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**PLANNING & ZONING COMMISSION**  
**August 4th, 2014**  
**Minutes**

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Members Present: Fred Famble ~ Chairman  
Gary Glenn  
Tim McClarty  
Clint Rosenbaum

Members Absent: Bruce Bixby  
Robert Calk  
Joy Ellinger

Staff Present: Jon James, Director of Planning and Development Services  
Kelley Messer, Assistant City Attorney  
Ben Bryner, Planning Services Manager  
Donna Boarts, Secretary II (recording)

Others Present: Nick Coates James Condry  
Ron Harrell BJ Pritchard  
Carmen Price Phillip Jergins  
Kris Kowatch

**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:**

**Chairman Famble stated the July 7th, 2014 minutes were not available at this time.**

**Item Four: Plats:**

Mr. Ben Bryner presented the staff report for these cases.

**PP-5914**

A Plat of Lots 204 and 205, Block 14, North Park Addition, Abilene, Taylor County, Texas.

**MRP-6314**

Lot 401, Block A, a Replat of Lots 301 & 302, Block A, Continuation of Alameda Addition and a 4.2 Acre Tract out of the BS&F Survey No. 1, City of Abilene, Taylor County, Texas.

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

**Mr. Rosenbaum moved to approve PP-5914, MRP-6314. Mr. Glenn seconded the motion and the motion carried by a vote of four (4) in favor (Rosenbaum, Glenn, McClarty, Famble,) and zero in opposition.**

**Item Five Zoning:**

- a. **Z-2014-22 TABLED FROM 7/7/2014**  
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. Rosenbaum made a motion to REMOVE ITEM Z-2014-22 FROM THE TABLE. Mr. Glenn seconded the motion and the motion was carried unanimously.**

Mr. Ben Bryner 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

Chairman Famble opened the public hearing.

Mr. Nick Coates (property owner) spoke in favor of the current plan for this property. He has changed his plan and is proposing a PDD (Planned Development District) zoning of 5 acres of MF (Multi-Family Residential) zoning to the north and 9.47 acres of RS-6 (Single-Family Residential) zoning to the south.

Chairman Famble inquired if there were any immediate plans for the RS-6 portion of the property.

Mr. Coates stated that there are no immediate plans, but that the neighborhood was in favor of the RS-6 zoning on the 9.47 acres

Mrs. Carmen Price (adjacent property owner) indicated that there is concern about the 5 acres of MF(Multi-Family) zoning. Stated a PDD district would be their desire so that apartments are only built on those 5 acres. She desires to minimize the traffic in the neighborhood with the entrance being off of E. Stamford Road.

Mr. McClarty stated he felt Mr. Coates has tried to take all things into consideration with the neighbors in the community when constructing this Independent Living Home.

Mr. Kris Kowatch (adjacent property owner) provided each of the commissioners with a printout stating the "*Procedural Concern: Provisions & Standards.*" Mr. Kowatch stated the neighborhood is prioritizing their concerns for a MF zoning, which would bring a substantial influx of traffic into the neighborhood.

Mr. B.J. Pritchard (agent), representing Mr. Coates, stated that Campus Court is in the process of being closed. By doing so, it would cut-off the access from the I-20 corridor. The primary access to the 5 acre parcel will then be off of E. Stamford Street. The remaining 9 acres is proposed to be RS-6 (residential Single-Family) with access from Garfield or Campus Ct.

Mr. Coates spoke about the illustration that was given to the Commissioners. Stated that the PDD should read the 5 acres to the north will be MF and the 9.47 acres will be zoned RS-6. This is what the community has requested.

Chairman Famble closed the public hearing.

Mr. Jon James stated one option would be to approve straight zoning of RS-6 and MF. If approval is contingent on certain conditions, then the commission would need to do this through a PDD zoning where those conditions could be listed.

Mr. Rosenbaum stated that it should mention there would not be an access between the MF property and Garfield Ave.

**Mr. Glenn moved to approve Z-2014-22 (as presented and shown in diagram). Mr. McClarty seconded the motion. . The motion failed by a vote of two (2) in favor (Glenn,**

**McClarty) and two (2) in opposition (Rosenbaum, Famble). Motion FAILED, needing four (4) votes to pass.**

Chairman Famble opened the public hearing.

Mr. McClarty asked for clarity on building of an Independent Living Facility on the property in question and whether Mr. Coates is interested in developing residential lots or if he is doing so for the neighborhood.

Mr. Coates stated that the intent is to build the independent living facility and that building the residential lots will not be immediate.

Chairman Famble closed the public hearing.

Mr. Rosenbaum stated he would like to **TABLE item Z-2014-22** until September meeting, to allow property owners time to fully understand what is being decided.

Mr. James stated that staff could easily write what is being decided without having to bring it back and send it out after the meeting to make sure it is what was intended. If not then we could bring it back for the next month's meeting before passing it on the City Council.

Mr. Rosenbaum made the following *MOTION*: Property would be zoned RS-6 and MF zoning per the exhibit with the MF portion having access only off of Stamford Street to assure no connection from Stamford Street to Garfield Ave. Additionally, the independent living facility use being constructed on the MF property.

Chairman Famble opened the public hearing.

Mr. Coates stated that if restricted to those five (5) acres, Mr. Coates would like that ability to build a larger facility.

Mr. James stated that he was unclear about the motion, whether it was being proposed that a physical blockage be made to prevent the streets from connecting?

Mr. Rosenbaum stated for traffic and safety reasons a physical blockage is desired.

Mrs. Price stated the concern is traffic and safety of the neighborhood.

Mr. Glenn stated that he is not in agreement with having the access denied to Garfield Ave and Campus Court if an emergency arises at the Independent Facility.

Mr. James stated ideally to get access to the RS-6 property they would need to come up Campus Court and develop out from there. There was a staff recommendation for the street closure based on some of the concerns from the Commissioners and emergency vehicles.

Mr. Pritchard discussed that there will be an internal neighborhood street coming off of Garfield with the ability of leaving an open access easement on one of the lots that would allow for a keyed gated connection to the rear of the 5 acres to allow for emergency vehicles only.

Mr. Kowatch stated the neighborhood is an agreement with having a private cul-de-sac to allow the access for emergency vehicles. Stated currently that ACU Drive was approved for closure, therefore would add to the time & distance that emergency vehicles would have to travel to the closest hospital from E. Stamford Road. He explained that having ACU Drive remain open for emergency vehicles would be ideal.

Mr. Chairman Famble closed the public hearing.

Mr. Rosenbaum indicated that his vote is contingent on the Thoroughfare Closure going through. Mr. Rosenbaum is withdrawing his motion.

Mr. James advised that before the commission decided to **TABLE** this item, City Council might want to see the commission's recommendation in order for them to make the decision on the closure.

Mr. Rosenbaum removed his tabled motion and reverted back to the original motion.

Mr. James clarified the **MOTION** is as follows: to **APPROVE** a PDD (Planned Development District) with 2 tracts as shown on the exhibit. The northern 5 acres being zoned MF (Multi-Family Residential) zoning and the southern approximately 9.5 acres zoned RS-6 (Single-Family Residential). Additionally, the 5 acre portion having access only to E. Stamford St with the exception of an emergency access that could be accessed from the southern single-family residential area, the northern 5 acres would be limited to an Independent Living Facility with no limit on size, and that there will be a physical barrier preventing public access between the 2 tracts.

Mr. McClarty added that the 5 acres can be adjusted slightly to allow Mr. Coates to build a 140 unit facility.

**Mr. Rosenbaum made a motion to APPROVE Item Z-2014-22 per the motion on the table. Mr. McClarty seconded the motion. The motion FAILED by a vote of three (3) in favor (Rosenbaum, McClarty, Famble) and one (1) in opposition (Mr. Glenn). Four affirmative votes are required to approve.**

Mr. James clarified that in order for this item to go to City Council the vote would have to be an affirmative vote of **APPROVAL**, or a **DENIAL** that is appealed by the applicant. Since a fourth vote was needed and not achieved, a suggestion was made to **TABLE** the item. If another motion is not made or is not **TABLED**, it will be treated as a denial with the 3-1 vote.

Chairman Famble opened the public hearing.

Mr. McClarty informed Mr. Coates that the Commissioners could **DENY** this item and that he could then pay a fee of \$250.00 for it to be brought before City Council. The other option would be to **TABLE** the item to discuss again next month.

Mr. Coates agreed to **TABLE** this item.

Mrs. Price inquired if the \$250.00 fee could be waived for Mr. Coates.

Mr. James stated that the Commissioners do not have the authority to waive the fee.

Chairman Famble closed the public hearing.

**Mr. McClarty made a motion to TABLE Item Z-2014-22 to the September meeting. Mr. Glenn seconded the motion the motion was carried by a vote of four (4) in favor (McClarty, Rosenbaum, Glenn, Famble) and none in opposition.**

**b. Z-2014-35**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Shane McClung to rezone property from HC/H (Heavy Commercial/Historic Overlay) to CB/H (Central Business/Historic Overlay) zoning, located at 150 Locust St.

Mr. Ben Bryner presented the staff report for this case. Currently, the property is developed with a mixed use building with retail on the bottom floor and residential lofts on the 2<sup>nd</sup> floor. The HC zoning previously allowed for residential uses. However, the approved Land Development Code (LDC) included a change to the HC zoning no longer allowing residential uses. The requested CB zoning permits residential uses and will allow for the development of additional loft apartments consistent with the existing apartments developed in the past within the building.

The Future Land Use section of the Comprehensive Plan designates this area as part of the Central Business District. The property also lies within the South Downtown Area (SoDA) Plan. The SoDA plan identifies this area as a transitioning area and designates it as a 'mixed use' area. Properties with CB zoning are located within the next block to the west of the subject property. There have been other properties in the south downtown area that have changed zoning recently to promote the 'mixed use' designation. The requested zoning is compatible with the adjacent uses, the Comprehensive Plan, as well as the SoDA plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

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.

Chairman Famble opened the public hearing.

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Mr. Shane McClung (property owner) spoke in favor of this zoning change.

Chairman Famble closed the public hearing.

**Mr. Rosenbaum made a motion to approve Z-2014-35. Mr. McClarty seconded the motion and the motion carried by a vote four (4) in favor (Rosenbaum, Glenn, McClarty, Famble) and zero (0) in opposition.**

**c. Z-2014-36**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from MC Real Estate Holdings, LLC, agent EHT, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, being the front ±1.5 acres of the property located at 4100 S. Danville Dr.

Mr. Ben Bryner presented the staff report for this case. Currently, the property is developed and is the former site for the Golden Corral restaurant. The southern ±1.5 acres of the property is zoned LI which does not allow for restaurant uses. GC zoning exists on the remaining part of the property and the adjacent properties along Hwy 83-84. The applicant is requesting to rezone the front portion of the property to the GC zoning in order to provide more options for commercial and retail development.

The Future Land Use section of the Comprehensive Plan designates this area as adjacent to a “Major Commercial/Business Center”. Highway 83-84 is designated as an ‘expressway’. The requested zoning is for GC zoning on the front ±1.5 acres. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. Two (2) comment forms were received in favor and one (1) in opposition.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval.

Chairman Famble opened the public hearing.

Mr. B.J. Pritchard (agent) spoke in favor of this zoning.

Mr. Ron Harold (property owner) spoke in opposition to this zoning. Mr. Harold is the property manager of property located nearby and is concerned for the current resident’s wellbeing.

Chairman Famble closed the public hearing.

**Mr. Glenn made a motion to approve Z-2014-36. Mr. Rosenbaum seconded the motion and the motion carried by a vote four (4) in favor (Glenn, McClarty, Rosenbaum, Famble) and zero (0) in opposition.**

**Item Six: Director's Report:**

All was approved by City Council as staff had recommended.

**Item Seven: Adjourn**

The Planning and Zoning Commission meeting was adjourned at approximately 2:49 P.M.

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