



# Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on November 7, 2023 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

**Commissioners Present:**

Mr. Clint Rosenbaum, Chairman	Mr. Brad Benham, Chairman Pro Tem
Ms. Alex Russell, Sergeant-at-Arms	Mr. Kevin Halliburton
Ms. Shawnte' Fleming	

**Commissioners Absent:**

Mr. Mitch Barnett	Rev. Iziar Lankford, Secretary
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**Staff Present:**

Mr. Michael Rice, Assistant City Manager  
Mr. Tim Littlejohn, Director of Planning and Development Services  
Mr. Randy Anderson, Assistant 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  
Ms. Kiley Hannah, Planner I

**Others Present:**

Mr. Tal Fillingim	Ms. Dwalah Nelson	Mr. Tim Watson
Mr. Eddie Pugh	Mr. Kris Kowatch	Mr. Mike Wilder
Mr. Garry Irvin	Mr. Robert Aycock	Mr. Mike Murray
Ms. Irene Funk	Mr. Tony Chron	Mr. Seth Merritt
Mr. Eddie Earles	Mr. Ryan Holmes	Mr. Klint Doan
Ms. Atria Mason	Mr. Butch Nelson	Ms. Kaley Garner
Mr. Van Jones	Ms. Denise Jones	Mr. Gary Causin
Mr. Charles Carter		

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:32 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. Halliburton moved to approve the minutes from the previous meeting, which was held on October 3, 2023. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

## PLATS

**7123-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Summit View Estates

**STAFF RECOMMENDATION:** Approval with conditions:

All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

**7223-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Sanford Addition

**STAFF RECOMMENDATION:** Approval with conditions:

City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.

All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

**7323-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Highland Farms Section 4

**STAFF RECOMMENDATION:** Approval with conditions:

All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

**7823-PP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a revised Preliminary Plat for Waterside at Cedar Creek Section 3

**STAFF RECOMMENDATION:** Approval

**8123-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Caliber Abilene Lot 1, Block A

**STAFF RECOMMENDATION:** Approval with conditions:

All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

**1522-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Hampton Hills Section 9

**STAFF RECOMMENDATION:** Approval with conditions:

City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.

All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

Mr. Rosenbaum opened the public hearing. Mr. Eddie Pugh stepped forward to ask questions. Seeing no one else present and desiring to be heard, the public hearing was closed.

Mr. Benham moved to approve the plats as presented. Mr. Halliburton seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

## ZONING

**HOZ-2023-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Robert Hoemke To Apply Historic Overlay Zoning To Approximately 0.44 Acres Zoned Central Business (CB). Located At 1201 South 1<sup>st</sup> Street. Legal Description Being Lots 1-6, Block 49, Original Town Abilene, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request. The request is to add Historic Overlay to a commercial building within Original Town Abilene. This property is not on the Abilene Register of Historic Properties (ARHP). Staff does not have any information about the history of this property; however, the applicant provided background facts.

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, not in opposition.

**STAFF RECOMMENDATION:** The Landmarks Commission recommends approval.

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

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**HOZ-2023-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Matthew Meador To Apply Historic Overlay Zoning To Approximately 0.69 Acres Zoned Medium Density (MD). Located At 1941 North 3<sup>rd</sup> Street. Legal Description Being Lots 9-11, Blocks 1-3, Original Town Abilene, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request to add Historic Overlay to a residence within Original Town Abilene. The house has been named the King House, after Harry Tom King & his wife. Mr. King was a prominent lawyer and judge in early Abilene.

Staff could not locate a building file or permit(s) for the home 1941 North 3<sup>rd</sup> Street. Staff located the 1979 and 2011 Historic Resources Survey Forms from the Texas Historical Commission. This property is listed on the Abilene Register of Historic Properties.

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

**STAFF RECOMMENDATION:** The Landmarks Commission recommends approval.

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

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**OAM-2023-01:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The City Of Abilene To Amend The Land Development Code (LDC) To Create The Rebuild ABI Infill Overlay (RAI) District To Promote Infill Development And Redevelopment In Targeted Neighborhoods.

Mr. Randy Anderson presented this request. In 2010, the City Council created the Neighborhood Conservation Overlay (NCO) District. The goal of that district was to maintain the character and original development patterns of the original City neighborhoods that surround the Central Business (CB) District. The NCO was not depicted on the Official Zoning Map. Instead, it was dependent on property owners to take the initiative to create each NCO District, similar to how Historic Overlay zoning is applied. Since 2010, no property has ever been zoned NCO.

The NCO District has not achieved its intended purposes. In contrast, the HO District has affectively achieved its goals and objectives to protect historic properties and unique buildings. As a result, the professional opinion of staff is that the NCO district needs to be modified in a manner that will promote infill development that respects the traditional flavor of surrounding neighborhoods.

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

**STAFF RECOMMENDATION:** Approval

Mr. Benham moved to **place this request on the table until next month's regular scheduled meeting.** Mr. Halliburton seconded the motion. The motion prevailed by the following vote:

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**SNC-2023-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Atria Mason, To Change The Name Of Stevenson Drive To Atria L. Mason Drive. Located At Stevenson Drive From East North 10<sup>th</sup> Street To East North 7<sup>th</sup> Street.

Mr. Adam Holland presented this request. This street was platted, named, and constructed as part of the Stevenson Park Addition in 1949. This subdivision was expressly platted to provide housing for African-American residents. Ellouise and J. McAllister Stevenson donated the land for the nearby Stevenson Park in 1949 and 1951. Stevenson Drive continues to bear their names due to their historic significance to the community.

The applicant does not reside in Abilene, but does own the majority of properties adjoining Stevenson Drive. Staff is not aware of any contributions that the applicant may have made to the community.

Mr. Rosenbaum opened the public hearing. Ms. Atria L. Mason, applicant, stepped forward to speak about her intentions.

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:** The Land Development Code does not contain criteria to assess when a street name change is appropriate. If the Commission determines that the request is appropriate, staff would recommend adding the following condition:

1. The applicant shall be responsible for all costs associated with the name change, including the costs of producing and installing the new street signs and the street address changes.

Mr. Benham moved to **deny** this request. Ms. Fleming seconded the motion. The motion prevailed by the following vote:

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**Z-2023-31**: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Abilene Christian University, Represented By TJC Development And McMahon Surovik Suttle, To Amend The Terms And Conditions And Concept Plan Of Planned Development District 157 To Allow Single Family Residential Uses West Of Judge Ely Boulevard, To Reduce The Setback Requirement For Single Family Residential Uses, And To Provide A New Concept Plan. Located On The West Side 2500 Block Of Judge Ely Blvd. Legal Description Being Block A, ACU Drive Addition, Abilene, Taylor County, Texas.

Mr. Benham moved to **remove this item from the table**. Mr. Halliburton seconded the motion.

Mr. Adam Holland presented this request. The subject property was zoned as PD-157 in 2016 to create a mixed-use development known as Allen Ridge, to allow uses in the Multi-Family (MF), Townhome (TH), and General Retail (GR) zoning districts. The applicant proposes to add single-family detached residential as a new permitted use in order to create a development multiple residential choice, similar to the Westley Court Senior Living facility. The original Concept Plan has been updated to address the neighborhood concerns from the previous Commission meeting. The existing zoning of the property is a Planned Development that allows multi-family, townhomes, and general retail. The applicant proposes to add single-family residential uses to the mix.

Mr. Rosenbaum opened the public hearing. Those who stepped forward were:

Mr. Mike Murray

Mr. Tim Watson

Ms. Dwalah Nelson

Mr. Butch Nelson

Mr. Kris Kowatch

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

**STAFF RECOMMENDATION:** Approval subject to conditions.

Mr. Benham moved to **approve** this request as presented and **subject to conditions recommended by staff**. Mr. Halliburton seconded the motion. The motion prevailed by the following vote:

**AYES: Benham, Russell, Halliburton, Rosenbaum**

**NAYS: None**

**ABSENT: Fleming**

**STAFF RECOMMENDATION:** Approval of General Retail on Lot 203 and downzoning the request from General Retail (GR) to Neighborhood Retail (NR) on lots 202 and 206.

Mr. Benham moved to **place this request on the table until next month's regular scheduled meeting.** Mr. Halliburton seconded the motion. The motion to approve prevailed by the following vote:

**AYES: Benham, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**ABSENT: Russell**

**Z-2023-37:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cospert Properties LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 2.2 Acres From Agricultural Open To General Retail. Located 3509 Beltway, Abilene, TX 79606. Legal Description Being Survey 104 WM E Vaughn, Tract 3 West, Abilene, Taylor County, Texas.

Ms. Kiley Hannah presented this request. The subject property is currently zoned Agricultural Open (AO) requesting to rezone to General Retail (GR).

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim stepped forward to address 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, with none (0) in opposition.

**STAFF RECOMMENDATION:** Approval of down zoning to NR

Mr. Benham moved to **approve** this request as presented by staff. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

**AYES: Benham, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**ABSENT: Russell**

**Z-2023-38:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Nathan Hathorn, Represented By Jacob & Martin, To Change The Zoning Of Approximately 12.97 Acres From Agricultural Open And General Commercial To General Commercial. Located At 1209 Spur 707. Legal Description Being 12.97 Acres Out Of The North Half Of The Southwest Quarter Of Lunatic Asylum Lands, Abilene, Taylor County, Texas.

Ms. Clarissa Ivey presented this request. The property was annexed in 1980 and has been used for residential purposes since. The residence on the lot was built in 1974. The properties

**Z-2023-35:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Hoemke Property LLC Represented By Seth Merritt, To Change The Zoning Of Approximately 0.33 Acres From Heavy Industrial To Light Industrial. Located At 409 S Treadaway Blvd. Legal Description Being Lots 1, 2, 3, Block 94, Original Town Abilene, Abilene, Taylor County, Texas.

Ms. Clarissa Ivey presented this request. The property is home to a commercial building that was built in 1958. For the last decade the property has been used for various uses that include retail (Smitty's Tobbaco) and manufacturing (Pappy Slokum Brewery.) The agent proposes to use this building as a bar and as a warehouse to store bikes used for the bike tour service to be known as ABI Bikes.

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

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

**AYES: Benham, Russell, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**Z-2023-36:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From 3W Brands LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 7.07 Acres From PD 96A To General Retail. Located on the East Side of the 5300 Block Buffalo Gap Road. Legal Description Being Lots 202, 203, And 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The subject property was zoned as PD-96A in 2004 to create a mixed-use development that allowed specific higher intensity uses along the frontage of the property and less intense uses, primarily educational uses to the rear where the PD abuts residential zoning districts on 3-sides. The property did not have a base zoning district assigned, but is similar to uses allowed in the General Retail or Neighborhood Retail district.

Mr. Rosenbaum opened the public hearing. Those who stepped forward to address this request were: Mr. Mike Wilder, Mr. Van Jones, Mr. Tal Fillingim, Ms. Denise Jones, Mr. Gary Causin, Mr. Robert Aycock, Mr. Charles Carter

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor, with three (3) in opposition.



directly to the north, east, and south are zoned Agricultural Open (AO). Across Highway 83-84 General Commercial (GC) zoning exists, along with a Planned Development (PDD-150) for a public utility agency.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim stepped forward to address 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, with none (0) in opposition.

**STAFF RECOMMENDATION:** Approval

Mr. Benham moved to approve this request as presented by staff. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

**AYES: Benham, Halliburton, Fleming, Rosenbaum**

**NAYS: None**

**ABSENT: Russell**

### ADJOURNMENT

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 3:51 p.m.

APPROVED

A handwritten signature in black ink, appearing to read 'Clint Rosenbaum', written over a horizontal line.

Mr. Clint Rosenbaum, Chairman

