
PLANNING & ZONING COMMISSION
July 6, 2015
Minutes

Members Present: Tim McClarty ~ Vice-Chairman
 Bruce Bixby
 Robert Calk
 Mike Dunnahoo
 Joy Ellinger
 Clint Rosenbaum

Members Absent: Fred Famble ~ Chairman

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

Others Present: Randall & Karon Huey
 Charles Cromwell Kevin Phillips
 Matt Cox Mike Murray
 Brandon Beck Perry Austin
 Michael Pritchard CJ Chaney
 Kevin Peters Caleb Smith
 Steve Durtschi Jean Pierson
 Manual Carneiro Bob Thomas
 Tana Kauffman Dale Boecker
 Bill Minter Jami Anderson
 Duane Martin Thelma Gray

Item One: Call to Order

Vice-Chairman McClarty called the meeting to order at 1:30 p.m. and declared a quorum present.

Item Two: Invocation

Vice-Chairman McClarty gave the invocation.

Item Three: Approval of Minutes

Vice-Chairman McClarty stated that the June 1, 2015 minutes were received and reviewed. Mrs. Ellinger moved to approve the minutes. Mr. Calk seconded the motion and the motion was approved unanimously.

Item Four: Plats

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

PP-1214: Preliminary Plat of Exceptional Business Park, a Subdivision of a 10 acre Tract of land out of the Northwest 1/4 of Section 24, Blind Asylum Lands, City of Abilene, Taylor County, Texas.

PP-0915: Wylie Ridge Addition, Bettes Lane, 6.88 Acres out of the John Smith Survey #99, AB. 288, Taylor County, Texas.

FP-1515: Wylie Ridge Addition, 6.88 Acres out of the John Smith Survey #99, AB. 288, Taylor County, Texas.

FP-2315: A Plat of Lot 1, Block A, Whistle Stop Addition, Abilene, Taylor County, Texas.

PP-2415: Revised Preliminary Plat for College Park Addition, Abilene, Taylor County, Texas.

MP-2515: A Plat of Lot 5, Block A, College Park Addition, Abilene, Taylor County, Texas.

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

Mr. McClarty moved to approve PP-1214, PP-0915, FP-1515, FP-2315, PP-2415 and MP-2515. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum & McClarty) and none in opposition. (Mr. Bixby abstained on PP-1214)

Item Five: Zoning

a. Z-2015-17

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Jamie Anderson, to rezone property from RS-6 (Single-Family Residential) to RS-6/H (Single-Family Residential/Historic Overlay) zoning, located at 1134 Grand Ave.

Mr. Ben Bryner presented the staff report for this case. Currently the property is developed with a home. The surrounding area is developed with single-family homes in all directions. The Presley/Anderson House was built c. 1929. This house has had few external alterations since 1930. Building records do show that there was an additional separate garage structure added to the lot in 1947, it is of age and construction type to be considered contributing to the property. The purpose of the zoning is to designate a historic overlay on the home 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 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 approval.

Mr. McClarty opened the public hearing.

Mrs. Thelma Gray (adjacent property owner) was concerned what the historical effect would be to her property.

Mr. McClarty stated the only effect would be to the property in question.

Mr. McClarty closed the public hearing.

Mr. Calk made a motion to approve Z-2015-17. Mrs. Ellinger seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty,) and none is opposition.

b. Z-2015-18

Public hearing and possible vote to recommend approval or denial to the City Council on a request from PAK Harris Enterprises, Ltd. to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, being approximately 1.35 acres located directly south of 2642 E. Lake Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The surrounding area is developed with the Coca-Cola bottling facility to the west and the new Golden Chick & Heff’s Burgers restaurants to the north. The Lowe’s exists nearby to the southwest. The purpose of the zoning is to accommodate for a new restaurant.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘low density residential’. The intersection of Hwy 351 with I-20 is identified as a “Major Commercial/Business Center”. The City has recently adopted the Highway 351 Development Plan to help define the goals of the corridor. One of the goals of the plan includes: “Ensure the long-term economic viability of a vital retail and service hub serving this sector of the community and outlying communities.” Additionally, this area was included in the concept plan for a major retail area with frontage on both I-20 and Highway 351. An initial Planned Development (PD-113) district was approved along I-20 for the Lowe’s with plans to continue development to Hwy 351. Part of the initial development included the construction of E. Lake Rd south of Hwy 351. The PD zoning was intended to continue in order to maintain continuity in

the development. Staff has determined that continuation of the PD zoning is the appropriate course of action.

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 of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial as requested and approval of PD-113 zoning.

Mr. McClarty opened the public hearing.

Mr. Kevin Phillips (representing PAK Harris) spoke in favor of the request. He stated that the PD zoning would be acceptable except for the signage regulations. Mr. Phillips stated that he intends to comply with the aesthetics and landscaping requirements of the PD. However, a free-standing sign is needed for visibility due to its location.

Mr. McClarty closed the public hearing.

Mrs. Ellinger made a motion to approve Z-2015-18 as requested. Mr. Rosenbaum seconded the motion and the motion carried by a vote of four (4) in favor (Calk, Dunnahoo, Ellinger, & Rosenbaum), one (1) opposed (McClarty), and one (1) abstained (Bixby).

c. Z-2015-19

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Development Corporation of Abilene, Inc. to amend PD-91 (Planned Development) zoning concerning signage for property located at 1842 Hwy 351.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned PD-91 and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. This property was incorporated into the existing Wal-Mart PD early this year. This was done to ensure compatible development with the existing Wal-Mart development. The purpose of the amendment is to increase the height & size allowed for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. The future property owner desires a sign that will be taller and larger than currently allowed in the PD district (40 feet tall and 200 square feet). The requested height & area is 50 feet tall and 250 square feet in size.

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 existing zoning is deemed compatible with the Future Land Use Map, the Hwy 351 Development Plan, and the adjacent properties.

Property owners within a 200-foot radius were notified of the request as well as those within the PDD were notified. Zero (0) 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. No one came forward and the public hearing was closed.

Mr. Rosenbaum made a motion to approve Z-2015-19. Mr. Calk seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and none in opposition.

d. Z-2015-20

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Wal-Mart Stores East, LP, agent Kimley-Horn & Associates, Inc., to rezone property from MD (Medium Density Residential) & O (Office) to GR (General Retail) zoning, being all property between Grape St & Simmons Ave and Ambler Ave & N. 21st St.

Currently the property is zoned MD & O and is developed University Baptist Church as well as some parking lots developed and used for the Hendrick Hospital campus. The surrounding area is developed generally with residential uses. However, the campuses for Hendrick Hospital and Hardin-Simmons University are located just to the east of this property. Additionally, the intersection of Grape St & Ambler Ave is a commercial node with retail uses located on two of the existing corners. The purpose of the zoning change is to allow for retail development. The church and adjacent properties will be demolished and the site developed with a neighborhood Wal-Mart to include fuel sales.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘low density residential’ with an existing church use. Ambler Ave is classified as an ‘arterial’ street. Grape St is classified as a ‘minor arterial’ street. Both Ambler Ave & Grape St are designated as ‘enhancement corridors’. The recently adopted Ambler Corridor Plan’s primary purpose is to encourage high-quality development and redevelopment within a corridor along Ambler Ave from Grape Street to Interstate 20. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting. This intersection creates a node for retail and office development. The proposed zoning is deemed compatible with the Future Land Use Map, the Ambler Corridor Plan, and the adjacent properties.

Property owners within a 200-foot radius were notified of the request. Twelve (12) comment forms were received in favor and three (3) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. McClarty opened the public hearing.

Mr. Mike Murray (attorney, representing the applicant) spoke in favor of this re-zoning.

Mr. Dwayne Martin (Director of Architectural/Engineering with Hendrick Hospital) spoke in favor of this re-zoning. Spoke of removal of the building due to the deterioration of the structure.

Mr. Bixby stated that churches in Abilene are given a special privilege to be constructed within residential areas.

Mr. Martin stated that the building is in such deterioration, it could become a liability to the surrounding neighborhood. From a financial standpoint, it could bring an increase in property values.

Mrs. Karen Huey (property owner) stated her home is on the list of historic homes of Abilene and is not in favor of the traffic and congestion that this will bring.

Mr. Quinn Gregory (property owner) spoke in favor of the re-zoning.

Mr. Kevin Peters (church pastor) spoke in favor of the re-zoning. Mr. Peters stated it is a 90,000 square foot facility. Services were held at this location every week until a couple of years ago. Due to the decline in numbers of individuals, the church suffered and has deteriorated. Contractors stated that due to the repairs that are needed it would become a financial burden.

Mr. Matt Cox (engineer, Kimley-Horn & Assoc.) spoke in favor of the re-zoning. Mr. Cox stated from an engineer's standpoint that renovation needed would be too costly.

Mr. Randall Huey (property owner) inquired if Wal-Mart would take steps to insure the surrounding properties remain as it is currently.

Mr. McClarty stated that with a GR (General Retail) zoning it will require the shielding of the lights to not have spill over into the neighborhood as well as landscaping requirements to be added as a buffer.

Mr. Cox stated that a screening fence would be added as well as landscape buffering from the street to the project.

Mr. Perry Austin (property owner) inquired about a map or drawing with the location of the building, traffic ingress & egress, and parking lot areas.

Mr. Cox presented a preliminary site-plan exhibit showing the design and lay-out.

Mr. McClarty closed the public hearing.

Mr. McClarty made a motion to approve Z-2015-20. Mr. Calk seconded the motion and the motion carried by a vote of five (5) in favor (McClarty, Calk, Dunnahoo, Ellinger & Rosenbaum) and one (1) in opposition (Bixby).

Item Six: Thoroughfare Closure:

a. TC-2015-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Wal-Mart Stores East, LP, agent Kimley-Horn & Assoc, Inc., to abandon: Beech St between N. 21st St & Ambler Ave; an east-west alley north of N. 21st St between Grape St & Beech St; & a north-south alley east of Beech St between N. 21st St & Ambler Ave.

Mr. Ben Bryner presented the staff report for this case. The street and alleys currently exist and provide access to the adjacent properties. The request is to abandon the street and alleys in this block so that a new Wal-Mart development with fuel sales can be accommodated. There are water and/or sewer lines that are located in each of these rights-of-way. There are also other utilities that will need to remain.

The abandonment of this alley would not create any block or traffic issues. The maximum block length permitted is 1,200 feet. The abandonment of Beech St will leave a block length of approximately 720 feet between Grape St and Simmons Ave. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

Property owners within a 200-foot radius were notified of the request. Eleven (11) comment forms were received in favor and three (3) in opposition of the request.

Plat Review Committee Recommendation:

The Plat Review Committee recommends approval of the requested closure with the following conditions:

1. Provide appropriate drainage easements and utility easements as needed.
2. The proponent must pay the cost for retirement and removal of street lights along the right-of-way to be abandoned.
3. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Staff Recommendation:

Approval per the Plat Review Committee The request would not create any block issues.

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

Mr. McClarty made the motion to approve TC-2015-04. Mr. Dunnahoo seconded the motion and the motion carried with a vote of six (6) in favor (McClarty Bixby, Calk, Dunnahoo, Ellinger & Rosenbaum) and none in opposition.

b. TC-2015-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Michael Pritchard to abandon: Bacon Dr, west of Lincoln Dr a distance of approximately 175 feet; and an east-west alley south of Bacon Dr a distance of approximately 233 feet.

Mr. Ben Bryner presented the staff report for this case. This is an unimproved section of street and alley that exists west of Lincoln Dr. The right-of-way (ROW) was dedicated with the plat for the subdivision but was never improved. The request is to abandon the street and alley west of Lincoln Dr so that the land can be combined to create a larger lot for a single-family home. There are sewer lines than are located in each of these rights-of-way. There are also other utilities that will need to remain or relocated.

The abandonment of the road and alley would not create any block or traffic issues. However, Bacon Dr does provide frontage for the large property to the west. Additionally, there is a north-south alley that extends north from Bacon Dr. The closure of Bacon Dr would eliminate the street frontage of the property to the west as well as cause a dead-end alley. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

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.

Plat Review Committee Recommendation:

The Plat Review Committee recommends **denial** of the requested closure of Bacon Dr. The Plat Review Committee recommends **approval** of the requested closure with the following conditions:

1. Provide appropriate drainage easements and utility easements as needed.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Staff Recommendation: Approval per the Plat Review Committee. The request would not create any block issues.

Mr. McClarty opened the public hearing.

Mr. Charles Cromwell (property owner) spoke in opposition of this zoning. Mr. Cromwell stated if the closure is approved his property at 2442 Lincoln Dr would be unusable.

Mr. Michael Pritchard (agent for the new property owner) stated the new property owner is requesting the closure to allow for construction of a new home on the property. The desire is to create a larger buildable area for the house.

Mr. McClarty stated that if the closure goes through, the property would then need to be re-platted.

Mr. Pritchard suggested that Mr. Cromwell could maintain legal access if the Commission agrees to an “irregular street” by abandoning and closing the south half of Bacon Street along the adjacent property.

Mr. McClarty inquired we could TABLE to work out an arrangement or vote on it to see if it passes.

Mr. Carneiro (future property owner) stated that this property is divided into three (3) lots and currently is in the flood plain. The purpose for the abandonment of Bacon Street is to have more space due to current building restrictions.

Mr. Bryner stated the Commission can TABLE this item in order to get an estimate of the platting costs or the Commission can approve the request with a modified area.

Mr. Ed McRoy stated is in not always the case that the ROW (right-of-way) is split between both properties.

Mr. Bryner stated that the ROW (Right-of-way) was platted with the subdivision.

Mr. Carneiro stated that there is a sewer line across this property which restricts where the home can be built. It is limited due to the 100-year flood zone and the sewer line easement. Therefore, he would prefer the thirty (30) ft. for more space if possible.

Mr. McClarty clarified to Mr. Cromwell that instead of closing Bacon Dr entirely, the Commission is considering to close half of the street which will make Bacon Dr narrower but still maintain access to the property.

Mr. Cromwell was in agreement.

Mr. McClarty closed the public hearing.

Mr. Cromwell had another question so Mr. McClarty opened the public hearing.

Mr. Cromwell inquired about re-platting and stated that the alley way extends 233 feet and if abandoned would it need to be re-platted?

Mr. Bryner stated that records show that the property does not extend into the alley.

Mr. McClarty closed the public hearing.

Mr. Bixby made the motion to approve TC-2015-05 per the Plat Review Committee with a modification for the closure of the south ½ of Bacon Drive (±30 feet). Mr. Rosenbaum seconded the motion and the motion carried with a vote of six (6) in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum & McClarty) and none in opposition.

Item Seven: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on an amendment to the Land Development Code (LDC) regarding requirements related to review time of drainage plans.

Mr. Ben Bryner presented the staff report for this case. At a recent Planning & Zoning Commission meeting, a discussion item was held to discuss requirements related to review time of drainage plans. Specifically, the discussion centered on the lengthy amount of time given to City staff to review and approve drainage plans that are required for development of property.

Properties being developed, and that require a site plan, typically require submittal and approval of a drainage plan prior to construction. The Land Development Code (LDC) authorizes up to 20 working days to either approve or deny the drainage plan. Historically, these plans have been reviewed and approved in a timely manner and have not delayed approval of the site plan. Recently, several construction projects have been delayed waiting for drainage plans to be approved. The Planning & Zoning Commission determined that an amendment is needed to reduce the amount of time for review of these plans.

The proposed amendment reduces the amount of time given to the Floodplain Administrator to approve or deny a submitted drainage plan. The proposed reduction is from 20 working days down to 10 working days. The section in the LDC being amended is Section 3.2.11.4(g) (1) – Processing of Drainage Plans.

Mr. McClarty opened the public hearing. No one came forward so the public hearing was closed.

Mr. McClarty made the motion to approve the ordinance amendment. Mr. Dunnahoo seconded the motion and the motion carried with a vote of six (6) in favor (McClarty, Bixby, Calk, Dunnahoo, Ellinger & Rosenbaum) and none in opposition.

Item Eight: Director’s Report:

Mr. Bryner reported that both the conditional use permit and thoroughfare closure were approved by City Council in June based on the Commission’s recommendations.

Mr. Ed McRoy stated the CIP, per the Commission’s recommendation, was approved.

Item Nine: Meeting Adjourned:

The Planning & Zoning Commission meeting was adjourned at approximately 3:15 p.m.

Approved: _____,
Chairman