

---

**PLANNING & ZONING COMMISSION**  
**December 7, 2015**  
**Minutes**

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

Members Absent: None

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

Others Present:	Rockie Browning	Cole & Katy Oliver
	Wesley Stockard	Myrick Gloyna
	Scottie Squares	Randy Voorhees
	Braman Barnes	Brooke Skeen
	Scott Viramer	James Childress
	Tal Fillingim	Cheri Drysdale
	Jeff Cramer	Patty Knight
	Ryan Gibson	Emilio & Dalila Arredondo
	Jason Darby	Cynthia Pearson
	Leonard & Stacy Garces	Sage Diller
	Scott Senter	David Brosig

**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 November 2, 2015 minutes were received and reviewed. Mr. Bixby moved to approve the minutes. Mr. McClarty 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.

FP-5915: Casey Estates Addition, 6.008 Acres out of the NW/4 Section 39, Lunatic Asylum Lands, Abstract NO. 775, Taylor County, Texas.

FP-6015: Beltway Park Addition, Section 2, 1.4358 Acres out of the William E Vaughn Survey NO. 104, Abstract NO. 418, City of Abilene, Taylor County, Texas.

MRP-6215: Lots 201-103, being a Replat of Lot 2 and the east 110' of Lot 3 of the R.L. Hay Subdivision and a Part of Lot 15 of the Subdivision of the J.M. Saucedo Survey, A-236, Taylor County, Texas.

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

**Mr. McClarty moved to approve FP-5915, FP-6015, and MRP-6215. Mr. Calk seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none in opposition.**

**Item Five: Zoning**

**a. Z-2015-28**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Darnell Bailey, agent EHT, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being approximately 10.67 acres located at the southeast corner of Maple St and Hardison Ln.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The surrounding area is developed with a concrete batch plant to the north across Hardison Ln. The properties to the south and east are primarily used for single-family residences but do have land sufficient for farming activities. Just further to the south there is an existing single-family residential subdivision. The City's street division has a maintenance facility at Kirby Lake across Maple St to the west. The applicant is proposing 'self-storage warehousing' for this property. With heavy industrial uses to the north across Hardison Ln, the requested zoning is appropriate. However, with the existing homes adjacent to and nearby to the south, a transition of zoning would also be appropriate.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Maple St is designated as an 'arterial' roadway. Hardison Ln is designated as a 'collector' roadway and was recently rebuilt. The area is a mix of industrial uses to the north, single-family residential to the south and east, and the maintenance facility for the City's streets division. The requested zoning is deemed compatible with the Future Land Use Map and the

adjacent properties for the northern portion only. A transition to less intense zoning is recommended.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and six (6) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested for the northern portion only. Staff recommends maintaining the AO zoning on the southern portion or rezoning to MD (Medium Density Residential) to provide a transition.

Mr. McClarty inquired if there was access to the AO or MD area that is being proposed. Mr. Bryner stated at this time there is not.

Chairman Famble opened the public hearing.

Mr. David Todd (agent) spoke in favor of this re-zoning request for property owner Mr. Darnell Bailey. This property has been looked at many times for other developments. There is a major gas line that runs through the property. When re-platted the owner is required to maintain an easement. Mr. Todd proposed an option of protecting the neighborhood by adding increased screening and landscaping.

Chairman Famble inquired if the AO or MD was acceptable.

Mr. Todd stated the GC is more desirable with the possibility of increasing the screening or landscaping.

Mr. Dunnahoo inquired to the type of fencing that would be used.

Mr. Todd stated a 6ft. wooden fence with pine tree landscaping would be likely to be used.

Mr. McClarty stated that under the GC zoning the additional requirement for buffering cannot be required. Zoning could be changed to a PDD if acceptable by the property owner.

Mr. Ken Barbian (property owner to the east) spoke in opposition of this zoning due to possible undesirable traffic.

Mrs. Dalila Arredondo (property owner) spoke in opposition of this zoning request. Mrs. Arredondo stated she was in agreement with what Mr. Barbian (neighbor) had stated.

Mr. Dunnahoo inquired if the tree line to the south was in a flood area?

Mr. Bryner stated it is in the natural drainage area and not part of the floodway as defined in the maps.

Mr. David Todd (agent for Mr. Bailey) requested that this item, Z-2015-28, be TABLED to allow for further discussion with the staff.

Chairman Famble closed the public hearing.

**Mr. McClarty made a motion to TABLE item Z-2015-28 until the January meeting. Mr. Bixby seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none in opposition.**

**b. CUP-2015-03**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Day Nursery, Inc., agent Catrena Browning, for a Conditional Use Permit to allow for ‘Social Service Facility’ on property zoned RS-6 (Single-Family Residential) & MF (Multi-Family Residential), located at 1142 & 1202 Ash St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned RS-6 & MF and is developed but has been vacant for some time. The surrounding area is developed generally with single-family residential uses to the north, south, & west. The properties to the east transition quickly to HC zoning along N. Treadaway Blvd. The request is to allow for a ‘Social Service Facility’ for a new temporary housing (emergency) shelter for short term care (30 days or less) to children age Newborn-17. The maximum occupancy for the shelter will be up to 64 children. Both of the existing zoning districts require approval of a Conditional Use Permit for the proposed use.

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. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area. However, if there are concerns with the single-family residential uses, conditions may be added to ensure compatibility with the neighborhood.

Property owners within a 200-foot radius were notified of the request. Seven (7) comment forms were received in favor and one (1) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mrs. Cynthia Pearson (employee, Day Nursery of Abilene) spoke in favor of this zoning. Mrs. Pearson stated the previous property usage from 1973-2012 is not much different then what is being proposed today.

Chairman Famble closed the public hearing.

**Mr. Bixby moved to approve. Mrs. Ellinger seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Dunnahoo, Ellinger, McClarty, Rosenbaum & Famble), none in opposition, and one (1) abstained (Calk).**

**c. Z-2015-29**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Prime Time FEC, agent Randy Voorhees, to amend PD-82 (Planned Development) zoning specifically to allow for electric carnival & amusement park rides, located at 4541 Loop 322.

Mr. Ben Bryner presented the staff report for this case. The property is zoned PD and has been defined into two tracts: Tract 1 is on the north side of Lone Star Drive and allows a range of uses from residential to retail. The majority of this area has been developed with retail and restaurant uses. Tract 2 is on the south side of Lone Star Drive and allows the same uses as Tract 1 plus some additional uses that are more commercial & service oriented. The primary development in this tract is the Prime Time entertainment facility. The PD allows for many different entertainment activities; however, the language is explicit and does not allow for the proposed new use on the property. One of the amendments to the original PD was to allow for the electric go-cart track. A condition was made that the track must have a 100' separation from residentially zoned property. This request is to allow for electric carnival & amusement park rides intended for younger children. The proposed area is identified to be the open area south of the existing building and close to the existing single-family residences to the east. Staff is proposing a similar separation of 100' as well as hours-of-operation and buffer yard standards.

The Future Land Use section of the Comprehensive Plan designates the general area at the intersection of Industrial Boulevard and Loop 322 as a Major Commercial/Business Center. The property has been developed for many different entertainment activities and the proposed use would expand the options available at this site. Development in the Loop 322 corridor has been held to a higher standard to ensure an attractive corridor through development standards and PD's.

Property owners within a 200-foot radius were notified of the request. Sixteen (16) comment forms were received in favor and seven (7) in opposition of the request (8+ outside the 200 ft. boundary).

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions: 1) the proposed area for the amusement rides shall be setback a distance of 100 feet from the eastern boundary; 2) the hours of operation for the amusement rides shall be limited to be between 9 a.m. and 11 p.m.; & 3) buffering shall be provided along the eastern boundary equivalent to the Type B Buffer.

Chairman Famble inquired how wide would the Type B Buffer be.

Mr. Bryner stated it would be a 5-foot width plus the applicant will need an additional 25 points as described in the ordinance. The applicant may accumulate points by widening the area, 5 points for every 5 feet but only up to 15 points. An additional 10 points would still need to be

accommodated with other improvements, e.g. a fence and planting of trees and shrubs. By doing so, this would soften the effects with the surrounding neighbors and allow the usage of property appropriately.

Chairman Famble opened the public hearing.

Mr. Randy Voorhees (agent) spoke in favor of this zoning. Mr. Voorhees stated the size of the area in question is 250' x 200' and it is already zoned for park and playground type settings. As an alternative to having a blanket set-back, the applicant asked for a recommendation to be for height or noise limitation.

Mr. Bixby inquired about the rides and their noise levels.

Mr. Voorhees stated the rides are quiet due to their size and that they will be electric.

Mr. Calk showed concern regarding the noise and lighting spilling over to the residents nearby.

Mr. Voorhees referred back to the height and noise restriction.

Mrs. Ellinger inquired on how many rides are intended to be on-site.

Mr. Voorhees stated there is room for a maximum eight (8) rides.

Mr. Rosenbaum inquired if the rides could be relocated away from the residents to another location on the property.

Mr. Voorhees stated the location in question is being used as a parking lot and might need to increase it due to the influx of patrons.

Mr. Myrick Gloyna (property owner) spoke in opposition of this PD amendment. Stated there is an HOA (homeowners association) that should have been included in the 200 foot mail out.

Mr. Bixby clarified that by state law the mail outs are only required for property within the 200 ft. boundary.

Mrs. Sherry Drysdale (property owner) spoke in opposition of this PD amendment. Mrs. Drysdale stated the lighting and noise would be an issue.

Mr. Wesley Stockard (property owner) spoke in opposition of this PD amendment. Mr. Stockard stated property values will decrease if considered.

**Mr. Voorhees interjected Mr. Stockard stating that due to all the opposition he will withdraw his request.**

Chairman Famble closed the public hearing. He asked for guidance from the legal dept.

Mrs. Kelley Messer stated that the request has been withdrawn, therefore the item is closed.

Mr. Leonard Garces (property owner) interjected with concerns. He asked if this item has been withdrawn, is it possible that Mr. Voorhees could come back in 6 months to 1 year to re-apply.

Mrs. Messer stated an after-meeting discussion can be held.

**Item Six: Thoroughfare Closure**

**a. TC-2015-06**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Morgan Green, agent EHT, to abandon an unpaved segment from the south margin of the right-of-way of N. 16<sup>th</sup> St and extending 140 feet east from Pine St.

Mr. Ben Bryner presented the staff report for this case. The abandonment of the extra ROW would not create any block or traffic issues. There are some utilities within this portion of the street and any existing utilities will require an easement or be relocated and be the responsibility of the developer. A plat is required to incorporate the area into the adjacent property. During the plat process, appropriate easements can be dedicated.

This is a result of the realignment of N. 16<sup>th</sup> St east of Pine St. The realignment has created an unpaved section south of the new street segment. The request is to create a new south right-of-way (ROW) boundary and abandon the remaining unpaved segment. This would allow the property owner to the south to create a larger lot to be used for additional parking associated with the existing restaurant. There is a water line than is located in the ROW. There are also other utilities that will need to remain or be relocated.

Property owners within a 200-foot radius were notified of the request. Five (5) comment forms were received in favor and zero (0) in opposition of the request.

**RECOMMENDATIONS:**

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

- Provide appropriate drainage easements and utility easements as needed.
- 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 issues.

Chairman Famble opened the public hearing.

Mr. David Todd (agent) spoke in favor of this item. Mr. Todd inquired if there were any questions regarding this item.

Chairman Famble closed the public hearing.

**Mr. McClarty moved to approve TC-2015-06. Mr. Dunnahoo seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble), none in opposition, and one (1) abstained (Calk).**

**Item Seven: Directors Report:**

The three (3) items were approved by City Council as recommended by the Commission with no added changes.

**Item Eight: Meeting Adjourned:**

The Planning & Zoning Commission meeting was adjourned at approximately 2:52 p.m.

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