
PLANNING & ZONING COMMISSION
April 7th, 2014
Minutes

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

Members Absent: Pam Yungblut

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:

James Kamenicky	Ken Osmond	Keenan Davis
Fred/Roxanna Jones	Steve Savage	Marty Farmer
James Furman	Rodney Young	Sanders Bailey
Paul /Mary Shytle	Randy/Kim Shytle	Bruce Kreitler
Charles Reed	Robert/Theresa Krackelfels	
Camri Inc.	Dale Scoggins	Robert Boyd
Martin Popelka	Mike Barber	Derrell/Bessie Sloan
Ray Bruton	David McMeekan	Grady/Richelle Myers
Robert Korn	Steve Ellinger	Raeford McCormick
Terry McCormick	Sam Chase	Bob/Jason Perkins
Johnny Lopez	Ty Craft	Mitch Elliott
Warren Alkire	Ken Musgrave	Mandi McBain
Wallace McDaniel	Craig Stokes	David Nordling
Megan Santee	John Perry	Seaton Higginbotham

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. McClarty gave the Invocation.

Item Three: Approval of Minutes:

Mr. McClarty moved to approve the minutes of the March 3rd, 2014 meeting. Mr. Glen seconded the motion and the motion was carried unanimously.

Item Four: Plats:

Mr. Rainbow presented the staff report for these cases.

FP-4413

Southern Cross Estates, Section 2, 21.429 Acres out of the William E. Vaughn Survey, No. 106, Abstract No. 412, Taylor County, Texas.

FRP-1614

Lots 1 & 2, Block A, AutoZone/Arrow Ford Addition, City of Abilene, Taylor County, Texas.

MP-1714

Block A, Bridwell Oil Truck Yard Subdivision, Being 1.55 Acres out of the John Jarman Survey NO. 82, A-187, City of Abilene, Taylor County, Texas.

PP-1814

Preliminary Plat of 263.62 Acres for Block A-F, Section 4, Lake Ft. Phantom Hill Subdivision, City of Abilene, Jones County, Texas.

MRP-2214

Lots 306 and 307, Block B, Industrial Trade Center, Abilene, Taylor County, Texas, a Replat of Lot 206, Block B, Industrial Trade Center.

MRP-2414

Lots 101 and 102, Block R, Replat of Lots 1 and 2, Block R, The Fairways Addition, and a 4,796 Square Foot Tract of Land out of a 44.494 Acre Tract out of the Northeast part of The Fairways Addition, City of Abilene, Taylor County, Texas.

Mr. Famble opened the public hearing.

Mr. Warren Alkire spoke in favor of the Ordinance Amendment at the Lake Fort Phantom Hill. Mr. Jon James stated that this is not the public hearing for the Lake Fort Phantom Hill Overlay Plan related to the gun-club issue. The discussion and vote at this time is regarding the above plats.

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

Mr. Todd moved to approve FP-4413, FRP-1614, MP-1714, PP-1814, MRP-2214, MRP-2414. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Todd, Rosenbaum, McClarty, Glenn, Bixby, Famble) and zero (0) opposition.

Chariman Famble moved up Ordinance Amendment:

Item Eight: Lake Fort Phantom Hill Overlay Zoning:

Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code to create and adopt standards for a Lake Fort Phantom Hill Overlay Zone.

Mr. Edward S. McRoy (Asst. Planning Director) presented the staff report and a slideshow for this case regarding the *Overlay Regulations* and identified the concerns to include *sidewalks, set-backs, signage, lighting* and the use of the *Gun Club*.

The Lake Fort Phantom Hill (LFPH) Area Plan was approved by the City Council on January 12, 2009. The plan established a vision of the lake area as a unique place within the City that would benefit from customized and higher development standards. The intent of the plan was to integrate and exploit both natural and developed assets of the area in ways that would protect and showcase its future potential.

Staff has been steadily working to develop an overlay district to implement the standards envisioned within the LFPH Plan. Stakeholders have been directly involved in the development of this specific ordinance since August 2012. These efforts have resulted in an ordinance that provides clear policy choices that will influence the long-term success and viability of the lake to serve human and natural inhabitants and to balance potentially competing local and broader city/area interests.

It is important to note that the overlay is currently following a two-step process to adoption. This first step is an amendment of the Land Development Code text creating the standards. The next and second step will be the application of these standards to specific area(s) of land. The decision on the overlay district boundary itself will have an equally significant impact on how the area ultimately develops and on the effectiveness/need for various provisions. The two issues are distinct but interrelated.

Recently Raised Concerns:

Sidewalks/curbs and gutters
Fences side yard and heights
Setbacks
Commercial Signage & Lighting
Temporary Parking
Boat /RV/Utility vehicles

Density
Gated Communities
Parks
Apartments
Lot size minimums
Gun Club

Mr. Jon James stated that since the City Council sent this back from the last presentation that was completed, there have been numerous meetings with the Lake Association representatives to discuss this matter personally.

Mr. McRoy stated that he has personally taking the time to meet with the Lake Association representatives to discuss any questions that they might have.

Mr. Glenn inquired if both Gun Club and the Abilene Police Department firing range were also in question.

Mr. McRoy stated that the Police Department firing range south of the gun club, would be within the overlay district.

Mr. Famble opened the public hearing.

Mr. Robert Kern spoke about some concerns of the Abilene Gun Club. Mr. Kern stated that he is a 35 year member that is requesting to be excluded from the overlay or the wording of the ordinance be changed, to allow them to remain at their current location. The gun club leases its land from the City of Abilene and has been at its present location over 50 years.

Mr. Randy Shivels explained the lease on this property. Stated that the club had signed a 5 years Lease that was due to come up for renewal in 2015, and either party would be able to terminate the lease with a 30 days advanced notice, or provide them with the first option of purchasing it at fair market value.

Mr. Steve Ellinger (former President) spoke in favor of the gun club.

Mr. Warren Alkire spoke in favor of the Ordinance Amendment/Gun Club. Stated, that the gun club has been a big attraction to Abilene and would like us all to decide where the best placement will be for all to enjoy its use.

Mr. Ken Osmond spoke in favor of having the gun club in Abilene. Stated the gun range is used frequently, with the money being spent at our local retailers in town.

Mr. Steve Savage spoke in favor of the gun club and Senate Bill 766: Limiting legal liability of sport shooting ranges. If the decision is to close or move the gun range the options are.

- ❖ Abilene Police Department would allow us to use their facility.
- ❖ The possibility of eminent domain and use the acreage to build a new range.

Mr. Bill McBain (CHL-Concealed Handgun Licensing business) spoke in favor of the gun club. Holds CHL classes, averaging 50-60 people per class, held twice a month. If the gun range is removed so would his income.

Mr. Rodney Young spoke in favor of the gun range. Mr. Young inquired if we owned the land what would happen? Stated it's the two-step process. Would allow it, and then change their decision.

Mr. Sam Chase (Attorney in Abilene). Mr. Chase specified that he is not a member of the gun club. The Gun Club is located in a strategic place at the lake. This location will not allow for development and growth at Fort Phantom Lake. Neighborhood Plan proposed that it be relocated near the Abilene Police Department firing range. The lease for the gun range will expire on August 31st 2016, with possibly a five (5) year automatic renewal, if not cancelled. Feels this item needs to have more discussion and would like it to be tabled to a later date.

Mr. McClarty stated that we all need to work together to come up with a solution that will work best for all of us. Agreed to table this item.

Mr. Sanders Bailey (Employee of the Gun Club) Mr. Bailey stated that back when the *overlay* was presented, I was the designated representative to speak to the association. They are in favor of working together.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to TABLE the Ordinance Amendment until the October, 2014 Meeting. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, Bixby, McClarty, Todd, Famble) and (1) in opposition (Mr. Rosenbaum).

Item Five:

a. Z-2014-09

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 MH (Manufactured/Mobile Home) to NO (Neighborhood Office) zoning, located at 1000 S. 32nd St

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned MH and is developed with an overflow parking area for Maxwell Golf Course. The properties to the north and west are zoned MH and are developed with residential uses. There are 2 homes and a mobile home park to the west of the subject property. The properties to the south and east are zoned AO (Agricultural Open Space) and developed as the Abilene Country Club and Maxwell golf courses. The change of zoning would allow for greater flexibility with Maxwell Golf Course and the potential of selling alcohol at the clubhouse.

The Future Land Use section of the Comprehensive Plan designates the area as medium-density residential. The requested zoning would allow for greater flexibility with the golf course. 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. Zero (0) comment forms were received in favor and zero (0) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Mr. Rosenbaum inquired about the zoning change.

Mr. Bryner stated they are potentially looking to re-zone to sell alcohol at the clubhouse, requirement from the city distance needs to be 300ft from residential properties.

MH (Manufactured/Mobile Homes Zoning is considered in a residential zoning district.

Mr. McClarty stated that being in a NO (Neighborhood Office) Zoning, would increase the length and they would be able to sell alcohol.

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

Mr. McClarty made a motion to Approve Item Z-2014-09. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, McClarty, Rosenbaum, Todd, Bixby, Famble).

b. Z-2014-11

Public hearing and possible vote to recommend approval or denial to the City Council on a request from William D. Tate, agent Wayne Sanford, to rezone property from PD (Planned Development) to RS-6 (Single-Family Residential) zoning, located at 1541 Lytle Acres Dr.

Ben Bryner presented the staff report for this case. Currently the property is zoned PD and is undeveloped. The properties to the north and west are zoned RS-6 and are developed with residential uses. The property to the south is also zoned RS-6 but is currently undeveloped. The properties to the east are zoned RS-12 (Single-Family Residential) and developed with residential uses. The current PD zoning only allows for a “licensed small Assisted Living Facility having a minimum of 12 beds and a maximum of 16 beds”. This approved use is no longer planned for the property. The change of zoning would allow for the property to be developed with single-family homes similar to the other properties in the area.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for single-family residential development which is consistent with the adjacent uses. 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. Seven (7) comment forms were received in favor and zero (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval as requested.

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

Mr. McClarty made a motion to approved Z-2014-11. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in of favor (Rosenbaum, Famble, Bixby, Glenn, McClarty, Todd) and zero in opposition.

c. Z-2014-12

Public hearing and possible vote to recommend approval or denial to the City Council on a request from LBHDS, LLC, agent Tigris Development, LLC, to rezone property from RS-6 (Single-Family Residential) & PD (Planned Development) to MF (Multi-Family Residential) zoning, located on the south side of the 4300 block of Antilley Rd.

Ben Bryner presented the staff report for this case. Currently the property is zoned RS-6 and is undeveloped. The property to the west is zoned RS-6 and was originally part of the area just zoned to RS-6. Beyond that, the adjacent property is zoned RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), NR (Neighborhood Retail) & RS-8 and includes a mix of retail, office and some residential development. The properties to the south are zoned AO and are currently requesting a change of zoning to PD that will include MD (Medium Density Residential), NR (Neighborhood Retail), NO (Neighborhood Office) and GR zoning. The properties to the north are zoned AO & RS-8 and include residential uses and the Wylie High School. The requested zoning would allow for multi-family residential development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for multi-family residential development. The MF zoning can be considered as transitional from the GR zoning to the east and the RS-6 zoning to the west. Therefore, the requested zoning would be compatible with the adjacent uses single-family residential uses and the Comprehensive Plan. However, traffic is a concern and the MF zoning would be separated from the GR zoning to the east due to topography and a floodway area.

Property owners within the 200' of the subject rights-of-way were notified. One (1) comment forms were received in favor and three (3) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. Ty Craft (Tigress Development) spoke in favor of this zoning. Mr. Craft stated that they are a MF (Multi-Family) development based out of Lubbock Texas, looking to expand to Abilene. Plans are for two phases, looking to split the 25(twenty-five) acres, with a portion being in a flood zone area. Therefore reducing roughly 4(four) acres. First phase approximately 218 units, the second phase built out at a later date. Addressing the traffic issues, stated the Northside would feed into Antilley Road, while the Southside feeds into Velta Lane.

Mr. Glenn inquired how many homes will be built in the first phase.

Mr. Craft stated approximately 218 in first phase, roughly 182-200 depending on the land space. With two entrances and two exits hopefully will alleviate traffic issues.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approved Z-2014-12. Mr. Glenn seconded the motion and the motion carried by a vote of five (5) in of favor (Rosenbaum, Famble, Bixby, Glenn, McClarty) and one in opposition (Todd).

d. Z-2014-13

Public hearing and possible vote to recommend approval or denial to the City Council on a Jennifer Salazar, agent Foxwood Development Services, to rezone property from RS-8/COR (Single-Family Residential/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay) zoning, located at 4117 Antilley Rd.

Ben Bryner presented the staff report for this case. Currently the property is zoned RS-8 and is developed with a home. The property to the west is zoned GR (General Retail) and was rezoned recently to this district. The properties to the south and east are zoned GC (General Commercial) and includes a mix of office and restaurant development. The properties to the north are zoned RS-8 and are currently developed with residential homes as well as a church. The requested zoning would allow for retail development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for retail development. 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. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within the 200' of the subject rights-of-way were notified. Two (2) comment forms were received in favor and zero (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

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

Mr. Todd made a motion to approved Z-2014-13. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in of favor (Rosenbaum, Famble, Bixby, Glenn, McClarty, Todd) and zero in opposition.

e. Z-2014-14

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Ken Musgrave, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, being approximately 3.88 acres located on the south side of the 2200 block of Hwy 351.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned AO and is undeveloped. The property to the south and east is zoned AO and used for farming purposes. The property to the west is zoned MF (Multi-Family Residential) and being developed as an apartment complex. The properties to the north are zoned GR, MD (Medium Density), and RS-6 (Single-Family Residential) and are currently developed with residential homes, duplexes, and self-storage warehousing. The requested zoning would allow for retail development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for retail development. The property is transitioning away from the commercial and retail uses that exist and that are being developed to the west. The Highway 351 Development Plan shows this property to be on the edge of the 'Mixed Use' area transitioning into the 'Residential' area. The apartment complex can be seen as a logical transition between the two areas. By allowing this zoning on the east side of the apartment complexes, additional transitioning would be expected farther to the east. No plans have been discussed for the adjacent property to the east. Therefore, the requested zoning would not be compatible with the Highway 351 Development Plan. Retail development may be appropriate as part of an overall plan for the larger area, but not as a standalone fragmented development.

Property owners within the 200' of the subject rights-of-way were notified. One (1) comment form was received in favor and zero (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial as requested.

Chairman Famble opened public hearing.

Mr. Tal Fillingim (Agent) spoke in favor of this zoning request. Mr. Fillingim stated this zoning request is to support a proposed retail development at this location. The property is under contract pending zoning. Surrounding properties are in favor of this change in zoning.

Mr. Andy Statton (Property Owner) owns of the A-Z Self Storage on the north side, and owner of the one (1) acre lot in front zoned GR (General Retail) spoke in favor of the expansion.

Mr. Ken Musgrave (Developer) spoke in favor of this development. Mr. Musgrave stated the builder would be a compliment to the Abilene area.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to approve this ordinance amendment. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, Todd, McClarty, Rosenbaum, Famble) and zero (0) in opposition, and one (1) abstained (Mr. Bixby)

f. Z-2014-15

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Gerald Johnson, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, located at 5050 Oldham Ln.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned AO and is undeveloped. The properties to the north and west are zoned RS-6 (Single-Family Residential). The properties to the south and east are zoned AO and includes a mix of farmland, residential homes, and a church. The requested zoning would allow for single-family residential development consistent with the adjacent properties.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for single-family residential development. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within the 200' of the subject rights-of-way were notified. Two (2) comment forms were received in favor and six (6) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. Tal Fillingim (Agent) spoke in favor of this zoning to support continued residential development of this tract. Lots will be slightly larger, fifty (50) lots to provide some buffering from the existing residential to the west and off of Oldham Lane.

Chairman Famble closed the public hearing.

Mr. McClarty made a motion to approve this ordinance amendment. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, Bixby, Todd, McClarty, Rosenbaum, Famble) and zero (0) in opposition.

g. Z-2014-16

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Exceptional Holdings, LP, agent David Ohre, to rezone property from PD (Planned Development) to GR (General Retail) zoning, located at 1102 E. Overland Tr.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned PD and is undeveloped. The PD zoning allows for uses in the LI (Light Industrial) zoning district. The properties to the north and east are part of the PD zoning that allows for industrial uses. The property to the south is zoned AO (Agricultural Open Space) and is vacant. Interstate 20 borders the property to the west. The requested zoning would allow for retail uses to include a restaurant. This zoning would also allow for development consistent with the nearby retail properties to the southeast.

The Future Land Use section of the Comprehensive Plan designates the area part of a Major Commercial/Business Center at the intersection of I-20 and Hwy 351. The requested zoning would allow for retail development to include a restaurant. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within the 200' of the subject rights-of-way were notified. Zero (0) comment forms were received in favor and zero (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

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

Mr. Glenn made a motion to approve. Chairman Famble seconded the motion and the motion carried by a vote of five (5) in of favor (Famble, Glenn, Bixby, Rosenbaum, Todd) and one abstained (Mr. McClarty).

Directors Report:

Mr. James stated the only minor change on the recent council actions was a *wording change* on the expansion of an attached accessory building to clarify the terms. City Council did approve.

For the ordinance change regarding on-site sewage disposal, commissioners had recommended to require installation of sewer lines for future connectivity to the City system. However, the City Council changed to “shall” to “may” which would allow this to be case-by-case discretionary decision.

As for the sidewalk ordinance they adopted most of the commission’s recommendations. They did however keep the requirement for sidewalks on local streets in new residential neighborhoods.

Item Ten: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 3:30 P.M.

Approved: _____,
Chairman