
PLANNING & ZONING COMMISSION

July 10, 2017

Minutes

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

Members Absent: 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
Mr. Stanley Smith, City Attorney

Others Present: Mr. Mike Vandervoort Mr. Bob Thomas
Mr. Robert Kern Mr. David McMeekan
Mr. Jonathan Baum Mr. Bruce Kreitler

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.

Item Three: Approval of Minutes

Mr. Rosenbaum moved to approve the minutes from the previous meeting, and Mr. Noonan seconded the motion. The vote was approved by six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

Item Four: Plats:

FP-0717: A Plat of Section 3 and 4, Tuscany Trails Subdivision, Abilene, Taylor County, Texas.

FP-3517: A Plat of Continuation No. 1, Antilley West Addition, Abilene, Taylor County, Texas.

FP-4417: A Plat of Section II, Antilley Road Subdivision, Abilene, 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.

STAFF RECOMMENDATION:

Staff recommends approval of the requested plats.

Mr. Rosenbaum moved to approve the plat requests, and Mr. Smith seconded the motion. One (1) abstained from the vote for FP-0717. The vote was approved by five with none in opposition.

AYES: Smith, Famble, Rosenbaum, Calk, Noonan

NAYS: None

ABSTAINED: Bixby

One (1) abstained from the vote for FP-3517. The vote was approved by five with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Noonan

NAYS: None

ABSTAINED: Calk

The vote for FP-4417 was approved by six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

Item Five: Agenda Items and Zoning Items:

a. Z-2017-15

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene and Hubert E. Young, Todd Lancaster, Ronald Grigsby, Robert W. Bails, George R. Jackson, and Keith and Melyssa Lafontaine, property owners, to rezone 1.738 acres from AO (Agricultural Open Space) to RS-8 (Residential Single-Family District-8, minimum 8,000 square foot lots). The seven properties are located at 5126 to 5218 Rio Mesa Dr, on the north side of Rio Mesa Dr between Todd Run and Waterway Lane, the legal description being Lots 1 and 2 of Block C, Southern Meadows Addn, and Lots 3, 4, 5, 6, and 7 of Block C, Southern Meadows Addn Sec 3.

Mr. Famble opened the public hearing.

No one spoke in favor nor opposition 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. Four (4) responses were received in favor, with one (1) in opposition.

This morning Staff spoke by telephone with the seventh property owner, Mr. Jared Wall. He stated he had no objections to the City rezoning the property.

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 six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

b. Z-2017-16

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Weatherbee Construction, Inc., agent Enprotec/Hibbs & Todd, to amend the terms and conditions of PD111 (Planned Development 111) to allow for GR (General Retail) uses, legal description being 6.23 acres of land out of the south one-half of a 320-acre tract of land, off the west end of the J.H. Beck Survey No. 42, and being out of a 24.596-acre tract of land conveyed to Weatherbee Construction, Inc., recorded in Volume 3090, Page 832, Official Public Records, Taylor County, Texas.. Located at the northeast corner of Dub Wright Boulevard and Jennings Drive.

Mr. Famble opened the public hearing.

Mr. David Todd spoke in favor of this request.

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. There were no (0) responses received in favor, with none (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Rosenbaum made the motion to approve this request, and Mr. Smith seconded the motion. The vote was approved by six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

c. 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. Calk made the motion to remove this request from the table, and Mr. Noonan seconded the motion. The vote was approved by six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

Mr. Famble opened the public hearing.

Mr. Robert Kern, Acme Sign & Plastics Co. spoke in favor of this item.

Mr. Mike Vandervoort spoke to address the concerns of the blind as being sidewalk encroachment and complaints regarding lack of enforcement.

Mr. Bob Thomas spoke in favor of enforcement.

Councilman Kreidler also spoke in favor of enforcement.

Mr. Famble closed the public hearing.

STAFF RECOMMENDATION:

Staff recommends tabling of this item to amend the Sign Ordinance to address the Reed v. Town of Gilbert Supreme Court case, providing for consistency with zoning designations outlined in the LDC, and providing for a viable enforcement mechanism for removal of dilapidated and abandoned signs. The Director of Planning and Development Services would like to seek additional public input regarding potential amendments in order to provide clear basis moving forward to proposed amendments and to receive additional direction on how to accomplish amendments.

Mr. Bixby made the motion to approve this request with provisions that were discussed, and Mr. Calk seconded the motion. The vote was approved by six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

Item Six: Agenda Items:

- a. Public hearing and possible vote to consider recommendation to the City Manager regarding the 2017-2021 Capital Improvement Program (CIP).

Mr. Lisenbee presented to the Commission.

Mr. Famble opened the public hearing.

Mr. Mike Vandervoort spoke in favor of sidewalks and pedestrian facilities be included within the next three years.

Mr. Famble closed the public hearing.

Commission discussion included questions about the purpose of this presentation, and confirmation of it being a charter requirement.

Mr. Rosenbaum made the motion to deny this item, and Mr. Bixby seconded the motion. The vote was approved by four with two in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum

NAYS: Calk, Noonan

- b. Discussion with possible action of Planning & Zoning Commission meeting date and time change.

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.

Mr. Bixby made the motion to change the meeting from the first Monday of each month to the first Tuesday at 1:30 p.m. Mr. Smith seconded the motion. The vote was approved by six with none in opposition.

AYES: Smith, Bixby, Famble, Rosenbaum, Calk, Noonan

NAYS: None

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

June 8, 2017 at 8:30 a.m.

Ordinance & Public Hearing: (Final Reading) Case Z-2017-06 A request from Orange Theory 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.-11 p.m. to 5 a.m.-11 p.m.

City Council approved unanimously (7-0).

CITY COUNCIL MEETING

June 22, 2017 at 8:30 a.m.

Ordinance: (First Reading) Z-2017-11 A request from City of Abilene to rezone property from MD/H (Residential Medium Density/Historic Overlay) to MD (Residential Medium Density), which will remove the Historic Overlay zoning district on the property, Located at 857 Peach St.; Setting a public hearing for July 13, 2017.

City Council approved unanimously (6-0).

Ordinance: *(First Reading)* **Z-2017-12** A request from City of Abilene to rezone property from CB/H (Central Business/Historic Overlay) to CB (Central Business), which will remove the Historic Overlay zoning district on the property, Located at 750 Mesquite St.; Setting a public hearing on July 13, 2017.

City Council approved unanimously (6-0).

Ordinance: *(First Reading)* **Z-2017-13** 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. Located north of Independence Boulevard and east of Liberty Boulevard; Setting a public hearing on July 13, 2017.

City Council approved unanimously (7-0).

Ordinance: *(First Reading)* **Z-2017-14** A request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to rezone property from HC/COR (Heavy Commercial/COR Overlay), HC (Heavy Commercial), and RS6 (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 12 parcels/lots, north of Vogel Avenue, between Cedar Street and Pine Street. Setting a public hearing on July 13, 2017.

City Council approved unanimously (6-0).

Ordinance: *(First Reading)* **TC-2017-03** 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); Setting a public hearing on July 13, 2017.

City Council approved unanimously (7-0).

Ordinance: *(First Reading)* **TC-2017-04** 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); Setting a public hearing for July 13, 2017.

City Council approved unanimously (6-0).

Ordinance: *(First Reading)* OAM-2017-02 Amending the Land Development Code regarding Section 2.4.2.1 'The Land Use Matrix', Section 2.3.2.9 Residential Multiple-Family (MF) District permitted (P), by right, in non-residential zoning districts and Section 2.4.3.3 All Other Uses With Specific Requirements; Setting a public hearing for July 13, 2017.

City Council approved unanimously (7-0).

Item Eight: Adjourn

The Planning & Zoning Commission meeting was adjourned at 3:30 p.m.

Approved:
Chairman



