
PLANNING & ZONING COMMISSION
May 5th, 2014
Minutes

Members Present: Fred Famble
Bruce Bixby
Robert Calk
Joy Ellinger
Gary Glenn
Tim McClarty

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
Stephanie Goodrich, Planner I Historic Preservation Officer
Donna Boarts, Secretary II (recording)

Others Present: Allison Crowling Danielle Delhomme
David/Judith Roberts Robin Mason
Glenda Woodrow David/Rhonda Webb
Angela Zuyus Bob Gage
James Rogge Mary Palmquist
Stewart Lindley Megan Santee
Kristin Avery Matthew Muzechenko

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: Special Presentation to Outgoing Commission Members

Mr. David Todd & Ms. Pamela Yungblut were presented with a gift of appreciation for service on the commission.

Item Four: Approval of Minutes:

Mr. McClarty moved to approve the minutes of the April 7th, 2014 meeting. Mr. Glenn seconded the motion and the motion was approved unanimously.

Item Five: Plats:

Mr. Rainbow presented the staff report for these cases. Staff recommended approval of all plats.

FP-7513

Lot 1, Block A, Hendrick Addition, Abilene, Taylor County, Texas.

MRP-8713

A Plat of Lots 304 and 305, Block A, Five Points Business Park, Abilene, Taylor County, Texas.

FP-9013

Section 7, Indian Wells Addition, to the City of Abilene, Taylor County, Texas.

PP-2014

Preliminary of Enterprise Plaza Addition, as shown per Plat Recorded in Cabinet 2, Slide 364-D, Plat Records and .510 Acre out of Section 25, and 8.766 Acre out of Section 32, Blind Asylum Lands, Abstract Nos. 1006 & 1396, City of Abilene, Taylor County, Texas.

FP-2114

Lot 101, Block B, a Replat of Lot 1, Block B, Enterprise Drive Addition, as shown per Plat Recorded in Cabinet 2, Slide 364-D, Plat Records and .510 Acre out of Section 25, and 8.766 Acre out of Section 32, Blind Asylum Lands, Abstract Nos. 1006 & 1396, City of Abilene, Taylor County, Texas.

FP-2514

Lots 1 and 2, Block A, PAK Addition, City of Abilene, Taylor County, Texas.

PP-3314

Preliminary Plat for Corley Wetsel Trucking Company, Abilene, Taylor County, Texas.

MP-3414

A Plat of Catclaw and Curry Subdivision, Abilene, Taylor County, Texas.

MRP-3814

Lot 101, Block A, Replat of the North 1/2 of Lot 1 and the East 1/2 of the North 1/2 of Lot 2, Block 18, The Highlands Addition, Abilene, Taylor County, Texas.

FP-3914

Lot 1, Block A, Yuen Subdivision, 0.995 Acres out of A. Thompson Survey #20, Abstract 349, City of Abilene, Jones County, Texas.

MRP-4114

Lot 119, Humana West, Abilene, Taylor County, Texas. A Replat of Lot 19, Humana West, Recorded in Cabinet 1, Slide 640, Plat Records, Taylor County, Texas.

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

Mr. Glenn moved to approve FP-7513, FP-2514, MRP-8713, FP-9013, PP-2014, FP-2114, PP-3314, MP-3414, MRP-3814, FP-3914, & MRP-4114. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Ellinger, Glenn, McClarty, Calk) and zero (0) in opposition. (Mr. Bixby abstained on PP-2014, FP-2114)

Item Six: Zoning:

a. **Z-2014-17**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from David & Rhonda Webb, to rezone property from LI (Light Industrial) to PD (Planned Development) zoning, located at 2442 Industrial Blvd.

Mr. Bryner presented the staff report for this case. The City issued a certificate of occupancy (C.O.) for a light manufacturing use for a lease space located on the subject property. It has since been converted to include a physical fitness use. The LI zoning does not permit the physical fitness use. Industrial Blvd is transitioning into more of a commercial/retail area. The requested PD zoning is intended to maintain the LI zoning but include the physical fitness uses as a permitted use on the property. The physical fitness is permitted in the GC & HC zoning districts.

The City reviewed the zoning along Industrial Blvd last year and several properties were rezoned to either GC or HC zoning. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist directly to the north of this property. The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor ranging from personal service, office, retail, and commercial uses. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would maintain the LI zoning district and include the physical fitness use. Due to the single-family homes directly adjacent to the north, staff has determined that the GC zoning would be more appropriate. The LI zoning is not compatible with the surrounding uses, and no longer is appropriate with the development trends along Industrial Blvd. However, even with GC zoning the existing industrial uses would be allowed to continue.

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

STAFF RECOMMENDATION:

Staff recommends approval of GC zoning

Mr. Bixby inquired if the applicant was the property owner?

Mr. Bryner stated that they were.

Chairman Famble questioned if the owners were okay with the staff recommendation of GC as opposed to LI zoning.

Mr. Bryner stated that in speaking with the property owners and informing them of the two types of zoning their preference is going with a PDD (Planned Development District). They like the flexibility of the LI zoning at this time.

Chairman Famble opened the public hearing.

Ms. Rhonda Webb (property owner) stated that what they are wanting is a combined LI and GC zoning.

Mr. Jon James stated that with such a PDD(Planned Development District), it would allow for both uses.

Mr. Glenn inquired what would be the purpose of having both zonings.

Ms. Rhonda Webb stated that they have existing businesses that would fall under both types of zoning.

Mr. McClarty stated that they can keep the LI zoning and will be able to keep their tenant by adding the one additional use.

Ms. Webb inquired if there was a vacancy in one of their units and it was a GC would an amendment to the PD need to be done at that time?

Mr. McClarty stated that it would need to fall into one of the categories the PD or would need to revise it, to add another use. He reminded Ms. Webb that they were advised six (6) months ago to rezone to GC zoning and have your LI uses grand-fathered in. He offered the option to **TABLE** until a later date so a decision can be made.

Mr. James stated that staff's recommendation was to go GC (General Commercial) or a PDD (Planned development District) with different wording. A PDD can be approved with both GC and LI zoning, as it has the most flexibility, but that is not staff's recommendation.

Chairman Famble closed the public hearing.

Mr. Bixby stated that LI zoning is acceptable for this site as well as GC zoning. The area is in transition. He stated that both zonings should be allowed.

Mr. James requested clarification; Are you looking at this in terms of an existing development and the uses that are there? For example if the properties are undeveloped adjacent here, would you be supportive of a similar mixed zoning?

Question: Is the uniqueness to the industrial boulevard corridor, or is the uniqueness to an already developed property that has a mixture of both already?

Answer: The uniqueness is to that corridor.

Mr. Bixby made a motion to approve Z-2014-17 amending the PD zoning to include all GC uses. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Glenn, Bixby, McClarty, Calk, Ellinger Famble,) and zero (0) in opposition.

b. Z-2014-18

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Franklin Land Associates, LLC, to rezone property from CU (College University) to GR (General Retail) zoning, located at 5301 Texas Ave.

Ben Bryner presented the staff report for this case. Currently the property is zoned CU and is undeveloped. There is an existing church facility to the west of the subject property and single family developments to the north and west of the subject property as well. There is also a node of commercial development at the intersection of HWY 277 S and Texas Ave.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested GR zoning in this location can be deemed compatible with the Future Land Use Map. The GR zoning provides a transition from the more intensive zoning at the intersection to the east and the single-family developments to the west. Additionally, Texas Avenue is designated as a 'minor arterial' street and is designed to accommodate the potential traffic demands of a retail development.

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 RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Ms. Judith Roberts (Adjacent Property Owner) is concerned what will be built on that site? Ms. Roberts is opposed to this zoning.

Mr. David Roberts (Adjacent Property Owner) stated that it shows there is a contract pending.

Mr. Matthew Mazechenko (Represents owner selling the property) spoke in favor of the zoning. Wanted to clarify to those concerned, the property was once zoned GC (General Commercial) prior to the CU zoning. It will now be zoned GR.

Mr. McClarty inquired to Mr. James if GR zoning was more restrictive than GC zoning?

Mr. James stated that GR is more restrictive in that a number of automotive type uses are not allowed in GR zoning that are allowed in GC zoning. To clarify; if the GR (General Retail)

zoning is approved, and if this development falls through, any other use allowed in that zoning could be possible.

Ms. Glenda Woodrow (Property Owner) spoke in opposition of this zoning due to traffic issues.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to approve Z-2014-18. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in of favor (Bixby, Glenn, McClarty, Ellinger, Calk, Famble,) and zero in opposition.

Item Seven: Thoroughfare Closure:

a. TC-2014-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Danielle Delhomme to abandon Fair Drive south of E. Highway 80.

Mr. Bryner presented the staff report for this case. The applicant constructed a building on a parcel adjacent to Fair Dr. To fully utilize her property, she was required to plat the property, which required her to make improvements to Fair Drive where her parcel is adjacent to it. Ms. Delhomme had requested abandonment of Fair Dr. at that time. However, instead of abandoning the road the improvements were deferred by the City Council in September of 2007 until such time that the development would generate in excess of 240 trips in the peak hour.

Ms. Delhomme is again requesting the abandonment of Fair Dr. in order to be able to better maintain the right-of-way area. The abandonment of Fair Dr. would create a cul-de-sac at the end of Sandy St of approximately 1,100 feet. In most cases, including areas that have industrial zoning such as this one, the maximum cul-de-sac length permitted by the Subdivision Regulations is 600 feet, although 1,000 feet is permitted in AO and RS districts. Approval of this request would leave Sandy St substandard regarding maximum cul-de-sac length.

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

RECOMMENDATIONS:

Plat Review Committee:

The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Fair Drive will provide needed circulation as this area develops in the future. Schaffner Rd alone would not be adequate. Additionally, if abandoned, the resulting cul-de-sac of Sandy St west of Schaffner Rd would be approximately 1,100 feet, or almost twice the maximum length allowed by the Land Development Code in commercial/industrial areas. If approved, the Plat Review Committee recommends that the areas of both rights-of-way be kept as Open Drainage and Utility Easements.

Mr. McClarty inquired if the same owner owns both sides on the east and west side?
Mr. Bryner states there are multiple owners for these properties.

Chairman Famble opened the public hearing.

Mr. Stuart Lindley (Property Owner) spoke in opposition. Mr. Lindley is concerned about his water supply and possible road closure if there was a fire.

Ms. Allison Cowling (Spoke on behalf of her Mother Danielle Delhomme-Property Owner). Ms. Cowling spoke in favor of the closure of Fair Drive. Ms. Cowling stated that the property is a fire hazard due to the upkeep of the brush as well as people using it as a discarding area.

Mrs. Danielle Delhomme (Property Owner- spoke on behalf of her neighbor Mr. Charles Clinton). Ms. Delhomme stated that Mr. Clinton has had concerns for many years regarding the overgrowth and illegal dumping on this property.

Mr. Jon James stated that a number of Commissioners have inquired about maintenance. Under city ordinances, property owner are responsible or have an obligation to maintain the right-of-way adjacent to their properties, whereas maintaining the pavement is not their responsibility.

Ms. Angela Zuyus (Property Owner) Inquired about the City maintaining of their property?
Mr. Dan Santee stated that it is dedicated and is a right-of-way until a street has been built.

Ms. Megan Santee stated that the City does have plans, and are in the process of improving the property to the east of Mr. Lindley's property. This will be the new location of the *Environmental Recycle Center*. Improvements have already been made to pave Schaffner Road, due to an influx of traffic expected.

Chairman Famble closed the public hearing.

Mr. Jon James gave some insight as to when this item went before City Council. Stated that some of their concerns were;

- It would be a mistake to assume that this property will never develop to the south. If we look at that area as a HI (Heavy Industrial) zoning area, it could easily develop years down the road, and not be pleased with our decision that we gave up a street if those areas do develop.
- The reason why they put in the traffic generation criteria was that the site could become a convenience store or some major retail store use, which would then prompt the need for the road to be constructed.

Mr. Bixby made the motion to deny TC-2014-04 . Mr. McClarty seconded the motion with a vote of five (5) in favor (McClarty, Famble, Bixby, Ellinger, Calk) and one (1) in opposition (Mr.Glenn).

Item Eight: Election of Officers:

Mr. James stated that elections are done on a yearly basis, after new Commissioners are appointed.

Chairman: (re-elect) Fred Famble ~ Appointed by: 1st Mr. McClarty ~ 2nd Mr. Bixby.
Motion is carried by a vote of six (6) in favor (Famble, Bixby, Ellinger, Glenn, McClarty, Calk) and none (0) opposed.

Vice-Chairman: (re-elect) Tim McClarty~ Appointed by: 1st Mr. Famble ~ 2nd Mr. Bixby.
Motion is carried by a vote of six (6) in favor (Famble, Bixby, Ellinger, Glenn, McClarty, Calk) and none (0) opposed.

Secretary: (re-elect) Bruce Bixby ~ Appointed by: 1st Mr. McClarty ~ 2nd Mr. Glenn
Motion is carried by a vote of six (6) in favor (Famble, Bixby, Ellinger, Glenn, McClarty, Calk) and none (0) opposed.

Sargent of Arms: Joy Ellinger ~ Appointed by: 1st Mr. McClarty~ 2nd Mr. Glenn.
Motion is carried by a vote of six (6) in favor (Famble, Bixby, Ellinger, Glenn, McClarty, Calk) and none (0) opposed.

Item Nine: Directors Report:

Mr. James stated that in the packet is the memo detailing how the City Council voted on items that previously came to the Commission. The Council approved the recommendation of the Commission, the exceptions of the two items. For the abandonment of ACU Drive, City Council placed additional conditions on the approval:

- Regarding the abandonment of the ACU Drive. The City Council placed additional conditions on the approval. ACU would be responsible of maintaining the small triangular piece of property which would remain as a right-of-way, as there were some concerns by the adjacent property owners that it would be their responsibility to maintain. Another condition was that this property would not be allowed access to the alley to the north to reduce the possibility of traffic issues in the neighborhood.
- Regarding the ordinance amendment to allow freight containers in AO (Agricultural Open-Space) areas, a condition was added stating that only one (1) container would be allowed on AO property. If more than one was desired or was closer to the property line then 200ft. a “*Conditional Use*” a permit would be needed.

Mr. James stated that he is hoping to create a map to have for the June meeting. A list of things that staff is trying to map out to create a list of sidewalk areas (**note last two bullets**):

- Higher traffic volume roads, discussed with engineering and public works. It was recommended depending on the traffic volume.
- Looking back at the comprehensive plans and designated activity centers that will develop as more pedestrians use these areas. Would like to incorporate both into these factors.

Item Ten: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 3:00 p.m.

Approved: _____,
Chairman