



# Planning and Zoning Commission MINUTES

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*June 4, 2019 | 1:30 p.m. | Abilene, Texas City Hall – Council Chambers*

**Commissioners Present:**

Mr. Fred Famble, Chairman  
Mr. Tim Smith, Secretary  
Mr. Bill Noonan  
Mr. Bruce Bixby

Mr. Clint Rosenbaum, Vice-Chairman  
Mr. Robert Calk  
Rev. Iziar Lankford

**Staff Present:**

Mr. Michael Rice, Assistant City Manager  
Mr. Mike Warrix, Director/Planning and Development Services  
Mr. Zack Rainbow, Assistant Director/Planning and Development Services  
Mr. Jared Smith, Planner I  
Ms. Melissa Farr, Executive Assistant  
Ms. Kelley Messer, First Assistant City Attorney  
Mr. Nick Watts, City Planning Intern

**Others Present:**

Debra Klazynski                      Jana Gillaspie  
Paul Johnson                        Jonathan Ash  
Dale Boe

## 1. CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting. Melissa Farr took the roll call noting the following commissioners present:

**PRESENT:** 7 - Smith, Calk, Bixby, Rosenbaum, Noonan, Lankford and Famble

## 2. INVOCATION

Reverend Lankford delivered the invocation.

## 3. APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

There being no deletions, no additions, and no corrections, Mr. Rosenbaum moved to approve the minutes for the Planning and Zoning Commission regular meeting of May 7, 2019. Mr. Noonan seconded the motion. The motion to approve prevailed by the following vote:

**AYES:** Smith, Calk, Bixby, Rosenbaum, Noonan, Lankford and Famble

**NAYS:** None

## 4. PLATS

- a. **FRP-5718:** Lots 101-124, Block A, Section 1, Butterfield Meadows, A Replat of Lots 1 and 2, Block A, Section 1, Butterfield Meadows, Abilene, Taylor County, Texas; And Butterfield Meadows, Section 3, Being 3.663 Acres out of the John Adams Survey NO. 44, Abstract NO. 3, Abilene, Taylor County, Texas
- b. **FP-0719:** Lot 1, Block A, Abilene Independent School District, Taylor Elementary Subdivision, Abilene, Taylor County, Texas
- c. **PP-0819:** Preliminary Plat of Forrest Meadows Addition, Section 1, Abilene, Taylor County, Texas
- d. **PP-2419:** Preliminary Plat of Sandy Creek Village, Abilene, Taylor County, Texas

Mr. Rainbow presented the plats. Mr. Famble opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Reverend Lankford moved to approve the submitted plats. Mr. Smith seconded the motion. The motion to approve prevailed by the following vote:

**AYES:** Smith, Calk, Bixby, Rosenbaum, Noonan, Lankford and Famble

**NAYS:** None

## 5. ZONING

- a. **Z-2019-17** Public hearing and possible vote to recommend approval or denial to City Council on a request from Crossroads Office Plaza Ltd., agents Paul Johnson/Tami Shifflett, to rezone property from Heavy Commercial (HC) zoning to General Commercial (GC) zoning; Legal description being all Lot 4 except the east 33.14' of Lot 4 in Border Town South, Abilene, Taylor County, Texas, and located at 4150 S. Danville Drive

Mr. Zack Rainbow presented this request. The request is to rezone property from Heavy Commercial (HC) zoning to General Commercial (GC) zoning. The current zoning of HC does not permit a barber shop (personal service) use; thus, the reason for the rezoning request.

Mr. Famble opened the public hearing. Mr. Paul Johnson spoke in favor of this request. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor, nor in opposition.

**PLANNING STAFF RECOMMENDATION:** Approval

**Mr. Rosenbaum moved to approve the request. Mr. Smith seconded the motion. The motion to approve prevailed by the following vote:**

**AYES: Smith, Calk, Rosenbaum, Noonan, Lankford and Famble**

**NAYS: None**

**ABSTAINED: Bixby**

- b. **Z-2019-18** Public hearing and possible vote to recommend approval or denial to City Council on a request from the Butterfield Meadows, LLC, agent Jacob & Martin, to rezone three (3) properties from a combination of General Commercial (GC) zoning, General Retail (GR) zoning, and Office (O) zoning to Patio Home (PH) zoning; Legal descriptions being Lot 1 in Block B, as well as Lots 1 and 2 in Block D, Butterfield Meadows Section 1, Abilene, Taylor County, Texas, and encompassing 7.4 acres at 5841, 5857, and 5925 HWY 277 S

Mr. Zack Rainbow presented this request. The request is to rezone three (3) properties from a combination of General Commercial (GC) zoning, General Retail (GR) zoning, and Office (O) zoning to Patio Home (PH) zoning, in order to subdivide this property into single-family patio home sites.

Mr. Famble opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor, nor in opposition.

**PLANNING STAFF RECOMMENDATION:** Approval

**Mr. Bixby moved to approve the request. Mr. Rosenbaum seconded the motion. The motion to approve prevailed by the following vote:**

**AYES: Smith, Calk, Bixby, Rosenbaum, Noonan, Lankford and Famble**

**NAYS: None**

- c. **Z-2019-19** Public hearing and possible vote to recommend approval or denial to the City Council on a request from St. Paul United Methodist Church, agent Yanell Rieder, to rezone property from Office (O) zoning to Neighborhood Retail (NR) zoning; Legal description being Lots 101 and 102 in Block 5 of Hedges Addition, Section 3, City of Abilene, Taylor County, Texas, and located at 3025 and 3033 Southwest Drive

Mr. Jared Smith presented this request.

Mr. Famble opened the public hearing. Those who spoke in opposition were Ms. Debra Klazynski and Ms. Jana Gillaspie. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor with two (2) in opposition.

Commission and Staff discussion involved 1) the types of businesses allowed in this zoning, and 2) the request is reasonable and fair for the neighborhood. The Neighborhood Retail (NR) designation is a good buffer on arterial roadway.

Mr. Famble opened the public hearing again. Ms. Gillaspie addressed the statement discussed about homeowners purchasing properties with knowledge of Office (O) zoning as being incorrect. She stated the homes were built before any business was located on the subject property.

Ms. Klazynski spoke again to inquire about the possible decrease of property values as a result of this requested zoning. Mr. Famble closed the public hearing.

**PLANNING STAFF RECOMMENDATION:** Approval

**Mr. Rosenbaum moved to approve the request. Mr. Smith seconded the motion. The motion to approve prevailed by the following vote:**

**AYES: Smith, Rosenbaum, Noonan, and Lankford**

**NAYS: Bixby and Famble**

**ABSTAINED: Calk**

- d. **CUP-2019-04** Public hearing and possible vote to recommend approval or denial to City Council on a request from Inca-Trio Fire Services, agent Adair Hanley Construction, for a Conditional Use Permit to allow 'Contractor Services' business on property zoned General Commercial (GC); Legal description being Lot 1, Block A, Martin Addition, Abilene, Taylor County, Texas and located at 402 ES 11<sup>th</sup> Street

Mr. Jared Smith presented this request. The applicants are seeking approval of a Conditional Use Permit (CUP) to allow a contracting service at a specific location in a General Commercial (GC) zoning district. The particular business generating this request is Inca-Trio Fire Services whom is believed to sell and install fire protection and security equipment for homes and businesses.

Mr. Famble opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor with none (0) in opposition.

**PLANNING STAFF RECOMMENDATION:** Approval

**Mr. Bixby moved to approve the request. Mr. Noonan seconded the motion. The motion to approve prevailed by the following vote:**

**AYES: Smith, Bixby, Rosenbaum, Noonan, Lankford and Famble**

**NAYS: None**

**ABSTAINED: Calk**

- e. **CUP-2019-05** Public hearing and possible vote to recommend approval or denial to City Council on a request from the Windsor Hotel, agent Chris Winn, for a Conditional Use Permit to allow a 'Tattoo Parlor' business on property zoned Central Business/Historic Overlay (CB/H); Legal description being Lots 7 & 8, Block 41, Original Town of Abilene, Taylor County, Texas and located at 401 Pine Street

Mr. Jared Smith presented this request. The applicant is requesting a Conditional Use Permit to allow a 'Tattoo Parlor' in Central Business (CB) Zoning.

Mr. Famble opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. No (0) responses were received in favor with seven (7) in opposition (from the same owner.)

**PLANNING STAFF RECOMMENDATION:** Approval

Mr. Bixby moved to approve the request. Mr. Rosenbaum seconded the motion. The motion to approve prevailed by the following vote:

**AYES:** Calk, Bixby, Rosenbaum, Noonan, Lankford and Famble

**NAYS:** None

**ABSTAINED:** Smith

**6. Discussion Item: Review and Discussion of Current Carport Regulations**

a. Open Carports (and Patio Covers) in Front Yards

Mr. Zack Rainbow continued a discussion regarding the alternatives for open carports and patio covers in residential neighborhoods of Abilene from the last meeting. Points of discussion were height restrictions, options for variance requests, and the setback allowance from back of curb along street frontage.

Commissioners made revisions to the first and second alternatives provided by changing the minimum front property line from fifteen (15) feet to five (5) feet. The recommendation was also made for the length requirement not to exceed 22' extending from the attached/abutted garage. The verbiage found under architectural compatibility that stated the roof covering had to be consistent with that of the residence was deleted.

**6. DIRECTOR'S REPORT**

Mr. Mike Warrix announced recent decisions made by City Council on items recommended from the Commission.

**7. ADJOURNMENT**

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:50 p.m.

**APPROVED**



Mr. Fred Famble, Chairman