
PLANNING & ZONING COMMISSION
July 7th, 2014
Minutes

Members Present: Fred Famble ~ Chairman
Bruce Bixby
Robert Calk
Joy Ellinger
Gary Glenn
Clint Rosenbaum

Members Absent: Tim McClarty

Staff Present: Jon James, Director of Planning and Development Services
Dan Santee, City Attorney
Bradly Stone, Planner II
Zack Rainbow, Planner II
Donna Boarts, Secretary II (recording)

Others Present: Nancy McBride Phillip Jergins
Elivanda Casey Carmen Price
Kyle Tamez Jim Hatchett Jr.
Jim Keen Kris Kowatch
Tom Bradley Meredith McCullah
Peter Casey Rusty Plocheck
Ellen Gutierrez Michael Adkins
Louis Paulson Scott Senter
Cecilia Aguirie Sandy Nichols
Lamar Bowen Jr. Gene Burgess
James/Patricia Greer Megan Santee
Rhonda Holden Tommy/Debra Wadley
Robbie/Lynn Beal Lisa Miller
Tal Fillingim

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. Glenn moved to approve the minutes of the June 2nd, 2014 meeting with the necessary changes. Mr. Rosenbaum seconded the motion and the motion carried unanimously.

Item Four: Plats:

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

PP-0614

Maxwell Addition, Section 1, 76.380 Acres out of the J.M. Moody Survey NO. 108, Abstract NO. 213, Taylor County, Texas.

PP-2714

Grocery Retail Addition, 45.209 Acres out of the NE/4 & SE/4 of Section 62, Blind Asylum Lands, Abstract Nos. 781 & 679, City of Abilene, Taylor County, Texas.

PP-2914

Bunny Run Addition, 17.533 Acres of Land out of the E/2 of the SE/4 of Section 67, Blind Asylum Land, Abstract No. 642, City of Abilene, Taylor County, Texas.

PP-3214

Mockingbird Hill Addition, 40.881 Acres of Land out of a 120 Acre Tract out of the SE/4 of Section 14, Lunatic Asylum Land, Abstract No. 677, Taylor County, Texas.

PP-4714

Preliminary Plat of Casey Addition, To the City of Abilene, Taylor County, Texas.

FP-5214

A Plat of Lot 1, Block B, Section 1, College Park Addition, Abilene, Taylor County, Texas.

MRP-5314

A Plat of Johnston Elementary School Addition, Abilene, Taylor County, Texas.

MRP-5414

A Plat of Lot 101, Block A, Sitzes Subdivision, Abilene, Taylor County, Texas.

MRP-5614

A Plat of Lot 201, Block A, APB Subdivision, Abilene, Taylor County, Texas.

FP-5714

A Plat of Lot 1, Section 1, Spinal D.C. Addition, a Subdivision of .95 acre out of Lot 6, J.M. Cunningham Subdivision of the J. Blakemore Survey No. 97, City of Abilene, Taylor County, Texas.

Mr. Rosenbaum moved to approve PP-2714, PP-2914, PP-3214, PP-4714, FP-5214, MRP-5314, MRP-5414, MRP-5614 and FP-5714. Mr. Calk seconded the motion and the motion carried by a vote of six (6) in favor (Rosenbaum, Calk, Ellinger, Glenn, Famble) and zero (0) opposed. (Mr. Bixby abstained on PP-2714)

Item Five: Zoning:

a. Z-2014-20 TABLED FROM 6/2/2014

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Robert Hamil & Angela Hamil Willis, agent Jim Hatchett, Jr., to rezone property from MH (Manufactured/Mobile Home) to GC (General Commercial) zoning, located at 5601 Hwy 277 S.

Mr. Rosenbaum made a motion to REMOVE ITEM Z-2014-20 from the table. Mr. Bixby seconded the motion. The motion was carried unanimously.

Mr. Bradley Stone presented the staff report for this case. The property is being considered for the sale of grave monuments. The Elliot Hamil Garden of Memories cemetery is located to the south of this property. The surrounding area is developed generally with manufactured homes to the east and a small bank to the north. The applicant is requesting a change to the GC zoning which would allow for the desired use. The GC zoning would allow for display of merchandise on the property.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for a grave monument business in association with the cemetery to the south. Due to the manufactured homes directly adjacent to the east, staff has determined that the GC zoning would not be appropriate due to its proximity and the designation in the Future Land Use map. However, a lower intensity zoning like Neighborhood Retail or Neighborhood Office would be compatible, but would not allow for the proposed use.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends denial of GC zoning.

Chairman Famble opened the public hearing.

Mr. Jim Hatchet (Agent) spoke in favor of the staff recommendation of the PD (Planned Development) Zoning.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2014-20. Ms. Ellinger seconded the motion and the motion carried by a vote five (5) in favor (Bixby, Calk, Ellinger, Rosenbaum, Famble) and zero (0) in opposition, and one (1) abstained (Mr. Glenn).

Thoroughfare Closure: Moved up to # 3.

Item Six: TC-2014-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to abandon Campus Court north of Garfield Ave.

Mr. Bradley Stone Presented the staff report for this case. A request to rezone the property to the east was considered last year. The P&Z Commission recommended denial of the zoning. Concerns of traffic through the neighborhood led to the item being denied. Part of the concern was the designation of Campus Ct as a ‘collector’ road. The P&Z Commission recommended a change to the Master Thoroughfare Plan of re-designating Campus Ct from a ‘collector’ street to a ‘local’ street. The City Council agreed and approved the change to the plan. A request to rezone the property again has been submitted. Although the designation on the Master Thoroughfare Plan was changed, the ROW still exists for Campus Ct to connect to the interstate. The P&Z Commission has asked for a Thoroughfare Closure request placed on the agenda for consideration.

The abandonment of Campus Ct would create a block that is significantly larger than the maximum block allowed, being 1,600 feet along arterial streets and in non-residential areas and 1,200 feet elsewhere. Campus Ct is the only public street ROW between Judge Ely Blvd and Cedar Creek connecting the neighborhood to the interstate. The block is approximately 2,600 feet without the Campus Ct connection. Campus Ct would provide a needed connection to the interstate without the need to go the Judge Ely Blvd or W. Lake Rd for access to the interstate. In addition to connectivity, a water line currently exists along the east side of the ROW. A Utility Easement would be needed or the water line relocated.

RECOMMENDATIONS:

Plat Review Committee: *The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Campus Ct will provide a needed connection to the interstate, especially as the area adjacent to the interstate develops in the future. Additionally, if abandoned, the resulting block length between Judge Ely Blvd and Cedar Creek would be approximately 2,600 feet. A water line exists along the east side of the ROW. If approved, the Plat Review Committee recommends that an adequate portion of the area be kept as Open Drainage and Utility Easements as well as an Access Easement for pedestrian and non – motorized vehicles.*

Staff Recommendation: *Denial. The request would create a block that would be larger than permitted and the abandonment of Campus Ct. would eliminate needed future connection*

to the interstate. If approved, staff recommends including an access easement for future bicycle & pedestrian connectivity.

Mr. Bixby inquired if the existing 30 ft. is the narrowest part of the ROW (Right-of-Way) and if it is sufficient for the utilities?

Mr. Stone stated that it was.

Mr. Jon James agreed, stated that it would be our recommendation if you are inclined to abandon is to keep the existing 30 ft. One option is to keep it as a ROW (Right- of -Way) rather than abandoning it and keeping it as an easement.

Chairman Famble opened the public hearing.

Ms. Carmen Price (Property Owner) spoke in opposition to this item. Ms. Price stated that petitions have been signed to block the development of a nursing facility on this land. Property was originally owned by AISD (Abilene School District) Mr. Coates purchased the property and has not developed it since. Our neighborhood does not want Campus Court and Garfield to go through to the interstate due to the influx of traffic that it would bring. Stated it would be a safety hazard.

Mr. Rusty Plocheck (Property Owner) spoke in opposition to this re-zoning. Mr. Plocheck stated if road is allowed it will become a traffic hazard in this residential community.

Mrs. Lisa Miller (Property Owner) spoke about Campus Court. Stated that this street is only half a mile long, in that stretch of area, there are 38 homes that travel onto that street with 22 homes positioned on blind-curves. Stated safety is a concern to these homeowners.

Mr. Philip Jergins (Property owner) spoke in opposition to the traffic that will come into Campus Court. Stated that safety would be an issue if road was allowed.

Mr. Chris Kowatch (Property Owner) Spoke in opposition to the connection and increase of traffic on Campus Court and Garfield road. Mr. Kowatch is speaking on both zoning requests; Z-2014-20 and Z-2014-22. Stated the concern due to the streets becoming a “*Collector Street*” which will reduce their lots sizes, property values would decrease due to the increase of traffic. Is not opposed to having an Assisted Care/Living Facility, the traffic is the concern if thoroughfare is allowed.

Chairman Famble closed the public hearing.

Mr. Bixby stated that we had discussed with the staff about closing Campus Court and Garfield north to 150 ft. south of the north property line. As well as a discussion having the developer to insure that there will be no traffic coming through Stamford Court into the Hillcrest Addition. Stated that a 30 ft. utility easement would be satisfactory.

Mr. Jon James asked for clarity on the road way off of Stamford Court would not be closed to the northern portion, which would allow a road to come in from the interstate ending in a cul-de-sac, that would not connect to Campus Court.

Mr. Stone asked for clarification on what easement shall be reserved within the abandoned portion?

Mr. Bixby stated *utility easement* and *drainage*.

Mr. Bixby made a motion to approve TC-2014-05. With the following stipulation: From a line 450 Ft. south of the frontage road ROW(Right-Of-Way) southward to the north line of the ROW for Garfield Ave and requiring easements for drainage and utilities within the abandoned ROW. Mr. Glenn seconded the motion and the motion carried by a vote five (5) in favor (Bixby, Ellinger, Glenn, Rosenbaum, Famble) and one (1) in opposition (Mr. Calk).

Mr. Glenn made a motion to REMOVE ITEM Z-2014-22 from the table. Mr. Rosenbaum seconded the motion. The motion was carried unanimously.

Mr. Stone stated that a request from Mr. Coates to TABLE item Z-2014-22 until the August meeting due to not being in attendance of this meeting.

Mr. James stated that due to the show of interest, item *does not have to be TABLED* due to Mr. Coate's non-attendance, that is up to the discretion of the Commission. Decisions can be made in his absence.

b. Z-2014-22 TABLED FROM 6/2/2014

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Nick Coates to rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PD (Planned Development) zoning, located at 2668 Garfield Ave and the approximately 12.04 acres to the north.

Mr. Bradley Stone presented the staff report for this case. Currently the property is zoned AO and is undeveloped. The property to the north is zoned PD and undeveloped. Interstate 20 is also located a short distance north of the subject property. The properties to the south are largely developed with single-family homes. The property to the east is developed as a large apartment complex. The owner is asking for the PD zoning with underlying MF zoning to develop the land as an apartment complex. As part of the PD zoning, the applicant is proposing that the current RS-6 area would remain undeveloped with exception of access to the north 12 acres. This property requested to be rezoned to MF zoning in June of last year with the intent of developing as a nursing facility. The request was recommended for denial due to a failed motion of approval with a 2-3 vote. The request was not appealed to City Council therefore considered as denied.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The applicant is requesting the zone change to allow for development of an apartment complex. The area to the south consists of single-family homes. The primary access

for this property currently is through the neighborhood on Campus Court. There is a large apartment complex adjacent to the east, but access is from N. Judge Ely Blvd and the I-20 frontage road. The requested zoning would be compatible with the adjacent apartment use but could negatively impact the adjacent single-family residential uses to the south.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and eleven (11) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the requested PD zoning.

Mr. Stone stated that as part of Mr. Coates original request was to re-zone to PD, to allow MF (Multi-Family) zoning and include the southern 2.5 acres located near Garfield Avenue was not developed but have a buffer with a single driveway entrance onto Garfield Avenue.

Mr. Rosenbaum inquired about the agenda stated that Mr. Coates wants to re-zone from AO (Agricultural Open-Space) to PD (Planned Development) zoning.

Mr. Glenn stated that he will not make a vote until Mr. Coates is available

Chairman Famble opened the public hearing.

Mrs. Ronda Folder (property Owner) spoke in opposition to this zoning. Stated, that in the Hillcrest and ACU (Abilene Christian University) community, there are two (2) Senior Living Facilities. Mr. Coates stated an “*Independent Living*” Ms. Folder clarified safety is an issue if Campus Court is opened up.

Mr. Rusty Plocheck (property owner) stated a letter that was received indicated that Mr. Coates proposed building apartments on the proposed property, then an *Independent Living facility* which changed to an *Assistant Living Facility*.

Mrs. Carmen Price (property owner) spoke about the set-back issues at 2668 Garfield Avenue. Stated, Mr. Coates is hoping to build in an area that is not allowed. The GIS (Geographic Information System) explained about that building could be an issue due to a water line that runs through that property.

Mr. Chris Kowatch spoke in opposition to this zoning. He brought a handout with proposed standards and provisions that he feels would be a good addition in the PDD (Planned Development District).

Ms. Lisa Miller spoke in opposition to this zoning. She does not want an Independent Living Home in their residential neighborhood.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to TABLE item Z-2014-22 until the August 4th, 2014 meeting. Mr. Glenn seconded the motion and the motion carried by a vote six (6) in favor (Bixby, Calk, Ellinger, Glenn, Famble) and one (1) in opposition (Mr. Rosenbaum).

c. Z-2014-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Housing Authority, agent Diana McIver & Associates, & the City of Abilene to rezone property from MD (Medium Density) to MF (Multi-Family Residential) zoning, located at 2001 & 2121 N. 6th St.

Mr. Bradley Stone presented the staff report for this case. Currently, the property is undeveloped. It previously was the site of a small apartment complex. The property is being considered for apartments again. The current MD zoning does not allow for apartment complexes, rather smaller duplexes, triplexes, and quad-plexes. The surrounding properties are developed generally with single-family homes. The requested zoning would allow for development of apartments.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for development of apartments. The existing MD zoning allows for multi-family residential uses, but limits the number of units per structure. The MF zoning would allow for up to 24 units per acre. However, the size of the property will limit the total number of units developed. North 6th Street is designated as a 'minor arterial' street on the Master Thoroughfare Plan. Due to the previous use as apartments, the size of the property, and the N. 6th St designation, the requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and four (4) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of MF zoning.

Mr. Glenn inquired if there is going to be a street closure on Lillius Street?

Mr. Jon James stated the request is from the Housing Authority and the City. The City owns the 2001 property. When the re-zoning was requested, the City recommended that piece of property as well so they would not need to come back for another re-zoning if they want to incorporate this parcel into their development plans. But, the street closure would require a separate process for approval at which point there would be a discussion of re-routing streets and changing of streets and traffic signals.

Chairman Famble opened the public hearing.

Tom Bradley (Property owner) spoke in opposition to the zoning due to additional traffic flow due to the apartments being built in the neighborhood.

Mr. David Todd (Engineer) stated that his company did the assessments and studies on this building after the fire for section 8 housing. He inquired if there were any questions regarding this building.

Ms. Diana McIver (Dir. Housing Authority) stated that this project is a *Tax Credit* is not part of Section 8. The complex will be a 48 unit for the elderly and disabled only.

Chairman Famble closed the public hearing.

Mr. Jon James wanted to add that the City adopted *The Cobb Park Redevelopment Plan* which falls within this area and encourages this type of redevelopment in this area. The City Council adopted a resolution of support for the *Housing Authority's* proposed development.

Mr. Glenn made a motion to approve Z-2014-10. Mr. Bixby seconded the motion and the motion carried by a vote six (6) in favor (Glenn, Rosenbaum, Bixby, Calk, Ellinger, Famble) and zero (0) in opposition.

d. Z-2014-25

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Can-Doo Budget Rentals, agent Louis J. Paulsen, to rezone property from HC (Heavy Commercial) to PD (Planned Development) zoning, located at 101 Goliad Dr.

Mr. Bradley Stone presented the staff report for this case. Currently, the property is undeveloped. It has been used for some unauthorized outdoor storage. The property has been purchased by the Can-Doo Budget Rental business located to the north. The applicant is proposing to utilize this area for expansion of the business, specifically for outdoor storage of port-a-potties. The current HC zoning allows for outdoor storage, but only as an accessory use. The requested zoning would allow for the site to be under the same regulations found within PD-110 approved for the site to the north. The PD zoning will require screening along the rear property line adjacent to the single-family homes to the east.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial/office development. The requested zoning would be to specifically allow for outdoor storage accessory to an existing business. The existing PD-110 zoning to the north requires screening from the adjacent single-family residential homes and prevents outdoor storage in the front 42 feet of the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

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 of PD-110 zoning.

Mr. Bixby stated the zoning now is HC (Heavy Commercial) and inquired if this type of storage was allowed in HC?

Mr. Stone stated that previously outdoor storage of material and equipment in an HC (Heavy Commercial) district was un-restricted with the adoption of the *Land Adoption Code* in prior years. HC (Heavy Commercial) Zoning requires screening from less-intensive zoning district.

Mr. James clarified that both the original PD (Planned Development) and this one, are coming forward at the requested by the proponent based on complaints that were received from surrounding neighbors, which then prompted us to identify the non-compliance.

Chairman Famble opened the public hearing.

Mr. B.C McCreary (property owner) is not opposed to what has been mentioned. Spoke about a neighbor stating an odor is present. Mr. McCreary states due to where he resides he does not see a problem.

Chairman Famble opened the public hearing.

Chairman Famble closed the public hearing.

Chairman Famble opened the public hearing.

Mr. Louis Paulson (owner) mentioned his business is inspected by the City two (2) times a week. Not aware of any odor from his units. Units are cleaned on site.

Mr. Bixby questioned if setting the units 20ft. from the back property line create a hardship.

Mr. Paulson stated that he was fine with placing the units elsewhere on the property.

Mr. Gene Burgess (property owner) stated that he has mentioned to Mr. Paulson regarding the odor of these units. Hopeful that this issue will be rectified.

B.C McCreary (property owner) spoke about the noise the doors make when weather is an issue.

Chairman Famble closed the public hearing.

Chairman Famble opened the public hearing.

Mr. Bixby inquired how much of the property is in the W.T.U (West Texas Utilities) R.O.W (Right-Of-Way).

Mr. Paulson stated 16 ft.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2014-25 *with a 20ft set-back on both properties*. Mr. Calk seconded the motion and the motion carried by a vote six (6) in favor (Bixby, Calk, Ellinger, Bixby, Glenn, Rosenbaum, Famble) and (0) in opposition.

e. Z-2014-26

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Lytle-85 Joint Venture, agent Scott Senter, to rezone property from a combination of MD (Medium Density Residential) and GC (General Commercial) to entirely GC (General Commercial) zoning, being approximately 7.6 acres located at the southwest corner of ES 11th St and Lytle Way.

Mr. Bradley Stone presented the staff report for this case. Currently, the property is undeveloped. The southernmost area is zoned MD and provides a transition from the existing GC zoning on the remaining part of the property. However, the applicant is requesting to rezone all of the property to the GC zoning in order to provide more options for commercial development on the corner. The current GC zoning allows for retail development, but also allows for auto sales and repair. With the adjacent single-family homes to the south, staff recommends GR (General Retail) zoning on the property.

The Future Land Use section of the Comprehensive Plan designates this area as a 'Local Community Center'. Lytle Way is designated as a 'collector' street while ES 11th St is designated as an 'arterial' street. A node for commercial/office development has been designated for this intersection. The requested zoning is for GC zoning on the entire property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan. However, staff recommends GR zoning due to the single-family homes adjacent to the south.

Property owners within 200 feet of the zoning request were notified. Two (2) comment forms were received in favor and zero (0) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR zoning.

Chairman Famble opened the public hearing.

Mr. David Todd spoke in favor of this zoning. Indicated about the little interest in this property, might be more favorable by changing the zoning from MD (Medium Density) back to GC (General Commercial). Property improvements were made years ago with a donation of a sanitary sewer easement to the City of Abilene. WTU (West Texas Utility) to widen the dam and spill way and will keep the tree-line intact as a buffer for the neighborhood residents.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to approve Z-2014-26. Ms. Ellinger seconded the motion and the motion carried by a vote four (4) in favor (Glenn, Rosenbaum, Ellinger, Famble) two (2) in opposition (Mr. Bixby, Mr. Calk).

f. Z-2014-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Meredith McCullar to amend PD-113 (Planned Development) zoning and specifically pertaining to signage allowed on property located at 1801 Hwy 351.

Mr. Bradley Stone presented the staff report for this case. Currently the property is zoned PD-113 and is developed with a building that is being converted to a retail shopping center. The adjacent properties are a mix of retail, restaurant, commercial, and industrial uses. The PD zoning restricts the number, height & size of all free-standing signs in the PD boundary. The allowed signage within the PD boundary prevents this building from having its own free-standing sign to advertising for the tenants in the shopping center. The requested amendment will permit another free-standing sign along the Hwy 351 frontage of this property. The additional regulations for height & size will still apply.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center. The applicant is requesting the amendment to allow for an additional group sign. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

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. Tal Fillingim(agent) stated that the PDD (Planned Development District) was put into effect when Lowes Store was being constructed. If this property was zoned a standard zoning, they would be allowed a pole sign.

Mr. Meredith McCullar (property owner) specified that a 13,000 sq. ft. metal building will be converted into a four (4) tenant shopping center.

Mr. Rosenbaum inquired about the signs over shadowing each other.

Mr. McCullar stated that the building is set-back on the property therefore, requests to have a sign that is visible from the road.

Chairman Famble closed the public hearing.

Mr. Jon James stated *Exhibit B* was designed back when the PD (Planned Development) was initially created. The base graphic was prepared by the developer; we added the dots to clarify what was being proposed in the PD at that time for signage locations.

Mr. Calk stated the need to rezone, saying “The second sign on the new proposed sign on updated Exhibit B”

Chairman Famble opened the public hearing.

Mr. Tal Fillingim suggested that if they decide to continue the PD (Planned Development) possibly sliding the *group sign* back in the AO (Agricultural Open Space). The property owners that were affected by the PD, were they notified?

Mr. James stated that we notify the public within a 200 ft. radius of the entire PD boundary, not just the affected area, including the other owners within the PD. The wording of this item is specified “To amend the PD (Planned Development) specifically related to the signage at 1801, Hwy 351” so the Commission does not have the ability to make changes to other areas of the PD.

Chairman Famble closed the public hearing.

Mr. Rosenbaum made a motion to approve Z-2014-27. Ms. Ellinger seconded the motion and the motion carried by a vote six (6) in favor (Rosenbaum, Bixby, Calk, Ellinger, Glenn, Famble) and zero (0) in opposition.

- g. Z-2014-28**
Public hearing and possible vote to recommend approval or denial to the City Council on a request from TX 360 Senior Housing GP, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, located at 6157 Hwy 277 S.

Mr. Bradley Stone presented the staff report for this case. Currently, the property is undeveloped. This is located on the south corner of the intersection of Hwy 277 S. and Dub

Wright Blvd. The north corner is developed with a gas station and some self-storage units. The west corner also has some self-storage units. The Quail Hollow apartment complex exists on the east corner. The requested GR zoning would allow for retail development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. However, both Hwy 277 S. and Dub Wright Blvd are designated as 'arterial' streets and the intersection is built as a highway interchange. Two of the other corners at the intersection are currently zoned (GC) for commercial development. A commercial node for retail and office development is appropriate for this intersection. The requested zoning is compatible with the adjacent uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR zoning.

Property owners within 200 feet of the zoning request were notified. One (1) comment form was received in favor and zero (0) in opposition of the request.

Chairman Famble opened the public hearing.

Mr. Tal Fillingim (agent) spoke in support of what is currently planned.

Mr. Glenn made a motion to approve Z-2014-28. Ms. Ellinger seconded the motion and the motion carried by a vote six (6) in favor (Glenn, Rosenbaum, Bixby, Calk, Ellinger, Famble) and zero (0) in opposition.

h. Z-2014-29

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 RS-8 (Single-Family Residential) zoning, being 27.60 acres located at 6301 Arapaho Trail, at the south end of Traditions Way.

Mr. Zack Rainbow presented the staff report for this case. Currently, the property is undeveloped. This is located at the south end of Tradition Drive and will be an extension for the next phase of the Wylie Legacies subdivision. The adjacent properties to the north, south, and west are generally developed with single-family homes. The Wylie High School exists to the north of this subdivision across Antilley Rd. The requested RS-8 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision and the general area. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. Two (2) comment forms were received in favor and three (3) in opposition of the request (opposition comment; requiring the developer to put in an alley adjacent to the west side along Todd Run).

Chairman Famble opened the public hearing.

Mr. Tal Fillingim (agent) spoke in favor of the current zoning and to continue with the current residential development, for the third and final phase for this development.

Ms. Nancy McBride (property owner) indicated a concern of being able to get to the utility Poles if needed. She stated that an alley would make for easier access.

Mr. Tal Fillingim stated that the other residential lots in this area do not have alleys and that it is common to have a 10-15 ft. utility easement at the rear of the lot.

Chairman Famble closed the public hearing.

Mr. James clarified that with this rezoning request you do not have the availability to require an alley without rezoning to a PDD (Planned Development District). With standard zoning you are not able to place conditions.

Mr. Calk made a motion to approve Z-2014-29. Mr. Famble seconded the motion and the motion carried by a vote five (5) in favor (Calk, Ellinger, Glenn, Rosenbaum, Famble) and one (1) in opposition (Mr. Bixby)

i. Z-2014-30

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Seymour Beitcher, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being 7.71 acres located at the east end of Butterfield Meadows Pkwy & Firedog Rd.

Mr. Zack Rainbow presented the staff report for this case. Currently, the property is undeveloped. This is located at the east ends of Butterfield Meadows Pkwy and Firedog Rd and will be an extension for the next phase of the Butterfield Meadows subdivision. The development has a mix of single-family, duplex, and patio homes with areas for commercial, retail and office development along Hwy 277 S. The Quail Hollow apartment complex exists to the south of this subdivision. The requested RS-6 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision. The requested zoning is 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 zero (0) in opposition of the request

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. Tal Fillingim(agent) spoke on behalf of builder, supporting the extension of Butterfield Meadows.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2014-30. Mr. Calk seconded the motion and the motion carried by a vote six (6) in favor (Calk, Ellinger, Glenn, Rosenbaum, Famble) and zero (0) in opposition.

j. Z-2014-31

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Jeremy & Jennifer Britten, Bennie Bilbrey, agent Enprotec/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) & NR (Neighborhood Retail) to GC (General Commercial) zoning, being approximately 3.49 acres located at the southeast corner of Curry Ln and Sharon Rd.

Mr. Bradley Stone presented the staff report for this case. Currently, the subject property is made of several tracts that are zoned AO & NR. Two of the tracts are developed with homes with the remaining tracts being undeveloped. The subject property is south of Southwest Drive that has been developed with commercial uses, i.e. Kohl's, a bank, Ashley's Furniture, and Lithia Toyota. The purpose of the rezoning is to utilize the land for overflow parking of excess vehicle inventory. Lithia Toyota has an obligation to accept inventory as it comes to them from the factory and the area is needed to accommodate the increasing inventory demands. Currently, both Sharon Rd and Curry Ln are under-developed. Sharon Rd is planned to be a 'minor arterial' street in the future. The requested GC zoning would allow for a parking area to accommodate the inventory demands of Lithia Toyota. Staff is concerned that the zoning allows for uses that are not compatible with the multi-family residential zoning to the south. One solution to this is to create a PD (Planned Development) district that would restrict the zoning but allow for the

inventory parking. Addition regulations to address landscaping, pavement, and sidewalks are recommended for inclusion in the PD zoning.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. However, the requested zoning would be adjacent to multi-family zoning to the south. The requested zoning is not compatible with the adjacent uses and the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. Two (2) comment forms were received in favor and zero (0) in opposition of the request

Mr. Glenn clarified that asking the property owner to pave the lots for vehicles. A determination on whether it will be called a storage lot or a parking lot.

Mr. James stated that a temporary solution will possibly be an eye-sore down the road.

Chairman Famble opened the public hearing.

Mr. David Todd (Agent) representing the seller and potential buyer. Lithia Toyota desires to use this area to store their vehicles that are delivered from the manufacturer. At this time Lithia Toyota is in negotiations to purchase the home that is on this property to complete their frontage area. The storage lot will be paved and lighted for safety and protection.

Mr. Jim Keen (property owner) stated he does not have a problem with the development, concerns are regarding property values.

Chairman Famble closed the public hearing.

Mr. James stated if a decision to go GC (General Commercial) is decided, most of our development standards may not apply unless a building is constructed. PD (Planned Development) can be too restrictive.

Mr. Rosenbaum made a motion to approve Z-2014-31. Mr. Ellinger seconded the motion and the motion carried by a vote five (5) in favor (Rosenbaum, Bixby, Ellinger, Glenn, Famble) and one (0) in opposition (Mr. Calk).

k. Z-2014-32

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Kay P. Braden, agent Foxwood Development Services, to rezone property from RS-8 (Single-Family Residential), RS-8/COR (Single-Family Residential/Corridor Overlay), & AO (Agricultural Open Space) to GR (General Retail) zoning, located at 4102 & 4118 Antilley Rd.

Mr. Bradley Stone presented the staff report for this case. Currently, the property is developed with 2 homes. The properties on the south side of Antilley Rd were recently rezoned to the GR zoning district. The adjacent properties to the east are developed with a horse barn and a church. A restaurant exists to the south at the corner with Buffalo Gap Rd. The requested GR zoning would allow for retail development. The Buffalo Gap Corridor Overlay will remain on a portion of the property.

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 Buffalo Gap 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 200 feet of the zoning request were notified. Two (2) 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. No one came forward and the public hearing was closed.

Mr. Bixby made a motion to approve Z-2014-32. Ms. Ellinger seconded the motion and the motion carried by a vote six (6) in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, Famble).

I. Z-2014-33

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Red Dirt Holdings, LLC, agent Lynn Beal, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being approximately 216 acres located on the south side of the 5200 block of Antilley Rd.

Mr. Bradley Stone presented the staff for this case. Currently, the property is undeveloped. This is located at the western city limits on the south side of Antilley Rd. Elm Creek is the city limit lines and runs along the west and north boundaries of the property. The adjacent properties to the south and east are generally developed with single-family homes. A church exists northeast of this property with frontage on Antilley Rd. The requested RS-8 zoning would allow for the development of a new single-family residential neighborhood similar to the existing adjacent subdivisions.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the adjacent subdivisions and the general area. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. Two (2) comment forms were received in favor and six (6) in opposition of the request (two were from outside the City limits)

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. Lynn Beal (Agent) spoke in favor of this zone change.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2014-33. Mr. Glenn seconded the motion and the motion carried by a vote six (6) in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, Famble).

Item Seven: Ordinance Amendment: Section 2.4.5.2: Criteria for Home Occupations

Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Land Development Code (LDC) in regards to allowing home occupations in detached accessory buildings.

Mr. Jon James presented the report for this case. The Planning staff permitted an accessory building that was designated for storage use. Subsequent to the issuance of the permit, it was discovered that the purpose of the building was for a beauty salon conducted as a home occupation rather than simply a storage building, as was permitted. The Land Development Code (LDC) requires that an allowable home occupation be conducted within the home and not to exceed 25% of the floor area of the home and therefore may not be conducted within a detached accessory building. Given the questions raised by this situation, staff is bringing this issue forward to get direction from the Planning and Zoning Commission and City Council on whether the ordinance should be changed to allow such home occupations within a detached accessory building.

Standards for managing home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by

their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses. Staff is concerned that allowing home occupations to be conducted in detached accessory buildings will encourage more obnoxious uses of the property that likely wouldn't be the case if required to be contained within the home. Rather than simply allowing this by right, staff is proposing that home occupations conducted in a detached accessory building require a Special Exception approved by the Board of Adjustment. As a Special Exception, neighbors within 200 feet will be notified for each request and will have the opportunity to raise objections. The Board will be able to determine compatibility in the neighborhood and has the ability to place conditions if needed to achieve compatibility.

Staff has prepared an amendment to the Land Development Code (LDC) that would allow for a home occupation to be conducted within a detached accessory building upon approval of a Special Exception by the Board of Adjustment. The section proposed for amendment is Section 2.4.5.2 (a) (3).

Staff Recommendation:

Staff recommends **approval** of the proposed amendment to Section 2.4.5.2 (a) (3) of the LDC.

Chairman Famble opened the public hearing.

Mr. Tommy Wadley (property owner) referred to a letter that was sent to all neighbors within the 200ft. boundary. Stated that twelve (12) neighbors had signed a petition stating all were in agreement with the construction of an accessory building on the property.

Mr. Michael Adkins (Director, Hawk Building) spoke in favor of this building that will meet City Codes and Regulations.

Ms. Debra Wadley (property owner) spoke in favor of having this accessory building being used as a beauty shop on the property.

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

Item Eight: Director's Report:

Mr. James stated that the City Council approved all that was recommended, with no differences.

Item Nine: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 5:05 P.M.

Approved: _____, Chairman

