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**PLANNING & ZONING COMMISSION**  
**March 7th, 2016**  
**Minutes**

Members Present: Fred Famble - Chairman  
Tim McClarty - Vice Chairman  
Robert Calk  
Mike Dunnahoo  
Clint Rosenbaum

Members Absent: Bruce Bixby  
Joy Ellinger

Staff Present: Dana Schoening, Director, Planning & Development  
Ben Bryner, Planning Services Manager  
Zack Rainbow, Planner II  
Donna Boarts, Planning Secretary (recording)  
Kelley Messer, Asst. City Attorney

Others Present:

Michael Osborn	Judy Lanman
Kirtan Patel	Tina Aboutalebi
Austin Ahmadi	Robert Martinez
CJ Chaney	Mark Aldriedge
Chris Garner	Chris Curington
Lou Zentek	Colby Walker
Jelitzi Merchant	Jill Holland
Kenneth Rich	Sandra Keith
Marilois Kirksey	Cecil Allen
Helen Nicholson	Rob & Nicole Bullock
Gale Wilese	Kathi Carter
David Fenton	Isaiah Martinez
Leann Doby	Brian Yates
Don Whitehead	Tony Conder
Drew Gray	CM Davis
Kyle Doby	Scott & Sandy Chapel
Chester Carroll	Mendy Heuerman
Greg Glass	Keelan Glass
Morgan Glass	Harris Acostics
Floyd & Tonya Kaerwer	Paul Holden
Lori Beale	Tim Richards
Jason Heyerman	Perry Stockard
Wesley Stockard	Linda Reed
Janise Vires	Craig Young
Pamela McGrew	Dorman Farmer

Billy Satra  
Glynn Walker  
Elaine Orr  
Buddy & Fonda Mayo  
Kristy McDonough  
Colby Walker

Vanessa Zientek  
Erik Johnson  
Cameron Rinart  
Darwin Breeding  
Leslie Fulenwider

**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 February 1<sup>st</sup>, 2016 minutes were received and reviewed. Mr. Dunnahoo 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.

FP-4015: Butterfield Meadows, Section 2, 7.79 Acres out of the John Adams Survey No. 44, Abstract No. 3, City of Abilene, Taylor County, Texas.

PP-0116: Preliminary Plat for Cinemark Subdivision, Abilene, Taylor County, Texas.

MRP-0316: Lot 105 and 205, Block A, Buck Creek Estates, Section 1, Taylor County, and Texas.

MRP-0416: Lots 202 and 203, Section 2, Commerce Heights Addition, City of Abilene, Taylor County, Texas.

PP-0616: Lots 102 and 103, Ronald Subdivision, City of Abilene, Taylor County, Texas.

MRP-0716: Lot 102, Ronald Subdivision, City of Abilene, Taylor County, Texas.

MRP-0816: Lot 101, Block A, A.M. Wagner Subdivision, to the City of Abilene, Taylor County, Texas.

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

**Mr. Rosenbaum moved to approve FP-4015, PP-0116, MRP-0316, MRP, 0416, PP-0616 MRP-0716 AND MRP-0816. Mr. Dunnahoo seconded the motion and the motion carried**

**by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble), none in opposition, and one (1) abstained (Calk from MRP-0816).**

**Item Five: Zoning**

**a. Z-2016-08**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Stripes West at I-20, agent Stripes LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being approximately 10.01 acres located at the southwest corner of Interstate 20 & Loop 322.

Mr. Bryner presented the staff report for this case. Currently the property is undeveloped. The adjacent properties are also largely undeveloped with only a few businesses & homes nearby. The applicant is proposing to develop a large fuel sales & convenience store development. Due to its location at the intersection of 2 expressways, the site will cater to large trucks in addition to passenger vehicles.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential with open space. Interstate 20 & Loop 322 are both designated as ‘expressway’ on the Master Thoroughfare Plan. EN 10<sup>th</sup> St is designated as an ‘arterial’ roadway and an ‘enhancement corridor’. The property just outside of the ‘Gateway/Business- Industrial’ area located further east along I-20. It is anticipated that this area will develop as a retail/commercial node. The intersection of the 2 expressways and an arterial street creates a node that lends itself to future office & retail uses. 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 as requested.

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

**Mr. Rosenbaum made a motion to approve Z-2016-08. Mr. Dunnahoo seconded the motion and the motion carried by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none in opposition.**

**b. Z-2016-09**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Stellar Development Company to rezone property from LI (Light Industrial) to GR (General Retail) zoning, located at 11 & 15 Windmill Cir.

Mr. Bryner presented the staff report for this case.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and four (4) comments were in opposition of the request. An additional 30+ notices were received from property owners outside the 200 foot radius.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

Mr. McClarty inquired if there were any plans to extend Windmill Circle to the west?  
Mr. Bryner stated at this time there is nothing on the Master Thoroughfare Plan that require a connection.

Mr. Calk requested Mr. Bryner to define the Tax Credit Program.  
Mr. Bryner stated it is a subsidized project for moderate to low income tenants.

Chairman Famble opened the public hearing.

Mr. Tony Conder (owner of property to the east) spoke in opposition of this zoning request.

Mr. Don Whitehead (property owner) spoke in opposition of this zoning request.

Mr. Calk questioned to Mr. Whitehead if a deed restriction was applied to this property?  
Mr. Whitehead stated there were no restrictions. The property owners are not interested in developing tax credit properties.

Mr. Jason Heyerman (property owner) spoke in opposition of this zoning.  
Mrs. Kelly Messer stated to those that speak to give their name and address for the record.

Mr. Kenneth Rich (property owner) spoke in opposition to this zoning request.

Mr. Darwin Breeding (property owner) spoke in opposition to this zoning change.

Mr. Glen Walker (property owner) spoke in opposition of this zoning change.

Mr. Kirtan Patel (property owner) spoke in opposition of this zoning.

Mr. Aaron Waltrip (landowner west of proposed property) spoke in opposition of this zoning request.

Mrs. Lori Beale (property owner) spoke in opposition of this zoning change.

Mr. Greg Glass (property owner) spoke in opposition of this zoning change.

Mr. Scott Chapel (property owner) spoke in opposition of this zoning change.

Mrs. Kristy McDonough (property owner) spoke in opposition of this zoning change.

Mr. Michael Osborne (rep for stellar Development) spoke in favor of this zoning change. Mr. Osborne discussed the traffic impact that this zoning might cause.

Mr. McClarty inquired about the possible traffic hazards that it might cause.  
Mr. Osborne stated the traffic is controllable.

Mr. Pamela Stockard (developer) spoke in opposition of this zoning request.

Mrs. Leslie Fulenwider (property owner) spoke in opposition of this zoning request.

Mr. Mike Hunter (property owner) spoke in opposition of this zoning request.

Mr. Luis Zientek (property owner) spoke in opposition of low income housing being constructed.

Mr. Drew Gray (agent for stellar development) spoke in favor. A PowerPoint presentation was presented to the Commissioners exhibiting the proposed community amenities.

Mr. Paul Holden (agent stellar development) spoke in favor of this zoning change. Mr. Holden presented the Commissioners with a handout for viewing. Mr. Holden explained the definition of a Tax Credit Business and clarified that this is not a Section-8 housing development.

Jason Heyerman spoke again to reiterate his opposition.

Mr. Rosenbaum inquired why this location?

Mr. Gray stated that per the tax credit housing program this site provides a good location due to the amenities in the neighboring community.

Chairman Famble closed the public hearing.

Mr. Rosenbaum inquired about the other zoning that would allow apartments.

Mr. Bryner answered that the GR (General Retail) Office, NR (Neighborhood Retail) NO (Neighborhood Office) to MF (Multi-Family).

Mr. McClarty stated staff recommended GR zoning due to other adjacent properties in the area.  
Mr. Bryner agreed and stated that the GR district allows for apartments.

**Mr. McClarty made a motion to deny Z-2016-09. Chairman Famble seconded the motion and the motion carried by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none in opposition.**

Chairman Famble requested a five minute break.

**c. Z-2016-10**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Robert Martinez, to rezone property from PD-37 (Planned Development) & AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being approximately 49.03 acres located on the south side of the 4000-4200 Blocks of Forrest Hill Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The adjacent properties are halfway developed with single-family residential development to the north & south. The Mesa Springs retirement community exists to the west. The applicant is proposing to develop a new single-family residential subdivision similar to the adjacent similar developments. PD-37 was created to allow for the Mesa Springs development but indicated the majority of the property (to the east) to allow for medium-density residential (RM-3 at the time) development.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. There is a flood hazard area along the western edge of the proposed site that affects a portion of the property, especially in the southern portion. Forrest Hill Rd is designated as a 'collector' roadway. A planned collector roadway is also required in the southern portion of the property. The subdivision will have primary access from Forrest Hill Rd with connections to the Mesquite Forest subdivision to the south and street stub-outs to the east & west for future connection. 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 three (3) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mrs. Pamela McGrew (ex. director, mesa springs) spoke about flooding and traffic concerns in the area.

Mr. McClarty stated if approved, site plans will mitigate the water run off accurately.

Chairman Famble closed the public hearing.

**Mr. Rosenbaum moved to approve Z-2016-10. Chairman Famble seconded the motion and the motion carried by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none in opposition.**

**d. Z-2016-11**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from EHT to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being approximately 64.39 acres located at the southeast corner of Antilley Rd & Pebble Beach.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The adjacent properties are halfway developed with single-family residential development to the north (Fairway Oaks) & west (Pebble Beach & Mesa Ridge) and the remaining areas being undeveloped. The applicant is proposing to develop a new single-family residential subdivision similar to the adjacent similar developments.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. There is a flood hazard area along the eastern edge of the proposed site that affects a portion of the property. Antilley Rd is designated as an 'arterial' roadway. A planned collector roadway is also required along the southern edge of the property. The subdivision will have primary access from Antilley Rd with connections to the Pebble Beach subdivision to the west and street stub-outs to the east for future connection. 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. One (1) comment form was received in favor and two (2) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. David Todd (agent) spoke in favor of the zoning. Mr. Todd stated RS-6 zoning provides more flexibility in regard to setbacks from property lines.

Mr. Perry Stockard (developer) spoke in favor of this zoning request.

Mr. Roger Cannell (property owner) spoke of the flooding concerns in the area.

Chairman Famble closed the public hearing.

**Mr. McClarty made a motion to approve Z-2016-11. Mr. Calk seconded the motion and the motion carried by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none in opposition.**

e. **Z-2016-12**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from EHT to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being approximately 117.16 acres and being all property on the east side of Hardwick Rd from 6449 to 7449 Hardwick Rd, not including 6749, 6815, & 7229 Hardwick Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is undeveloped. The adjacent properties are partially developed with large lot single-family residential development up and down Hardwick Rd and the Wesley Court senior project to the northeast. The applicant is proposing to develop a new single-family residential subdivision similar to the nearby single-family residential developments.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. There is a flood hazard area along the western edge of the proposed site that only affects the southwestern portion of the property. Both Hardwick Rd & Waldrop Rd are designated as 'collector' roadways. A planned collector roadway is also required in the middle of the property in an east/west alignment. The subdivision will have primary access from Hardwick Rd with connections to Waldrop Rd and the proposed collector road. Street stub-outs to the east where appropriate will be required for future connection. 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. One (1) comment form was received in favor and two (2) in opposition of the request.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. David Todd (agent) spoke in favor of this zoning request.

Mr. Perry Stockard (developer) spoke in favor of this zoning request.

Mr. Mike Falla (property owner) indicated his concerns regarding construction and possible impending traffic.

Chairman Famble closed the public hearing.

**Mr. Calk made a motion to approve Z-2016-12. Mr. Dunnahoo seconded the motion and the motion carried by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none in opposition.**

**f. Z-2016-13**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Timothy A. Richards to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) & HI (Heavy Industrial) zoning, located at 3550 E. Hwy 80.

Mr. Ben Bryner presented the staff report for this case. Currently the property is developed with an old motel that has been out of business for many years. The adjacent properties are developed with single-family residential development to the north & east and industrial uses to the south & west. The applicant is proposing to use the front ±247 feet as an auto repair shop with the remaining area to the rear for storage of vehicles. The future plan for the rear area is a salvage yard use specifically for auto salvage. The salvage use is designated as ‘scrap & waste material’ in the Land Development Code and requires approval of a Conditional Use Permit by the City Council. This would be a separate request in the future.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a ‘Gateway/Business-Industrial’ designation. East Highway 80 is designated as an ‘arterial’ roadway. There is a flood hazard area that only affects the front portion of the property. 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.

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

**Mr. McClarty made a motion to approve Z-2016-13. Chairman Famble seconded the motion and the motion carried by a vote of five (5) in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none in opposition.**

**Item Six: Discussion Item:**

Discussion on approval of Preliminary Plats prior to a requested zone change being complete.

Mr. Ben Bryner stated that Mr. McClarty wanted to discuss Preliminary Plats. Mr. Bryner presented the following 3 sections of the Land Development Code (LDC).

**Chapter 3, Division 3: Preliminary Plats**

(c) Approval of a Preliminary Plat shall authorize the sub divider to submit Construction Plans for approval by the City Engineer under [Division 8](#) of [Article 1](#) of this Chapter and, upon approval of such plans, to construct public improvements to serve the subdivision in

accordance there with. Approval of a Preliminary Plat also shall authorize the sub divider to seek approval of a Final Plat for the land subject to the Preliminary Plat.

(1) An application for a Preliminary Plat may be accompanied by an application for rezoning approval, including a request for a Planned Development District, or a Master Plat application. The rezoning application and Master Plat application shall be decided first.

(1) The plat is consistent with all zoning requirements for the property, and any approved development agreement if applicable.

Mrs. Kelly Messer stated even though this was a discussion item we can open it up for discussion to the public.

Chairman Famble opened the public hearing.

Mr. David Todd spoke about plats and the Due Diligence that is being asked up front, as zoning takes the longest to be approved.

Mr. Bryner stated that a letter can be sent out to developers regarding the plat. He will also look into the possibility of approving a special type of plat that does not have a vested right element.

Chairman Famble closed the public hearing.

**Item Seven: Directors Report:**

Recent City Council decisions regarding items recommended by the Planning & Zoning Commission were presented by Mr. Bryner. He stated all four (4) cases were approved as the commission recommended them.

**Item Eight: Meeting Adjourned:**

The Planning & Zoning Commission meeting was adjourned at approximately 3:55 p.m.

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