
PLANNING & ZONING COMMISSION
January 3, 2006
Minutes

Members Present: Neomia Banks
Eddie Boykin
Ovelia Campos
Jack Harkins
Tim McClarty
Floyd Miller

Members Absent: Jeff Luther

Staff Present: Jon James, Director, Planning and Development Services
Jared Mayfield, Assistant Director of Planning and Development Services
Jeff Armstrong, Development Services Manager
Dan Santee, First Assistant City Attorney
Gloria Brownell, Planner I

Others Present: Bob Hammond
Karl Butler
Sylvia Ashby
Michael H. Schultz
Lara Trigg
Roy Sivley
Lonnie & Pat Taylor
James Harvey
Rachel Wiggins
Len Hitch
Dan Frieberg
Mark Bunsey
Bruce Bixby
J. Marcus Anderson
Kenneth Lenoir
F.A. Bachmeyer
Jerry Smith
Ken Hagen
Erik Johnson
David McMeekan
Ron Fredrich
Ralph Hoover
Casey L. McGee
Wendy Smith Cripps
Paul Johnson

Media Present: Sarah Kleiner, Abilene Reporter-News
Jerry Hitt, KTXS Television

Item One: Call to Order

Mr. Harkins called the meeting to order at 1:35 p.m. and declared a quorum present.

Item Two: Invocation

Mr. Floyd Miller gave the invocation.

Item Three: Approval of Minutes:

Ms. Neomia Banks moved that the minutes of the December 5, 2005, workshop meeting be approved as submitted. Ms. Campos seconded the motion and the motion carried unanimously. Ms. Neomia Banks moved that the minutes of the December 5, 2005, regularly-scheduled meeting be approved as submitted. Mr. McClarty seconded the motion and the motion carried unanimously.

Mr. Harkins read the opening statement for the Planning and Zoning Commission.

Item Four: Plats

Ms. Gloria Brownell, Planner I, stated that four (4) plats (identified as items a., b., c., and d.) were complete and provided information for each plat. Staff recommends approval of these plats as all meet the requirements of the Subdivision Regulations.

Mr. Harkins opened the public hearing and asked if anyone wished to speak regarding any of the plats being considered for approval. There was no response and Mr. Harkins closed the public hearing.

Ms. Campos moved to approve plats a., b., c., and d. as submitted. Mr. Boykin seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, McClarty and Miller) to none (0) opposed.

Item Five: Rezoning Requests:

a. Z-2006-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Director's Real Estate Management, L.P., agent Paul Johnson, to rezone 3.09 acres from O (Office) to PDD#99 (Planned Development District), located on the west side of Directors Parkway. Legal description being a portion of Lot 1, Block B, Section 1, Antilley Square Addition, Abilene, Taylor County, Texas.

Ms. Brownell provided the staff report for this case. The existing PDD and the proposed additional acreage are vacant and will require platting prior to development. The area is surrounded by medical uses, an assisted care facility, and a few retail uses. The subject property was annexed in 1980 and rezoned from AO to Office zoning in 1983. The property to the north was rezoned to PDD 99 in July 2005 to accommodate development of a hotel and restaurants.

ANALYSIS:

- Current Planning Analysis

The applicant wants to develop the original site with a hotel and restaurants that may extend onto the additional acreage. However, there is still sufficient space to develop several other permitted uses on the remaining land. The current request does not include any changes to the requirements of the existing PDD ordinance; it merely includes the additional acreage to unify the development along Director's Parkway. When the ordinance was written in early 2005, the applicant requested that it be modeled after an adjacent PDD with a few minor modifications. Staff also recommended some changes to make the ordinance more consistent with the Comprehensive Plan and other standards established in recent PDD ordinances. The PDD limits signage, requires landscaping, includes a minimum masonry requirement on structures, and establishes uses consistent with the area.

- Comprehensive Planning Analysis

The Comprehensive Plan identifies the general area surrounding the parcel as a Special Activity Center. The Plan does not provide any information for this specific area, although it does offer some general goals for development. Mixed uses, pedestrian-friendly development, and aesthetic enhancement of building facades and site design are mentioned to help create a "more livable, vibrant, and accessible community."

This site is located within 700 feet of the US 83/84 corridor, which places it in a Gateway Mixed Use Area as designated in the Comprehensive Plan. Aesthetic enhancement should be a priority in Gateway Districts because they are "the area where visitors will form their first impression of the city and as such, should reflect the highest quality and provide a glimpse of Abilene's local identity." The landscaping, signage, and building material regulations listed in the current PDD ordinance make it consistent with the strategies associated with corridor enhancement. More specifically, this proposal to expand the PDD is consistent with the strategy designed for the US 83/84 Corridor due to the permitted uses supporting Abilene Regional Medical Center. The PDD zoning will require a more aesthetically pleasing development than the current regulations in the existing Office zoning.

Staff recommends approval of this request.

Property owners within a 200-foot radius were notified of the request. Four (4) responses were received in favor of the request and no responses were received in opposition.

Mr. Harkins opened the public hearing.

Mr. Paul Johnson stated that currently there is only one (1) hotel located to the north of this property. Mr. Johnson stated that two (2) restaurants are under contract to locate in this area.

Mr. Harkins closed the public hearing.

Mr. McClarty moved to approve Z-2006-02. Mr. Boykin seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, McClarty, and Miller) to none (0) opposed.

Item Six: Ordinance Amendment

a. Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on proposed amendments to Sections 23-303.2.D and 23-345 of the Code of the City of Abilene regarding regulations within the Corridor Overlay Zone.

Mr. Jeff Armstrong provided background information for this item. Two items are being considered at this meeting: (1) amendments to the text of the Corridor Overlay zoning; and, (2) consideration of corridor overlay zoning for a particular area in Abilene.

Mr. Armstrong stated that an “overlay” is an additional layer of zoning - it does not change the current zoning but simply adds additional uniform zoning to the area where the overlay zoning is applied. It can provide opportunities and regulations not afforded by the current zoning. Currently, Abilene has four (4) different types of overlay districts: Patio Home Overlay, Historic Overlay, Mixed Use Overlay and the Corridor Overlay.

The corridor overlay text was created and applied to Buffalo Gap Road from the Winter’s Freeway south to the city limits in 1995. This is the only area where a corridor overlay exists within the City. The corridor overlay text was a recommendation that resulted from the Buffalo Gap Corridor Study, adopted in 1994. The corridor was designed with Buffalo Gap Road in mind but also worded so that it could be applied to other areas in the future. Primarily, the corridor overlay provides controls pertinent to aesthetics – landscaping, signage, buffering, screening, etc. There are also some land use provisions that allow for nonresidential uses to be placed in residential zoning districts in AO zoning districts when certain conditions are met. This portion of the corridor overlay zoning has been ineffective.

In conjunction with the proposal to add COR (Corridor Overlay) zoning along the Arnold/Dub Wright/Rebecca corridor, staff reviewed the text of the overlay to evaluate the various provisions found within it. Based on that review and experience in administering the overlay along Buffalo Gap Road over the past ten years, staff is proposing some amendments to the COR overlay text.

The first and most substantial proposed amendment is in regard to the “Land Use” section (see Section 23-345.1 of the ordinance.) This section was intended to make provision for non-residential uses on land where the underlying zoning is RS, RM, or AO if certain conditions are present. Since the overlay was placed along Buffalo Gap Road in 1995, this provision has been formally requested and used only one time. The provision was put in the COR to address the concerns of some property owners with older residential lots fronting on Buffalo Gap Road. They were concerned that their property would not be very marketable in RS, RM, or AO zoning. This land use section would provide more opportunities to use the land without rezoning to some standard commercial zoning that may not be appropriate for the area. However, as history has shown, this provision has not been very useful. Also, it was tailored for the Buffalo Gap Road corridor, and it does not apply as well to the area currently proposed for COR overlay zoning, primarily because most of the undeveloped land is comprised of larger tracts and there are very few existing residences that front only on the corridor. The provision for land uses has not been effective along the corridor for which it was designed. Staff anticipates that the provision would be neither effective, nor appropriate, along the proposed corridor.

Several of the other proposed amendments simply modify wording in other parts of the COR ordinance that speak to uses that are allowed under the aforementioned land use section. If that section would be eliminated, then some of this wording would need to be modified. If the land use section is not deleted, than these proposed amendments should not be approved either.

Staff is proposing text that would clarify some issues related to signage. Since the adoption of the COR, the signage regulations contained within the overlay have been applied in a variety of ways. Staff's interpretation is that any sign requiring a permit should meet the overlay regulations. However, it can and has been interpreted that the sign regulations (like other provisions) only apply if a site plan is involved. New wording is proposed that would clarify that any sign permit must comply with the overlay provisions. Also related to signage, changes are proposed that would add industrial zoning to certain signage provisions. Currently, the COR requirements only address commercial zoning. Again, this is because there was no industrial zoning along Buffalo Gap Road. This change will allow the COR to be more flexible and exist where there is some industrial zoning.

Finally, staff is proposing some wording changes regarding driveway access. The COR has its own provisions for driveways (Section 23-345.4). However, the overlay can and does exist where TxDOT regulates driveways. Staff is proposing an amendment that would clarify that the most restrictive driveway regulations will be enforced where more than one set of regulations are applicable.

Staff recommends approval of the proposed amendments.

Commissioners asked staff for clarification on the following issues:

- Land Use
- Driveway regulations (City vs. TxDOT)
- Landscaping
- Signage

Mr. James stated that staff's intent was not to substantially change existing overlay regulations, except for removing the land use provisions. It is anticipated that the Land Development Code process will address issues that are of concern to staff (signs, landscaping, etc.). Staff did not review the corridor overlay regulations with the intent of determining what information staff would like to omit and information that should be included.

Mr. Harkins opened the public hearing.

Mr. Bruce Bixby asked staff why certain issues are being addressed in this corridor overlay prior to the Land Development Code consultants having provided input.

Mr. James stated staff has requested that the consultants take a more comprehensive look or review of these issues. The reason that the corridor overlay ordinance amendment is before this Commission today is that Dyess Air Force Base has expressed concerns regarding the appearance of the entryways into the base.

Mr. Bixby stated that from his discussions with the consultants, the amendment being proposed today is probably a temporary ordinance until the consultants develop recommendations for the City.

Mr. James stated that this is correct; however, staff has indicated that there are issues in the ordinance that have been reviewed and updated recently and do not require additional revisions, e.g., freight containers.

Mr. Bixby also expressed concerns regarding the 10% landscaping requirement (seems excessive) and trailers on shopping center sites utilized for advertising.

Mr. Paul Johnson recommended that the corridor overlay regulations not be so restrictive and complicated as to discourage businesses from relocating to Abilene. Some of the recommendations can be very costly to businesses, e.g., landscaping requirements.

Mr. Robert Allen, Transportation Planning Director for the Metropolitan Planning Organization, stated that at this meeting he would be addressing changes to the ordinance dealing with the driveways and access and the jurisdictional reference to TxDOT. Mr. Allen stated that speaking on behalf of the Metropolitan Planning Organization staff and the Texas Department of Transportation, he recommends that the corridor overlay text be revised to allow the more restrictive regulations to apply (municipality or TxDOT) in order to protect the traveling public.

Mr. Harkins closed the public hearing.

Mr. McClarty moved to approve the proposed amendments to Sections 23-303.2.D and 23-345 of the code of the City of Abilene regarding regulations within the Corridor Overlay Zone. Ms. Campos seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, McClarty, and Miller) to none opposed.

Item Seven: Rezoning Request

a. Z-2006-03

Public hearing and possible vote to recommend approval or denial to the City Council to apply Corridor Overlay Zoning (COR) to property located within 600 feet of the centerline of Rebecca Lane, Dub Wright Boulevard, and Arnold Boulevard extending from Buffalo Gap Road to Interstate 20.

Ms. Brownell stated that this request is to apply Corridor Overlay to existing base zoning districts. The Corridor Overlay would apply to approximately 7.3 miles and include just over 1066 acres. The major land use categories already existing along the corridor include Dyess Air Force Base, mixed residential uses, and a few scattered commercial uses. The vast majority of the property with frontage along the corridor is currently vacant.

The majority of this corridor was annexed from 1957 to 1963, which coincided with the annexation of Dyess Air Force Base in 1959. A large tract that stretches from Hampton Hills southeast to Catclaw Drive was annexed in 1986. There have been multiple rezoning requests within the corridor, but much of

the land remains vacant. Residential development, including mobile homes and single-family residences, is the most prominent use along the corridor.

ANALYSIS:

- Current Planning Analysis

Corridor Overlay was intended to be applied to Abilene's newly developing areas, typically at or near the City's periphery. It is designed to ensure that aesthetic standards, including signage, landscaping, screening, and driveway access, are guaranteed with any new non-residential development.

The Zoning Ordinance states that Corridor Overlay zoning is appropriate when in accordance with at least one of the following objectives:

- a. Promote quality development of lots along the major corridor in harmony with adjacent land uses and the surrounding environment.
- b. Ensure that residential neighborhoods are protected from encroachment of incompatible commercial activities that occur along the corridor.
- c. Establish that the corridor is developed with special and specific standards and design that provide a pleasing and positive image.

This request relates to all of the objectives listed above, which makes it a good candidate for the proposed overlay zoning. Furthermore, representatives from Dyess Air Force Base requested the application of aesthetic controls to protect the appearance of the main access corridor to the base. They were concerned about growth along the corridor and are in favor of the proposed regulations to help enhance the aesthetic quality of future non-residential development.

- Comprehensive Planning Analysis

The Comprehensive Plan specifically addresses the relationship between Abilene and Dyess Air Force Base by noting that it is essential for the City to promote policies that will enable Dyess to meet current and future mission requirements. The Plan also highlights the point that open lines of communication between Dyess and the City of Abilene should be a priority at all times. Two of the Strategies listed in the Plan relate directly to the proposed application of Corridor Overlay zoning:

Strategy 18: Prohibit urban expansion into areas that encroach upon the operation of the base. The City should ensure compliance with this effort by controlling development in and around the installation, and annexing areas on the south and west side of the installation.

Strategy 19: Coordinate with Dyess AFB on transportation and land use planning in the base environs to strengthen new programs and new missions at the installation.

The Plan calls attention to the economic asset that Dyess represents for the Abilene economy. The Planning staff fully supports their request to protect the appearance of the major corridor that visitors and residents use to access the base. Many military personnel visiting Dyess draw their first impression of Abilene from what they see along the corridor, and it should be designed to reflect the best our community has to offer. The Comprehensive Plan specifically addresses this issue of gateway enhancement by setting a primary objective to "establish an inviting entry along major corridors into the city." The corresponding strategies include references to the elimination of sign clutter and the

improvement of landscaping, lighting, building materials, color, and/or materials to encourage higher levels of investment.

Additionally, this is an opportune time to help shape development in this area. Currently, the majority of commercial zoning occurs only at the intersections of arterials, which creates an ideal framework for future activity centers as the corridor develops. The small amount of industrial development occurs primarily between South 1st Street and Interstate 20, and much of it is currently vacant. Five Points Business Park occupies a large tract at the north end of the request and it provides a good example of aesthetically pleasing industrial development.

Planning staff recommends approval of this request.

Property owners within a 200-foot radius were notified of the request. Five hundred and twenty-five property owners were notified. Eleven (11) comment forms were received in favor of the request, and four (4) in opposition.

Mr. McClarty asked Ms. Brownell if it is correct that all the properties shown in the PowerPoint presentation would not be affected by this ordinance because they are “grandfathered.”

Ms. Brownell stated that this is correct unless the property is redeveloped by 50% of the existing value. If this occurs (50% of existing value) a site plan would be required and would trigger the requirements of this corridor rezoning request. Some corridor regulations or requirements would have to be met (such as signage) even if the remainder of the parcel is not being redeveloped.

Mr. Harkins opened the public hearing.

Mr. Paul Johnson stated that he is concerned about the 10% landscaping requirement. Also, running this corridor from I-20 to Buffalo Gap Road is a large area and perhaps this corridor could be scaled back to a lesser area. Mr. Johnson stated that a large amount of development has not taken place due to the restrictive requirements on Buffalo Gap Road.

Mr. Mike Shultz, Deputy Civil Engineer, Dyess Air Force Base, stated that one of the considerations examined when determining to extend the corridor overlay to Buffalo Gap Road was the privatized housing located south of Highway 277. Mr. Shultz stated that it makes good sense to Dyess personnel to connect with the existing corridor and the timing appears appropriate for this.

Mr. Harkins asked Mr. Shultz if Dyess personnel are aware that this request is under review by the Land Development Code consultants and may come back to this Commission in a different form when the code is finalized (approximately 18 months).

Mr. Shultz stated that he is aware of this and view this request as a good starting point or foundation for this area.

Mr. Harkins closed the public hearing.

Mr. Boykin moved to approve Z-2006-03 as recommended by staff (extending from I-20 to Buffalo Gap Road). Mr. Miller seconded the motion and the motion carried by a vote of 6 in favor (Banks, Boykin, Campos, Harkins, McClarty, and Miller) to 0 opposed.

Item Eight: Director's Report

a. Recent City Council decisions regarding items recommended by the Planning and Zoning Commission.

Mr. James provided the Commissioners with a summary of Council actions on items submitted from the Planning and Zoning Commission.

Mr. Boykin requested a summary comparing the recommendation of this Commission with the action taken by City Council.

Mr. James also provided the Commissioners with an email received from Sharon Hicks, City Attorney, regarding a new state law addressing the issue of "Conflict of Interest." Commissioners were provided with new forms for submitting a conflict of interest.

Mr. James introduced the newest member of the Planning staff, Jared Mayfield, Assistant Director of Planning and Development Services.

There being no further business, the meeting was adjourned at 4:00 p.m.

Approved: _____, Chairman