



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on December 5, 2023 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

Commissioners Present:

Mr. Clint Rosenbaum, Chairman Ms. Shawnte' Fleming
Mr. Mitch Barnett Rev. Iziar Lankford, Secretary

Commissioners Absent:

Mr. Brad Benham, Chairman Pro Tem Ms. Alex Russell, Sergeant-at-Arms
Mr. Kevin Halliburton

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. 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. Steve Carrigan	Mr. Mike Wilder	Mr. Van Jones
Ms. Denise Jones	Mr. Scott Jacks	Mr. Charles Carter
Mr. Larry Irvin	Ms. Rachel Stasser	Mr. Fred Stasser
Ms. Kaley Garner		

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:32 p.m.

INVOCATION

Reverend Lankford 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. Reverend Lankford moved to approve the minutes from the previous meeting, which was held on November 7, 2023. Ms. Fleming seconded the motion. The motion to **approve** with any revisions as discussed prevailed by the following vote:

AYES: Barnett, Fleming, Lankford, Rosenbaum

NAYS: None

PLATS

FP-8423: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Final Plat of Lots 101-104, Block C, The Denali Addition

Mr. Adam Holland presented the proposed plat. This plat is consistent with Chapter 3, Article 2 of Land Development Code. (Subdivision Standards)

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

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.
- City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.
- A sealed metes and bounds description of the property must be included with the recorded plat.

Mr. Barnett moved to **approve the plat as presented with conditions**. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

ZONING

CUP-2023-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Charles A. Doby Represented By Shawn Garrett, To Apply A Conditional Use Permit To Approximately 2.67 Acres To Allow For A Trade School Within General Retail (GR) Zoning. Located At 2449 South Willis Street, Suite 204. Legal Description Being Block A, Lot 302 Of The Chimney Square Subdivision, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request. The subject property is located in the Chimney Square Subdivision. The applicant is currently using Suite 204 at 2449 South Willis Street as a Massage School. The applicant did not know that a Conditional Use Permit is required to allow a massage school at this location. The applicant was also unaware that a Certificate of Occupancy was required prior to operating. As a result, staff cannot determine how long this school has been operating. A detailed Plan of Operation describing the proposed trade school was included in the packet for review.

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. One (1) response was received in favor, with none (0) in opposition.

STAFF RECOMMENDATION: Staff recommends approval subject to compliance with the Plan of Operation.

Ms. Fleming moved to **approve the Plan of Operations; therefore, approving this request.** Mr. Barnett seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-36: Tabled 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.

Reverend Lankford moved to **remove this request from the table.** Mr. Barnett seconded the motion.

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. This request, if approved, would eliminate the PD zoning of the site and replace it with a standard zoning district classification.

Mr. Rosenbaum opened the public hearing. Those who stepped forward to address this request were:

Mr. Tal Fillingim, Ms. Denise Jones, Mr. Steve Carrigan, Mr. Charles Carter, Mr. Mike Wilder, Mr. Van Jones

Discussion was had regarding the agenda, legal notices and the correct owner of the property. Mr. Robert Hanna was present to share his concerns. He made the recommendation to table this item until everyone is in agreement that all details are correct.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor, with 22 in opposition. Staff received a petition from many of the surrounding homeowners in opposition.

STAFF RECOMMENDATION: Staff recommends the approval of General Retail on Lot 203 and downzoning the request from General Retail (GR) to Neighborhood Retail (NR) on Lots 202 and 206.

Reverend Lankford moved to place this request on the table until the regular meeting scheduled for January 2024. Ms. Fleming seconded the motion. The motion to table prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-37: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Coper Properties LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 2.2 Acres From Agricultural Open To General Retail. Located At 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 Commission, after conducting a public hearing, approved this request as submitted. It was discovered by staff that a technical error regarding the legal notice occurred, meaning that the owners who were entitled to notice were not notified. For that reason, new notice was completed to allow this item to be reheard by the Commission.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim stepped forward to address this item. 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. One (1) response was received in favor, with none (0) in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-40: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 11.14 Acres From Agricultural Open To General Commercial. Located At 7542x S Clack St, Abilene, TX 79606. Legal Description Being South East Quarter Of Survey 12 Of Lunatic Asylum Land Tract 6, Abilene, Taylor County, Texas.

Ms. Kiley Hannah presented this request. The subject property is currently zoned Agricultural Open (AO) requesting to rezone to General Commercial (GC). The property is located adjacent to a regional highway in an area where commercial uses are emerging. The requested zoning is appropriate at this location.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim stepped forward to address this item. 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. One (1) response was received in favor, with none (0) in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

OAM-2023-01 (Tabled): 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.

Reverend Lankford made the motion to **remove this item from the table**. Ms. Fleming seconded the motion.

Chairman Rosenbaum shared his reservations about moving forward with this presentation without all commissioners being in attendance. He and Mr. Randy Anderson agreed it was an option for the Commission to place the item on the table for another month.

Ms. Fleming made the motion to **place this item on the table until the regular scheduled meeting in January.** Reverend Lankford seconded the motion.

ADJOURNMENT

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:38 p.m.

APPROVED

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

Mr. Clint Rosenbaum, Chairman