none opposed.

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

PLANNING & ZONING COMMISSION:

Mr. McClarty made a motion to approve Z-2013-24. Ms. Yungblut seconded the motion and the motion carried by a vote of Six (6) in favor (Glenn, Todd, McClarty, Yungblut, Rosenbaum, Famble) and Zero (0) opposed.

g. Z-2013-25

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Jack Easterling to rezone property from RS-12 (Single-Family Residential) to PD (Planned Development) zoning for residential use, located at 4110 Concord Ct.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 0.34 acres and is currently zoned RS-12 (Single-Family Residential). The subject property is currently developed with an accessory building only. The adjacent properties in all directions are zoned RS-12 and are developed with homes.

Currently the property is zoned RS-12 and is developed with an accessory building only. The applicant previously owned the property located adjacent to this lot at 4116 Concord Court as well, which has a house built on it. Since the 2 lots were under the same ownership, the applicant was allowed under the practices at that time to construct an 1199 sq. ft. accessory building on the adjacent lot located at 4110 Concord Court. The accessory building was built in 1990. It was considered an accessory building at the time and was allowed to be constructed at the 3' distance from the rear property line. The minimum rear building setback for a home in RS-12 zoning is 30'. The applicant has since sold the lot at 4116 Concord Ct with the primary structure/house on it. The applicant has since requested a water meter and is wishing to convert the accessory

structure into a primary structure. A water meter cannot be issued as the structure does not meet the setback requirement. The Land Development Code also does not allow for accessory buildings on a lot without a primary structure, in this case a house. The applicant went to the Board of Adjustment seeking a variance to the 30' rear setback requirement. However, the variance was denied as the criteria for granting a variance was not met. The remaining options are to either construct a house on the property or rezone the property with allowance for a 3' rear setback. It appears that there is sufficient area to construct a primary structure on the lot without affecting the accessory structure.

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential. The requested zoning would maintain the single-family use which is compatible with the adjacent uses as well as the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. Five (5) comment forms were received in favor and three (3) in opposition.

STAFF RECOMMENDATION:

Staff recommends denial based on the reduced setback and the ability to build a home that complies with the RS-12 standards.

Mr. Glenn questioned if anyone was residing at this residence at this time. Mr. Bryner stated that at this time there is no one occupying the residence.

Mr. Todd questioned if someone built a home in front of the original building can it then be used as an accessory building or Mother-n-Law quarters. Mr. Bryner explained that it could.

Ms. Yungblut questioned how close the accessory building was to the residence in the back, indicated that it looks less than 30ft.

Mr. Rosenbaum requested clarification by Mr. Bryner about the statement "granting a variance not met" what are the criteria. Mr. Bryner stated that to grant a Variance there needs to be a peculiarity or hardship associated with the property, a non-financial hardship, and not self-created. In this case the Board of Adjustment found none, therefore the variance was denied.

Mr. Todd inquired about lots 4116 and 4110 if they were platted as separate lots. Mr. Bryner indicated that they are two individual lots.

Mr. Todd mentioned that if they build a primary structure in front of this accessory building it will be legal, if we don't approve then it will remain vacant due to not having a water meter.

Ms. Yungblut expressed a concern if they build a residence on this property will expand it forward or would they have to modify what is already there. Mr. Bryner clarified it would need to be a stand-alone structure meeting setback requirements. With a PD zoning it would allow what is there to remain as is. Or they have an opportunity to build a primary structure in the front.

Mr. James specified that a PD would allow it to be expanded, if approved as written it just changes the rear setbacks so then it could be expanded as a full size home.

Chairman Famble opened the public hearing.

Mr. Easterling (applicant) spoke in favor of this request. Explained that he is in need of a water meter for his home, would like for his handicap son to reside there. Due to health issues tried to sell both lots. Kept the small residence for his son. Residence is 1325 sq. ft. 56 X 24, 2 bedrooms, large den 25 X 25, full size bath, full kitchen, with a sewer tap. Made improvements to the property and needs to have water to keep vegetation alive.

Mr. Glenn questioned Mr. Easterling if he was going to be moving into the building if he is approved for a water meter. Mr. Easterling states that he has already bought a duplex for him and his son, states the home would be better place for his son to reside in after he was deceased.

Mr. Charles Richardson (Neighbor) spoke in favor of this request. Mr. Richardson has lived at his residence for 25 years. Acquainted with past owner, Mr. Davis, who applied for a variance to build the structure on the property. Structure was built on a concrete slab, has a driveway, a woodshop and kitchen for his produce. Due to health issues property was not taken care of. Mr. Easterling purchased and cleaned the property. Is in favor of this item and feels property should be granted a water meter.

Mr. Famble closed the public hearing.

Mr. Todd made a motion to approve Z-2013-25 as written. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, Todd, McClarty, Yungblut, Rosenbaum, Famble) and none (0) opposed.

h. Z-2013-26

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Region 14 Education Service Center,

Agent Richard Burdine, to rezone property from AO (Agricultural Open Space) & LI (Light Industrial) to GR (General Retail) zoning, located at 1842 & 1850 Hwy 351.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 10.15 acres and is currently zoned AO (Agricultural Open Space) and LI (Light Industrial). The subject property is currently developed with the Region 14 Education Service Center. The properties to the north are zoned AO and are developed with residential uses and 1 agricultural use. The properties to the west are developed with retail and restaurant uses. The property across the street to the south is the Coca-Cola bottling plant.

Currently the property is zoned AO & LI and is developed with the Region 14 education building. The adjacent properties are a mix of residential (north), retail & restaurant (west) and industrial (south) uses. A street connection from Lowden St to Enterprise Dr is planned to cross the west portion of the Region 14 property. A plat is required to take care of this action. The minimum lot size for AO zoning is 5 acres, which the new lot would not meet. The proposed zoning change is to match the development trend in the area would allow for the plat to be approved.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center. The applicant is requesting the zone change to allow for a plat to dedicate a new street connection between Lowden St and Enterprise Dr. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. Six (6) comment forms were received in favor and zero (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Richard Burdine (Development Corp.CEO Agent) spoke in favor of this request. The purpose is to put a roadway through this property to improve access for Coca Cola.

Mr. Famble closed the public hearing.

Ms. Yungblut made a motion to approve Z-2013-26. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, Todd, McClarty, Yungblut, Rosenbaum, Famble) and none (0) opposed.

Item Eight: Directors report:

City Council approved all that Planning and Zoning had recommended for approval. With a change to one item:

- The PDD (Planned Development District) on Jamison Street the old school site, they added some conditions including requiring an access onto Old Anson and to provide residents an out onto the arterial road therefore using Jamison Street less; Required low screening of the parking lot between the apartment parking lot and homes across the street as well as a cross-access easement between the commercial properties to the north to insure apartment residents have a way out on Old Anson Road or I-20 to keep traffic down on local streets, and limiting the access driveway to one on Jamison Street.

We will have two meetings the month of September due to the Labor Day Holiday meeting date will be moved to Tuesday September 3rd as well as a Special Meeting will be held on September 16th both will be at 1:30pm.

Discussing: What developments trigger a site plan.
Vacation travel trailers RV ordinance.
Changes to the sidewalk ordinance.
Discuss Lake Fort Phantom Overlay District

No update on the sign ordinance

Item Nine: Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 4:35P.M.

Approved: _____, Chairman