
PLANNING & ZONING COMMISSION
January 5th 2015
Minutes

Members Present: Fred Famble
Bruce Bixby
Robert Calk
Joy Ellinger
Tim McClarty (arrived late)
Clint Rosenbaum

Members Absent:

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: A.R. Falconi
Seaton Higginbotham
Sam Chase

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: Announcement

Mr. James made an announcement that Commissioner Gary Glenn will no longer serve on the Planning and Zoning Commission due to moving outside of the city limits.

Item Four: Approval of Minutes:

Chairman Famble stated the December 1st, 2014 minutes were received and reviewed. Mr. Rosenbaum moved to approve the minutes. Mr. Calk seconded the motion and the motion was approved unanimously.

Item Five: Plats

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

FP-5514: A Plat of Section 1, Antilley Road Subdivision, Taylor County, Texas.

MRP-8614: A Plat of Prairie Gardens Addition, Abilene, Taylor County, Texas.

MRP-8914: Lot 207, Replat of the East Half of Lot 7, Block B, Lytle Lake Gardens Addition, Abilene, Taylor County, Texas.

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

Mrs. Ellinger moved to approve FP-5514, MRP-8614, and MRP-8914. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Ellinger, Rosenbaum, Bixby, Calk, Famble) and none in opposition.

Item Six: Zoning

a. Z-2015-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Reunion Enterprises, Inc., agent James Griffith, to rezone property from GC (General Commercial) to GR (General Retail) zoning, located at 2826 S. 2nd St.

Mr. Bryner presented the staff report for this case. Currently the property is zoned GC and is developed with a residence. The surrounding area is developed generally with commercial and retail uses to the north, east, & west. Residences exist on the properties to the south. The home on the subject parcel appears to be the last remaining residence on the north side of the block. Residential uses are no longer permitted in the GC zoning district. The purpose of the zoning is to bring the site into conformance with a zoning district that permits residential uses; therefore, the applicant has requested to rezone the property to allow for single-family residential uses. The original request was for RS-6 zoning; however, the GR zoning district does permit residential uses and is more compatible with the surrounding zoning. The GR zoning has similar permitted uses as the GC zoning and can be considered compatible to the zoning. Therefore, staff has notified for GR zoning to allow for the most flexibility.

The Future Land Use section of the Comprehensive Plan designates the block as 'commercial'. The GR zoning is similar to the current GC zoning but does allow for residential uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR zoning.

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

Mr. Rosenbaum made a motion to approve Z-2015-01. Mr. Calk seconded the motion and the motion carried by a vote of five (5) in favor (Rosenbaum, Bixby, Calk, Ellinger, and Famble) and none in opposition.

b. Z-2015-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Southern Switching Company, agent Jeff Baskett, to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, being approximately 19.52 acres located on the west side of the 3700 block of W. Lake Rd to include 3790 W. Lake Rd.

Ben Bryner presented the staff report for this case. Currently the property is zoned AO and is undeveloped. The surrounding area is largely undeveloped but there are residential uses to the east with some limited commercial and retail uses along W. Lake Rd. In 2008 the western portion of the property was rezoned to LI zoning to allow for outdoor storage of materials. Recently, the outdoor storage has encroached onto this portion of the property. The purpose of the zoning is to bring the site into conformance with a zoning district that permits outdoor storage; therefore, the applicant has requested to rezone the property to the LI zoning district similar to the existing zoning on the western portion of the property. However, the existing residential uses to the east cause some concern if outdoor storage is allowed. A transition from the LI zoning to a commercial district, i.e. HC or GC zoning, would provide greater protection for the residential properties with increased screening and location standards for outdoor storage.

The Future Land Use section of the Comprehensive Plan designates the block as ‘low density residential’. The requested LI zoning the same as the adjacent LI zoning to the west and is similar to the adjacent HC zoning to the south. However, the existing residential uses to the east cause some concern if outdoor storage is allowed. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent properties to the east.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends denial of the LI zoning.

Mr. Jon James clarified that properties adjacent to Pine Street are zoned HI and are developed with more intense uses. LI was then permitted to the east but was kept away from W. Lake Road

to allow transition from HI to LI to something less intensive as it got closer to W. Lake Rd and the residential area. Initially the expansion was intended for the property to the north.

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

Mr. Bixby made the motion to Deny Z-2015-02. Mr. Famble seconded the motion with a vote of five (5) in favor (Bixby, Calk, Ellinger, Rosenbaum, Famble) and none in opposition.

c. Z-2015-03

Public hearing and possible vote to recommend approval or denial to the City Council on a request from PCH Investments, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being a total of approximately 56.6 acres being a portion of 7550 Hardwick Rd & a portion of the approximately 38.9 acres to the north.

Mr. Bryner presented the staff report for this case. Currently the property is zoned AO and is undeveloped. The surrounding area is largely undeveloped but there are residential uses to the south with 2 schools located to the south along Hardwick Rd. The purpose of the zoning is to allow for development of new single-family residential homes. A large area along Hardwick Rd is not included and includes an existing home. Additionally, the area along Hardwick Rd is within floodway and floodplain area that would be difficult to develop. Waldrop Dr is designated as a 'collector' street and would be required to be built as part of this development.

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The requested RS-6 zoning is the same as the adjacent zoning to the south and is similar to the residential development in the area. The requested zoning is compatible with the Future Land Use Map 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.

Mr. David Todd (agent) spoke in favor of this zoning, asked if there were any questions.

Chairman Famble closed the public hearing.

Mr. Bixby made the motion to approve Z-2015-03. Mr. Famble seconded the motion with a vote of four (4) in favor (Bixby, Calk, Rosenbaum, Famble), none in opposition, and one (1) abstained (Ellinger).

d. Z-2015-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to rezone property from LI (Light Industrial) to LI/H (Light Industrial/Historic Overlay) zoning, located at 189 Locust St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned LI and is developed with an old railway station building. The Burlington Railroad Station, referred to on the National Register of Historic Places as “Abilene and Northern Railway Company Depot” was built in 1929. This one story, red brick veneer building is a distinctive Mission Revival Style building. The exterior retains a high degree of integrity. The surrounding area is largely developed with warehousing and commercial uses. The purpose of the zoning is to add the historic overlay on the building to provide some incentives for restoring the building and to place protections from demolition.

The Future Land Use section of the Comprehensive Plan designates this property as part of the ‘Central Business District’. The existing LI zoning will remain. The requested overlay zoning is compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

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.

Mr. Calk and Mrs. Ellinger stated that they both would abstain from this agenda item.

Mr. James indicated that with only three (3) voting members, a fourth vote would be needed, Mr. McClarty will join the meeting late and suggested that we table this item until his arrival, or continue with the public hearing.

Mrs. Kelley Messer indicated due to Mr. McClarty not being in attendance the item should be tabled.

Mr. Bixby recommended that we continue with the meeting.

Chairman Famble opened the public hearing.

Mr. A.R. Falconi (building owner) spoke in favor of the Historic Overlay and the historic significance of the structure under the criteria that it is distinctive of a type, period, or method of construction or architecture.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to *TABLE* this item to be the last item on today’s agenda. Mr. Rosenbaum seconded the motion and the motion to table carried by a vote of three (3) in favor (Bixby, Rosenbaum, Famble), none in opposition, and two (2) abstained (Calk, Ellinger).

Ordinance Amendment: **TABLED FROM OCTOBER 6, 2014 MEETING**

Item removed from the table by a vote of five (5) in favor (Bixby, Calk, Ellinger, Rosenbaum & Famble) and none in opposition.

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

Mr. Jon James spoke about the lake area plan that was adopted back in 2009. The City is working on an overlay ordinance to apply standards to the lake area. A two-page summary explaining the staff’s original recommendations and those from the Lake Fort Phantom Hill Neighborhood Association has been provided. Today’s meeting will provide an *overview* for each item. Staff is asking the board for directions on each issue, and then staff can go back and re-write the ordinance to make whatever changes that are recommended.

- ***Oil and Gas wells:*** *Staff’s recommendation was to not address this due to the city having an ordinance for oil and gas permits. City Council acquires these on a “case by case” basis. The association would prefer to prohibit oil and gas wells within the overlay or a distance decided from the lakes edge.*
- ***Underground Utilities:*** *Staff did not make a recommendation; neighborhood association would prefer all service line utilities be underground. Received feedback from property owners stating the bedrock is solid, therefore excavating could be difficult and expensive. Decision was to not include in the overlay.*
- ***Parking:*** *Staff recommendation is that recreational vehicles and boats are to be parked on private property not in the R.O.W. (right-of-way.) The Lake Association stated they would allow parking in the R-O-W not impeding traffic during weekends and holidays only.*
- ***Surfaces:*** *Staff recommendation is to require all parking surfaces to be improved. The use of caliche and gravel allowed if it meets certain city standards. Commercial development asphalt or concrete parking surfaces are required. As an alternative the association recommended to allow the unimproved surface gravel or caliche both for recreational vehicles and boats.*

- **Signs:** Staff recommended some limitations on signage preventing electronic message signs viewable from the lake, preserving its natural character. The association agreed with all of the staff's recommendations with one exception, the recommendation prohibiting portable signs around the lake. The Lake Association would allow portable signs. Staff recommendation was to allow temporary portable signs for grand openings and special events with strict time limits for removal.
- **Sidewalks:** Staff recommendation was to exempt existing neighborhood that is already developed. Any new development at the lake sidewalks would be required. Both staff and association came to an agreement that would be to require a developer could choose to put in trails other than sidewalks with a natural surface added. One stipulation is it must be ADA compliant.
- **Trails:** Staff and the Lake Fort Phantom Plan would require trails must be a constructed with a connecting trail system along the shoreline of the lake. Any new development requires constructing a trail on their part of the property. The association's preference is not to have that trail requirement, but if adopted they would prefer to see an 8ft. trail; staff's recommendation would be for a standard 10ft trail.
- **Docks:** Minimum standard requirements for the docks. The association supports the standards recommended ordinance. There is a requirement in the staff's **recommended ordinance**, stating the removing of the old, dilapidated or hazardous docks at the lake. There are concerns from the association regarding older docks possibly being radioactive due to the use of old pipe and material that could be hazardous to dispose of.
- **Fencing:** Staff's recommendation the area between the house and the lake, any fencing would need to be at least 50% opaque to allow visibility through it and not obstruct the view of the lake. At this time the lake is mostly un-fenced. The association's recommendation was to allow a 6ft. opaque fence from the back of the home and taper down in size to the lake not obstructing the view.
Note: The way the ordinance is currently drafted we do not address trees shrubs and hedges. We would advise having a provision written in stating so plant obstruction does not become an issue.

Chairman Famble made a motion to TABLE due to more discussion and more votes needed concerning the *Ordinance Amendment*. Item moved to the end of the meeting.

Mrs. Kelly Messer stated that Mr. Calk being on the Landmarks Commission Board and Mrs. Ellinger could possibly be abstaining due to conflict of interest from this vote.

Mr. Calk and Mrs. Ellinger both stated there is no conflict, both will be voting.

Mr. McClarty joined the meeting.

Mr. Bixby made a motion to remove item Z-2015-04 from the table. Mr. Rosenbaum seconded the motion and the motion to table carried by a vote of three (3) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, Famble), none in opposition.

d. Z-2015-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to rezone property from LI (Light Industrial) to LI/H (Light Industrial/Historic Overlay) zoning, located at 189 Locust St.

Mr. Bixby made the motion to approve Z-2015-04. Mr. Rosenbaum seconded the motion with a vote of four (4) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, Famble), none in opposition.

Return to the Ordinance Amendment:

Chairman Famble opened the public hearing.

Mr. Sam Chase (Lake Association representative) spoke about the items Mr. James had discussed.

Oil and Gas: The association believes the lake being a water source it is not a good idea to be drilling so close to the water. Would prefer drilling be prohibited.

Underground Utilities: The lake association originally wanted to recommend that all utilities all lines be underground, the service lines from the street to the residence only.

Parking Surfaces: The lake association is in agreement with caliche or gravel for the parking surface as long as it is defined. Parking on the ROW (right-of-way) allowed on weekends and holidays only.

Signs: Mr. Seaton Higbotham (Lake Resident) stated the lake association is in agreement with allowing portable signs with no time limit for small businesses owners.

Sidewalks: The lake association feels that sidewalks are not necessary or should be required in new neighborhoods.

Trails and Paths: The lake Association agreed with 8ft. paths and prefers the atmosphere to remain rural and unique at the lake.

Docks: The lake association is willing to assist in the removal of the old pipe boat docks. In agreement stating boat docks could be radioactive; therefore disposal could be an issue.

Fencing: The association feels fencing is needed for privacy and to maintain residents boundaries.

Mr. McClarty inquired how are the back property line's determined.

Mr. Sam Chase stated in most cases, it is determined by where the *high water* mark is where the intended property line is, spillway is at 1635.9 in elevation. Due to the drought water levels are down approximately 18 feet, depending on the topography of the lake surface.

Chairman Famble closed the public hearing.

Mr. James stated that he had spoken to Mr. McClure (City Land Agent) with oil and gas permits. Stated currently there are no oil/gas wells near E. Lake Rd or W. Lake Rd. to the north FM 1082. The railroad commission does not have any rules related to proximity of a body of water. Most of the land in question at the lake is city owned, however the city does not own the mineral rights which could pose legal issues if drilling is allowed around the lake.

Mr. James stated that he would prefer a "straw poll" then a formal vote at the next meeting once staff has made the ordinance changes on these items discussed.

Oil and Gas: City existing oil and gas permit remain in place ~ **Unanimous**

Underground Utilities: Requiring underground utility service lines, but not requiring them to go more than 150 ft. underground from the street to the building ~ **Unanimous**

Parking surfaces: Residential areas inside the city limits require gravel and caliche. At this time, a majority of commercial parking requires an asphalt or concrete surface. Recommendation is to require same standards in the overlay. **Unanimous**

Parking On/Off Street: R.O.W (right of way) parking would be allowed on holidays and weekends. City would still be able to initiate "No Parking Areas" in places that could be a safety hazard. **Unanimous**

Signs: The Commission recommended to allow existing portable signs to continue for 24 months, after which the portable signs need to be removed. **Unanimous**

Sidewalks: Three (3) Commissioners were in favor of no sidewalks required in the overlay, Two (2) were in favor of requiring sidewalks and one (1) abstained in this decision.

Trails: 8ft. wide trails where they are shown on an adopted plan. ~ **Unanimous**

Boat Docks: Travis McClure (City Land Agent) spoke about the docks. Stated that the docks were built from old salvage oil field tubing that are treated with radio-active chemicals. An approved hazardous waste landfill would be required for disposal.

Mr. Bixby stated that the docks should be removed only when the city accepts the debris.

Fencing: Mr. James stated that staff's concern is that if the regulations adopted are too lax, then changing the requirements could be an issue since many problematic fences would have already been built. If the regulations adopted are later determined to be too strict, they can always be relaxed later.

Mr. Bixby stated his recommendation that a property owner can have a privacy fence 30 ft. back from the house closest to the lake when there is a common property line. That fence can be opaque up to a 30 ft. maximum. Also, in no case can it be within 20ft. of the 1635.9 spillway elevation. Beyond this point, the fencing material requirement would be chain link, wrought iron, or similar fencing that does not obstruct views.

Mr. James stated you go 30 ft. back; you are able to also have a fence along the back as well. He also recommended that language be included to say that landscaping, such as a solid hedge, would have to meet the same requirements as fencing. The Commission agreed.

Mr. McClarty left the meeting.

Chairman Famble requested a motion to TABLE the *Ordinance Amendment* until the next Planning Meeting on February 2nd, 2015.

Mr. Rosenbaum made the motion to TABLE the Ordinance Amendment. Mr. Calk seconded the motion. The vote was unanimous for approval. None in opposition.

Item Seven: Directors Report:

Mr. James stated that City Council was in agreement on the items discussed. City Council denied one of the Campus Court cases. There was a second Campus Court case that the Commission recommended denial, but it was not appealed to City Council.

Item Eight: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 4:07 p.m.

Approved: _____,
Chairman