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**PLANNING & ZONING COMMISSION**  
**March 3<sup>rd</sup>, 2014**  
**Minutes**

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

Members Absent: 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  
Donna Boarts, Secretary II (recording)

Others Present: Don Bledsoe            Jonathan Neely  
Robert Myers            Chad Carter  
Mike Vandervoort       David Byrd  
Mary Kindrick           Gary Peterson  
Mason Davidson         August Zimmerman  
Kelly Leth                Megan Santee  
Randy Gillit              BJ Pritchard  
Dale Scoggins  
Julie Hagin  
John Mangalanzo

**Item One: Call to Order**

Chairman Famble called the meeting to order at 1:30 p.m. and declared a quorum present.

**Item Two: Invocation**

Chairman Famble gave the Invocation.

**Item Three: Approval of Minutes:**

**Mr. McClarty moved to approve the minutes of the February 3rd, 2013 meeting. Mrs. Yungblut seconded the motion and the motion carried unanimously.**

**Item Four: Plats:**

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

**FP-6713**

Sawgrass Addition, Section 2, 26.98 Acres of Land out of a 104.510 Acre Tract out of the SE/4 of Section 14, Lunatic Asylum Land, Abstract No. 677, Taylor County, Texas.

**FP-7413**

Dakota Springs Addition, Section 3, 22.991 Acres, out of the SE 1/4 of Section 67, Blind Asylum Land, Abstract No. 1461, City of Abilene, Taylor County, Texas.

**PP-0914**

Preliminary Plat for Westbrook Addition, Section 1, 13.778 Acres out of the Lunatic Asylum Lands, SE/4 of Section 37, Abstract No. 1247, and NE/4 of Section 47, Abstract No. 1186, Taylor County, Texas.

**FP-1014**

Westbrook Addition, Section 1, Lot 1, 1.005 Acres out of the Lunatic Asylum Lands, SE/4 of Section 37, Abstract No. 1247, and NE/4 of Section 47, Abstract No. 1186, Taylor County, Texas.

**PP-1514**

Preliminary Plat for Southlake Estates, Section 2, 13.76 Acres out of Lunatic Asylum Lands, SW/4 of Section 8, Abstract No. 806, Taylor County, Texas.

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

**Mr. McClarty moved to approve FP-6713, FP-7413, PP-0914, FP-1014. Mrs. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Famble, McClarty, Todd) and zero (0) opposed.**

**Item Five: Zoning:**

- a. **Z-2014-04**                      **TABLED FROM 2/3/2014 MEETING.**  
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Don Bledsoe, Agent Chris Barnett, to rezone property from AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to PD/COR (Planned Development/Corridor Overlay) zoning, being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd.

**Mr. McClarty made a motion to REMOVE ITEM FROM THE TABLE. Mr. Glenn seconded the motion. The motion was carried unanimously.**

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned AO & RS-8 with Corridor Overlay and is undeveloped. The property to the west is zoned AO & RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), AO & RS-8 and include a mix of retail, office and some residential development. The property to the south is zoned AO and is undeveloped. The property to the north was recently rezoned to RS-6 (Single-Family Residential). The previously proposed PD zoning allowed for multi-family residential and retail development. The applicant has revised the PD to allow for medium density residential, retail, and office development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. An exhibit (included at the end of this report) was provided showing the extension of Velta Dr. from the neighborhood to the west to intersect with Buffalo Gap Rd. The requested zoning would extend the retail zoning southward away from the intersection in more of a strip development. The requested zoning would be a transitional zoning from the retail development along Buffalo Gap Rd to the single-family residential zoning to the west. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. Five (5) comment forms were received in favor and six (6) in opposition.

#### **PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the amended zoning request.

Chairman Famble open the public hearing.

Mr. Chris Barnett (representing the property owner). From the last meeting Mr. Musgrave expressed concern and spoke regarding the MF ( Multi-Family) zoning adjacent to his property. The property has since been changed to MD-RES (Multi-Density Residential) which all are in agreement with. Feel it is a good use for this property.

Closed the public hearing.

**Mr. Glenn made a motion to approve Z-2014-04. Mr. McClarty seconded the motion and the motion carried by a vote four (4) in favor (McClarty, Glenn, Bixby, Famble) and zero (0) in opposition and two(2) abstained (Mr. Todd, Ms. Yungblut).**

b. **Z-2014-06**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from New Beginnings Church, agent Jonathan Neely, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to MX/COR (Mixed Use/Corridor Overlay) & RS-8 (Single-Family Residential) zoning, located at 5535 Buffalo Gap Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned AO with Corridor Overlay and is developed with a church on the front portion of the property. The property to the north and east is zoned RS-8 and is developed as the Silver Oaks residential subdivision. The properties to the south are zoned AO & PD (Planned Development) and developed as residential, including the Fairway Oaks subdivision. The properties to the west are zoned RS-12/COR and is developed with residential uses. There are several churches mixed within the area. The requested MX zoning is to allow for incorporation of a “Day-Care Operation – Center Based” use at New Beginnings Church and would be for the western 500 feet of the property. In the MX district, “any nonresidential use over 5,000 square feet in floor area...shall require a Conditional Use Permit.” The City is recommending that the remainder of the property be rezoned to the RS-8 district to match the existing zoning of the other properties along Silver Oaks Dr.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is not close to a major intersection. The Buffalo Gap Corridor study indicates that retail & commercial zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would allow for limited retail & commercial uses, including a commercial day care use. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. One (1) comment form was received in favor and two (2) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested and the remaining portion of the property being rezoned to the RS-8 district.

Mr. Bixby inquired if these two pieces of property, legally would it be considered as two separate requests?

Mr. Santee inquired how this item was submitted.

Mr. Ben Bryner stated that the front parcel is the only property in question.

Mr. Jon James stated you can request to re-zone all of what is requested or less. Can approve it as MX (Mixed-Use) Zoning and leave the other parcel RS-8(Single-Family Residential) as is.

Chairman Famble opened the public hearing.

Mr. Jonathan Neely (Agent) for New Beginning Church. Mr. Neely stated when it was first presented, only wanted to use the current facility that is zoned AO/COR (Agricultural Open Space) to MX/COR (Mixed-Use/Corridor Overlay). The church owns both properties, total of eight acres. No plans to develop the south property at this time. If there is a desire to sell or build, re-platting would need to be completed.

Mr. Kelly Leth (Owner/Neighbor) was concerned about the type of zoning and possible building.

Chairman Famble closed the public hearing.

**Mr. Bixby made a motion to approve the MX ONLY - Z-2014-06. Mr. Todd seconded the motion and the motion carried by a vote six (6) in favor (McClarty, Glenn, Bixby, Famble, Yungblut, Todd) and zero (0) in opposition.**

**c. Z-2014-07**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to rezone property from MF (Multi-Family Residential) & GR/COR (General Retail/Corridor Overlay) to CU/COR (College University/ Corridor Overlay) zoning, being approximately 10.5 acres located at the northwest corner of Ambler Ave & ACU Dr.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned MF & GR with Corridor Overlay and is undeveloped. The properties to the north are zoned PH (Patio Home) and is developed as a residential subdivision. The properties to the west are zoned RS-8 (Single-Family Residential) and developed as a residential subdivision as well. The properties to the east and south are zoned CU/COR and owned & developed as part of the ACU campus. The requested zoning is to incorporate this property as part of the campus and prepare it for future development by ACU.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection of Ambler Ave and N. Judge Ely Blvd. The Ambler Avenue Corridor Overlay was created to insure high-quality development along Ambler Ave. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. Seven (7) comment forms were received in favor and one (1) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. B.J. Pritchard (Hibbs and Todd Engineering) spoke in favor of consolidating zoning and potentially expanding in the future.

Chairman Famble closed the public hearing.

**Mr. Bixby made a motion to approve Z-2014-07. Mr. Glenn seconded the motion and the motion carried by a vote four (4) in favor (McClarty, Glenn, Bixby, Famble) and zero (0) in opposition and two (2) abstained (Mr. Todd, Ms. Yungblut).**

**Chairman Famble stated that we will move up the following Item:**

**Item Seven: Thoroughfare Closure:**

Mr. Ben Bryner presented the staff report for this case. The applicant is requesting to abandon the street and alley rights-of-way to be able to better utilize the area for campus improvements for ACU. ACU Dr. is the only improved street or alley. ACU Dr. provides a secondary means for traffic since the realignment of N. Judge Ely Blvd. Therefore the closing of the street will not directly affect traffic in the area. The remaining street and alleys are unimproved. The closure would result in some minor work necessary for the alley and street in the neighborhood to the north for proper connection to N. Judge Ely Blvd.

The closure of the alley does not create any violations to the maximum block length in this area. The existing adjacent streets remain open for traffic to maneuver the area.

**RECOMMENDATIONS:**

**Plat Review Committee:**

- Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
- Address the alley connection to Cloverleaf Ln and street alignment of Cloverleaf Ln to N. Judge Ely Blvd.
- The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Property owners within 200 feet of the zoning request were notified. Nine (9) comment forms were received in favor and zero (0) in opposition of the request.

**Staff Recommendation:** Approval of the requested ROW abandonments per the *Plat Review Committee* recommendations.

Chairman Famble opened the public hearing.

Mr. Pritchard (Hibbs & Todd Engineering) representing ACU (Abilene Christian University). Looking to facilitate future use of the property, and clearing up the exiting thoroughfares that have never been completed.

Mr. Mason Davidson (Home Owner) stated that he is agreement of the ACU closure. Concerns were who maintains the repairs to the alleyway?

Chairman Famble closed the public hearing.

**Mr. Glenn made a motion to approve TC-2014-02 Thoroughfare Closure. Mr. Bixby seconded the motion and the motion carried by a vote four (4) in favor (McClarty, Glenn, Bixby, Famble) and zero (0) in opposition and two (2) abstained (Mr. Todd, Ms. Yungblut).**

### **Return in order**

**d. Z-2014-08**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from South Pointe Church, agent Trace Bailey, to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2934 Buffalo Gap Rd & 2419 Edgemont Dr.

Ben Bryner presented the staff report for this case. Currently the properties are zoned RS-6 and a home is developed on 1 of the properties. The properties to the north, south, & west are zoned RS-6 and is developed with residential uses. There is a small area of MD (Medium Density) zoning to the north along Buffalo Gap Rd and is developed with duplexes. The properties to the east are zoned RS-8 (Single-Family Residential) and developed with residential uses as well. The South Pointe Church building is located nearby on a property to the south. The subject parcels are no longer needed by the church. The requested zoning is to help market the property for sale. The NR (Neighborhood Retail) zoning is intended to be compatible when adjacent to single-family zoning, but more intended as a transition from higher intensity zoning to residential uses. The requested zoning would be the only non-residential zoning in the immediate area. Staff recommends the NO (Neighborhood Office) zoning as a more suitable zoning for the subject parcels.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is in proximity to the intersection of Buffalo Gap Rd and S. 27<sup>th</sup> St, but not part of the node that exists at the intersection.

Property owners within 200 feet of the zoning request were notified. Four (4) comment forms were received in favor and seven (7) in opposition of the request.

## **PLANNING STAFF RECOMMENDATION:**

Staff recommends NO (Neighborhood Office) zoning instead of the requested NR (Neighborhood Retail) zoning.

Chairman Famble opened the public hearing.

Mr. David Bird (Home Owner) spoke in opposition of the zoning change. States that this is more of a neighborhood community and does not want any type of NR (Neighborhood Retail) zoning. Although is not opposed to a NO (Neighborhood Office) zoning.

Mrs. Julie McClure-Hagen (President of Frances McClure, Inc/Property Owner). As well as the developer of *Edgemont Court Homes*, low cost, low maintenance homes for the aging. Is against change, due to the concern of developments or undesired businesses being constructed.

Chairman Famble closed the public hearing.

**Mr. Bixby made a motion to approve Z-2014-08. Mrs. Yungblut seconded the motion and the motion carried by a vote four (4) in favor (McClarty, Todd, Yungblut, Bixby, Famble) and zero (1) in opposition (Mr. Glenn).**

### **Item Six: Conditional Use Permit:**

**a. CUP-2014-02**

public hearing and possible vote to recommend approval or denial to the City Council on a request from Gary L. Peterson for a Conditional Use Permit to allow for an 'Antenna Tower – Commercial' on property zoned HC (Heavy Commercial), located at 1350 Tracy Lynn Dr.

Ben Bryner presented the staff report for this case. Currently the property is zoned HC and has been developed with self-storage warehousing. The property to the south has been developed as self-storage/small office use. To the north, there is an old Wal-Mart building that is vacant. The properties to the west and east are developed with contractor service uses. The request is to allow for an 'Antenna Tower – Commercial' to provide a connection between the site and the operator's home for remote viewing of the security camera system on the property. The tower is needed in order for his system to be broadcast the long distance to his home. 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. The applicant proposes to add a new tower to the property. The request would 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 RECOMMENDATION:**

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. Bixby asked for clarity on co-location?

Mr. Bryner stated that with certain heights and having numerous towers in one area, we require more than one user to be able to use a single tower.

Mr. Mike Vandervoort (business owner) inquired about the height of the tower.

Mr. Bryner stated that it will be approximately 70' ft. in height.

Mr. Gary Peterson (Applicant) Stated the tower will be at a height of 70ft, and the property is wide enough that if the tower did fall it 40-50 ft. short of the street.

Chairman Famble closed the public hearing.

**Mr. McClarty made a motion to approve CUP-2014-02. Mr. Famble seconded the motion and the motion carried by a vote four (6) in favor (McClarty, Todd, Yungblut, Bixby, Glenn, Famble) and zero (0) in opposition.**

**b. TC-2014-03**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to abandon a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd.

Mr. Ben Bryner presented the staff report for this case. The City is requesting to abandon a triangle-shaped area of extra street right-of-way to be able to better define the limits of Forrest Hill Rd. The abandonment of the additional street ROW will not directly affect the street function of Forrest Hill Rd.

**RECOMMENDATIONS:**

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

1. Utility Easements shall be required for existing public utilities (i.e., water) or relocation shall be required with the plat.
2. The property must be replatted within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

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.

**Staff Recommendation:** Approval of the requested ROW abandonment per the *Plat Review Committee* recommendations.

Mr. McClarty inquired who owns this property the city or the developer.  
Mr. Bryner stated the developer owns the property, the ROW (Right-of-Way) is owned by the city.

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

**Mr. Todd made a motion to approve TC-2014-03. Ms. Yungblut seconded the motion and the motion carried by a vote four (6) in favor (McClarty, Todd, Yungblut, Bixby, Glenn, Famble) and zero (0) in opposition.**

**Item Eight: Capital Improvement Program (CIP):**

Public Hearing and possible vote to consider recommendation to the City Manager regarding the 2014-2018 CIP.

Mr. Ed McRoy presented the staff report for this case. The CIP is a 5-Year Plan that identifies needed capital projects and coordinates the financing and timing of these projects. The CIP is a method of planning for the effective and efficient provision of public facilities, infrastructure improvements, and the acquisition of property and equipment.

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

**Mr. Todd made a motion to approve to send the recommendation to the City Manager. Mr. Bixby seconded the motion and the motion carried by a vote four (6) in favor (McClarty, Todd, Yungblut, Bixby, Glenn, Famble) and zero (0) in opposition.**

**Item Nine: Director's Report:**

Mr. Jon James stated that there were no items that went to City Council to approve in February. All though the *Sidewalk Ordinance* that was approved by the Commissioners was delayed and will be going before City Council on March 27<sup>th</sup>, 2014.

**Item Seven: Adjourn**

The Planning and Zoning Commission meeting was adjourned at approximately 4:15 P.M.

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