
PLANNING & ZONING COMMISSION
December 1st, 2014
Minutes

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

Members Absent: None

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:	Pamla Pruitt	Zella McKinney
	Hazel Weaver	Christina Baker
	Christina Baker	Don/Beth Pope
	Kevin/Mikayla Jackson	Derek Petterson
	Bess Lawrence	Judy Favor
	Erik Johnson	John Harvey
	Terry Franklin	Ken Dozier
	James Condry	Rob Woods
	Tom Niblo	Scott Senter
	Megan Santee	

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: Approval of Minutes:

Chairman Famble stated the October 6th, 2014 minutes were not ready for approval.

Item Four: Plats

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

FP-5114:

Bunny Run Addition, Section 1, 8.282 Acres of Land out of the SE/4 of Section 67, Blind Asylum Land, Abstract No. 642, City of Abilene, Taylor County, Texas.

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

Mr. Bixby moved to approve FP-5114. Mr. Calk seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, Famble) and none in opposition.

Item Five: Zoning

a. Z-2014-47

Public hearing and possible vote to recommend approval or denial to the City Council on a request from RGP Enterprises, Inc., agent Derek Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 3250 S. Treadaway Blvd.

Mr. Bryner presented the staff report for this case. Currently the property is zoned LI and is developed with a several businesses and some self-storage units. The surrounding area is developed generally with similar industrial uses and farm implement/heavy equipment businesses. There are some single-family residential uses to the north and west that are close by. This property has frontage along and gains primary access directly from S. Treadaway Blvd. There is a use that has frontage along S. 32nd Street. The applicant is requesting the GC zoning to allow for personal service uses, specifically a beauty salon, to locate in the buildings fronting S. Treadaway Blvd. The business fronting on S. 32nd St utilizes big trucks and is not compatible with GC zoning and therefore that portion of the property is proposed to remain LI.

The Future Land Use section of the Comprehensive Plan designates the area as 'heavy commercial/light industrial'. S. Treadaway Blvd is designated as an 'enhancement corridor' as well. The requested zoning would allow for personal service uses, including a beauty salon. Although this zoning would be in the vicinity of industrial uses, the requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends approval except for the north ±235 feet adjacent to S. 32nd St as the business utilizes big trucks and is not compatible with GC zoning.

Chairman Famble opened the public hearing.

Mr. Derek Peterson (agent, RGP Enterprise) spoke in favor of zoning changes to accommodate interested business owners.

Mr. Terry Franklin (property owner adjacent to property) inquired if the property zoning is changed would other adjoining properties zoned LI that are wanting to make a *30% expansion* to their properties be required to landscape/screen?

Mr. Bixby inquired if the zoning request was satisfactory?

Mr. Franklin stated if zoned GC it may become legally non-conforming due to the other businesses being out of compliance with other zoning.

Chairman Famble closed the public hearing.

Mr. Glenn requested for the hearing to be opened to speak to Mr. Peterson to respond to Mr. Franklin's comment.

Chairman Famble opened the public hearing.

Mr. Peterson stated the area in question does meet GC requirements. Mr. Peterson indicated he would be fine with LI zoning remaining on the area adjacent to Mr. Franklin's property.

Chairman Famble closed the public hearing.

Mr. Glenn stated that he understands the issue brought forth by Mr. Franklin, possible suggestion is to handle the area of the property Mr. Peterson is trying to get zoned GC (General Commercial).

Chairman Famble inquired if a 30% change would trigger landscaping buffer.

Mr. Jon James stated if a site plan is generated it would trigger compliance with all requirements, to include buffering. The grandfathering status remains until you choose to expand over a certain amount.

Mr. Bixby made a motion to approve Z-2014-47 to allow GC zoning change to the southeast portion only. Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, Famble,) and none in opposition.

b. Z-2014-48

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Danville O5, agent Tom Niblo, to rezone property from PD (Planned Development) to MU (Medical Use) zoning, located at 3434 Mabray Ln.

Ben Bryner presented the staff report for this case. Currently the property is zoned PD-26 and is undeveloped. This is part of a larger PD boundary that is developed with offices to the east and single-family residential lots to the north. This property is currently zoned to allow for more single-family residential lots. The applicant is requesting the MU zoning similar to the zoning on the south side of Mabray Ln. The MU zoning district allows for medical offices, surgery centers, as well as a hospital. The NO (Neighborhood Office) was created to allow for office uses, but with maximum building size and hours of operation regulations to protect adjacent residential uses.

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The requested zoning would allow for medical office uses, including a hospital. Although this zoning would allow for office uses, the requested zoning allows for more intense uses that would not be compatible with the adjacent uses and the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. Five (5) comment forms were received in favor and three (3) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of NO (Neighborhood Office) zoning to allow for office uses but provide the protections to adjacent residential uses.

Chairman Famble opened the public hearing.

Mrs. Zella McKinney (property owner) spoke in opposition of this zoning change adjacent to her property. Due to the increase of outside lighting, security issues and possible decrease in property value due to the excessive noise.

Mrs. Pruitt (property owner) spoke about the same concerns as well as possible increase of property taxes.

Mr. Tom Niblo (Agent) spoke in favor of the MU zoning.

Mr. Bixby inquired if NO zoning would be acceptable.

Mr. Niblo indicated MU (Medical Use) is highly desired but will consent to NO (Neighborhood Office) zoning.

Chairman Famble closed the public hearing.

Mr. Bixby made the motion to approve Z-2014-48 with *NO zoning*. Mrs. Ellinger seconded the motion with a vote of six (6) in favor (Bixby, Ellinger, McClarty, Rosenbaum, Famble) and Mr. Calk abstained.

c. Z-2014-49(a)

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Lisa Laird, agent Paul Johnson & Associates, Erik Johnson, to rezone property from RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 2510 S. 14th St.

Mr. Bryner presented the staff report for this case. Currently the property is zoned GC & RS-6 and is developed with a church. The purpose of the zoning is to allow for retail uses on the property. The surrounding area is developed generally with single-family residential uses to the north and retail uses to the east & west along S. 14th St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GC zoning which would allow for retail uses similar to those already existing along S. 14th St.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial' and is near a 'Local Community Center' node. The S. 14th Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14th St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14th St would be more suitable for retail development with the northernmost property transitioning to residential uses. Maintaining the RS-6 zoning on the northernmost property would provide the transition to single-family residential uses to the north.

Property owners within the 200' of the zoning request were notified. Four (4) comment forms were received in favor and one (1) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR (General Retail) zoning for the part currently zoned GC and keeping the northern portion of 2510 S. 14th St as RS-6. Staff could also support a PD (Planned Development) zoning on the entire property with sufficient protections for adjacent residential properties.

Chairman Famble opened the public hearing.

Mr. Erik Johnson (agent: Paul Johnson & Associates) spoke in favor of the zoning changes. Mr. Johnson provided a picture presentation. This property was last used as a church that sits on GC with the back portion being RS-6. Was advised if building was used for retail, GC zoning would need to be used throughout the property. Proposed property buyer is a local retailer that offers home furnishings.

Mr. McClarty inquired about the two (2) properties Z-2014-49(a) and Z-2014-49(b) and zoning them both PD (Planned Development) creating the "buffer" along the back of the property the City Council is asking for.

Mr. Johnson clarified that there are two separate users.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to approve Z-2014-49(a) to GC zoning. Mr. Bixby seconded the motion and the motion was approved by a vote of seven (7) in favor (Glenn, McClarty, Rosenbaum, Bixby, Calk, Ellinger, Famble) and none in opposition.

d. Z-2014-49(b)

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Don Hardin, agent Paul Johnson & Associates, Erik Johnson, to rezone property from GR (General Retail) & RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 1357, 1365, & 1373 Portland Ave and 2526 S. 14th St.

Mr. Bryner presented the staff report for this case. Currently the property is zoned GR & RS-6 and is developed with a commercial use and 3 residential homes. The purpose of the zoning is to allow for retail uses on the property. The surrounding area is developed generally with single-family residential uses to the north and retail uses to the east & west along S. 14th St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GC zoning which would allow for retail uses similar to those already existing along S. 14th St. The P&Z Commission recommended GR zoning on 1357 & 1365 Portland Ave keeping the existing GC zoning. However, the City Council approved GR zoning on all properties except 1357 Portland Ave.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial' and is near a 'Local Community Center' node. The S. 14th Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14th St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14th St would be more suitable for retail development with the northernmost property transitioning to residential uses. Maintaining the RS-6 zoning on the northernmost property would provide the transition to single-family residential uses to the north.

Property owners within the 200' of the zoning request were notified. Four (4) comment forms were received in favor and one (1) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial. However, staff could support a PD (Planned Development) zoning on the entire property with sufficient protections for adjacent residential properties.

Chairman Famble opened the public hearing.

Mr. Erik Johnson (agent: Paul Johnson & Associates) spoke in favor of the zoning changes. The property in question is three (3) lots deep; from the curb-line is approximately 185' foot deep and is 175' wide. Stated GC would be an appropriate zoning.

Chairman Famble closed the public hearing.

Mr. McClarty made a motion to approve Z-2014-49(b) to GC zoning. Mr. Calk seconded the motion and the motion was approved by a vote of seven (7) in favor (McClarty, Rosenbaum, Bixby, Calk, Ellinger, Glenn, Famble) and none in opposition.

Chairman Famble called for a 15 minute break.

Chairman Famble called the meeting to order.

e. Z-2014-50

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Caleb Ensor to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2018 Campus Ct.

Mr. Bryner presented the staff report for this case. Currently the property is zoned RS-8 and is developed with a home. The surrounding area is developed generally with residential uses to the north, south, & west. The property across Campus Ct to the east is Abilene Christian University. Campus Ct is designated as a ‘collector’ street. The applicant is requesting the NR zoning for development of a neighborhood retail store. Staff has concerns about the traffic that the potential uses would generate. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. However being adjacent to the university, this neighborhood has a greater pedestrian population as students walk to and from school. This property is oriented toward Campus Ct. An alley separates it from the adjacent lot to the west. Additionally, there are other properties with similar uses further south on Campus Ct.

The Future Land Use section of the Comprehensive Plan designates this area as ‘low-density residential’. The general area on the west side of Campus Ct is developed with single-family homes. Abilene Christian University exists to the east across Campus Ct. This area has seen some mixed-use development on properties further south.

Property owners within the 200’ of the zoning request were notified. Zero (0) comment forms were received in favor and six (6) opposed of the request (One (1) outside the 200’)

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Rosenbaum left the meeting at 2:50 pm.

Chairman Famble opened the public hearing.

Mrs. Beth Pope (adjacent property) spoke in opposition of this zoning change.

Mr. Don Pope (adjacent property) spoke in opposition of this zoning change.

Mr. Kurt Boylan (property owner) spoke in opposition to this zoning change due to the traffic, parking, safety and noise.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to deny Z-2014-50. Ms. Ellinger seconded the motion and the motion was approved by a vote of six votes (6) in favor (Glenn, McClarty, Bixby, Calk, Ellinger, Famble) and none in opposition.

Chairman Famble requested to abstain from item Z-2014-51. Mr. McClarty will chair on this agenda item.

f. Z-2014-51

Public hearing and possible vote to recommend approval or denial to the City Council on a request from McMurry University, agent John F. Harvey, III, to rezone property from MD (Medium Density) to CU (College & University) zoning, located at 2333 Hunt St and 1726, 1734, & 1742 Santos St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned CU & MD and is developed with McMurry's maintenance building and a parking lot. The surrounding area is developed generally with single-family residential uses to the south & west and apartments to the east. The property across Hunt St to the north is McMurry University. The applicant is requesting the CU zoning so that this property conforms to the zoning of the university. There are plans to improve the existing parking lot as well. The property has been used by the university for many years and the zoning request would bring it into conformance with current use of the property.

The Future Land Use section of the Comprehensive Plan designates this area as 'low-density residential'. The general area on the south side of Campus Ct is developed with both single-family homes and apartments. McMurry University exists to the north across Hunt St. This area has been used by the university for many years and complies with the Comprehensive Plan.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. McClarty opened the public hearing.

Mrs. Lawrence (property owner) stated she is not opposed to the zoning change, would like to recommend a fence be put up to hide the equipment on the site.

Mr. Bruce Masher (property owner) stated he is not opposed to the zoning change, is advocating a fence to clean up the view from the property.

Mr. McClarty closed the public hearing.

Mr. Jon James stated the City is working on a list of ordinance clean up items. One that will be brought back for discussion is what situations trigger site plans or compliance with other requirements.

Mr. McClarty opened the public hearing.

Mr. John Harvey (Agent) stated a green mesh will be used in addition to adding a chain-link fence.

Mr. McClarty closed the public hearing.

Mr. Bixby made a motion to approve Z-2014-51. Mrs. Ellinger seconded the motion and the motion was approved by a vote of five (5) in favor (Bixby, Calk, Ellinger, Glenn, McClarty) and none opposed. Chairman Famble abstained.

g. Z-2015-52

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Three JB Properties, LLC, agent Kevin Jackson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 241 S. 11th St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned HI and is used as outdoor storage for the existing feed & supply use at 249 S. 11th St. The purpose of the zoning is to allow for development of a new building for their retail portion of the business. The surrounding area is developed generally with industrial and commercial uses similar to the proposed use. With the adoption of the Land Development Code (LDC) in 2010, the HI zoning no longer allows for retail sales. The applicant is requesting a change to the LI zoning which would allow for the proposed retail activity.

The Future Land Use section of the Comprehensive Plan designates this general area as 'heavy commercial/light industrial'. The S. 11th St thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Property owners within the 200' of the zoning request were notified. Four (4) comment forms were received in favor and zero (0) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

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September 2nd, 2014

Planning and Zoning Commission

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

Mr. Glenn moved to approve Z-2014-52. Mr. McClarty seconded the motion and the motion carried with a vote of six (6) in favor (Glenn, McClarty, Bixby, Calk, Ellinger, Famble) and none in opposition.

h. Z-2015-53

Public hearing and possible vote to recommend approval or denial to the City Council on a request from James & Carody Bell to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 4001 Potomac Ave.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned RS-12 and is developed with a house. The surrounding area is developed generally with single-family residential uses. The Henderson/ Williams House was built by George Henderson, a local building contractor, in 1959 in the French or Mansard Eclectic style of the Neoeclectic movement. The purpose of the zoning is to place the Historic Overlay on the property in order to protect the home and provide tax incentives for the home owner.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Property owners within the 200' 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. No one came forward and the public hearing was closed.

Mr. Calk moved to approve Z-2014-53. Mr. McClarty seconded the motion and the motion was approved by a vote of six (6) in favor (Calk, Ellinger, Glenn, McClarty, Bixby, Famble) and none in opposition.

i. Z-2014-54

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to expand the limits of PD-91 to include 1842 Hwy 351, currently zoned GR (General Retail), and amend PD-91 regarding signage.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned GR and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. With the planned re-construction of Hwy 351, the

existing drive between the subject property and the Chik-Fil-A restaurant to the west will likely be closed and a new drive provided across this property accessing onto Enterprise Dr. The purpose of the zoning is to incorporate this lot into the existing Wal-Mart PD zoning and to amend the PD language to allow for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. This will ensure compatible development with the existing Wal-Mart development.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Major Commercial/Business Center'. The recently adopted Hwy 351 Development Plan also identifies this area as part the 'Commercial Activity Center'. The construction of Enterprise Dr. on the north side of Hwy 351 has created a new intersection that is planned to have a traffic signal. The requested zoning is deemed compatible with the Future Land Use Map, the Hwy 351 Development Plan, and the adjacent properties.

Property owners within the 200' 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.

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

Mr. Bixby moved to approve Z-2014-54. Mr. Glenn seconded the motion and the motion was approved by a vote of six votes (6) in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Famble) and none in opposition.

Item Six: Capital Improvement Program (CIP): *Public Hearing to receive potential project suggestions from the public, regarding the 2015-2019 CIP.*

Mr. McRoy spoke regarding the on-going effort to try and obtain suggestions from the public on Capital Projects that we might want to consider in our community. This is a five (5) year program for projects that are long term in nature, exceeding a minimum of \$ 25,000 dollars. Anticipating, on May 21st, 2015 City Council should have a CIP recommendation.

Our on-line survey from those that wish to participate, we ask the following three questions:

- *Rate your level of satisfaction with various services or projects.*
- *Do you feel the money being spent is adequate or not enough?*
- *Would you be willing to pay more for improvements?*

Mr. McRoy stated that the three areas that are surveyed. And these areas usually receive over 50% in response from citizens:

- *Street maintenance. (#1)*
- *Drainage improvements.*
- *Pedestrian sidewalks.(#2)*

- *Hike and bikes trails.*

Mr. McClarty inquired how many citizens are taking this on-line survey.

Mr. McRoy stated at this time the count is very low.

Mr. James stated that the public input is more then we get at our public hearings. It is an additional tool we can use.

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

Item Seven: Directors Report:

Mr. James indicated that the City Council voted differently on a few items.

- South 14th (discussed earlier)
- South 33rd and Buffalo Gap Road ~ Request to re-zone to NR (Neighborhood retail) commissioners denied this zoning. City council agreed to go with NO (Neighborhood Office).
- Firehouse Fitness~ Commissioners approved PD (Planned Development) with NO limit to the operation hours, with no access to the alley. City Council agreed with the re-zoning to a PD (Planned Development) with a few conditions added;
 - *Site Plan would be triggered with the re-use of the building would trigger compliance with all normal landscaping used for buffering.*
 - *A 6 foot tall opaque fence would be required along the north and south property lines. Additional landscaping would not be allowed.*
 - *Allowing the existing u-shaped driveway to remain and not trigger a new TxDOT permit to be completed.*

Item Eight: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 3:51 p.m.

Approved: _____,
Chairman