

**CITY COUNCIL/PLANNING AND ZONING COMMISSION
SPECIAL JOINT MEETING
June 1, 2006, 1:30 p.m.**

ABILENE CIVIC CENTER, CONFERENCE ROOM 2

The Abilene City Council and Planning and Zoning Commission of Abilene, Texas met in a Special Joint Workshop to review and discuss the “Diagnostic and Regulatory Action Report.” Mayor Archibald was present and presiding with Councilmen Sam Chase, Anthony Williams, Joe Spano, Stormy Higgins, and Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Ovelia Campos, Chair of the Planning and Zoning Commission was present and presiding with Planning and Zoning Commission Board members Tim Rice McClarty, Lydia Long, Eddie Boykin, Jack Harkins, and Jeff Luther. Board member Floyd Miller was absent.

Mayor Archibald and P&Z Chair Campos called their respective boards to order.

Mayor Archibald gave the invocation and led the Pledge of Allegiance.

Mayor Archibald recognized newly elected Councilmembers Joe Spano and Celia Davis, newly appointed Planning and Zoning Commission member Dr. Lydia Long and new Assistant City Manager David Vela.

Mayor Archibald noted the purpose of today’s meeting is for the presentation of the “Diagnostic and Regulatory Action Report” by Urban Planning Consultants from Dunkin, Sefko & Associates, Inc. Following the presentation of the Report the staff, Council and the Planning and Zoning Commission will be given the opportunity to review and discuss the Report, but no Council action will be taken today. The Mayor then recognized Jon James, Director of Planning and Development Services who introduced the item.

Mr. James stated the Diagnostics & Regulatory Action Report represents the first step (or Phase 1) in the Council’s directive to update, reorganize and simplify the City’s land development regulations. Mr. James then introduced Dan Sefko and Heather Sims, Urban Planning Consultants with Dunkin, Sefko & Associates, Inc., to present the Report.

Mr. Sefko stated the updating of the development regulations project is divided into Phase 1 and Phase 2, with Phase 1 being the drafted Diagnostic and Regulatory Action Report that is being presented to Council and the P&Z Commission today. Mr. Sefko further stated the purpose of the report is to provide the City’s decision-makers with initial direction and recommendations for rewriting the City’s land development regulations, and consolidating those regulations into a unified, user-friendly Land Development Code (LDC). Guiding the consultants through the analysis process were the following five (5) General Concepts as outlined in the Report:

- **Implementation of the 2004 Comprehensive Plan** – The City completed an innovative and unique Comprehensive Plan in 2004. There are many concepts within the Plan that can be integrated in the new LDC. However, the viability of some planning concepts within the adopted document are undergoing further review at this

time. Such concepts include recommendations on signage, landscaping, building aesthetics, and pedestrian integration. It is anticipated that a resolution regarding these items (and their respective level of regulation) is forthcoming.

- **A User-Friendly Format** – The City would like to consolidate its various development regulations into a single code, referred to herein as the Land Development Code (LDC), that is well-organized, well-written, and easy to use. Developers, consultants and others who use the Code should be able to easily navigate the new Code without referring to a variety of separate ordinances. The outline of the Code that has been proposed within this document is intended to further this objective.
- **A Simplified Development Process** – While development standards need to encourage quality development in the community, the City would like to simplify, to the extent possible, the process by which development is approved. The City would like for the development process to be a fair, open, and understandable process for all the parties that are typically involved in the review and approval process.
- **The Incorporation of Innovative Planning Principles** – The City seeks to incorporate the latest thinking in the art and science of city planning into its new Code. The ultimate goal of the new Code is to make Abilene a better community. Therefore, one of the central objectives of this work effort will be to improve the basic policies and rules that govern and manage land development activities in the community. The new Code should focus on outlining a land development process that would result in a better-quality urban environment.
- **A Legally Sound (and Fair) Document** – Finally, the new regulations must be a fair, but highly defensible, set of rules for the development of land in the community and its outlying planning area (ETJ). The new Code must clearly reflect basic Constitutional principles, recent Court rulings, and other applicable case law. It also must be framed in accordance with Texas statutory authority as it pertains to community planning and land development, with issues such as vested rights, appeal processes, and rezoning.

Mr. Sefko noted the process used to get to the drafting of the Report was an intense fact-finding and input-gathering exercise that not only included City staff members, but also included extensive dialogue with the citizenry, the development community, the Planning and Zoning Commission, and the City Council. The Report contains the results of the Consultants' research, investigations, diagnostic interviews, and their recommendations. If the P&Z Commission and City Council agree with the recommendations in the report, the Consultants will proceed to Phase II of the project which involves drafting the new LDC document. If the P&Z Commission and/or City Council have concerns about any of the issues or recommendations for regulatory action cited in the report, those issues should be discussed and additional direction should be given to the Consultants on how City leaders would prefer to approach those issues in the new LDC. Once the City reaches general consensus on the issues within the Report, the Consultants should be authorized to proceed with the next phase of the project using the City's directives as a guide for the forthcoming LDC.

Mr. Sefko then reviewed various portions of the Zoning Regulations, Subdivision Regulations and General Regulations & Issues sections of the Report. Mr. Sefko referenced, noted under the General Regulations & Issues Section, a memo that was submitted to the City on February 28th of this

Special Called City Council Meeting

June 1, 2006

Page 3

year that outlined several issues that the City may need to address in the short-term, prior to the completion of the LDC process. Those issues are:

- Access Management;
- Adequate Public Facilities & Proportionality;
- Policies on Development in the ETJ;
- Rural Development Provision within the City;
- Chapter 245 Amendments (from 2005, SB No. 848) for Application Processing; and,
- Chapter 245 Amendments (from 2005, SB No. 574) for Expiration Dates.

Council, P&Z Commission, staff and Consultant discussion included: 1) local contractors mixed reaction to the development regulations review process, noting their preference for both flexibility and certainty during the process; 2) how and when Planned Development District's should be used, issues surrounding overuse, and possibility of reducing number of PDD's; 3) the Site Plan process and the Board of Adjustment's role in that process; 4) aligning development standards in extra-territorial jurisdictions and within the city limits; 5) request for Consultant to bring back recommendations on incentives for infill development and the need for a policy/plan for an incentive program; 6) statutory criteria allowed by State law on industrialized housing; 7) complaints concerning rezoning of Agriculture Open (AO) and possibility of annexed land being placed in a "holding zone"; 8) issues relating to floodwater management concerning certain size lots and infill development; 9) stormwater management and storm drainage improvements (i.e. retention/detention ponds); 10) if Phase II is approved on schedule, first drafts of new ordinances would be back to Council by end of 2006; 11) Council noted interest in meetings Consultants held with citizens, development community, Council and P&Z members (i.e. number of meetings, number of people attending and various occupations and comments made); 12) Consultant noting meetings were held to identify issues and not to seek approval on recommendations; 13) support for, and objections to, potential policy decision requiring a super-majority vote of the Council to approve a rezoning that has been denied by the Planning Commission; 14) establishing standards to allow accessory dwellings (i.e. guest houses); 15) approval of incentives, but lack of real money behind incentives, noted; 16) increase in product, material cost results in increased cost to home buyers; 17) Consultant clarified provisions for Conditional Use Permits; 18) provisions needed to prevent PDD's becoming spot zoning; 19) benefits to PDD's and possibility of grandfathering existing PDD's; 20) nonresidential accessory structures being better defined and more clearly regulated; 21) addressing unoccupied homes and first determining why they are unoccupied; 22) Roadway Design (Sidewalk Plan to be on P&Z agenda), and; 23) Homeowners Assoc. concerns.

The Council and Planning & Zoning Commission recessed for a break at 3:30 p.m. and reconvened at 3:35 p.m.

Council, Planning & Zoning Commission, staff and Consultant discussion continued and included: 1) bringing ETJ standards up to standards set within the city limits; 2) Consultant noting the Diagnostic & Regulatory Action Report is to be used as a vehicle for Council and P&Z to decide if the City will proceed to Phase II; 3) areas of the Report that the Development Community would not agree with; 4) Consultant explained under General Concepts what the sentence "The City completed an innovative and unique Comprehensive Plan in 2004" means; 5) Consultant noted their recommendations did not include holding meetings with the community to address potential

Special Called City Council Meeting

June 1, 2006

Page 4

adversary issues prior to issues going to Council and P&Z, although the report could include doing that, however, the Consultant also noted ground rules for that process would need to be established; 6) communication issues could be addressed and even written into the existing Code; 7) speculative zoning issues being a policy decision; 8) basis for recommendation that Conditional Use Permits not be mapped; 9) answers needed to philosophical questions; 10) staff noted some issues need Council and P&Z members dialogue prior to the rewrite of the ordinance process beginning and the forum for that dialogue needs to be determined; 11) Consultants moving forward with revisions needed in ordinances to comply with new state laws (procedural state law standards); 12) citizens expectation of new Code and concerns of delay of Code due to philosophical issues; 13) possible credit for developers for open space in right of way; 14) on site landscaping required, what amenities there are, and defining the new planning technique "New Urbanism" as being more pedestrian friendly; 15) Consultant noting the timeframe for the phasing of development that should be outlined for all PDs, would be to start within five (5) years; 16) keeping the Patio Home Overlay Zoning District or making it a straight residential zoning district; 17) being careful with "Accessory Building, Attached" definition due to FEMA regulations; 18) determining how to address a Preliminary Development Plan; 19) Consultants Feb. 28, '06 letter addresses Roadway Design (curbs & gutters); 20) regional detention facility issues; 21) the need for a Master Stormwater Protection Plan; 22) impervious cover limitations; 23) concerns about lot configurations that are not buildable and staff noting need for City to have discretion to say if lots are not buildable; 24) provisions to ensure adequate mobility is maintained on major roadways, and; 25) philosophical issues ultimately being decided by action of the Council and P&Z, possibly being addressed within 30 to 60 days.

There being no further business Mayor Archibald and Chair Campos adjourned their respective boards at 5:20 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor