



# Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on November 1, 2022 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

## **Commissioners Present:**

Mr. Clint Rosenbaum, Chairman

Mr. Mitch Barnett

Ms. Alex Russell, Sergeant-at-Arms

Mr. Bill Noonan, Secretary

Mr. Brad Benham, Chairman Pro Tem

Ms. Shawnte' Fleming

## **Commissioners Absent:**

Rev. Iziar Lankford

## **Staff Present:**

Mr. Michael Rice, Assistant City Manager

Mr. Tim Littlejohn, Director of Planning and Development Services

Ms. Kelley Messer, First Assistant City Attorney

Mr. Adam Holland, Planner I

Ms. Clarissa Ivey, Planner I

Ms. Melissa Farr, Executive Assistant

## **Others Present:**

Mr. B.J. Prichard

Mr. John Felder

Mr. Andrew Briscoe

Mr. Jim McCathreal

Mr. Darin Wilson

Mr. Connor Hardesty

Ms. Carolyn Presswood

Ms. Nancy Logo

Mr. Jon Loudermilk

Ms. Patricia M. Smith

Mr. Steve Price

Ms. Brianne Chavez

Mr. Colby Turnbough

Mr. Roger Welch

Ms. JoAnn Wilson

Mr. Robert Wood

Mr. Brad Bardin

Ms. Susan Pigeon

Mr. Sean Hanfeld

Ms. Yolanda Galvan

Narsiso Alamilla

Mr. Jimmy Fuentes, Jr.

Mr. Jimmy Carson

Ms. Jennifer Welch

Mr. Cody Clevenger

Mr. Cory Dulin

Mr. Terry Bunkley

Mr. Trey Strong

Mr. Jeffery Sweat

Mikel Hawkins

## **CALL TO ORDER**

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:30 p.m.

## INVOCATION

Mr. Benham delivered the invocation.

## APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Rosenbaum opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Benham moved to approve the minutes from the previous meeting, which was held on October 4, 2022. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Barnett, Benham, Russell, Noonan, Fleming, Rosenbaum**

**NAYS: None**

## ZONING

**Z-2022-24:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Leticia Leija, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5 Acres From Agricultural Open (AO) To Heavy Commercial (HC). Legal Description Being 5 Acres Of The Southeast Quarter Of Survey 32 Blind Asylum Lands, Abilene In Taylor County, Texas.

Ms. Clarissa Ivey presented this item. The applicant is requesting to rezone approximately 5.0 acres from Agricultural Open (AO) to Heavy Commercial (HC). The applicant intends to use the property as retail sales/rental heavy equipment which is permitted by right in the HC district.

The subject property is located in the southwest quarter of Survey 32 Blind Asylum Lands. The site is located in the 2600 block of East Stamford Street just west of Loop 322. This property was annexed in 1964 and has never been developed.

Mr. Rosenbaum opened the public hearing. Mr. Matt Muzechenko spoke in favor as the representative for the seller. YellowHouse Machinery Company intends to build a new 30,000 sq. ft. facility.

Property owners within a 200-foot radius were notified of this request. Two (2) responses were received in favor with none (0) in opposition.

**STAFF RECOMMENDATION:** Denial of rezoning the site to HC and approval of rezoning the site to the GC district.

Mr. Noonan made the motion to **approve Heavy Commercial (HC) zoning**. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Barnett, Benham, Russell, Noonan, Fleming, Rosenbaum**

**NAYS: None**

**Z-2022-25:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Mike And Buffi Awtry, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5.27 Acres From Agricultural Open (AO) To Heavy Commercial (HC). Legal Description Being 5 Acres Of The Southeast Quarter Of Survey 32 Blind Asylum Lands, Abilene In Taylor County, Texas.

Ms. Clarissa Ivey presented this request. The subject property is located in the southwest quarter of Survey 32 Blind Asylum Lands. The site is located in the 2400 block of East Stamford Street and also fronts on to East North 10<sup>th</sup> Street just west of Loop 322. The purpose of the dual frontage lot design is to allow vehicles to be able to drive onto the site from one entrance and to exit the site through the opposite entrance.

Mr. Rosenbaum opened the public hearing. Mr. Matt Muzechenko was available to answer any questions.

Property owners within a 200-foot radius were notified of this request. Two (2) responses were received in favor with none (0) in opposition.

**STAFF RECOMMENDATION:** Approval

Mr. Benham made the motion to **approve Heavy Commercial (HC) zoning**. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Barnett, Benham, Noonan, Fleming, Rosenbaum**

**NAYS: Russell**

**Z-2022-26:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From West Texas Land Guys, Represented By Sean Hanfeld, To Change The Zoning Of Approximately 187 Acres From Agricultural Open (AO) To Planned Development District 177 (PDD-177) To Allow For Single Family Residential Uses, Multi-Family Uses, And Commercial Uses. Legal Description Being, 110.91 Acres In The John Jarmon Survey 82, And 76 Acres In L Bowerman Survey 83, Abilene In Taylor County, Texas.

Mr. Randy Anderson presented this request. The subject site is proposed to be subdivided into six tracts with the following base zoning classifications:

1. Tracts A, B, and D: Residential Townhome District (TH);
2. Tracts C and F: Residential Single-Family District-6 (RS-6); and
3. Tract E: General Commercial District (GC) and Residential Multi-Family-2 (MF).

Mr. Rosenbaum opened the public hearing.

- Mr. Steve Price stated his opposition and concern for elderly neighbors who are low-income residents.
- Mikel Hawkins agreed with his neighbor about the fear of increasing property taxes.
- Cory Dulin spoke as a representative of the developer. He clarified that the proposal is for affordable housing. They are trying to provide a variety of housing, such as a 40-ft. wide homes and townhomes.
- Brad Bardin addressed the current water flow situation and lack of responsive drainage. He requested the Commission take this into consideration and ensure this issue is resolved.
- Nancy Lugo asked about the possibility of installing a traffic light at the intersection of West Lake Road and Neas Road.
- Terry Bunkley also stated the intersection is dangerous.
- Patricia Smith spoke to encourage her neighbors to keep properties tidy and stop parking on the roadways.
- Coty Clevenger spoke to express his concerns of negative consequences for those who currently reside near the proposed development, more specifically, safety and traffic concerns.
- Darin Wilson expressed his desire to live in “the country” and opposition to negative changes.
- Mr. Price spoke again to address the assumed increase of property taxes.
- Mr. Hawkins agreed there is a concern about ambulatory and police responses.

Seeing no one else present and desiring to be heard, Mr. Rosenbaum closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Three (3) responses were received in favor, with six (6) received in opposition. There was also one (1) received in opposition from Jones County.

**STAFF RECOMMENDATION:** Approval, subject to the proposed Concept Plan.

Commissioners discussed what they had heard and reminded the audience that their charge was to determine if this request is an appropriate use of zoning.

Mr. Benham made the motion to **approve** this request. Mr. Barnett seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Barnett, Benham, Noonan, Fleming, Rosenbaum**

**NAYS: Russell**

**Z-2022-27:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From John Felder To Change The Zoning Of Approximately 3.02 Acres From Heavy Commercial (HC) To General Retail (GR). Legal Description Being Lot 1, Block 4, Radford Hills, Section 3, Continuation 1, Abilene In Taylor County, Texas.

Mr. Adam Holland presented this request. This property was annexed in 1957 and has been commercially developed as a hotel. The applicant intends to use the property as a hotel and multi-family residential.

Mr. Rosenbaum opened the public hearing. Mr. John Felder, property owner, stated the goal for this request is to restore the property and obtain the appropriate zoning for apartment complexes.

Ms. Susan Pigeon asked for clarification as to exactly what is proposed to be constructed on the property. She said the property is very run down, and she was hoping for general businesses to develop in the area.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor with none (0) in opposition.

**STAFF RECOMMENDATION:** Approval

Mr. Benham made the motion to **approve** this request. Ms. Russell seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Barnett, Benham, Russell, Noonan, Fleming, Rosenbaum**

**NAYS: None**

**CUP-2022-09:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From John Felder, To Apply A Conditional Use Permit To Approximately 3.02 Acres To Allow Multi-Family Uses In General Commercial. Legal Description Being Lot 1, Block 4, Radford Hills, Section 3, Continuation 1, Abilene In Taylor County, Texas.

Mr. Adam Holland presented this request. The applicant proposes to rehabilitate the buildings on the subject site. The existing buildings are currently boarded up and the property has deteriorated. The proposed use will remediate these issues, which will enhance the appearance of the East Highway 80 corridor and improve the value of the surrounding development and neighborhoods.

Mr. Rosenbaum 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.

**STAFF RECOMMENDATION:** Approval subject to the submitted site plan.

Ms. Russell made the motion to **approve** this request. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Barnett, Benham, Russell, Noonan, Fleming, Rosenbaum**

**NAYS: None**

**CUP-2022-08:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Alexander Trust Real Estate LLC, Represented By Brianne Chavez, To Apply A Conditional Use Permit To Approximately 0.08 Acres Zoned Central Business (CB) To Allow A Tattoo Parlor As A Permitted Use. Legal Description Being Lot 24, Block 1, Original Town Of Abilene, Abilene In Taylor County, Texas.

*Ms. Clarissa Ivey announced this application had been withdrawn.*

**TC-2022-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The City Of Abilene, Represented By Enprotech Hibbs & Todd, To Abandon Simmons Avenue Between Ambler Avenue And University Boulevard Located In The City Of Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The purpose of this request is to leave the roadway in place and to convert it into a private street that can be gated to restrict motorized traffic. The proposed gated entrance will be designed to allow for fire and emergency vehicle access to the campus. The primary goal is to limit vehicular traffic on campus to improve pedestrian and bicycle safety.

Because the Commission recommendation regarding these street closures was in the form of a single motion, the applicant was not aware that an appeal regarding the Simmons Avenue closure was required to have that part of the request considered by City Council. Additionally,

it was discovered that a request to close Vogel Avenue had previously been considered and approved by City Council.

As a result, the City Council only considered the closure of Hickory Street and Cedar Street, and approved the request on October 14, 2022, subject to the staff recommendation. Due the confusion concerning the need to appeal the Simmons Avenue portion of TC-2022-02, the City of Abilene has submitted this request to allow the City Council to consider that part of the original request.

Mr. Rosenbaum opened the public hearing. Mr. Andrew Briscoe spoke to represent Hardin Simmons University. He stated the purpose of this request being the need for a new dormitory housing approximately 166 students.

Mr. B.J. Prichard was available to answer any questions. 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. Eight (8) responses were received in favor with none (0) in opposition.

**STAFF RECOMMENDATION:** Approval subject to the submitted site plan.

Mr. Benham made the motion to approve this request. Ms. Russell seconded the motion. The motion to approve prevailed by the following vote:

**AYES: Barnett, Benham, Russell, Noonan, Fleming, Rosenbaum**

**NAYS: None**

### Adjournment

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 3:30 p.m.

**APPROVED**



Mr. Clint Rosenbaum, Chairman