
PLANNING & ZONING COMMISSION
January 4, 2016
Minutes

Members Present: Tim McClarty - Vice Chairman
 Bruce Bixby
 Mike Dunnahoo
 Clint Rosenbaum

Members Absent: Fred Famble - Chairman
 Robert Calk
 Joy Ellinger

Staff Present: Dana Schoening, 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: Steve Yarnell Richard Evans
 Sanders Bailey John Carter
 Cindy Davis Amelia Boyle
 Josh Leibel Tom Mann
 T.J. Williams R. Krackenfels
 Charles Peteri Karen O'Quinn
 Billy L Yoes Alex Ratelift
 Ken Barbian Bruce Kreitler
 Douglas Morton Calvin Coles
 Bob Weeks Bob Gowin
 Mike Carter Marty Farmer
 Ken Wells Jason Darby
 Ed Alford Morris Stern
 Jim Clark Terry McCormick
 Richelle & Grady Myers Raeford & Phyllis McCormick
 Sam Chase Robert Kern
 Emilio Arredondo Randy Carson
 Tony Conder J.D. Davis
 Wayland Schroeder Seaton Higginbotham
 Dennis Newquist Dehila Arredondo
 Kyle Paul Paul Johnson
 Scott Olson Gary Goodloe

Connie Price
Jayne Gower
Steve Savage

James Furman
Tim McAtee

Item One: Call to Order

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

Item Two: Invocation

Chairman McClarty gave the invocation.

Item Three: Approval of Minutes

Chairman McClarty stated that the December 7, 2015 minutes were received and reviewed. Mr. Rosenbaum moved to approve the minutes. Mr. Dunnahoo 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.

MRP-8514: A Plat of Hendrick Hospice Addition, Abilene, Taylor County, Texas.

PP-5315: Rainy Creek Addition, 16.647 Acres out of the S/2 of the SE/4 of Section 33, Blind Asylum Lands, Taylor County, Texas.

PP-6315: Preliminary Plat for Section 5, FT. Phantom Hill, out of Section 74, A-1488, T. & P. RR., G. W. Pentecost Survey 67, A-290, G.W. Pentecost Survey 68, A-289, W.S. Hall Survey 60, A-201, and the C.B. Shepard Survey 70, A-307, Jones County, Texas.

PP-6415: Lots 1 & 2, Block A, Sitzes Brothers Addition, City of Abilene, Taylor County, Texas.

FP-6515: Lots 1, Block A, Sitzes Brothers Addition, City of Abilene, Taylor County, Texas.

FP-6615: Plat for Section 5, Part 1, Ft. Phantom Hill, out of the G.W. Pentecost Survey 68, A-289, W.S. Hall Survey 60, A-201, and the C.C. Shepard Survey 70, A-307, Jones County, Texas.

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

Mr. Rosenbaum moved to approve MRP-8514, PP-5315, PP-6315, PP-6415, FP-6515 and FP-6615. Mr. Dunnahoo seconded the motion and the motion carried by a vote of four (4) in favor (Rosenbaum, Dunnahoo, Bixby, & McClarty) and none in opposition.

Chairman McClarty stated that due to having only four (4) panel members today, and that it takes four positive votes to approve a decision, if anyone would like to TABLE their item until the next meeting then that is an available option.

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. **TABLED FROM 12/7/2015 MEETING.**

Mr. Bixby made a motion to REMOVE Item Z-2015-28 from the table. Mr. Rosenbaum seconded the motion.

Mr. Ben Bryner stated that the applicant may request to Table the item until the next meeting depending on the conversation.

Mr. 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. One (1) comment form was received in favor and seven (7) 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.

Chairman McClarty opened the public hearing.

Mr. Todd (applicant) stated that due to only four (4) panel members a request to **TABLE** this item is requested.

Chairman McClarty closed the public hearing.

Mr. Rosenbaum made a motion to TABLE Z-2015-28 until the next meeting. Mr. McClarty seconded the motion and the motion carried by a vote of four (4) in favor (Rosenbaum, Dunnahoo, Bixby, McClarty) and none in opposition.

b. CUP-2016-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for ‘Antenna Tower - Commercial’ on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St).

Mr. Bryner presented the staff report for this case. Currently the property is zoned GC and is developed with a veterinarian clinic. The property is developed on the front portion of the property and has some vacant land to the rear. The surrounding area is generally undeveloped but there are a few single-family residential uses nearby. Highway 83/84 borders the property to the east. The request is to allow for an ‘Antenna Tower – Commercial’ for a new cell tower. The GC zoning district requires approval of a Conditional Use Permit for the proposed use.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a ‘Gateway/Mixed Use’ area. The intersection of Beltway S. and Hwy 83/84 is planned to be a major node for retail and office uses. Highway 83/84 is designated as an ‘enhancement corridor’. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area. However, if there are concerns, conditions may be added to ensure compatibility with the area.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested with no conditions.

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

Mr. Bixby stated he would approve if specifications that the tower be placed on the backside of the property with a footage amount of 330 ft.

Mr. Dunnahoo made a motion to approve CUP-2016-01 with a stipulation that the placement to be on the backside of the property, ±330 ft. back. Mr. Bixby seconded the

motion and the motion carried by a vote of four (4) in favor (Dunnahoo, Rosenbaum, Bixby, & McClarty) and none in opposition.

c. Z-2016-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The surrounding area is developed with a livestock auction and a warehouse facility to the east. The property to the north and west is undeveloped. Cedar Creek runs along the western edge of the property. Interstate 20 borders the property to the south. The applicant is proposing to develop a large part of the site with a new multi-screen movie theater. The remaining area would be set up for ancillary retail, office, and commercial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The area is adjacent to existing industrial and heavy agricultural uses to the east. The property has direct frontage onto the existing frontage road of Interstate 20. As the area develops it is anticipated that retail, office, and commercial development will occur. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. However, staff recommends GC zoning for the front area only. The existing floodway and inadequate street access does not justify zoning the entire area at this time.

Property owners within a 200-foot radius were notified of the request. Three (3) comment forms were received in favor and zero (0) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested but on the front portion only (\pm 50 acres). The remainder area is within flood areas and does not have adequate street access to justify zoning the entire area.

Mr. Bixby inquired if the applicant was the owner of all property in question and what the property will be used for?

Mr. Bryner stated the applicant, Cinemark, is in under contract to purchase from Ramsey leasing.

Chairman McClarty opened the public hearing.

Mr. David Todd (agent) specified the preference is to rezone the entire 103.13 acres. Mr. Todd stated the fifty (50) acres in question will meet their immediate needs at this time for this development.

Chairman McClarty closed the public hearing.

Chairman McClarty moved to approve Z-2016-01 for the entire 103.13 acres to be zoned GC (General Commercial). Mr. Bixby seconded the motion and the motion carried by a vote of four (4) in favor (McClarty, Bixby, Dunnahoo, & Rosenbaum), none in opposition.

d. Z-2016-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from East Lake Five, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning, located at 1826 Colony Hill Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The surrounding area is developed with single-family homes. The property to the east is developing as the Southlake Estates subdivision. The property to the south is undeveloped but does have land sufficient for farming activities. The applicant is proposing 'Medium Density Residential' zoning for this property which would allow for multi-family dwellings such as duplexes, triplexes, and quadplexes. The zoning would not allow for an apartment complex.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Both Maple St and Colony Hill Rd are designated as 'arterial' roadways. The area is primarily single-family residential homes to the north, west & east. However, as the area develops it is anticipated that retail and office development will occur at the intersection of Maple St & Colony Hill Rd. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. The MD zoning would provide a transition to less intense zoning to the north and east.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and one (1) in opposition of the request.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman McClarty opened the public hearing.

Mr. Bob Weeks (property owner) inquired what the property near him will entail.

Mr. Dennis Newquist (property owner) spoke in opposition of this zoning, inquired about what type of city services will be assigned to this property?

Mr. Bryner stated that during the plat process a developer is responsible for providing streets & water and sewer lines for any proposed developments.

Chairman McClarty stated a short recess is necessary due to a panel member needing a break.

Chairman McClarty re-opened the public hearing

Mr. Tal Filligim (agent) spoke in favor of this zoning to support this development. Stated the MD (Medium Density) zoning is the least intense zoning requested.

Chairman McClarty closed the public hearing.

Mr. Bixby made a motion to approve Z-2016-02. Mr. Rosenbaum seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) and none in opposition.

e. Z-2016-03

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Christian Service Center of Abilene, Inc. to rezone property from MD (Medium Density Residential) to GR (General Retail) zoning, located at 3185 N. 10th St.

Mr. Ben Bryner presented the staff report for this case. Currently the property is developed with a church. The surrounding area is developed with additional churches to the north & south, an undeveloped property to the west, and retail uses to the east along N. Mockingbird Ln. The YMCA on State St is located just to the southwest of this site. The applicant is proposing to convert the church into their main office and distribution center. The applicant provides food and clothing to those in the community who are in need.

The Future Land Use section of the Comprehensive Plan designates this general area as a 'local community center' centered on the intersection of N. Mockingbird Ln and N. 10th St. North 10th St is designated as an 'enhancement corridor' as well. The area is part of a larger mixed use area that includes retail, office, churches, and residential. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties. The zoning will allow the Christian Service Center to accommodate all existing services to include a small thrift store at this location.

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.

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

Mr. Bixby made a motion to approve Z-2016-03. Mr. Rosenbaum seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & McClarty) and none in opposition.

Item Six: Discussion Item:

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

Chairman McClarty stated this item is a discussion item only a decision was made to open up the meeting to the public.

Mr. Ed McRoy presented the staff report for this case. The Lake Fort Phantom Hill (LFPH) Area Plan was approved by the City Council on January 12, 2009. The plan established a vision of the lake area as a unique place within the City that would benefit from customized standards. The proposed overlay district is the implementing tool for this approved plan.

The P&Z has already made a formal recommendation on the standards. The only remaining item therefore is to establish where the overlay district should be. The area involved may be quite large. Research for the legal notices may take extended time. It is therefore important that the initial mailing be efficient. This item has been placed on your agenda as a discussion item only! The results will be used to establish the notification area. Formal consideration and public hearings will be at a later date.

STAFF RECOMMENDATION

The Commission should consider a minimum boundary area to be used as a starting point for this discussion. This area can be modified by the Commission expanding, contracting, adding or eliminating areas or parcels you deem appropriate.

The minimum boundary area is proposed to establish the northern boundary along Johnson Road, the western boundary as W. Lake Road, the eastern boundary as E. Lake Road, and the southern boundary being a line running due west from the northeast corner of the intersection of E. Lake Road and CR 306. If expanded beyond this area you are advised to consider excluding the area currently leased by the Abilene Gun Club located along the east side of E. Lake Road.

Mr. McRoy stated that the decision will be on the geographic location on where the boundary should apply. The city made a recommendation to use the smallest area for consideration:

Northern boundary to be Johnson Road, West boundary to be W. Lake Rd, East boundary to be E. Lake Rd, and the Southern boundary to be a line running East/West from County Road 306 traveling due West until it intersects with W. Lake Rd.

In the expansion process, a decision whether the Abilene Gun Club be included in the overlay zone must be made. Staff recommends it be excluded.

Mr. Bixby inquired what had been approved in the past.

Mr. McRoy stated an approval on the boundary has not been reached. Staff is asking for direction.

Chairman McClarty indicated in 2009 a consultant firm Carter/Burgess was hired to make recommendations regarding the limits of the Lake Fort Phantom Hill Area Plan and therefore

should be followed. Stated residents around the lake should be notified of any proposed zoning boundaries, goals and intentions. The notification areas should be the same as the Carter/Burgess Plan.

Chairman McClarty opened the public hearing.

Mr. Steve Savage stated that he was in attendance for the October 2014 meeting defending the Abilene Gun Club. At the meeting the Commissioners stated that the zoning standards could not be applied without having set boundaries.

Mr. Bixby mentioned that he thought that all were in agreement that the Gun Club had been grandfathered in.

Mr. Seaton Higginbotham (resident) spoke on behalf including the Gun Club and establishing boundaries. In 2002 the Lake Association expanded itself to other interested parties by adding other clubs. A committee formed in 2007 to start development in and around the lake.

Mr. Bixby spoke about the Carter-Burgess plan plus extended gateways (outer loop).

Chairman McClarty spoke about conflict between the Neighborhood Association and the Gun Club. The Commission asked to work out the issues for discussion.

Mr. Tim McAtee (resident) spoke in favor of allowing the Gun Club to remain.

Mr. Robert Kern (resident) spoke in favor of the keeping the Gun Club. Mr. Kern showed concern of the lease being revoked. Representatives from the Gun Club and the Lake Owner's Association tried to form a resolution regarding the overlay boundaries and it was decided to extend the gateway roads (FM 2833 & FM 600) south to Neas Road. Stated the criteria that was implemented by Carter/Burgess in 2007 is an effective process. Hoping to come to a decision on the notification area.

Mr. Bixby stated City Council makes the decision on whether the Gun Club lease is extended. This meeting is only to discuss the lake boundary.

Mr. Ed Alford (resident) spoke in favor of keeping the Abilene Gun Range.

Mr. Terry McCormick (resident) spoke in favor of setting the boundary and exclude the Abilene Gun Club.

Mr. Rosenbaum stated if the lease is not renewed then eliminating the gun club would not having any effect.

Mr. Steve Yarnell (President, Lake Fort Phantom Lake Assoc.) spoke in support of the overlay boundary for the city to include all of the city services in the area.

Mr. Rosenbaum inquired if the city limits were the accurate boundary?

Mr. Yarnell stated the city limits should be approved as the boundary.

Mr. McClarty closed the public hearing.

Mr. McClarty stated his thoughts regarding the boundary and notification area. The area should include everything north of Neas Road and follow the city limits.

Mr. Bixby stated he agreed with the Carter-Burgess Plan with extended gateways.

Mr. Bixby made a motion to set a boundary within the city limits, including the Carter-Burgess Plan, with extended gateways.

Mrs. Kelley Messer stated this is only a discussion item therefore a vote is not required.

Item Seven: Directors Report:

The one (1) item brought before City Council as recommended by the Commission was approved with no added changes.

Item Eight: Meeting Adjourned:

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

Approved: _____,
Chairman