
PLANNING & ZONING COMMISSION

April 3, 2006

Minutes

Members Present: Neomia Banks
Eddie Boykin
Ovelia Campos
Jack Harkins
Jeff Luther
Floyd Miller

Members Absent: Tim McClarty

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
Robert Allen, MPO Director, Transportation Planning
Gloria Brownell, Planner I
Justin Fortney, Planner I
JoAnn Sczech, Executive Secretary (Recording)

Others Present: Tal Fillingim
Dorothy G. Harper
Jerry Fincher
Coy Tate
Fred Ewing
Newt Newberry
Raymond McDaniel
Gloria McDaniel
Charles Spicer
Kathy Waters
Lisa L. Williams
Erica McCall
Josue Flores
Jim Compton
Cory Wood
Linda Murphy
Dodge Hubbard
Jackie Henson
Don Bleeker
Duane Martin
Nancy Gore
Miles Frazier
Sheri Frazier
Windell Mathis
Gloria
Dan Harwell

Kenneth Baughman
Bob Hammond
Kenneth L. Musgrave
Kelly Holamon

Media Present: Sarah Kleiner, Abilene Reporter-News

Item One: Call to Order

Mr. Harkins called the meeting to order at 1:33 p.m. and declared a quorum present.

Item Two: Invocation

Mr. Jeff Luther gave the invocation.

Item Three: Approval of Minutes:

Mr. Eddie Boykin moved that the minutes of the March 6, 2006, meeting be approved as submitted. Mr. Miller seconded the motion and the motion carried unanimously.

Mr. Jeff Luther moved that the minutes of the City Council/Planning and Zoning Commission Special Joint Meeting held on February 16, 2006, be accepted as submitted. Ms. Campos seconded the motion and the motion carried unanimously.

Item Four: Discussion Item

Jeff Armstrong provided the Commissioners with a memorandum from Dunkin Sefko & Associates, consultant for the Land Development Code, outlining “Short-Term Issues to Address.” After staff’s meetings with the consultant in December and during their diagnostic review of Planning’s current ordinances, they have strongly recommended that the City make certain ordinance changes before the completion of a full development code.

The issues listed are:

1. Access Management on TxDOT roadways
2. Adequate Public Facilities and Proportionality – part of the platting process
3. Policies on development in the ETJ
4. Rural development provisions within the City (3 & 4 are intended to “level the playing field” for development in the City and its ETJ)
5. Chapter 245 Amendments to the Local Government Code for Application Processing
6. Chapter 245 Amendments to the Local Government Code for Expiration Dates

The effects of Chapter 245 amendments, passed by the Texas State Legislature (SB 848 and SB 574), have required staff to change our method for processing and approving subdivision plats. Some of these changes will begin immediately, while others will require amendments to our ordinances.

One immediate requirement (by State law) is that all plats must be acted upon within 30 days of application. This means that the Planning and Zoning Commission must either approve or deny all plats submitted in the 30 days prior to each meeting. We will begin accepting plat applications only during certain times each month and it is

very possible that we will be recommending that the Commission deny some plats on the agenda each month.

One way staff can work with developers to avoid having to deny plats is to give them the opportunity to waive the requirement that their plat be acted upon within 30 days. If they are willing to do this, we would be able to process the plat in much the same way that we have for many years.

Other immediate changes include not accepting Preliminary Development Plans for property that is not zoned properly or in the rezoning process. Also, for most development applications, staff will begin notifying the applicant of an incomplete application within 10 days of receipt of the application. If after 45 days missing information is not provided, the application will expire.

Ms. Campos asked how those involved with the platting process would be informed of these changes. Mr. Armstrong stated that Ms. Brownell will be meeting with the local surveyors' organization tomorrow night to review these changes. Also, a calendar has been developed by staff that provides deadline dates for an entire year.

Mr. Santee stated that changes made to Chapter 245, dealing with permits, have caused the confusion in the platting deadline dates.

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

Item Five: Plats

Gloria Brownell provided information for completed plats (Agenda Items a., c., d., e., f., g., h., i., and j.). Ms. Brownell stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements.

Mr. Harkins opened the public hearing and asked if anyone wished to speak regarding any of the plats being presented for approval. No one came forward and the public hearing was closed.

Mr. Luther moved to approve Items a., c., d., e., f., g., h., i., and j. Ms. Banks seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Campos, Harkins, Luther, and Miller), one (1) abstention, and none (0) opposed.

Ms. Brownell stated that staff recommends denial of Items b., k., l., m., n., and o., since they do not meet the requirements of the Subdivision Regulations.

Mr. Boykin moved to deny Items b., k., l., m., n., and o. Mr. Miller seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, and Miller) to none (0) opposed.

Item Six: Thoroughfare Closures:

a. TC-2006-04
Public hearing and possible vote to recommend approval or denial to the City Council on the proposed closure of Cedar Street from N. 18th Street south for a distance of 300 feet, Abilene, Taylor County, Texas.

Mr. Justin Fortney provided the staff report for this item. This request is to abandon the dedicated right-of-way from North 18th Street southward 300 feet. A small office building, parking lots, and vacant land surround this portion of Cedar Street.

This is an improved two-lane local street. The site has been designated by Hendrick Medical Center for a medical office building. The surrounding property was originally platted for residential development in 1907. The proposed closure is for the parking lot of the planned medical office building.

Staff recommends approval of the request, subject to the following recommendations of the Plat Review Committee:

- (1) The dedication of a pedestrian easement connecting North 18th Street to the remaining portion of Cedar Street; where the applicant shall construct a sidewalk at least 5' in width that ensures pedestrian accessibility through the site.
- (2) All abandoned right-of-way and lots adjacent to abandoned right-of-way must be replatted.
- (3) The dedication and construction of a cul-de-sac at the north end of the remaining portion of Cedar Street, adjacent to Lots 17-20, Block A, Nisbett Addition.

Property owners within 200 feet of the request were notified. No comment forms were received either in favor or in opposition of the request.

Mr. Harkins stated that the current sidewalk is four feet in width and asked why staff is recommending a five-foot width.

Mr. Fortney stated that the five-foot width is recommended to comply with ADA requirements. The City's goal is to have all future sidewalks constructed in the City five feet in width.

Mr. James stated that the five-foot requirement for sidewalks would be included in the Sidewalk Ordinance, which will be submitted to this Commission for approval within the next couple of months. This width is consistent with the Federal Highway Administration's Guide to Pedestrian Facilities. Existing four-foot sidewalks will not be required to be replaced.

Mr. Harkins opened the public hearing.

Mr. Joseph Flores stated that he and his son live on that portion of Cedar Street that will remain open. Mr. Flores asked who would be paying for the cul-de-sac at the northern end of Cedar Street adjacent to Lots 17-20.

Mr. Harkins stated that the applicant will pay for street improvements.

Mr. Duane Martin, staff architect for Hendrick Medical Center, stated that the proposed project is a 30,000-32,000 square-foot building that will face North 18th Street. Mr. Martin stated that he was unaware of the five-foot sidewalk requirement; however, as long as the sidewalk can be routed through the site as needed, it should not be a problem. Mr. Martin stated that five feet does seem excessively wide for a sidewalk.

Mr. Miles Frazier stated that he owns a duplex at 1702 Cedar adjacent to the new street being proposed and is curious about the sidewalk. Mr. Frazier asked if any portion of the new sidewalk will abut his property.

Mr. Fortney stated that the proposed sidewalk would begin at the beginning of the cul-de-sac (north of Mr. Frazier's property)

Mr. Harkins stated that for clarification purposes, the proposed sidewalk, whether four feet or five feet, would have to connect from North 18th Street through the proposed building site and somehow either connect to the four foot wide sidewalk existing and/or connect to the cul-de-sac.

Mr. Harkins closed the public hearing.

Mr. Luther moved to approve TC-2006-04 as recommended by staff. Mr. Harkins asked Mr. Luther if he would accept an amendment to the five-foot sidewalk width. Mr. Luther restated his motion to move for approval, including staff's recommendation (three items stated above), and change the five foot sidewalk requirement to four feet in width. Ms. Banks second the motion, as amended, and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, Miller) to none (0) opposed.

Item Seven: Rezoning Requests:

a. Z-2006-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Medical Center, agent Duane Martin, to rezone property from RM-3 (Residential Multi-family) to MU (Medical Use) zoning district, located at 1765 Cedar Street. Legal description being the West ½ of Lots 1 & 2, Block B, Nisbett Addition, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this item. The request is to rezone .16 acres from RM-3 (Residential Multi-Family) to MU (Medical Use) zoning district. This is the site of the Abilene Baptist Association that was built in 1991. The adjacent parking lots are used by Hendrick Medical Center and associated facilities. This area was annexed in 1911 and was zoned Two-Family Residential when zoning began in 1946. The surrounding properties were rezoned to Office in 1982 and finally to Medical Use in 1991.

Current Planning Analysis

The applicant is proposing to develop the area property with an additional medical building. The existing building on site will be demolished for this project. The applicant is also proposing the closure of Cedar Street in conjunction with this development.

Staff believes that rezoning this property to MU is a good choice for logical development of the area.

Comprehensive Planning Analysis

This property is in an area designated as a special activity center in the Comprehensive Plan. The purpose of this activity center is to further develop this medical center as a community asset that will provide unique services to the local, regional, and statewide area.

Property owners within 200 feet of the request were notified. No comment forms were received either in favor or in opposition of the request.

Planning staff recommendations approval of this request.

Mr. Harkins opened the public hearing and asked if anyone wished to speak regarding this rezoning request. No one came forward and the public hearing was closed

Mr. Jeff Luther moved to approve Z-2006-10. Mr. Miller seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, and Miller) to none (0) opposed.

b. Z-2006-06 (Tabled on March 6, 2006)
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Weatherbee Construction, agent David Todd, to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District), located at the northwest corner of Loop 322 and Oldham Lane. Legal description being 84.29 acres out of the Northwest quarter of Section 62, Abstract 781, Blind Asylum Lands, Abilene, Taylor County, Texas.

Mr. Luther moved to remove Z-2006-06 from the table. Mr. Boykin seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, and Miller) to none (0) opposed.

Jeff Armstrong provided the staff report for this case. The request is to rezone 84.29 acres from AO (Agricultural Open Space) to PDD (Planned Development District). The property is currently vacant. It surrounds a parcel at the corner of Oldham Lane and South 27th Street that is occupied by a fire station. A tank is situated in the southeastern portion of the parcel. The property was previously owned by the State of Texas. The subject property was annexed in 1968 and has been zoned AO since that time.

Current Planning Analysis

The applicant originally applied for General Commercial zoning. Staff felt that a PDD would be more appropriate at this location, given the size of the parcel and in an effort to encourage development along Loop 322 that is consistent with other newer development nearby along the Loop. Many of the regulations proposed in this ordinance are similar to the Lone Star Ranch commercial PDD, which is also located along Loop 322.

This rezoning is speculative. The applicant has stated only that commercial uses and possibly multi-family residential uses are desired. The only specific use mentioned is the possibility of self-storage units.

The proposed PDD directs more intensive commercial uses to the west and south along the Loop 322 frontage and allows for limited commercial uses along Oldham Lane further north. This is due partly to the location of residential development across Oldham Lane from the north part of the proposed PDD and due to a few areas of more intensive zoning districts scattered to the south and west of the parcel. When the applicant has more specific development plans in mind, an amendment could be proposed that could allow for other commercial development in the PDD.

Comprehensive Planning Analysis

The Comprehensive Plan shows a major commercial business activity center just to the south of this parcel. This property could be a part of that activity center. 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.”

The Planning and Zoning Commission held a workshop to discuss the nearby activity center when there were a number of rezoning requests in the area in 2004. At that time, the Commission felt that the activity center should focus on education and high employment activities.

The Comprehensive Plan identifies both Oldham Lane and South 27th Street as “enhancement corridors.” These corridors are generally located along major thoroughfares and are intended to preserve or enhance the aesthetics of these corridors.

The Thoroughfare Plan identifies Loop 322 as a visual pathway. The Thoroughfare Plan recommends PDD zoning along these pathways to enhance the visual environment. Mr. Armstrong stated that provisions have been made in the PDD for group pole signs (limited) and monument signs for each business. Landscaping requirements include buffers along street frontages and landscaping on a certain percentage of the site. Sidewalk requirements have been included as well as prohibition of outdoor storage and a limitation of outdoor display of products for sale.

Property owners within 200 feet of the request were notified. Two (2) written comment forms were received in opposition of the request and none were received in favor of the request.

Planning staff recommends approval of the attached PDD ordinance.

Mr. Harkins opened the public hearing.

Mr. David Todd, representing the proponent, stated that he has been working with City staff for 75 days in order to develop a Planned Development District that was acceptable to City staff and to the developer. There has been a good deal of interest in this property; however, no activity due the AO zoning. Development is speculative at this point and the has been geared toward other successful PDDs adjacent to the Loop.

Mr. Boykin asked where the entrance would be for the self-storage units.

Mr. Todd responded that based on TxDOT access criteria and the speed limit, the access points must be 400 feet from existing intersections. Therefore, access would be 400 feet north of the Loop intersection on Oldham Lane and 400 feet for the first access to the west. Mr. Todd stated that the self-storage facility will be accessed off the Loop with a common street or drive in this area. Mr. Todd stated that the spacing requirement allows for a maximum of three entrances and points off South 27th Street.

Mr. Dan Harwell asked if it is correct that a Street Master Plan has been developed for this area. Mr. Harwell stated that the reason for his concern is the AO zoning which abuts his property. Mr. Harwell stated that he has greenhouses in the area and the dirt and dust caused by the traffic in the area is ruining the plants in the greenhouses. Lighting in the area could also affect the

plants in the greenhouses. Mr. Harwell stated that he is not opposed to storage units; however, he is opposed to operations that directly affect his business.

Mr. Harkins stated that he did believe at this time there are any public streets in the area except for those that are a part of the detailed site plan.

Mr. Armstrong stated that a copy of the Thoroughfare Plan is being obtained to verify if collector streets will be required. If this is the case, as the site is subdivided and developed collector streets may be required. These streets will be paved.

Mr. James stated that the PDD requires that lighting be shielded to prevent “spill-over” lighting onto adjacent properties.

Mr. Robert Allen, Metropolitan Planning Organization, stated that the Thoroughfare Plan for the City of Abilene does call for two collector streets in this area. These streets must be paved and constructed meeting City standards.

Mr. Harwell asked if nightclubs and liquor stores would be permitted on this site.

Mr. Armstrong stated that on-premise liquor consumption will be allowed in that portion of the site zoned SC (Shopping Center) if all other conditions are met, i.e., 300 foot separation from residential zoning, college/university zoning, church, school, hospital property. Shopping Center zoning does allow for restaurants with lesser separation requirements than that of a bar or nightclub. Mr. Armstrong stated that the proposed rezoning is for a Planned Development District and uses may be modified.

Mr. Coy Tate stated that traffic, the speed limit, and the lack of traffic signals on Oldham Lane are major concerns.

Ms. Kathy Waters stated that of the 45 families living in the Lytle Place area, nearly one-half have no vehicle access out of the neighborhood except by way of Oldham Lane. The amount of traffic on Oldham Lane is of great concern. Ms. Waters stated that she is unsure if it is within the purview of this Commission to consider limiting the access on Oldham Lane for commercial properties, but her request is that the Commission consider, seriously consider, not allowing access directly onto Oldham Lane from these commercial areas. Ms. Waters stated that the Lytle Place association has contacted the City requesting that they contact TxDOT and request a traffic signal in this area. This has not been done.

Mr. Charles Spicer stated that he is concerned about the type of development in this area – at this point it is unclear how the site will be developed.

Mr. Todd provided approximate acreage for each portion of the PDD.

Mr. Harkins closed the public hearing.

Mr. Miller asked the requirements or criteria for a traffic signal in this area.

Mr. James Condry, Traffic and Transportation Administrator for the City of Abilene, stated that in those locations where there is a sense that a traffic signal may be needed, staff evaluates using the Texas Manual and Uniform Traffic Control Devices. Mr. Condry stated that this particular

document sets forth the criteria for traffic control devices. In the case of Oldham Lane (FM 1750) that is a State roadway, any final decision on a traffic signal along FM 1750 is the State's decision. City staff has evaluated ES 27th Street and Oldham Lane in the past and it did not meet traffic signal warranting criteria. TxDOT has also evaluated this area in the past and their conclusion was the same.

Ms. Campos moved to approve Z-2006-06. Ms Banks seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, and Miller) to none (0) opposed.

c. Z-2006-11

Public hearing and possible vote to recommend approval or denial to the City Council on a request from West Central Texas Council of Governments, agent M.R. Newberry – Newberry, Roadcap Architects, Inc., to rezone property from AO (Agricultural Open Space) to GC (General Commercial), located in the 3600 and 3700 blocks of Loop 322. Legal description being 48.37 acres out of the Northwest quarter of Section 62, Blind Asylum Lands, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this case. The request is to rezone 14.99 acres from AO to PDD. This parcel is currently vacant land between Loop 322 and the West Central Council of Governments Building. It is situated just north of Blue Cross and Blue Shield. This parcel is surrounded mostly by vacant land. The subject property was annexed in 1968 and zoned AO since that time. Another PDD is being proposed just to the north that will include commercial and multi-family dwellings.

Current Planning Analysis

The applicant is proposing to develop the property with commercial uses that are not known at this time. They may develop property to the west in the distant future.

Staff has concerns about the appearance of the commercial development because it will be visible from Loop 322, which has been designated as a visual pathway in the Thoroughfare Plan. Planning staff has worked with the applicant to design a PDD that will meet the applicant's needs and alleviate concerns regarding the development's appearance.

Comprehensive Planning Analysis

The Comprehensive Plan shows that this proposal is located within a major commercial business activity center. 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."

Property owners within 200 feet of this rezoning request were notified. No responses were received either in favor or in opposition of the request.

Staff recommends approval of the attached PDD ordinance.

Mr. Harkins opened the public hearing.

Mr. Newt Newberry, representing the WCTCOG, stated that originally the rezoning request was for General Commercial zoning. His client owns 78 acres of land in this area. At this time, the

WCTCOG does not wish to pursue any development other than to provide a commercial office building for their staff. Mr. Newberry stated that he met with Justin Fortney and discussed the opportunities available through a Planned Development District and those available through General Commercial zoning. Mr. Newberry stated that he and his client are agreeable to the Planned Development District.

Mr. Harkins closed the public hearing

Mr. Boykin moved to approve Z-2006-11. Mr. Miller seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, and Miller) to none (0) opposed.

Mr. Harkins stated that he has been requested to clarify for the record the vote on Item Z-2006-11. Mr. Boykin moved to approve the request and Mr. Harkins stated that what the Commission approved was PDD zoning and not the General Commercial zoning as indicated on the agenda.

d. Z-2006-13

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Bruce Bixby – Bixby Enterprises, agent Tal Fillingim – Jacob & Martin, LTD., to rezone property from AO (Agricultural Open Space) to RS-6 (Residential Single-family) zoning district, located south of the intersection of Tulane Drive and Trinity Street. Legal description being 4.26 acres out of the Northwest ¼ of Survey 68, Blind Asylum Lands, Abilene, Taylor County, Texas

Justin Fortney provided the staff report for this item. The request is to rezone 4.26 acres from AO to RS-6 in order to develop Section 5 of the South Lytle Addition. This site is currently unplatted vacant land. This area was annexed in 1980 and zoned to AO. The residential neighborhood to the north was rezoned to RS-6 in 2001.

Current Planning Analysis

The applicant is proposing to develop the area with residential single-family homes. The minimum lot size allowed in a RS-6 district is 6,000 square feet. The applicant would likely be able to build 22 homes if this area is rezoned and subsequently replatted.

Comprehensive Planning Analysis

The Comprehensive Plan's Future Land Use and Development Plan Map designates this area as low density residential.

Property owners within 200 feet of this rezoning request were notified. Five (5) comment forms were received in opposition to the request and none (0) were received in favor.

Planning staff recommends approval of this rezoning request.

Mr. Harkins opened the public hearing.

Mr. Tal Fillingim, representing Mr. Bixby, stated that the rezoning request is to accommodate the continuation of the existing development. The proposed development calls for 20 RS-6 lots with a cul-de-sac street to the west, extending Trinity Lane south approximately 265 feet.

Mr. Boykin asked if Trinity Lane will be the only access to this development.

Mr. Fillingim stated that this is correct; however, future additions to the east will extend Georgetown and a road will be installed between Georgetown and the cul-de-sac providing two access points to the development.

Mr. Harkins closed the public hearing.

Ms. Campos moved to approve Z-2006-13. Mr. Boykin seconded the motion and the motion carried by a vote of six (6) in favor (Banks, Boykin, Campos, Harkins, Luther, and Miller) to none (0) opposed.

Item Eight: Thoroughfare Plan Amendment

Public Hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Thoroughfare Plan regarding proposed collector streets in the area south of Bell Plains Road and west of US 83-84 in the Extra-Territorial Jurisdiction, Taylor County, Texas.

Gloria Brownell provided the staff report for this item. The proposed Thoroughfare Plan amendment request concerns alteration of the pattern of collector streets in the area southwest of US 83-84 and Bell Plains Road.

The request was submitted by Mr. Jackie Henson, whose property is adjacent to two future collectors. Mr. Henson recently submitted a proposed plat for the second section of his Deer Valley Estates development. The proposed layout does not accommodate either one of the two collectors shown on the Thoroughfare Plan and Mr. Henson is requesting their elimination or relocation.

Mr. Henson's primary reasoning for the elimination of these collector streets is the fact that the corridors intersect the recently-constructed Hargesheimer Water Treatment Plant. Mr. Henson contends that Collector A cannot be extended in its current position so it must be eliminated or moved further to the west. There is sufficient space to accommodate Collector B, but it may be more functional in another location. After further discussion with Mr. Henson, he suggested extending Mesa Rim Drive further east to intersect with US 83-84 to accommodate Collector B. This alternative would involve only a minor relocation of Collector B, and Mr. Henson would be required to replat a portion of his existing development to provide the 60' dedication and reconfigure the surrounding lots. This seems to be a feasible option, although it will entail some coordination with Taylor Electric Co-op and the Texas Department of Transportation to allow the additional entrance from the state right-of-way.

Staff members from Planning and Development Services, Public Works, and the Water Department have reviewed this request and determined that a change in the pattern of collector streets is necessary in this general area. The extension of Collector A through the water treatment facility is not feasible and the revised Thoroughfare Plan should reflect that by relocating Collector A further west or terminating it where it intersects with Collector B. Furthermore, the addition of a second and third east-west collector south of this area may be a valuable improvement to the current layout.

Staff has prepared several options but any configuration may be considered. The proposed area of amendment has some terrain-related challenges that should be considered if the corridors are relocated.

Planning staff recommends that the Thoroughfare Plan be amended as shown in Alternative #2; however, this is contingent upon Mr. Henson's obtaining a permit from TxDOT for the extension of the road. If the Commission agrees with staff's recommendation of Alternative #2, the Commission could include the TxDOT permit as a conditional recommendation to City Council and provide a secondary recommendation if the TxDOT permit is not obtainable.

All property owners who might be affected by the relocation of the collector streets were notified.

Mr. Harkins opened the public hearing.

Mr. Raymond McDaniel stated that he strongly objects to this thoroughfare amendment. Mr. McDaniel stated that his concern is the destroying of his property for someone else's development.

Mr. James stated that for clarification purposes, none of these streets will be constructed by the City and would only be constructed at some point in the future if those properties developed. If there were no development plans for these areas, streets would not exist.

Mr. Harkins informed Mr. McDaniel that if he never developed or sold his property, these roads would not go through his property – they would go to a certain point and then stop or the City would have to come up with a new plan.

Mr. Jackie Henson, developer of Deer Valley, stated that he has spoken with Gloria Brownell regarding the alternatives for the streets. Mr. Henson stated that his preference would be to exit via Mesa Drive. He has spoken with TxDOT and the entrance/exit for Taylor Electric could be off their drive.

Mrs. Gloria McDaniel asked about the statement that if there is no development there is no problem. Mrs. McDaniel stated that she thought the reason for consideration of this Thoroughfare Plan amendment was development in this area. Mrs. McDaniel asked if they still needed to be concerned about their property?

Mr. James responded that this amendment (placement of the road) would become an issue for the McDaniel's if they developed their property. Mr. Henson is responsible for building this collector street on his property and the road will end at the edge of his property. If the property owned by Mr. and Mrs. McDaniel is never developed, the road will end (on Mr. Henson's property) and not dissect their property.

Mr. James stated that the proposed streets as indicated in the Thoroughfare Plan are "conceptual" corridors. Placement determination is based on topography and because they are "conceptual" may be shifted 100 feet or more without amending the Thoroughfare Plan. The Thoroughfare Plan provides a general location for future streets.

Ms. Sherry Frazier thanked Mr. Harkins and Mr. Luther for observing that the City's water treatment plant was constructed in this area without any restrictions or requirements. Ms. Frazier stated that she is concerned about the routes and the planning of the roads and how installation of the roads might affect her property, particularly if the City limits extend toward her property.

Mr. Miles Frazier expressed concern regarding flooding and drainage in this area. Mr. Frazier also expressed concerns regarding the obstruction of the view from his home.

Mr. Robert Allen stated that he participated with the City's Planning staff in reviewing the proposed revision to the Thoroughfare Plan. Mr. Allen stated that the City must look comprehensively at the entire City, including the ETJ, when planning the location of streets for the future.

Mr. Harkins closed the public hearing.

Commissioners discussed the placement of the proposed collector streets and placing the burden of constructing the collectors back onto the City (due to the location of the water treatment plant).

Mr. Harkins moved to:

- **Approve Alternative 2**
- **Place "Collector B" on Mesa Rim (if this is where Mr. Henson wishes to locate this street) OR, at the back of Mr. Henson's lots**
- **Place the collector as originally shown in the Thoroughfare Plan from that point on (around the northwest corner of the water treatment plant)**
- **Collectors C and D on the Section Line**

Mr. Boykin seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Campos, Harkins, and Miller) and one (1) opposed (Luther)

Item Nine: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on amendments to Sections 23-306.5.H(14) and 23-306.5H(15) regarding separation between CU (Collect University) zoning and Liquor Store Off-Premise Consumption Uses.

Jeff Armstrong provided the staff report for this item. Mr. Armstrong stated that a local business has requested that the Zoning Ordinance be amended to eliminate the requirement for Liquor Stores, Off-premise Consumption, to be located a minimum of 300 feet from any lot in a CU (College-University) zoning district. The City of Abilene's liquor separation regulations are more restrictive than the State of Texas regulations. The City may only amend its requirements if those changes move the City's regulations closer to the State requirements. Most cities in Texas follow the State regulations entirely. The state does not require separation of any liquor business from CU or other similar zoning.

Currently CU zoning is on properties owned by the three (3) local universities and a portion of the Cisco Junior College property. Staff has notified all four (4) institutions of this request. The applicant's attorney has also contacted each of the institutions.

Staff's opinion is that the sale of liquor for off-premise consumption does not need to be separated from CU zoning from the perspective of land use regulation. The beverages are prohibited under State law from being consumed on the premises of businesses licensed for off-premise consumption sales. Therefore, selling packaged liquor is a similar land use to selling any other packaged beverage.

Because this is an amendment to the zoning ordinance, any approved changes would not only apply to the applicant involved, but also the owner or occupant of any other property where such liquor stores would otherwise be permitted. Staff provided maps showing the parcels that potentially could be affected by this ordinance amendment.

The 300-foot buffer from a Church remains in effect. Staff recommends approval of this ordinance amendment.

Mr. Harkins opened the public hearing.

Mr. Paul Cannon, representing Lawrence Brothers Grocery Stores, stated that a Lawrence Brothers Grocery store is located across the street from Hardin Simmons University. Mr. Cannon stated that the number of competitors in the area have necessitated Lawrence Brothers to seek this amendment. Mr. Cannon stated that the three (3) universities were consulted prior to seeking this amendment. Mr. Cannon stated that although the universities did not embrace this change, chose not to oppose the request. Mr. Cannon stated that they request that this Commission approve this amendment and recommend approval to the City Council

Mr. Harkins closed the public hearing.

Mr. Boykin moved to approve the ordinance amendment to Sections 23-306.5.H(14) and 23-306.5H(15). Ms. Banks seconded the motion and the motion carried by a vote of five (5) in favor (Banks, Boykin, Campos, Harkins, and Luther) to one (1) opposed (Miller).

Item Ten: Capital Improvement Program

Discussion of the proposed 2006 Capital Improvement Program.

Mr. James stated that this item has been placed on the agenda to notify the Commissioners that the Capital Improvement Program will be an agenda item for next month's meeting. The information is a five-year CIP program and per the City Charter, the Planning and Zoning Commission has the obligation to make a recommendation regarding the CIP to the City Manager who in turn reports to the City Council with a final recommendation. This will be a large document and will be provided to the Commissioners as soon as possible.

Item Eleven: Director's Report

- a. Discuss meeting schedule for the month of July

Mr. James stated that Mr. Santee provided each Commissioner with a letter from the City Manager regarding “Open Meetings.” All Board and Commission members will be required to attend an Open Government Training Session during this calendar year. Dates were provided for this training. This training may also be completed online.

Mr. James stated that the July P & Z meeting is scheduled for July 3rd and staff is proposing to reschedule this meeting for Wednesday, July 5th.

Also, staff will be working with the Commission and Council to set a date for another joint meeting. At this meeting, the Land Development Code consultants will be presenting their diagnostic – the culmination of Phase I. The consultants will be providing a summary report of the actions they feel need to be completed and recommendations for moving forward to writing the ordinances. The proposed dates for this joint meeting are May 18th, June 1st and June 29th. Commissioners will be contacted by email to determine a final date.

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

Commissioners were provided with a memorandum providing Council votes on Planning and Zoning Commission recommendations.

There being no further business, the meeting was adjourned at 5:15 p.m.

Approved: _____, Chairman