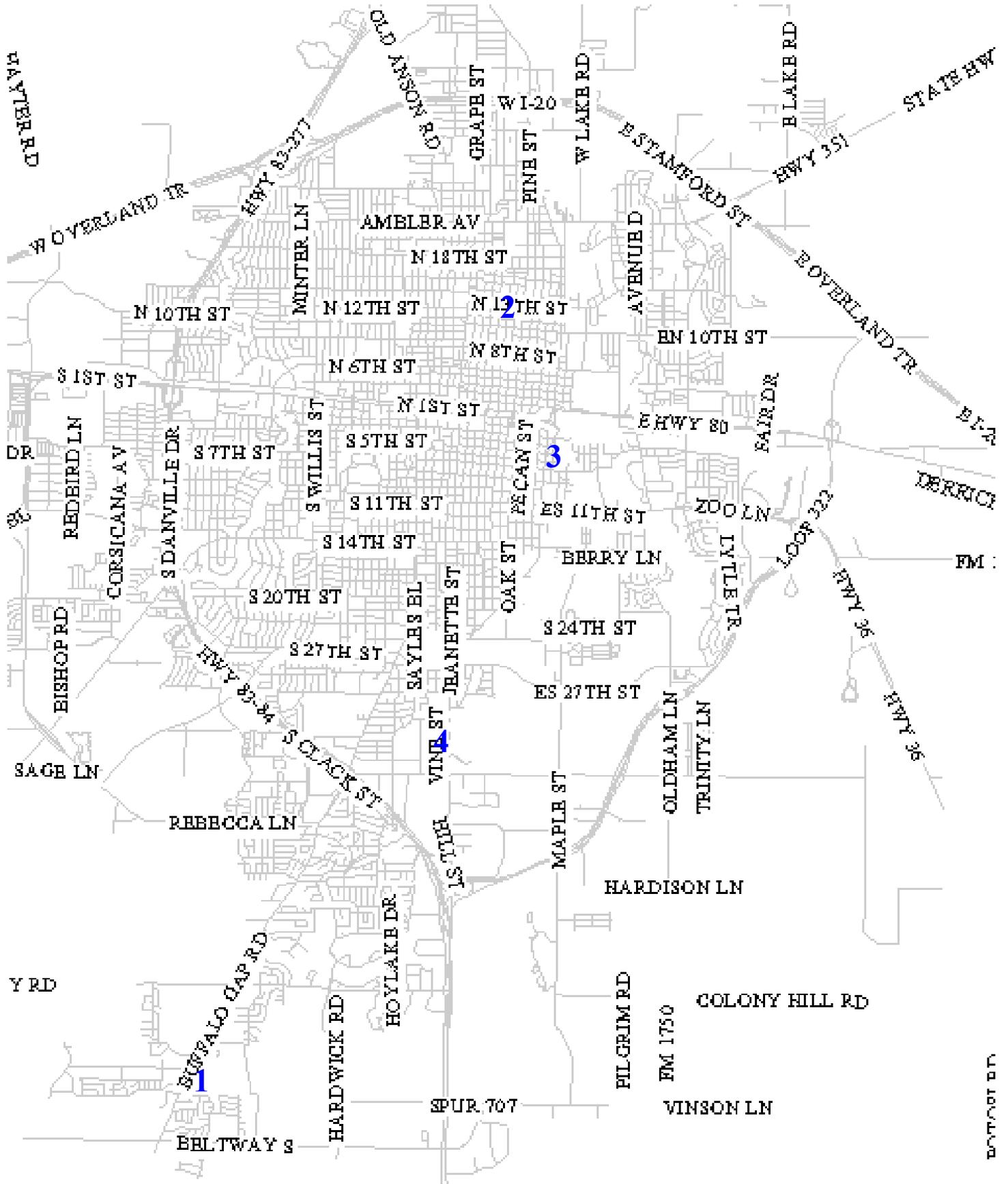


1. Z-2016-42 7300-7400 Blocks of Buffalo Gap Rd. (Tabled from 10-3-16)
2. Z-2016-44 1350 Cypress Street
3. Z-2016-45 720 China Street
4. TC-2016-03 Abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets



**CITY OF ABILENE
PLANNING & ZONING COMMISSION
PRELIMINARY AGENDA**

A meeting of the Planning & Zoning Commission will be held on Tuesday, November 7, 2016, commencing at 1:30 pm in the Council Chambers, City Hall, 555 Walnut Street, to consider the following agenda:

Signed:

Dana Schoening, Director, Planning and Development Services

Place: Council Chambers, City Hall
555 Walnut Street

Date: November 7, 2016

Time: 1:30 pm

1. Call the meeting to order by Chairman
2. Invocation
3. Approval of Minutes from the October 3, 2016 Planning and Zoning Commission meetings.
4. Plats:

The plats will only be listed on the Final Agenda.

5. Zoning:
 - a. **Z-2016-42 (Tabled from 10-03-16 requested to be tabled until 12-05-16)**
Public hearing and possible vote to recommend approval or denial to the City Council on a request from International Medical Christian Ministries INC., agent Richard Humphries, to rezone property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.
 - b. **Z-2016-44**
Public hearing and possible vote to recommend approval or denial to the City Council on a request from St. Ann's Hospital LLC, Agent Chad Baker, to rezone property from MD (Mid-Density Residential) to MF (Multi-Family Residential) zoning, located at 1350 Cypress St.
 - c. **Z-2016-45**
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hit Ventures LLC, agent Harley Burnett, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 720 China St., Legal description being OT ABILENE, BLOCK 164, LOT SOUTH 31.64' OF LOT 25, ALL OF 26-27 & THE NORTH 35 FEET OF LOT 28.
 - d. **TC-2016-03**
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South

36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.

6. Director's Report:
Recent City Council decisions regarding items recommended by the Planning & Zoning Commission.
7. Adjourn

CERTIFICATION

I hereby certify that the above notice of the meeting was posted on the bulletin board at the City Hall of Abilene, Texas, on the ____ day of _____, 2016, at _____.

City Secretary

NOTICE

Persons with disabilities who would like special assistance or need accommodations to participate in this meeting should contact the Planning Department at (325) 676-6237 at least 48 hours in advance. Telecommunication device for the deaf is (325) 676-6360.

ZONING CASE Z-2016-42

STAFF REPORT



APPLICANT INFORMATION:

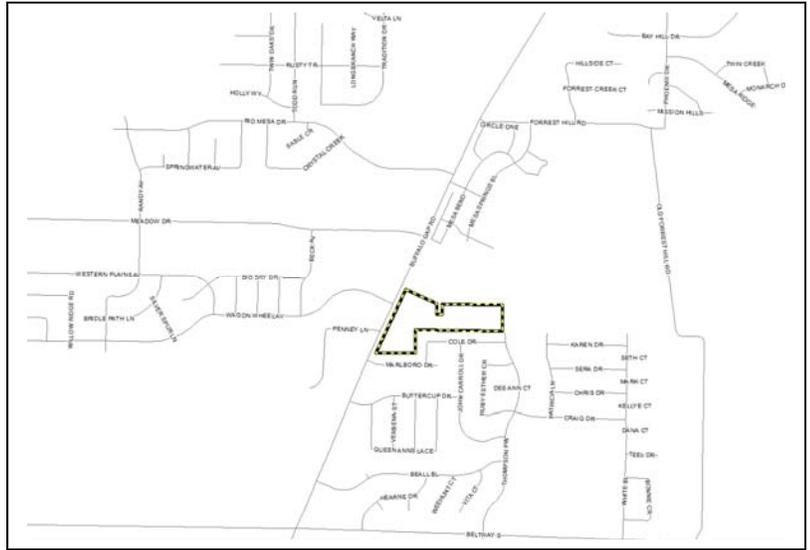
International Medical Christian Ministries INC.
Agent: Richard Humphries, IMCM Board Member

HEARING DATES:

P & Z Commission: October 3, 2016 (**Tabled From 10/3/16 requested to be table until 12-5-16**)
City Council 1st Reading: November 17, 2016
City Council 2nd Reading: December 1, 2016

LOCATION:

the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.



REQUESTED ACTION:

Rezone property from an AO (Agricultural Open Space) and PD 37 (Planned Development) zoning to GR (General Retail) and NR (Neighborhood Retail) zoning district

SITE CHARACTERISTICS:

The subject parcel totals approximately 7.66 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are zoned AO directly to the east, south, and west, a PD (Planned Development) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

ZONING HISTORY:

The portion of the property that is zoned AO has had this zoning since the zoning map was initially adopted in 1974. The remaining portions were zoned to PD 37 in 1986 along with the Mesa Springs properties to the north.

ANALYSIS:

- Current Planning Analysis

Currently, the subject properties total approximately 12 acres, are zoned AO and PD 37, and are currently vacant. The AO zoned property is 2.36 acres and the remaining properties totaling 9.64 acres are zoned PD 37. The approved Preliminary Development Plan and the Master Thoroughfare Map show the extension of Wagon Wheel across Buffalo Gap Road and through these properties. The applicant is requesting to rezone the western 7.02 acres to GR and the remaining 4.98 acres to NR. The PD currently allows for NR (Neighborhood Retail) for a small portion of the south-western most lot in the Preliminary Development Plan and MF (Multi-Family Residential) for the remaining lots. The applicant is wanting to rezone these in order to make the property more marketable to potential buyers.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this property as ‘low density residential’. The AO zoning is typically designated as a “holding zoning”, until an applicant desires to rezone to a compatible zoning classification with the adjacent zoning districts. However, at the time when Wagon Wheel (designated “collector” road) is extended, the properties adjacent to the future intersection with Buffalo Gap Road (designated “arterial” road) will be located a node that would be suited for commercial type development. Staff feels that NR zoning as opposed to the requested GR zoning on the western 7.02 acres would be more compatible with the surrounding RS and MD residential uses. Staff also feels that due to the distance from the node with the Wagon Wheel extension and Buffalo Gap Rd., and its proximity to the existing neighborhood to the south, that MF (Multi-Family Residential) would be more compatible as opposed to the requested NR zoning.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of NR (Neighborhood Retail) on the western 7.02 acres and MF (Multi-Family Residential) on the eastern-most 4.98 acres.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this request at their October 3, 2016 meeting.

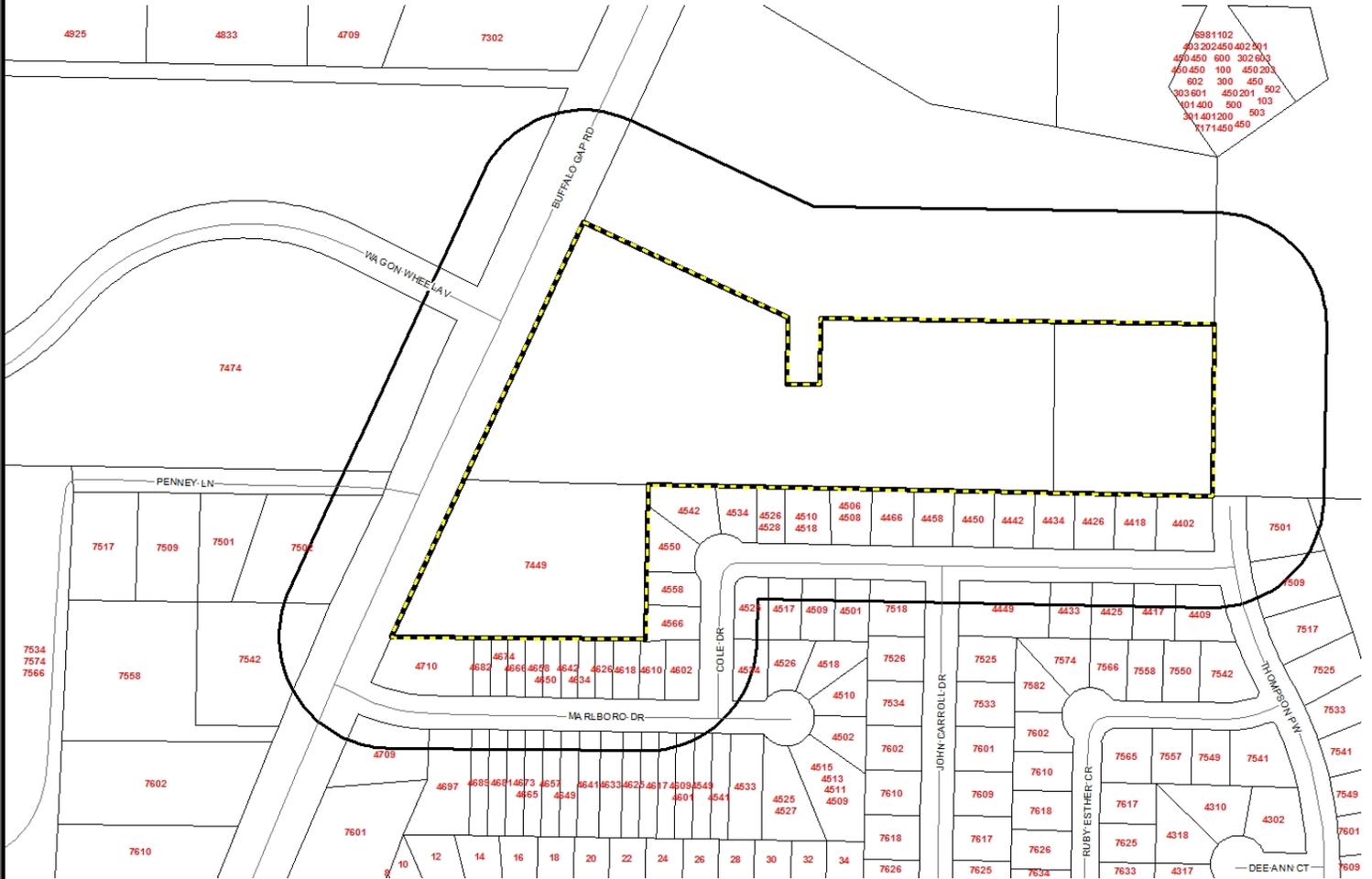
NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

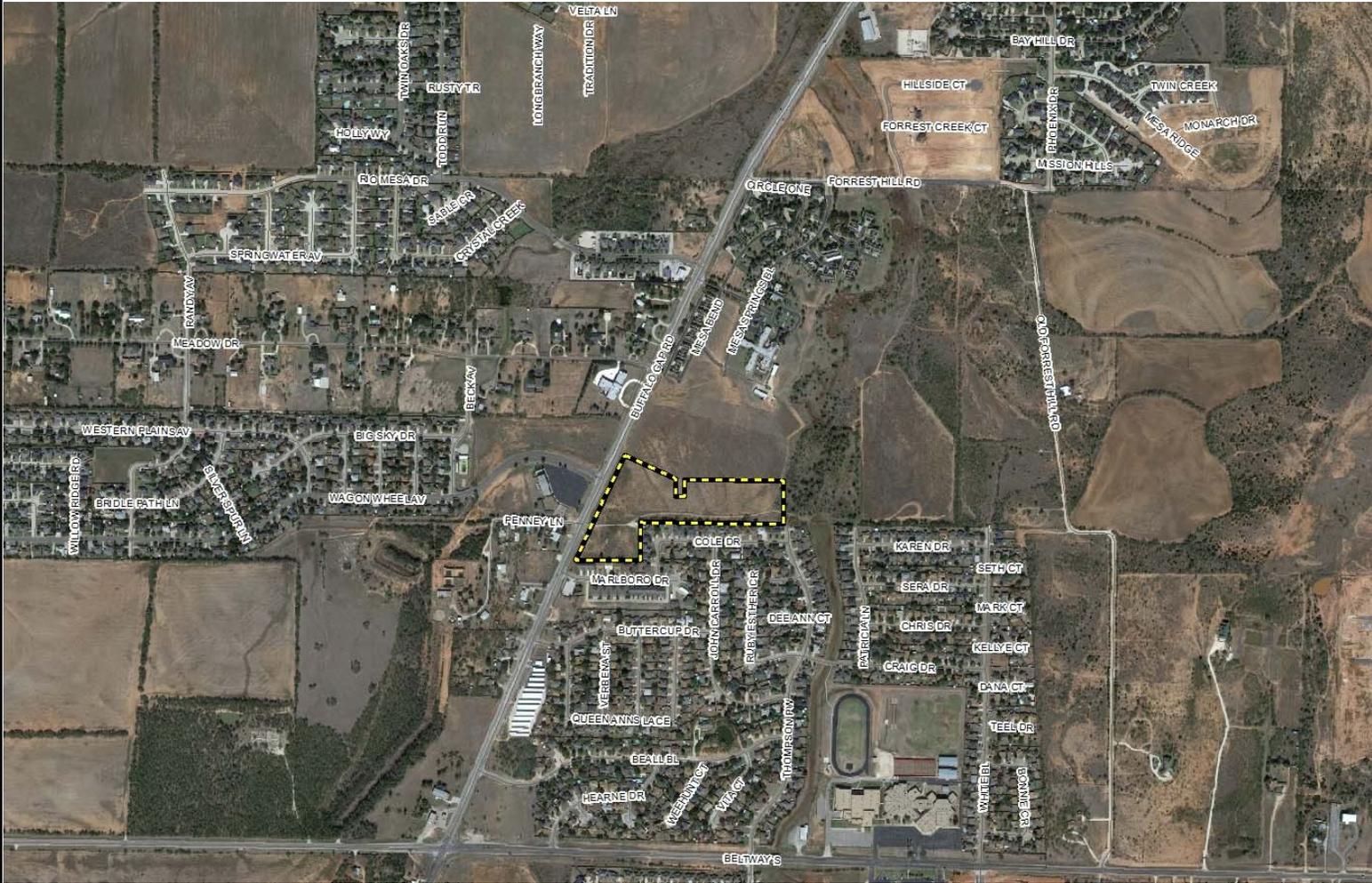
OWNER	ADDRESS	RESPONSE
SMITH ROBERT	4641 MARLBORO DR	
PINEDA REO LLC	7474 BUFFALO GAP RD	
MARTIN CARL RICHARD	4449 COLE DR	
WHEELER CHARLES	4618 MARLBORO DR	
HARRIS JUDY L	4682 MARLBORO DR	
SMITH CAROLYN RENIA	4509 COLE DR	
SMITH ROBERT	4617 MARLBORO DR	
SMITH ROBERT	4633 MARLBORO DR	
PINEDA REO LLC		
TAYLOR HOWARD A III & HOLLIE J	4610 MARLBORO DR	
SMITH ROBERT	4549 MARLBORO DR	
SMITH ROBERT	4657 MARLBORO DR	
RICHARDSON SHANNON	4501 COLE DR	
HARRIS JUDY L	4674 MARLBORO DR	
SCIOTO PROPERTY SP 16 LLC	4466 COLE DR	
JOHNSON JUSTIN	7509 THOMPSON PW	
BERRY KENNY RAY &	7501 THOMPSON PW	
SMITH ROBERT	4625 MARLBORO DR	
ROTH STEVEN M	4642 MARLBORO DR	
GALLAGHER ANNA	4425 COLE DR	
SMITH ROBERT	4681 MARLBORO DR	
HARRIS JUDY L	4506 COLE DR	

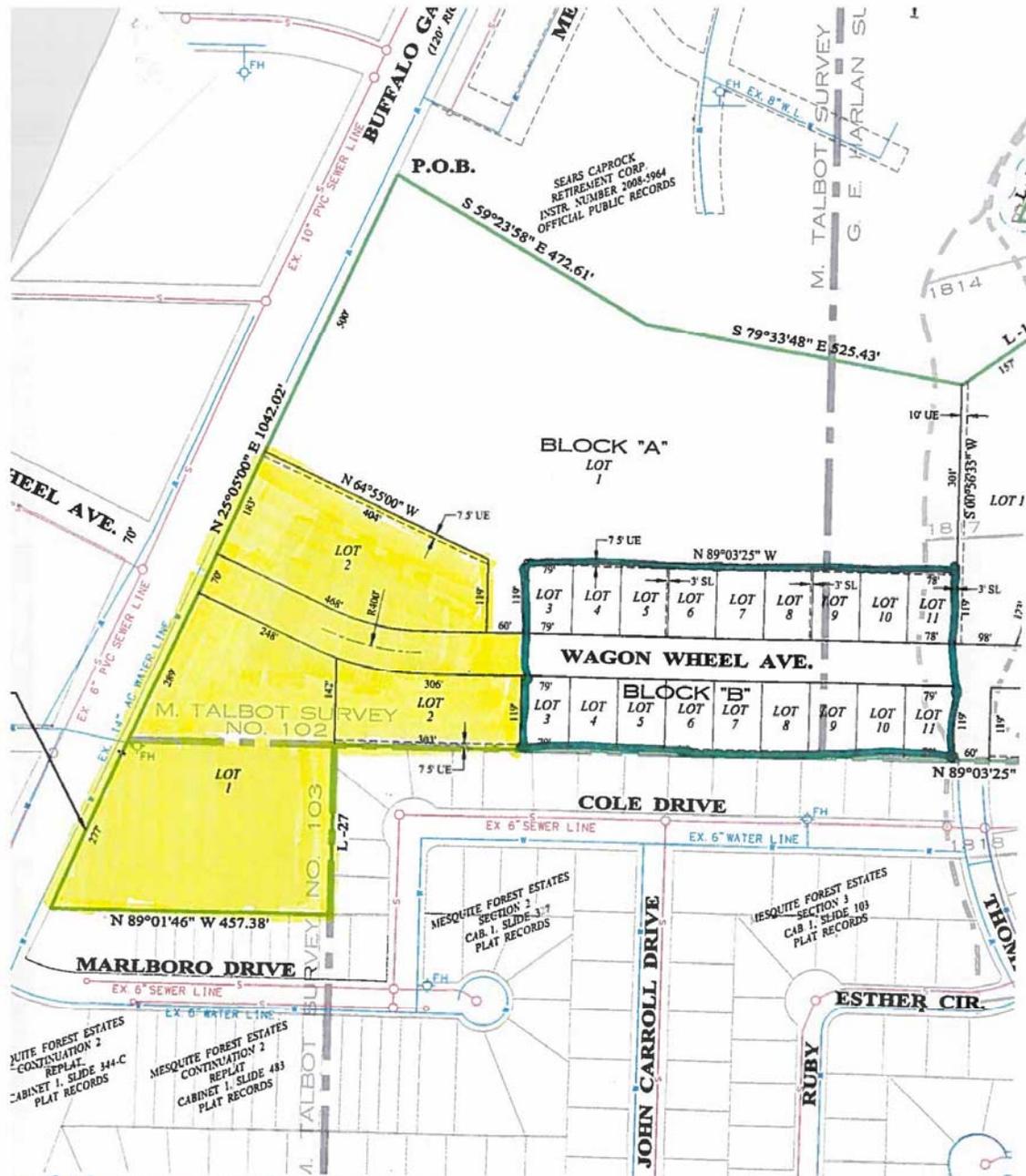
HARRIS JUDY L	4508 COLE DR
HARRIS JUDY ROAD	4626 MARLBORO DR
SMITH ROBERT	4609 MARLBORO DR
SMITH ROBERT	4697 MARLBORO DR
SCIOTO PROPERTIES SP 16 LLC	4417 COLE DR
CLEARVIEW FAMILY LIMITED PART	4525 COLE DR
SMITH ROBERT	4649 MARLBORO DR
RAY JOSHUA DAVID & RAFAELA	4666 MARLBORO DR
ROTH STEVEN M	4650 MARLBORO DR
GIANNOPOULOS NICKOLAOS & ERZSEBET	4409 COLE DR
TURNER LARRY W & BETTY J	4558 COLE DR
MATHIS TAMMIE MACHELLE	4517 COLE DR
MK POWELL PROPERTIES LLC	4550 COLE DR
MC BRIDE CAROL LOUISE KECK	7502 BUFFALO GAP RD
LONESTAR ACRES LLC	4433 COLE DR
OSBORNE MARJORIE	4534 MARLBORO DR
LAMB STEVEN H & HAZEL D	7518 JOHN CARROLL DR
SMITH ROBERT	4601 MARLBORO DR
SMITH ROBERT	4689 MARLBORO DR
CLAUDE PARKER LLC	4710 MARLBORO DR
SMITH ROBERT	4673 MARLBORO DR
WYLIE UNITED METHODIST CHURCH	
HARRIS JUDY L	4510 COLE DR
HARRIS JUDY L	4518 COLE DR
INTERNATIONAL MEDICAL	
SIITERI JORDAN	4526 COLE DR
SIITERI JORDAN	4528 COLE DR
NIBLETT JOHN ROBERT	4426 COLE DR
TAYLOR HOWARD A III &	4602 MARLBORO DR
INTERNATIONAL MEDICAL	7449 BUFFALO GAP RD
BOWERS JOSHUA M	4542 COLE DR
CALDWELL CHARLES & MARY	4418 COLE DR
BROWN KARLA	4434 COLE DR
TAYLOR WILLIAM F	4442 COLE DR
MK PRICE HOLDINGS LLC	7542 BUFFALO GAP RD
HARRIS JUDY	4634 MARLBORO DR
RAY JOSHUA DAVID & RAFAELA	4658 MARLBORO DR
CANADY JAMES E & ROSE A	4450 COLE DR
CHOLEWINSKI KRISTIE	4534 COLE DR
GRIFFIN JAMES B &	4402 COLE DR
SMITH ROBERT	4665 MARLBORO DR
INTERNATIONAL MEDICAL	
MORRIS & MORRIS LLC	4709 MARLBORO DR
CAPGROW HOLDINGS JV SUB I LLC	4458 COLE DR
MARTINEZ ROBERT & REBECCA	

0 in Favor- **Y**
 0 Opposed- **N**





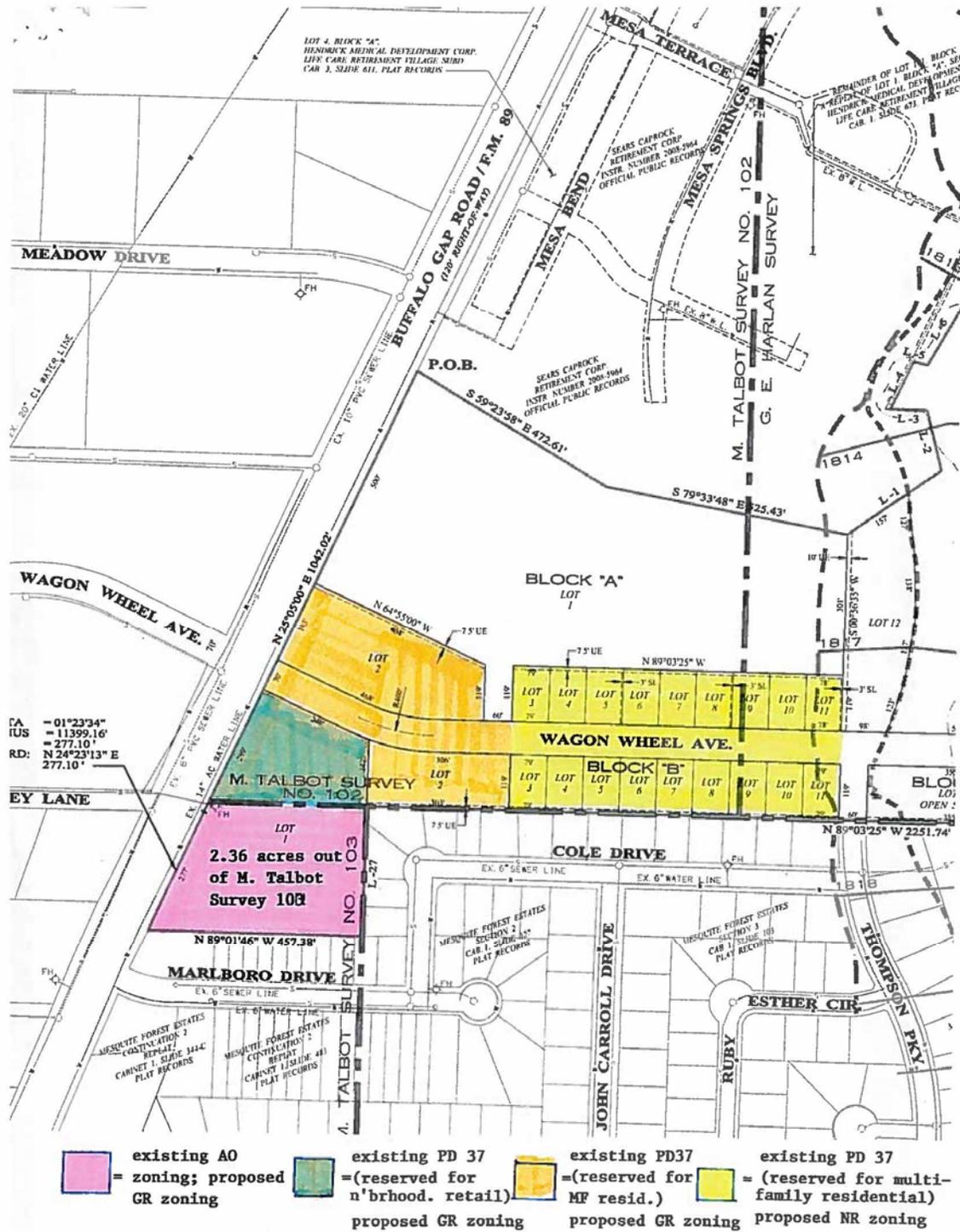




* 2.36 acres in M. Talbot Survey No. 102 ** 4.66 acres in M. Talbot Survey 102

= PROPOSED GR ZONING (2.36* + 4.66 acres = 7.02 acres)

= PROPOSED NR ZONING (4.98 acres in M. Talbot Survey 102)



ZONING CASE Z-2016-44

STAFF REPORT



APPLICANT INFORMATION:

John Greenan with St. Anne's Hospital LLC
Agent: Chad Baker

HEARING DATES:

P & Z Commission: November 7, 2016
City Council 1st Reading: November 17, 2016
City Council 2nd Reading: December 1, 2016

LOCATION:

1350 Cypress St.

REQUESTED ACTION:

Rezone property from an MD (Mid Density Residential) zone to a MF (Multi Family Residential) district



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.32 acres and is currently zoned MD (Mid-Density Residential). The properties directly surrounding the subject area are zoned MD, there is O (Office) zoning to the west, and HC (Heavy Commercial) to east.

ANALYSIS:

- Zoning History

Originally, this address was an 18-bed DeBerry Clinic. In 1940 the Sisters of Divine Providence turned the existing clinic into a 36 bed hospital called St. Anne's. In 1968, St. Anne's closed, however, and in 1983 the property was rezoned to MD to accommodate duplexes built for the Marbridge Villa Skilled Nursing Center for mentally challenged adults. This organization has since moved to the Austin area, and the building has been vacant since its closure.

- Current Planning Analysis

Currently, the subject property is zoned MD and is occupied by vacant structures. The zoning change to MF (Multi-Family) would allow for the number of units to increase from 12 to 24 per acre. This increase in units would allow for Central Dallas Community Development Corp. to accommodate the community's need for low income apartments. The intent is to give the homeless and low income population the opportunity to enter into a standard 1-year lease agreement at an affordable cost. An accessory use of the development will be the location of one case manager office at the property to service the residents. This office will operate during regular business hours only.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this property as the ‘residential’. Thus, the requested zoning is compatible with the Future Land Use Map and the adjacent properties. It is believed that the rezoning from MD to MF will support the revitalization and adaptive reuse goals for the area.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

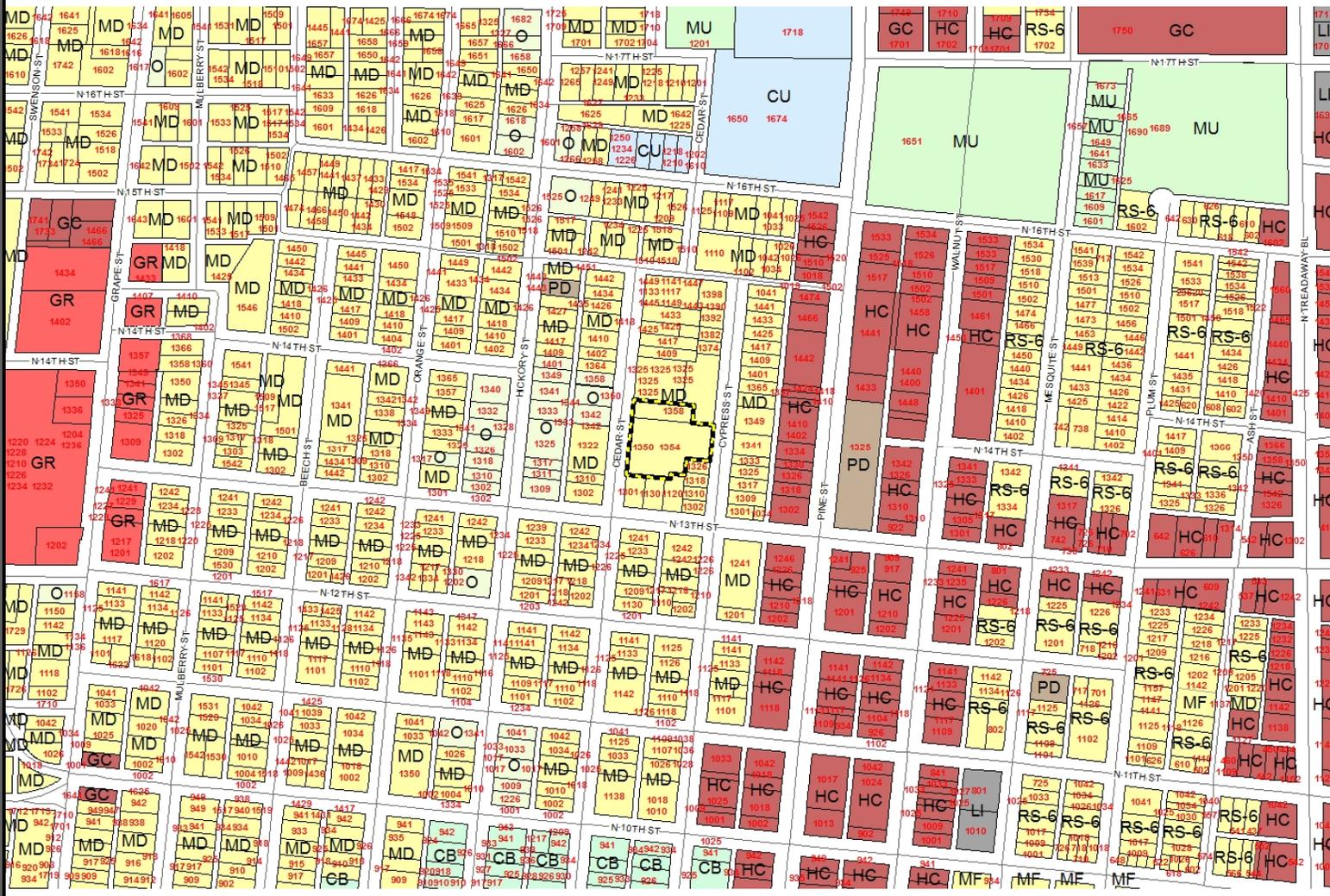
PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this request at their November 7, 2016 meeting.

NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
VG PARTNERS LTD	1310 CYPRESS ST	
ABRAM TOMMIE M TR	1301 CYPRESS ST	
REUNION ENTERPRISES INC	1325 CEDAR ST APT 6	
REUNION ENTERPRISES INC	1325 CEDAR ST APT 4	
REUNION ENTERPRISES INC	1325 CEDAR ST APT 1	
REUNION ENTERPRISES INC	1325 CEDAR ST APT 2	
REUNION ENTERPRISES INC	1325 CEDAR ST APT 5	
REUNION ENTERPRISES INC	1325 CEDAR ST APT 3	
MC FADIN T E	1342 1/2 CEDAR ST	
MC FADIN T E	1342 CEDAR ST	
SMITH TIMOTHY R	1374 CYPRESS ST	
DOWELL RAY A & DEBORAH J	1364 CEDAR ST	
DESANTOS JUAN M &	1120 N 13TH ST	
EDWARDS LEAMON LAURENCE &	1130 N 13TH ST	
WEBB HARLEY A	1402 CEDAR ST	
KARLIN ROBERT W & JANICE F	1322 CEDAR ST	
HARRIGER CHARLES RAYMOND	1401 CYPRESS ST	
KARLIN ROBERT W & JANICE F	1310 CEDAR ST	
ABRAM TOMMIE M	1309 CYPRESS ST	
RHONE DONNA JEAN	1302 CEDAR ST	
POLANCO SUSIE	1357 CYPRESS ST	
CORPIAN GARY & MARILU	1325 CYPRESS ST	
E P THOMAS FAMILY	1350 CEDAR ST	
ST ANNES HOSPITAL LLC	1326 CYPRESS ST	
GUEL MICKIE FERNANDEZ	1409 CEDAR ST	
MATTEA ROGER	1318 CYPRESS ST	
HANTMAN JOSEPH	1301 CEDAR ST	
ABILENE IMPROVEMENT CORP	1341 CYPRESS ST	
ABILENE JUBILEE HOUSE INC	1349 CYPRESS ST	
GOMEZ JOSE JUSTO	1302 CYPRESS ST	
POPE JOHN MICHAEL	1333 CYPRESS ST	
KEYS C H JR & LORA MODINE	1410 CEDAR ST	
VASQUEZ OTILIA	1365 CYPRESS ST	
REUNION ENTERPRISES INC	1358 CYPRESS ST	
ST ANNES HOSPITAL LLC	1354 CYPRESS ST	
ST ANNES HOSPITAL LLC	1350 CYPRESS ST	
DOWELL RAY A & DEBORAH J	1358 CEDAR ST	
ABRAM TOMMIE M TR	1317 CYPRESS ST	







ZONING CASE Z-2016-45

STAFF REPORT



APPLICANT INFORMATION:

Hit Ventures, LLC
Agent: Harley Barnett

HEARING DATES:

P & Z Commission: November 7, 2016
City Council 1st Reading: November 17, 2016
City Council 2nd Reading: December 1, 2016

LOCATION:

720 China Street

REQUESTED ACTION:

Rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning



SITE CHARACTERISTICS:

The subject parcel total approximately 0.5350 acres and is currently zoned HI. The parcel is developed with an electrical contractor service facility and is now a vacant building. The adjacent properties are zoned HI to the north, south, & east and LI (Light Industrial) to the west that was rezoned from HI and approved by City Council on 3-10-2016.

ZONING HISTORY:

The property is part of the original town limits incorporated in 1895 and was zoned HI dating back to at least 1974.

ANALYSIS:

- Current Planning Analysis

Currently the property is developed with a now vacant electrical contractor service business. The adjacent properties are all developed with similar uses. When the Land Development Code was adopted, many uses were removed from the HI zoning. The applicant is proposing to rezone the properties to allow for greater flexibility in the permitted uses allowed by the LI zoning. Staffs understanding is that the applicant would like to use the existing building a micro-brewery and brewpub, but is not an authorized use in the HI zoning district. The requested change of zoning would allow for the proposed use as well as other varieties of uses for this building.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'industrial'. Just to the west South Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. China Street is a designated 'local' street. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	SITUS	RESPONSE
SCOTT FAMILY ENTERPRISES LLC	765 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	717 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	773 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	733 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	757 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	727 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	741 S TREADAWAY BL	
HIT VENTURES LLC	710 CHINA ST	
HIT VENTURES LLC	726 CHINA ST	
HIT VENTURES LLC	720 CHINA ST	
HIT VENTURES LLC	702 CHINA ST	
THREE JB PROPERTIES LLC	749 CHINA ST	
SCOTT FAMILY ENTERPRISES LLC	749 S TREADAWAY BL	
HOEMKE ROBERT & HOLLY	774 CHINA ST	
SCOTT FAMILY ENTERPRISES LLC	709 S TREADAWAY BL	
MB RENTALS LTD	402 S 7TH ST	
WTG FUELS INC	641 S TREADAWAY BL	





THOROUGHFARE CLOSURE CASE TC-2016-03

STAFF REPORT

APPLICANT INFORMATION:

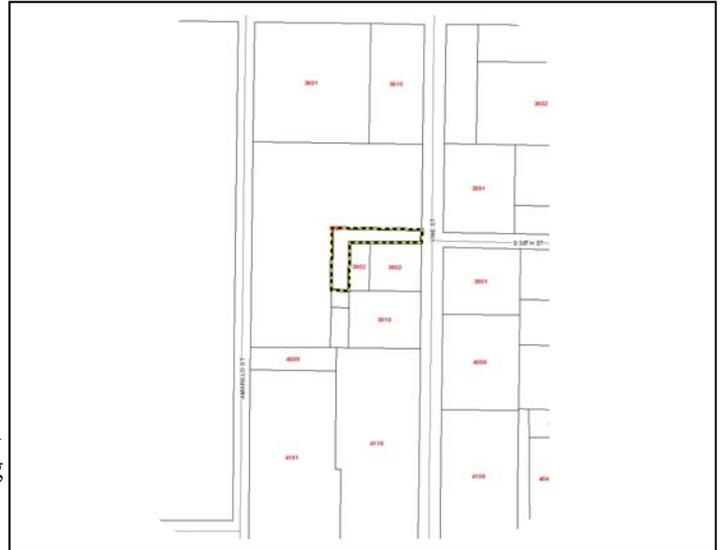
Abilene Independent School District
Agents: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: November 7, 2016
City Council 1st Reading: November 17, 2016
City Council 2nd Reading: December 1, 2016

REQUESTED ACTION:

Abandon: Abandon all of the unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Being R.O.W. dedicated with deed on Pg. 605 in Vol. 226 of D.R. for Taylor County



SITE CHARACTERISTICS:

An unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Located south of the Cooper High School bus lot.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) area for future development. The street was dedicated to the public by a deed filed at the Courthouse in 1929 and has never been improved or platted. The abandonment will clean up the property records and allow the applicant to include the land into a replat of the surrounding properties they own. Additionally, the closure of this right-of-way does not create any violations to the maximum block length in this area.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested street ROW closure with the following condition:

1. The applicant must replat within 12 months, at which time any issues regarding access to any lots affected by the thoroughfare closer. The replat must not create any non-conforming lots.

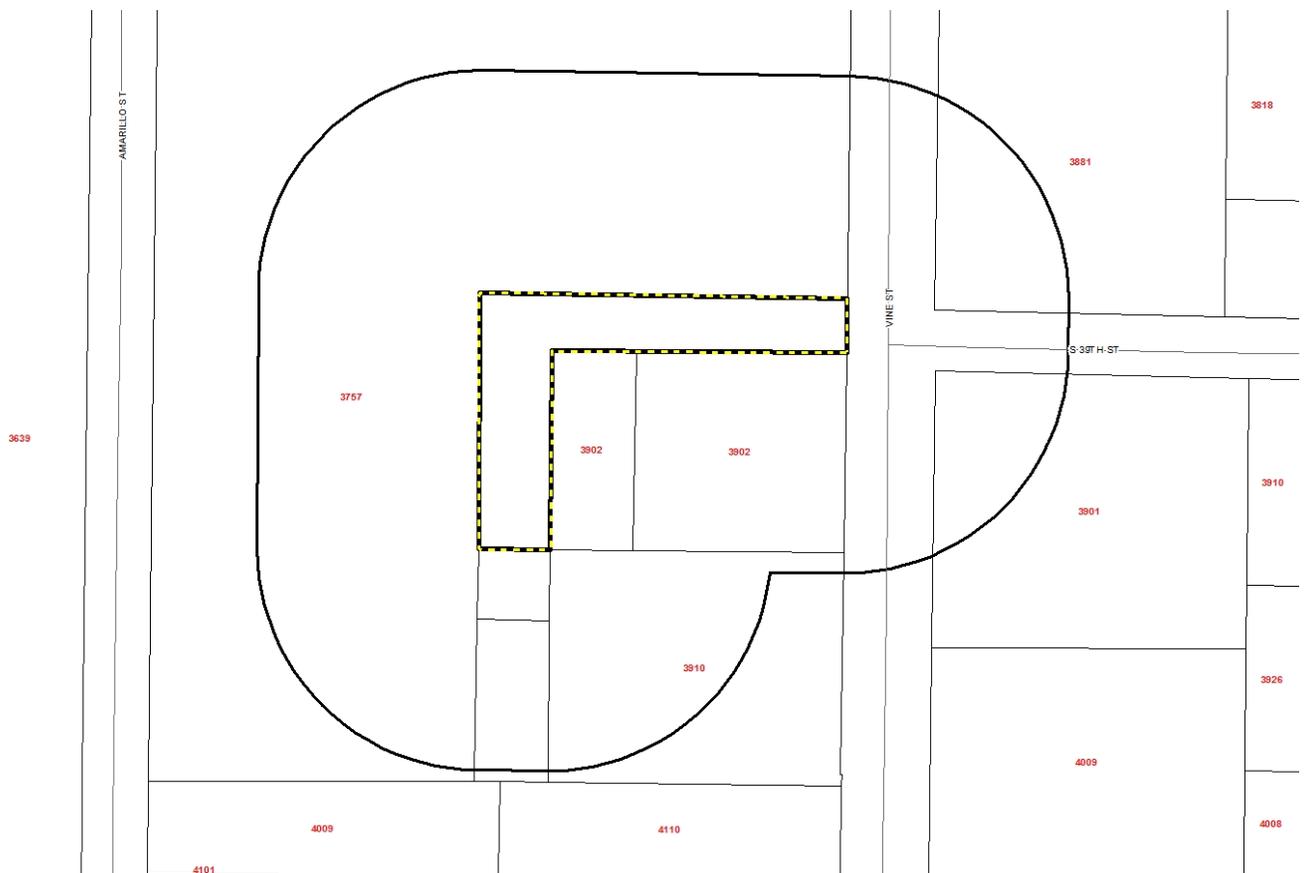
Staff Recommendation: Approval of the requested street ROW abandonments per the Plat Review Committee recommendations.

NOTIFICATION:

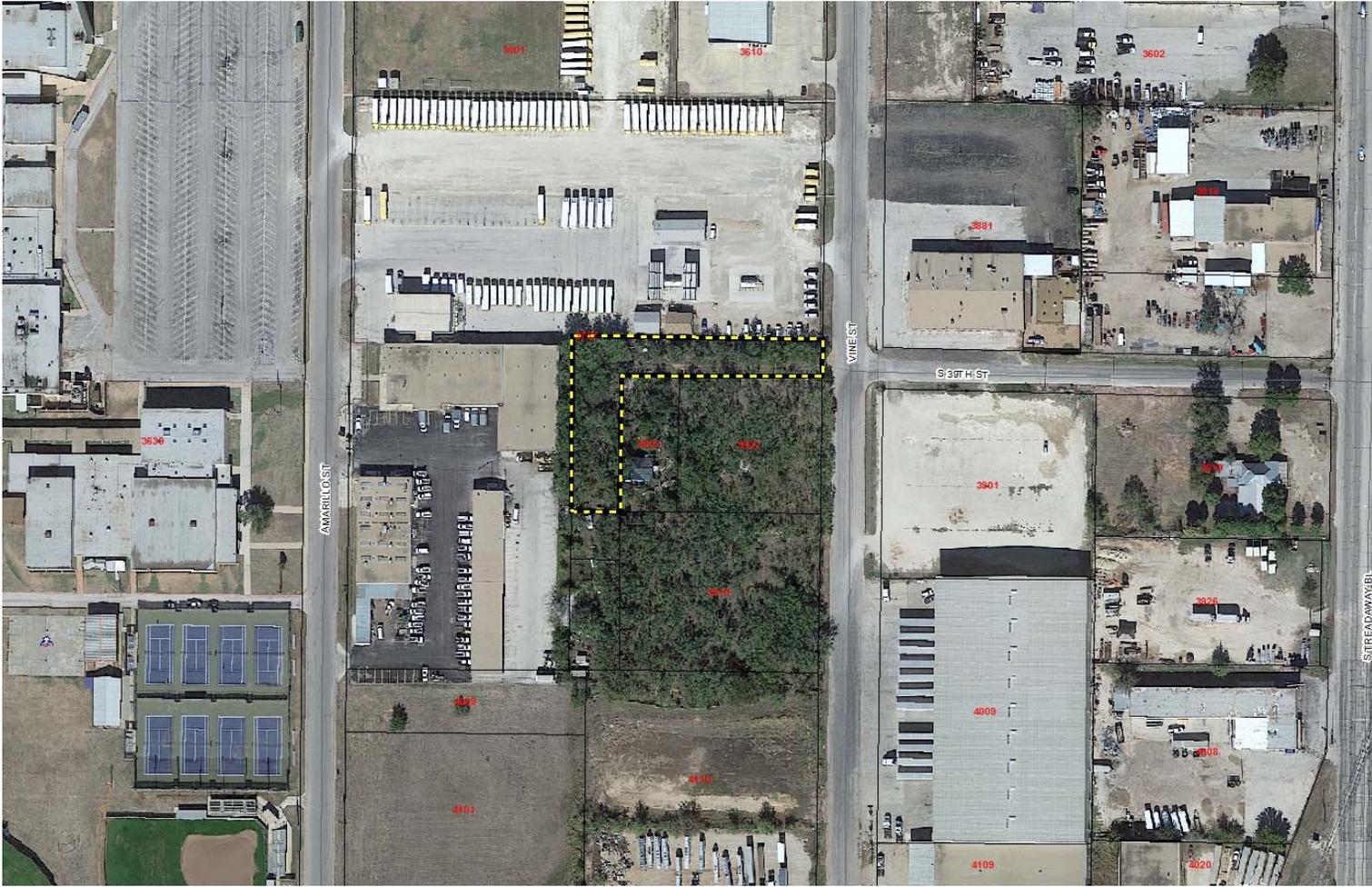
Property owners within the 200' of the subject rights-of-way were notified.

OWNER	SITUS	RESPONSE
WHITE RALPH SHANE &		
WHITE RALPH SHANE &	3902 VINE ST	
ABILENE IND SCHOOL DIST	3910 VINE ST	
ABILENE I S D		
ABILENE IND SCHOOL DIST	3757 AMARILLO ST	
WHITE RALPH SHANE &	3902 VINE ST	
MC CORD SAM PROPERTIES INC	3881 VINE ST	
DEVELOPMENT CORP OF ABILENE INC	3901 VINE ST	

in Favor- **Y**
Opposed- **N**







PLANNING & ZONING COMMISSION
October 3, 2016
Minutes

Members Present: Mr. Bruce Bixby
Mr. Mike Dunnahoo
Mr. Fred Famble
Mr. Tim Smith
Mr. Clint Rosenbaum
Mr. Robert Calk
Mr. Tim McClarty, Chair

Staff Present: Dana Schoening, Director
Zack Rainbow, Planner II
Emily Bronaugh, Historic Preservation Officer
Melissa Farr, Administrative Secretary
Kelley Messer, Assistant City Attorney

Others Present:

Bruce Kreitler
David Todd
Ed Rush
Beth Rush
Betty Turner
Larry Turner
Kevin Phillips
Joshua Bowers
Tal Fillingim

Kathryn Bowers
Ken Wells
Ryan Holmes
C.J. Chaney
Jill Holland
Lisa Brumley
Richard Humphries
Evan Schuldt

Item One: Call to Order

Mr. McClarty 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. Bixby moved to approve the minutes from the previous meeting. Mr. Dunnahoo seconded the motion.

Item Four: Plats

Plats: The plat was removed from the agenda.

Item Five: Zoning

a. Z-2016-40

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene RBC Properties, Agent Edgar Benito Cordova, to rezone property from AO (Agricultural Open Space) to MD (Mid-Density) zoning, located at 6109 Jennings Dr.

Emily Bronaugh presented this case. The subject parcel totals approximately 7.66 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are zoned AO directly to the east, south, and west, a PDD (Planned Development District) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

The subject property is vacant. The applicant wants to build duplexes on the property. In order to do this, they have applied to change the zoning to MD (Medium Density) which allows for various multiplexes. There are other residential zones, including MD, north of the subject property, making this a viable proposal.

Mr. McClarty opened the public hearing.

Beth Rush spoke to this item, as she has rental property in the area. She expressed concern that this development may become a low income housing area, and she and her neighbors would appreciate some form of a barrier. Ms. Rush also agreed traffic could be a potential problem at the curve of Jennings and Bishop.

Lisa Brumley stated she lives directly across the street from the subject property. She also expressed concerns regarding the value of the neighborhood, and reiterated the need for new construction should be for single family residences.

Mr. McClarty responded to questions to clarify the applicant has stated he will build duplexes that are not intended as low income housing. They can only build things listed on the permitted uses list as shown. Ms. Brumley requested a copy of the permitted uses allowed for MD zoning.

Mr. Bixby reminded they could sell the property and zoning goes with the property, not the owner. Ms. Brumley continued sharing concerns of the possibility for an increase in drug-related crimes, etc. if duplexes are built in this neighborhood. She stated the neighborhood is close to the base and military families reside in the area. Mr. Smith said his assumption would be that the housing is meant for military families.

Evan Schuldt addressed this item by asking if the City actually owns the property. Mr. McClarty responded by clarifying the applicant is an actual property owner who has indicated the intent to build duplexes. Mr. Schuldt said he agreed with Ms. Brumley, and requested something in writing from the applicant.

Mr. McClarty closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Zero responses (0) were received in favor with five (5) received in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommended approval.

Mr. Bixby moved to approve this request, and Mr. Calk seconded the motion. The vote was approved by seven (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

b. Z-2016-41

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Windmill Circle Partners LP & Oldham Partners LP, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 944 E. Industrial Blvd.

Brad Stone presented this case. The subject parcel totals approximately 8.87 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are a mix of NR, GC, AO, and residential. The property has been AO zoning since the zoning map was initially adopted in 1974.

Currently, the subject property is zoned AO, and is currently vacant. The applicant would like to develop the property as a yet unspecified commercial use. In order to do this, they want to change the zoning to GC (General Commercial) which allows for various commercial uses.

There are residential zones, including MD to the north of the subject property, and AO to the west and south of the subject property. There are also commercially zoned properties around the subject property. With GC zoning across Oldham Lane to the east and NR zoning across Industrial Boulevard to the south.

However, staff feels that GR would be better than GC due to the adjacent residentially zoned properties and the more intensive uses that could potentially locate in a GC zoned property. These uses would include automotive related uses, contractor services and some outdoor storage to name a few. These are generally not considered compatible adjacent to residential zoning districts.

Mr. McClarty opened the public hearing.

Tal Fillingim approached to say the GC zoning is located at two arterial streets. He was unaware of the staff recommendation, so Mr. Famble asked if he could accomplish what was necessary with the recommended GR zoning. Mr. Fillingim stated there is nothing specific planned for the area at this time. He confirmed that a large portion, if not the full tract, should be zoned as GC.

Tina addressed the item by sharing her concern because her backyard fence faces that area. She said the property was zoned as AO when she purchased her land. She occupies one side of the investment property and rents the other. She noted that potential renters would not want to rent her property if there were an automotive repair shop in the back.

Mr. McClarty closed the public hearing.

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

Mr. Stone announced before the vote that one additional comment form in favor of the request, received from 3801 Oldham Lane, which is directly across the street, was received and did formally indicate his favor.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of rezoning of the property. However, staff is recommending that the property be rezoned to GR (General Retail) rather than GC (General Commercial).

Mr. Rosenbaum moved to approve this request, and Mr. Smith seconded the motion. Mr. Bixby abstained from the vote. The vote was approved by six (Smith, Dunnahoo, Famble, Rosenbaum, Calk and McClarty) and none opposed.

c. Z-2016-42

Public hearing and possible vote to recommend approval or denial to the City Council on a request from International Medical Christian Ministries INC., agent Richard Humphries, to rezone property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision.

The subject parcel totals approximately 12 acres and is currently zoned AO (Agricultural Open Space) and PD 37 (Planned Development). The adjacent properties are zoned AO directly to the east, south, and west, a PD (Planned Development) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

The portion of the property that is zoned AO has had this zoning since the zoning map was initially adopted in 1974. The remaining portions were zoned to PD 37 in 1986 along with the Mesa Springs properties to the north.

Currently, the subject properties total approximately 12 acres, are zoned AO and PD 37, and are currently vacant. The AO zoned property is 2.36 acres and the remaining properties totaling 9.64 acres are zoned PD 37. The approved Preliminary Development Plan and the Master Thoroughfare Map show the extension of Wagon Wheel across Buffalo Gap Road and through these properties. The applicant is requesting to rezone the western 7.02 acres to GR and the remaining 4.98 acres to

NR. The PD currently allows for NR (Neighborhood Retail) for a small portion of the southwestern most lot in the Preliminary Development Plan and MF (Multi-Family Residential) for the remaining lots. The applicant is wanting to rezone these in order to make the property more marketable to potential buyers.

Mr. McClarty opened the public hearing.

Kathryn Bowers came forward to address the item. She purchased her property only a few months ago. They specifically purchased because they did not want anyone in their backyard. She did not respond to the mailed notification; however, she wanted to state for the record that she is opposed to this request. She asked the commission members to deny the applicant.

Betty Turner spoke to this item, as she currently lives on Cole. She bought her property in 1988 and built the house. She now has multi-chemical sensitivity, which means she is highly sensitive to chemical smells, and is concerned about the possibility of diesel fumes. She said she is worried about retail being near her residence.

Richard Humphries, agent for International Medical Christian Ministries, Inc. (IMC), rose to state his desire to consider the original request. He felt the staff's recommendation was too conservative. The church originally purchased the property, as IMC is connected to the church. They have no specific plans at this time.

He asked the commission to consider the original request. He believes NR is appropriate primarily because of the creek acting as a natural boundary. He understands the comments and concerns of those who spoke. He said it is the desire of the church to work to ensure that whatever is developed will be appropriate for other residents as well.

Carl Martin lives on Cole Drive. He asked if it would eliminate future expansion of Wagon Wheel to Forest Lane if this request is granted and the property is developed.

Mr. McClarty confirmed that Wagon Wheel is planned to go through the property and if they develop the land, the street will definitely go in. He said the route may change, but the road must go through. Mr. Cole said all houses on the east side are single family residences. He said the creek that was mentioned is actually east of the subject property.

David Todd spoke to provide some history on the subject property and offered to answer any questions. He was involved in the planned development district approximately thirty years ago when Hendrick Hospital first purchased the property. They wanted to build a facility on the south side. Obviously, Hendrick did not use that location, as they are now on Buffalo Gap.

Mr. Bixby asked for Mr. Todd's opinion about NR zoning, as to whether he agrees or not that the subject property is too far away from Buffalo Gap Road to do retail type zoning. Mr. Todd answered the extension of Wagon Wheel changed his opinion. It depends upon what type of retail

might be included. Mr. Bixby reminded that NR was developed to prevent retail with late hours. NR was developed to be compatible with neighborhood residences in the area.

Mr. McClarty closed the public hearing.

Mr. Rosenbaum agreed with Mr. Bixby there is concern about NR that far off of a collector street because it is not appropriate zoning. Mr. McClarty stated the staff did their homework and offered a more appropriate zoning, which is better than the original request.

Mr. Smith said the land should be made as marketable and flexible as possible. He has a neighborhood business that would not be considered appropriate, but it has done well. He did not want to limit the development of the land.

Mr. Rosenbaum asked if the item should be tabled, as the recommended zoning was so different from the original request of the proponent. Mr. Famble requested to hear from proponent if he could do what he needed to do under staff's recommendation.

Mr. Clarty opened the public hearing again.

Mr. Humphries said his understanding that Wagon Wheel is a wider street than other average city streets. He does not think it is feasible for someone to want a single family residences in that area near Wagon Wheel and the possible speed limit it will bring. The area is more consistent to development of neighborhood retail.

Mr. Bixby asked Mr. Humphries if he wanted zoning to go forward. He said he felt the request was reasonable, and he agreed to table the item to speak further with staff about other ideas.

Kathryn Bowers addressed this item saying the development will create a busier area for Cole Drive. She was concerned about the neighborhood, as it is quiet and children are always playing outside. She agreed MF would be more appealing than NR.

Property owners within a 200-foot radius were notified of this request. No responses (0) were received in favor with one (1) received in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of NR (Neighborhood Retail) on the western 7.02 acres and MF (Multi-Family Residential) on the eastern-most 4.98 acres.

Mr. McClarty moved to lay this request on the table until the next meeting in November, and Mr. Bixby seconded the motion. The motion was approved by seven (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

d. Z-2016-43

Public hearing and possible vote to recommend approval or denial to the City Council on a request from PAK Harris Enterprises, Agent Kevin Phillips, to rezone property from LI (Light Industrial) to CB (Central Business) district, located at 370 Mesquite St.

Emily Bronaugh presented this case. The subject parcel totals approximately .241 acres and is currently zoned LI (Light Industrial). The adjacent properties are zoned LI to the north, south, and east, and CB (Central Business) to the west, northwest, and southwest.

Currently, the subject property is zoned LI. The property is being used as an office and warehouse building, which does not maximize the potential of this space. The zoning change to CB (Central Business) would allow for the property to be reused more appropriately given its downtown location. CB allows for uses including residences and restaurants that LI does not, making CB a more appealing zone for the downtown area. The majority of Downtown Abilene is currently zoned CB, including the properties directly to the west of the subject property.

Mr. Rosenbaum asked if there is a limit to how far out the central business zoning can go. Mr. Bixby replied that \$100,000 was spent to answer that question, and reminded to ask how SODA would answer the question. He explained the acronym is South Downtown Area. Consultants had taken a look at Abilene's downtown concept previously, and this area was a main focal point. He would like to revisit SODA.

Mr. McClarty opened the public hearing.

Kevin Phillips has had two tenants who looked at the building but could not be approved long-term because of the zoning. He requested to approve at the original request.

Mr. McClarty closed the public hearing.

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

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Rosenbaum moved to approve this request, and Mr. Smith seconded the motion. The vote was approved by seven (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

Item Six: Director's Report:

Mr. Schoening addressed recent City Council decisions regarding items recommended by the Planning & Zoning Commission.

Item Seven: Meeting Adjourned:

The Planning & Zoning Commission meeting was adjourned at 3:10 p.m.

Approved: _____,
Chairman

DRAFT

CITY OF ABILENE, TX
MEMORANDUM

November 7, 2016

TO: Planning and Zoning Commission
FROM: Dana L. Schoening, Director of Planning and Development Services
SUBJECT: Recent Council Actions

Below are recent decisions made by the City Council on items that had recommendations from the Commission:

October 27, 2016 Council Meeting

Ordinance: (*First Reading*) Case **Z-2016-40** a request from Abilene RBC Properties LLC to rezone property from an AO (Agricultural Open Space) zone to a MD (Residential Medium Density) district located at 6109 Jennings Dr.; and setting a public hearing for November 3, 2016.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Ordinance: (*First Reading*) Case **Z-2016-41** a request from Windmill Circle Partners LP & Oldham Partners LP to rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district located at 944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd.; and setting a public hearing for November 3, 2016.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Ordinance: (*First Reading*) Case **Z-2016-43** a request from PAK Harris Enterprises, Ltd. To rezone property from an LI (Light Industrial) zone to a CB (Central Business) district located at 370 Mesquite Street; and setting a public hearing for November 3, 2016.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.