
PLANNING & ZONING COMMISSION

June 5, 2017

Minutes

Members Present: Mr. Fred Famble
Mr. Clint Rosenbaum
Mr. Bruce Bixby
Mr. Robert Calk
Mr. Tim Smith

Members Absent: Mr. Bill Noonan
Mr. Mike Dunnahoo

Staff Present: Mr. Dana Schoening, Director
Mr. Taurus Freeman, Assistant Director
Mr. Zack Rainbow, Planning Services Manager
Mr. Duane Hall, Planner II & Historic Preservation Officer
Mrs. Melissa Farr, Administrative Secretary
Mrs. Kelley Messer, Assistant City Attorney

Others Present:

Mr. Bruce Kreidler	Mr. David Todd
Mr. Johnny Anders	Mr. Dustin Sizemore
Mr. Derek Peterson	Mr. Jason H.
Mr. Doug Offermann	Mr. Ramiro Olivo
Jamie Dakill	Ms. Vickie Briggs
Ms. Jill Holland	Ms. Erica Pangburn
Ms. Rochelle Johnson	Mr. Tom Perini
Ms. Donna Albus	Rev. Andrew Penns
Mr. Tal Fillingim	Mr. Robert Kern

Item One: Call to Order

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

Item Two: Invocation

Mr. Famble gave the invocation.

In recognition of his service to the Commission, Mr. Tim McClarty was presented with a plaque before the items were presented.

Item Three: Approval of Minutes

Mr. Rosenbaum moved to approve the minutes from the previous meetings, and Mr. Bixby seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

Item Four: Plats:

FP-1917: Hampton Hills, Section V, Abilene, Taylor County, Texas.

PP-3417: Preliminary Plat for Section 2, Antilley Road Subdivision, Abilene, Taylor, County, Texas.

PP-3617: Preliminary Plat of Kaerwer Estates, Taylor County, Texas.

Mr. Zack Rainbow presented the plat requests.

Mr. Famble opened the public hearing.

No one spoke for or against these requests.

Mr. Famble closed the public hearing.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the requested plats.

Mr. Calk moved to approve the plat requests, and Mr. Smith seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

Item Five: Agenda Items and Zoning Items:

a. Election of Officers:

Mr. Fred Famble was nominated as Chairman.

Mr. Rosenbaum moved to approve this motion, and Mr. Smith seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

Mr. Clint Rosenbaum was nominated as Vice-Chairman.

Mr. Bixby moved to approve this motion, and Mr. Calk seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

Mr. Tim Smith was nominated as Secretary.

Mr. Famble moved to approve this motion, and Mr. Calk seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

Mr. Mike Dunnahoo was nominated as Sergeant of Arms.

Mr. Rosenbaum moved to approve this motion, and Mr. Smith seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

b. Z-2017-11

Public hearing and possible vote to recommend approval or denial to the City Council on a request from City of Abilene to rezone property, consisting of 0.43 acres, from MD/H (Residential Medium Density/Historic Overlay) to MD (Residential Medium Density), which will remove the Historic Overlay zoning district on the property, legal description being Lots 16 & 17 and the north 1/2 of Lot 18, Block A, Hughes Subdivision, out of Block 186; Original Town, Abilene, Taylor County, Texas; filed for record Deed Records Volume E, Page 640. The property is located at 857 Peach St.

Mr. Famble opened the public hearing.

No one was present to address this item.

Mr. Famble closed the public hearing.

The Planning Services Division sent, with Certificate of Mailing, public notices to the applicant and property owners within a 200-foot radius. One (1) response was received in favor, with two (2) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Calk made the motion to approve this request, and Mr. Smith seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

c. Z-2017-12

Public hearing and possible vote to recommend approval or denial to the City Council on a request from City of Abilene to rezone property, consisting of 0.16 acres, from CB/H (Central Business/Historic Overlay) to CB (Central Business), which will remove the Historic Overlay zoning district on the property, legal description being Lot 27, Lewis Subdivision of Block 147, Original Town, Abilene, Taylor County, Texas. The property is located at 750 Mesquite St.

Mr. Famble opened the public hearing.

Rev. Andrew Penns, Chairman of Interested Citizens of Abilene North, represents the neighborhood association in the Carver neighborhood. His office received three votes not to approve this request, as there is concern as to what could be built in this specific area. They do not want any form of industrial or commercial projects in the area.

Councilman Bruce Kreidler stated that Ms. Georgia Sanders is deceased, if in fact her address had been notified for this item.

Mr. Famble closed the public hearing.

The Planning Services Division sent, with Certificate of Mailing, public notices to the applicant and property owners within a 200-foot radius. Seven (7) responses were received in favor, with two (2) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Bixby made the motion to approve this request, and Mr. Smith seconded the motion. The vote was approved by four (Smith, Bixby, Famble, and Rosenbaum) with one abstaining (Calk) and none in opposition.

d. Z-2017-13

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Contractor Services, Ltd., agent Tal Fillingim, to rezone approximately 14 acres from AO (Agricultural Open Space) to RS6 (Residential Single-Family) to allow single-family homes within the approximately 14-acre tract of land. The property is located north of Independence Boulevard and east of Liberty Boulevard. Legal description being 14 acres out of A1039 SUR 21 B A L SW/4, described as Heritage Parks, Section 9.

Mr. Famble opened the public hearing.

Mr. Tal Fillingim asked for support of this request, as it is a continued development of residential homes in the area.

Mr. Famble closed the public hearing.

The Planning Services Division sent, with Certificate of Mailing, public notices to the applicant and property owners within a 200-foot radius. Seven (7) responses were received in favor, with three (3) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Bixby made the motion to approve this request, and Mr. Calk seconded the motion. The vote was approved by four (Smith, Bixby, Calk, and Rosenbaum) with one abstaining (Famble) and none in opposition.

e. Z-2017-14

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to rezone property from HC/COR (Heavy Commercial/COR Overlay), HC (Heavy Commercial), and RS-6 (Residential Single-Family) to CU/COR (College University/Corridor Overlay) and CU (College University) to allow for CU (College University) and related uses on property located just north of Hardin Simmons University. Location being 10 lots, north of Vogel Avenue, between Cedar Street and Pine Street. Legal description being Lot 101, Block 11, Hardin Simmons Addition, 2502 Pine Street, 0.176 Acres zoned (HC/COR); Lot W/2 LT 1, Less West 15', Block 11, North Park Addition, 1042 Vogel Avenue, 0.154 Acres; and the following lots as described as West 15' of LT 1, Block 11, North Park Addition, 1042 Vogel Avenue, 0.022 Acres zoned (HC); and the following lots as described as Lot E90 S135 LTS 6, Block 11, North Park Addition, 1102 Vogel Avenue, 0.279 Acres; Lot E50 W150 S135 LT 6, Block 11, North Park Addition, 1110 Vogel Avenue, 0.155 Acres; Lot E50 W100 S128 2/3 LT 6, Block 11, North Park Addition, 1118 Vogel Avenue, 0.155 Acres; Lot W50 S128 2/3 LT 6, Block 11, North Park Addition, 1126 Vogel Avenue, 0.154 Acres; Lot E120.21 N50 LT 6, Block 11, North Park Addition, Cypress Street, 0.138 Acres; Lot N50 W119.79 LT 6, Mrs. M E Wellborn Block 11, North Park Addition, 2517 Cedar Street, 0.138 Acres; Lot E/2 of 8, Mrs. M E Wellborn Block 11, North Park Addition, Cypress Street, 0.138 Acres; Lot W/2 of 8, Mrs. M E Wellborn Block 11, North Park Addition, 2525 Cedar Street, 0.138 Acres; and Lot S60 W100 LT 2, Block 11, North Park Addition, 2609 Cedar Street, 0.138 Acres zoned (RS-6).

Mr. Famble opened the public hearing.

Mr. David Todd addressed this item by stating the area is approximately eight acres, and of that eight acres 1.6 acres is not zoned. The request is to make it consistent with the area.

Mr. Famble closed the public hearing.

The Planning Services Division sent, with Certificate of Mailing, public notices to the applicant and property owners within a 200-foot radius. One (1) response was received in favor, with in none (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Bixby moved to approve this request, and Mr. Rosenbaum seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

f. TC-2017-03

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to abandon the entire north-south length of Cypress Street ROW (20' width based on current GIS Mapping), beginning at Vogel Avenue and heading north 730 feet towards Lowden Street (20' width based on current GIS Mapping).

Mr. Famble opened the public hearing.

Ms. Vickie Briggs, property owner, expressed her concern of City services such as patrolling the area and trash pickup. It will cause inconvenience for rental properties. Most of her rentals are students.

Mr. David Todd said Hardin Simmons has indicated they will provide access for tenants to continue walking to university and will abide by code to provide an alley or some type of turnaround for trash pickup.

Mr. Famble closed the public hearing.

The Planning Services Division sent, with Certificate of Mailing, public notices to the applicant and property owners within a 200-foot radius. Five responses were received in favor, with none (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval per the Plat Review Committee with conditions.

Mr. Calk moved to approve this request, and Mr. Smith seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

g. TC-2017-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from AEP Texas, Inc., agent John Garcia, to abandon the remaining portion of an abandoned railroad ROW. Being an abandoned 20' wide railroad spur and ROW, running north approximately 120', north of N. 3rd St. and terminating south of N 4th St. Located between Mesquite Street and Plum Street (20' width based on current GIS Mapping).

Mr. Famble opened the public hearing.

No one was present to address this item.

Mr. Famble closed the public hearing.

The Planning Services Division sent, with Certificate of Mailing, public notices to the applicant and property owners within a 200-foot radius. One (1) response was received in favor, with none (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval per the Plat Review Committee with Conditions.

Mr. Rosenbaum moved to approve this request, and Mr. Famble seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

h. Ordinance Amendment: OAM-2017-02

Public hearing and possible vote to recommend approval or denial to the City Council on an amendment to the Land Development Code (LDC) regarding Section 2.4.2.1 'The Land Use Matrix', Section 2.3.2.9 Residential Multiple-Family, and 2.4.3.3 'All Other Uses With Specific Requirements' pertaining to changing Residential Uses- Dwelling-Multiple-Family (24 units per acre), 'P-Permitted' to allowed with a 'C-Conditional Use Permit' in CU (College & University), O (Office), NO (Neighborhood Office), GR (General Retail), MU (Medical Use), CB (Central Business) MX (Mixed Use) and NR (Neighborhood Retail) zoning districts.

Mr. Famble opened the public hearing.

No one was in attendance who spoke for or against this item.

Mr. Famble closed the public hearing.

PLANNING STAFF RECOMMENDATION:

Change MF (Residential Multi-Family) as a Permitted (P) use to Conditional Use Permit (C) in certain *non-residential zoning districts* to include NO, O, NR, and GR zoning districts.

Mr. Bixby moved to approve this ordinance amendment with a two-year grace period if notification is made for vested rights during that two-year period and up to additional three years will be granted from the end of the two-year grace period, and Mr. Calk seconded the motion. The vote was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

i. Ordinance Amendment: OAM-2017-03

Public hearing and possible vote to recommend amendments to the City Council to Chapter 23, Subpart C. Signs and Billboards – Sections 23-126 – 23-160.

Mr. Famble opened the public hearing.

Mr. Robert Kern, Acme Sign & Plastics Co., addressed the discussion and questions by stating the workshop with City Council in 1996 that had been referred to basically reached the consensus then that no one was enforcing the existing sign codes. The existing code needs to be updated to meet current laws of the State for enforcement.

Councilman Kreitler spoke to this item by reminding that the ordinance presented was the result of guidance from City Council. Everyone had begged for enforcement, as he remembers. He

encouraged the Commission to support the planning staff with this request in order to gain tools necessary to begin enforcement.

Mr. Famble closed the public hearing.

PLANNING STAFF RECOMMENDATION:

Staff recommends consideration and approval of sign ordinance amendments as presented.

Mr. Calk moved to table this ordinance amendment request until the next meeting in July, and Mr. Smith seconded the motion. It was tabled so everyone could review the red line copy. The vote to table this item was approved by five (Smith, Bixby, Famble, Rosenbaum, and Calk) with none in opposition.

Item Six: Discussion Items:

Mr. Dana Schoening stated the request is to consider moving the meeting from Monday to Tuesday, or possibly in the evening on Tuesday. This is due to the deadline for plats, and it would give staff more time to prepare the agenda and review everything for accuracy. He also said it could make the meeting more accessible to the public.

Discussion centered on Tuesday afternoon at 1:30 p.m.; however, it was agreed to present Tuesday at 1:30 p.m. and 5:30 p.m. at the next meeting for a vote.

Item Seven: Director's Report:

Below are recent decisions made by the City Council on items that had recommendations from the Commission:

**CITY COUNCIL MEETING
May 11, 2017 at 8:30 a.m.**

Ordinance & Public Hearing: (Final Reading) Case #TC-2017-02 A Request from The Covenant Group, to abandon approximately 195-feet of the Central Park Boulevard near the Royal Estates Assisted Living Facility.

City Council approved unanimously (5-0).

Ordinance & Public Hearing: (Final Reading) Case #Z-2017-08 On a request from Efran Villalobos to rezone property from AO (Agricultural Open Space) to HC (Heavy Commercial), being 9.871 acres, located at 6633 Hwy 277 S. legal description being 10 acres.

City Council approved unanimously (6-0).

Ordinance & Public Hearing: (Final Reading) Case #Z-2017-09 A request from City of Abilene, agent Don Green, to enlarge the boundary of Planned Development District Number 2 (PD 2) to

include all of a certain 51.891-acre tract bordering the east side of Loop 322 to allow universities/colleges and trade/business schools within the 51.891-acre tract of land.

City Council approved unanimously (5-0).

**CITY COUNCIL MEETING
May 25, 2017 at 8:30 a.m.**

Ordinance: (First Reading) On Case #Z-2017-06 a request from Orangetheory Fitness., agent Enprotec/Hibbs & Todd, to amend the terms and conditions of PD77 (Planned Development 77) to allow for increased hours of operation for 'Recreation and Commercial Recreation (Indoor)' from 6 a.m.-11p.m. to 5 a.m.-11 p.m; and setting a public hearing for June 8th 2017.

City Council approved unanimously (6-0).

Item Eight: Adjourn

The Planning & Zoning Commission meeting was adjourned at 4:10 p.m.

Approved:
Chairman



