
PLANNING & ZONING COMMISSION
September 8, 2015
Minutes

Members Present: Fred Famble
Bruce Bixby
Robert Calk
Mike Dunnahoo
Joy Ellinger
Clint Rosenbaum

Members Absent: Tim McClarty

Staff Present: Ben Bryner, Planning Services Manager
Kelley Messer, Asst. City Attorney
Zack Rainbow, Planner II
Gordon Browning, Interim Director, Planning & Development Services
Ed McRoy, Assistant Director, Planning & Development Services
Donna Boarts, Planning Secretary (recording)

Others Present: Kevin Phillips
Kelly Lankford
Terry/Susan Lankford
Paul Johnson
Jim Hatchett

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 that the August 3, 2015 minutes were received and reviewed. Mr. Dunnahoo moved to approve the minutes. Mr. Bixby 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-7414: Potosi Prairie Addition, 120.31 Acres out of the NW/4 of Section 38, Lunatic Asylum Land, Abstract No.995, Taylor County, Texas.

FP-7514: Potosi Prairie Addition, Section 1, 29.661 Acres out of the NW/4 of Section 38, Lunatic Asylum Land, Abstract No.995, Taylor County, Texas.

MRP-2115: Lot 131, Humana West Addition, Replat of Part of Lot 30, Humana West Addition, City of Abilene, Taylor County, Texas.

MRP-3415: Lot 108, A Replat of Lot 8, Block C, Section 5, Ft. Phantom Hill Subdivision, Being 1.152 Acres out of the Wm. Pendarivis Survey 65, Abstract 285, Jones County, Texas.

PP-3715: Preliminary Plat of Lots 1 and 2, Block A Betty Rose's Addition, City of Abilene, Taylor County, Texas.

FP-1815: Lot 1, Block A, Betty Rose's Addition, City of Abilene, Taylor County, Texas.

MRP-4315: Lots 301 and 302, Block 1, Westgate Shopping Center, Abilene, Taylor County, Texas.

FP-4215: Lot 1, Block A, Section 1, Exceptional Business Park, Abilene, Taylor County, Texas.

FRP-4415: Lot 101, Block A, Lone Oak Heights, Abilene, Taylor County, Texas.

MRP-4515: Lots 101 and 102, Block A, Mindy Morris Subdivision, City of 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 PP-7414, FP-7514, MRP-2115, MRP-3415, PP-3715, FP-1815, MRP-4315, FP-4215, FRP-4415 & MRP-4515. Mr. Calk seconded the motion and the motion carried by a vote of six (6) in favor (Ellinger, Rosenbaum, Dunnahoo, Calk, Bixby, & Famble) and none in opposition. (Mr. Bixby abstained on PP-3715, FP-1815 and FP-4215)

Item Five: Zoning

a. Z-2015-22

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Terry & Susan Lankford to rezone property from RS-6 (Single-Family Residential) to HC (Heavy Commercial) zoning, located at 442, 450, & 460 N. 11th St and 1109 & 1127 Ash St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The applicant also owns 2 lots to the east that currently have the HC zoning. The surrounding

area is developed with single-family homes to the north, west, and south. The old location of the Day Nursery of Abilene exists to the northwest of the subject property. There are some existing businesses along N. Treadaway Blvd to the north & south. The eastern lots have been used as storage for cedar wood waiting to be used and turned into furniture. However, the use is being removed. The purpose of the rezoning is to have a consistent zoning for all the lots owned by the applicant to help market the property for a single user.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The property is just north of the Central Business District. Just to the east, N. Treadaway Blvd is designated as an 'enhancement corridor'. The area transitions quickly east to west from the HC zoning to residential zoning. Due to the presence of residential uses, many of which are single-family homes, commercial zoning would not be appropriate for all of the lots. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent properties for the western lots.

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 approval as requested for 442 & 450 N. 11th St only and recommends MD (Medium Density Residential) zoning for 460 N. 11th St and 1109 & 1127 Ash St.

Chairman Famble inquired if the applicant was in agreement with the staff's recommendation? Mr. Bryner stated the applicant is requesting HC (Heavy Commercial) zoning for their property.

Mr. Bixby inquired if the Lankford's owned a majority of the property? Mr. Bryner stated there are signatures from all property owners, the Lankford's own the majority of the property.

Chairman Famble opened the public hearing.

Mrs. Susan Lankford (property owner) spoke in favor of having the properties zoned HC. She clarified that her son is the other owner involved.

Chairman Famble closed the public hearing.

Mr. Rosenbaum inquired due to the size of the building across the street if the existing parking to the north would be required to remain a parking lot and therefore be a natural transition to the north.

Mr. Bixby stated most of the area is zoned HC and therefore prefers keeping with the consistency.

Mr. Bixby made a motion to approve HC zoning. Mrs. Ellinger seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & Famble) and none in opposition.

b. Z-2015-23

Public hearing and possible vote to recommend approval or denial to the City Council on a request from John Treanor, agent Paul Johnson, & the City of Abilene to rezone property from LI (Light Industrial) to GR (General Retail) zoning, being approximately 11.36 acres on the east side of Treanor Dr (including properties at 4102 Loop 322 & 4373 Treanor Dr) and approximately 12.06 acres on the west side of Treanor Dr.

Mr. Ben Bryner presented the staff report for this case. Currently the majority of the property is undeveloped. The surrounding area is developed with various industrial & office uses. The Blue Cross Blue Shield office is located to the north. Various businesses and offices exist to the south. The Cisco Junior College exists to the east across Loop 322. The purpose of the rezoning is to allow for the possibility of a mix of uses to include retail, restaurants, offices, & even assisted living. The City included the 2 smaller lots adjacent to Loop 322 as part of the rezoning request. One is the existing gas station on the corner. The other is a medical office currently under construction. Both uses are permitted in the GR zoning district.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Major Commercial/Business Center' centered on the intersection of Loop 322 and Industrial Blvd. Staff is concerned about the transition from GR zoning to the existing LI zoning to the west. A site plan for a sign manufacturer is currently in process and would not be compatible with the GR zoning. Staff feels that the GR zoning would not be appropriate on the west side of Treanor Dr. Otherwise, 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. Two (2) comment forms were received in favor and zero (0) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested for the properties east of Treanor Drive only.

Chairman Famble opened the public hearing.

Mr. Paul Johnson (agent) spoke in favor of this zoning change. Stated there will be strict architectural requirements met in the constructing of this building. Requested that the north portion on the west side of Treanor Drive be included.

Chairman Famble closed the public hearing.

Mr. Rosenbaum inquired if the City initiated properties can be voted on without the property owner being notified?

Mr. Bixby stated that he would like to see the property owners notified by Certified Mail to then having a signed written receipt.

Mr. Bryner stated that a policy can be made to send certified mail to the property owners for City initiated zoning changes. Per the existing ordinance, notices are mailed out notifying property owners of the potential change.

Mr. Bixby stated that he would be comfortable leaving the two initiated properties from the vote.

Mrs. Messer stated that the current zoning is LI (Light Industrial) and if determined to go this route an application fee would be necessary for each of the properties if they desire to change their zoning in the future.

Mr. Rosenbaum made a motion to approve the request as presented to include the north portion on the west side of Treanor Dr and rezone all property on the east side of Treanor Dr but exclude the two City initiated properties. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Rosenbaum, Bixby, Calk, Dunnahoo, Ellinger & Famble) and none opposed.

Item Six: Discussion Item:

Discussion to determine the boundary of the Lake Fort Phantom Hill Overlay District to use for notification purposes.

Mr. Ed McRoy provided a power point discussion on the possible boundary location for the proposed overlay district.

Chairman Famble opened the public hearing.

Mr. Sam Chase (Lake Association representative) Mr. Chase has been named the designated spokesperson for the Lake Association. Mr. Chase stated that if the property is limited to only the inner-loop it will greatly limit the ability to make the area a development that the Lake Community could be proud of.

Mr. Paul Johnson (agent) clarified that the expansion should be done to include the outer loop including the property west of Westlake Road for any undesirable businesses.

Mr. Sam Chase stated that the gun club has a lease and is hoping to expand and be able to hold tournaments to bring more tourism into Abilene.

Chairman Famble closed the public hearing.

Mr. Bixby recommended that the gun club remain out of the boundary.

Mr. McRoy stated that we need to find out the specific parcel and would be able to do that.

Chairman Famble opened the public hearing.

Mr. Sam Chase stated when it first was discussed by staff, it was brought forward as an amortization paragraph that amortized the gun club.

Chairman Famble closed the public hearing.

Mr. Bixby questioned the staff if the property was grandfathered would it then be the City Council's decision whether it remained or not.

Mr. McRoy stated any legally established use would allow the vested right to continue.

Chairman Famble stated that he would like to have more time to study this item.

Mrs. Ellinger stated she was in agreement with Chairman Famble.

Mr. McRoy stated that a decision date has not been set by City Council, or been removed from the table.

Item Seven: Director's Report:

Mr. Bryner reported that most items were approved by City Council as recommended by the Commission. Mr. Bryner stated that Item Z-2015-19 had a small modification allowing for portable and other temporary signs.

Mr. McRoy introduced Mr. Gordon Browning the new Interim Director of Planning and Zoning to the Commissioners.

Item Eight: Meeting Adjourned:

The Planning & Zoning Commission meeting was adjourned at approximately 3:16 p.m.

Approved: _____,
Chairman