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**PLANNING & ZONING COMMISSION**

**July 10, 2006**

**Minutes**

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Members Present:

Eddie Boykin  
Ovelia Campos  
Jack Harkins  
Lydia M. Long  
Jeff Luther  
Tim McClarty

Staff Present:

Jon James, Director, Planning and Development Services  
Dan Santee, First Assistant City Attorney  
Jeff Armstrong, Development Services Manager  
Robert Allen, MPO Director, Transportation Planner  
Gloria Brownell, Planner I  
Ben Finley, Planner I  
Justin Fortney, Planner I  
JoAnn Sczech, Executive Secretary (Recording)

Others Present:

Pat Petty  
Shannon King  
Dan Norman  
Bill Brant  
Larry Criswell  
Norman Criswell  
Trey Thornton  
Kevin Walker  
Gordon Washington  
Margaret Teague  
George Arnold  
Sallee Schappa  
Viola Bearden  
Marvin Hamer  
Vicki Anderson  
Shirley Smith  
Annlinette Ramirez  
Chris Ramirez  
Ken Musgrave  
Brad Carter  
Norma Schaffer  
Georgia Sanchez  
Bob Hammond

Media Present:

Sarah Kleiner, Abilene Reporter-News  
Cam Tran, KTXS TV  
Scott Mawes, KTXS TV

**Item One: Call to Order**

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

**Item Two: Invocation**

Mr. McClarty gave the invocation.

Ms. Campos read the opening statement for the Planning and Zoning Commission.

**Item Three: Approval/Acceptance of Minutes**

**Mr. Boykin moved to approve the minutes of the June 5, 2006, meeting as submitted. Mr. McClarty seconded the motion and the motion carried unanimously.**

**Mr. Harkins moved to accept the minutes of the Joint City Council/Planning and Zoning Commission as submitted by the City Secretary. Dr. Long seconded the motion and the motion carried unanimously.**

**Item Four: Plats**

Gloria Brownell provided information for completed plats (Agenda Items a., b., c., d., e., f., and g.). Ms. Brownell stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements. Item e. is incomplete and not ready for consideration by this Commission.

Ms. Campos 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., b., c., d., f., and g. Mr. Harkins seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

**Mr. Boykin moved to deny Item e. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

Ms. Campos stated that at this point the Commission would be considering Item f., Z-2006-31.

**Item Five: Rezoning Requests**

f. Z-2006-31

Public hearing and possible vote to recommend approval or denial to the City Council on a request from DJLH, Inc, agent David Todd, to rezone property from AO (Agricultural Open Space) and PDD #78 (Planned Development District) to RM-2 (Residential Multi-family) zoning district, located at the southwest corner N. Judge Ely Boulevard and E. Stamford Street. Legal Description being 10 acres out of the Southeast corner of Section 84, Block 14, T&P Railroad Company Survey, Abilene, Taylor County, Texas.

Gloria Brownell provided the staff report for this item. The request is to rezone 10 acres from AO and PDD-78 to RM-2. The property is currently vacant, as is a large tract of land to the west. The Hillcrest residential subdivision and Abilene Christian Schools lie directly to the south.

The subject property was annexed in 1957 and rezoned to PDD in 1999. The PDD ordinance allowed only a hotel/motel use with incidental activities. Because the property did not develop within the specified amount of time, the Planning Staff initiated rezoning back to AO in 2003. The northwest

corner of the subject parcel extends into PDD-78, which also has never developed. The development schedule for PDD-78 expired in April 2005 and staff anticipates initiating rezoning of the area during the overall map change associated with the new Land Development Code.

- Current Planning Analysis

This area is located fairly close to the new I-20 / Highway 351 development area and north of ACU. The frontage along I-20 makes this property desirable for more intense development, but it must also be compatible with the existing residential area. Multi-family zoning represents a good buffer from the interstate and provides additional housing opportunities close to the ACU campus and the expanding commercial area nearby.

- Comprehensive Planning Analysis

The Future Land Use portion of the Comprehensive Plan designates the intersection of Interstate 20 and Highway 351 as a Major Commercial/Business Activity Center. This designation expects large, possibly multi-story, retail and mixed-use developments that serve a larger population area than just the surrounding neighborhoods and encompass 60 or more acres. Non-residential development will likely expand north along the I-20 corridor to include land directly across the interstate from the subject tract. Future extensions of Hike and Bike Paths along Judge Ely Boulevard and other corridors may eventually provide transportation alternatives linking this site with the Activity Center. The increased density of the development is consistent with the goal of the area and will serve as a transition zone to lower-density residential areas nearby.

Property owners within 200 feet of the rezoning request were notified. One (1) comment form was returned in opposition and none in favor.

Planning staff recommendations approval of this rezoning request.

Ms. Campos opened the public hearing.

Mr. Dan Norman, President of Campus Crest Development, provided information regarding the development company and a slide show illustrating the proposed development in Abilene. Mr. Norman stated that they have met with Abilene Christian Schools and have made commitments to them regarding their concern of screening. Campus Crest Development will construct a wrought iron fence with vegetative screening. Mr. Norman stated that they will be addressing the increased traffic flow with the development of this project.

Ms. Shannon King, Director of Operations for Campus Crest Development, stated that project being proposed within the City of Abilene is student housing only. Ms. King stated that the company invests in the lifestyle of the students – address the mental, physical and spiritual well being of the students so that they are better university students.

Mr. Bill Brant, President of Abilene Christian Schools, stated that originally they did submit a comment form objecting to this request for three reasons: 1. Screening on the north boundary of the property; 2. Increase in traffic; and, 3. Future potential use of the property. Since the original rezoning notification, staff of Abilene Christian Schools has met with the owners of the proposed complex and have worked out two (2) of the concerns. The remaining concern is future potential use of the property. Mr. Brant stated that due to the conversations that have taken place with Campus Crest Development staff, he would like to withdraw his objection; however, not necessarily approve of the rezoning request.

Ms. King stated that Campus Crest Development is a holding company and they have no intentions of selling the property.

Ms. Campos closed the public hearing.

**Mr. Boykin moved to approve case Z-2006-31. Dr. Long second the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

a. Z-2006-23

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Weatherbee Construction, Inc., agent David Todd, to rezone property from RM-3 & RM-2 (Multi-family Residential) to PDD (Planned Development District) zoning, located on the northeast corner of Dub Wright Boulevard and Jennings Drive. Legal description being 5.11 acres out of the Joseph Beck Survey #42, Abilene, Taylor County, Texas.

Ms. Brownell provided the staff report for this item. This request is to rezone 6.23 acres from RM2 and RM3 to PDD. The property is currently vacant and adjoins the existing portion of Sandy Creek Village residential subdivision on the north side. Dyess Air Force Base is located directly to the west across Dub Wright Boulevard. The future sections of the Sandy Creek Village Addition are planned to possibly cover the northern and eastern portions of the request area.

The subject property was annexed in 1959 and rezoned to RM-2 and RM-3 in 1982 to provide housing alternatives to the abundance of mobile homes existing near Dyess Air Force Base at that time.

- Current Planning Analysis

The property's proximity to Dyess Air Force Base heightens the need for a quality development with an attractive appearance. The applicant desires to construct an office development adjacent to his own single-family subdivision directly east of the request. This type of development provides a good transition zone between the single-family homes and the possible future commercial uses surrounding the intersection of Jennings Drive and Dub Wright Boulevard. With this in mind, staff felt that a PDD would be more appropriate to ensure the long-term quality of the development and to protect the neighboring residential subdivision. The aesthetic provisions in the proposed ordinance are consistent with the recently-proposed PDD located southwest of the subject tract (Z-2006-19). However, this PDD would only allow uses that are permitted in the standard Office Zoning District. It offers reduced setbacks to increase the buildable area of the tract if parking is not located between the structures and the right-of-way and includes provisions for landscaping, building materials, screening, sidewalks, and driveway access to enhance the appearance and accessibility along the corridor adjacent to Dyess Air Force Base.

- Comprehensive Planning Analysis

The Future Land Use portion of the Comprehensive Plan designates a large area around the request as a location for low-density residential development. However, Office developments are typically considered compatible with single-family residential areas. The PDD was designed to provide flexibility throughout the development process that would be consistent with some of the mixed-use goals mentioned in the Comprehensive Plan.

Furthermore, the Thoroughfare Plan designates Dub Wright Boulevard as a Visual Pathway and addresses the designation specifically with the following recommendation:

These are roadways around or into the City that give the passer-by a lasting impression of the City. Therefore, development along these highways should be carefully monitored so as to maximize positive images of the City. Concentrated efforts from both the public and private sectors to enhance and preserve the visual quality along streets can be achieved through the application of Planned Development Districts (PDD). These zoning districts are “designed to promote, through unified planning and development, more efficient land use, more sensitive treatment of natural features, harmonious integration of diverse activities, and creative design.”

Review of zoning requests, subdivision plat submittals, and public improvement projects on designated visual pathways should be considered for the following guidelines:

- Landscaping
    - Landscaping, compatible with pedestrian safety and sight distance requirements, is recommended in the area between the street right-of-way and adjacent building lines.
  - Design
    - Screening is recommended for open storage waste disposal containers, loading areas, and outdoor storage.
    - Parking should be discouraged on the street and encouraged to locate at the side or rear of buildings.
- (Adopted 1985)

Planning staff recommends approval of the attached PDD ordinance.

Mr. Harkins stated that in the proposed ordinance the maximum structure height is 20 feet. Is the intent to limit structures on only single-story structures?

Ms. Brownell stated that this height could be increased.

Mr. Harkins proposed a 30-foot height to allow two-story structures.

Ms. Campos opened the public hearing.

Mr. David Todd, agent for Mr. Weatherbee, stated that they have no objection to the 30-foot height increase, and, in fact appreciate the Commission recognizing the need for the height increase. The primary use of the land will be medical offices.

Ms. Campos closed the public hearing.

**Mr. McClarty moved to approve Z-2006-23 with the amendment that the building height be increased to 30 feet. Mr. Harkins seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

b. Z-2006-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the Abilene Women's Club, agent Dottie Korman, to add Historic Overlay zoning to the existing RM-3 (Residential Multi-family) zoning district, located at 3425 S. 14<sup>th</sup> Street. Legal description being 3.52 acres out of Survey 92, Benjamin Austin Addition, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this case. The request is to add HO (Historic Overlay) to the existing zoning district (RM-3).

The Abilene Woman's Club was built here in 1955. The parcel is surrounded by commercial and residential development. This area was annexed in 1953 and has been zoned RM-3 since that time.

The Abilene Woman's Club was organized in 1928. The first luncheon was held March 6, 1929, at the Hilton Hotel, now the Windsor. The goal of the Abilene Woman's Club is to promote the cultural and civic advancement of Abilene. They also promote and recognize scholastic achievement and educational advancement. Outstanding young students each month are recognized through the "Girls of the Month Program." Also, numerous scholarships are presented each year to traditional and non-traditional students. The Abilene Woman's Club has had three locations. The first was the Balfanz home located at 650 Meander Street, until 1941. The second was the Radford home at 140 Hickory Street. The current building was built in 1955 and designed by architect David S. Castle. The building is classical revival. The first luncheon on S. 14<sup>th</sup> Street was May 13, 1955. There were 240 in attendance. The Landmarks Commission added the property to the Abilene Register of Historic Properties on September 27, 2005.

The Abilene Woman's Club received a letter from our department in October 2005 stating that their property was eligible for Historic Overlay. Most eligible properties that come to our attention receive a letter notifying them of this opportunity. Applicants are generally interested in obtaining this zoning designation for prestige, City tax reduction, or to protect the property.

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

The Landmarks Commission considered this item on June 27, 2006, and unanimously recommended approval of the request. Planning staff also recommends approval of HO zoning.

Ms. Campos opened the public hearing.

Ms. Pat Petty, representing the Abilene Woman's Club, stated the members are very proud of the building. The property has been recognized by the Texas Historical Commission and has a marker from the State located on the property.

Ms. Campos closed the public hearing.

**Mr. Boykin moved to approve case Z-2006-27. Mr. McClarty second the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

c. Z-2006-28

Public hearing and possible vote to recommend approval or denial to the City Council on a request from WTR Properties, agent Annlinette Ramirez, to rezone property from LC (Limited Commercial) to SC (Shopping Center) zoning district, located at 5502 S. 7<sup>th</sup> Street. Legal description being Block 5, Del Mar Addition, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this zoning case. The request is to rezone property from LC to SC.

A small shopping center is located on the subject parcel. There is commercial development to the south and residential multi-family to the east. The undeveloped properties to the north, west, and southwest are owned by the City and are mostly in the floodway.

This area was annexed in 1957 and zoned RM-1 until it was rezoned to LC in 1981. The present building was constructed in 1982.

The agent has leased a space in an existing strip mall for the purpose of establishing a tattoo parlor. They contacted the Better Business Bureau and were told that that they could become a member after they had been in business for one year. After they invested money in the business another tattoo parlor owner mentioned that they should check to see if they are in compliance with zoning regulations. After they learned from staff that this use is not allowed in LC, the agent has not operated the business.

Some years ago staff made the determination that tattoo parlors were similar to a certain use that was only allowed in SC, GC, HC, LI, and HI. While the allowable zoning designations have been recorded for consistency, the use originally used for the interpretation is unknown. Staff brought an ordinance amendment before the Planning and Zoning Commission in June that would add tattoo parlors to the list of permitted uses. The feedback received from the Commissioners lead staff to believe that the existing interpretation is correct. Although the issue was tabled, staff felt it was more appropriate for the applicant to rezone the property. Staff would like to delay the ordinance amendment that would add tattoo parlors to the permitted use chart until the new Land Development Code has been drafted. At that time we can also get a recommendation from the consultants who are working on the Land Development Code and see how other cities handle this land use.

The minimum size of a SC zoning district allowed by the zoning ordinance is 2 ½ acres. Even though the subject parcel is just under an acre, it is contiguous to the existing SC zoning district that is south of S. 7<sup>th</sup> Street. It would be considered one zoning district because zoning districts extend to the centerlines of the adjacent streets. This is different from the LC zoning district, which is limited to 2 ½ acres of land not intersected by a street.

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

Planning staff recommends approval of the rezoning request.

Ms. Campos opened the public hearing.

Mr. Chris Ramirez stated that the areas has changed – there are many good neighbors in the area and their intent is to keep the area this way. Mr. Ramirez stated that he has spoken with the businesses and neighbors in the area and no one has objected to the proposed use. Mr. Ramirez stated that it might be believed that a tattoo shop is bad; however, it is dependent upon the individuals who operate such a shop.

Mr. Marvin Hamer stated that he is present at this meeting due to an article he read in the newspaper. Mr. Hamer stated that when he read the article he could not understand the logic because it appears as though the proponent looked at what was available for a tattoo parlor and there is nothing in any City ordinance anywhere that is available. Mr. Hamer stated that City staff had recommended approval of the request in the LC zoning district. Mr. Hamer stated that by tabling the item, Mr. Ramirez was forced to seek a zone change. Mr. Hamer stated that he sees no reason why this business should not be allowed – the clubs across the street are much worse than a tattoo parlor. The Ramirez family has done a great deal of work on this property and he sees no reason for them to not be in LC or change the zoning to SC.

Ms. Annlinette Ramirez, owner of the Ink Station, stated that she has met with other business owners and individuals residing in the apartments. Ms. Ramirez presented the Commission with signatures of individuals in the area in support of her business.

Mr. Gordon Washington, Vice President of WTR Properties, stated that his company recently purchased this property. Mr. Washington stated that he has seen many businesses open and close in this area. They have repainted the building, the parking lot has been cleaned, and the property is mowed every other week. Because of the improvements made to the site, other businesses have expressed an interest in locating in this area.

Ms. Campos closed the public hearing.

Dr. Long stated that she disagrees with the shopping center designation because this Commission will be setting a precedent. She stated that it is her understanding that this determination should be made by the Board of Adjustment (special exception) and not by this Commission. Dr. Long stated that the neighborhood should decide whether or not a tattoo parlor should be located in their neighborhood.

Mr. James stated that at last month's meeting, staff was looking for direction from the Planning and Zoning Commission as to where a tattoo parlor should be located. Staff's recommendation at last month's meeting was tabled and has not changed since that time.

Mr. Santee stated that the tabled item couldn't be discussed at this meeting since it is not on the agenda. The proponent has resubmitted the request as a zone change – the item being considered at this meeting is a rezoning request. Mr. Santee stated that the issue before the Commission is what are potential SC uses, among which is a tattoo parlor. However, any other appropriate SC uses would be allowed as well – some of which may be appropriate and some not – that is the issue before this Commission.

Mr. Boykin asked what the Commission must do to have to tabled motion on next month agenda?

Mr. James stated that the Commission would instruct staff to place this item on the agenda – placement of tattoo parlors on the permitted use chart.

Mr. Boykin requested that this tabled item be placed on next month's agenda.

**Mr. McClarty moved to approve Z-2006-28. Mr. Luther seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther and McClarty) to none (0) opposed.**

d. Z-2006-20

Public hearing and possible vote to recommend approval or denial to the City Council on a request from West Texas Realty Co., agent Larry Criswell, to rezone property from O (Office) to LC (Limited Commercial) zoning district, located at 3433 N. 6<sup>th</sup> Street. Legal description being Lot 221, Block 17, Section 2, Oakwood Addition, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this case. This request is to rezone property from O to LC. There is a small building on the subject parcel. There is commercial development in the area and residential single-family to the east.



This area was annexed in 1955 and zoned Two-Family until it was rezoned to Office 1976. During the 1960's, 1970's, and 1980's this property was used for gasoline sales, tire sales, auto repair, and film processing, although they should not have been allowed. In the last 19 years this site has been used as a credit union and insurance office. In 1989 there was a request to rezone this property to LC that was denied due to neighboring property owner opposition. The applicant for that zoning case wanted to operate a covered fruit stand on part of the property.

#### Current Planning Analysis

The applicant thought this property was zoned commercial and was going to move his business here from 2347 N 6<sup>th</sup> Street. The applicant's business is Nutrition Stores, LLC, which sells essential foodstuffs, but only accepts WIC (Women Infants and Children) cards for payment. Although they do not accept money, they are a commercial business, which is not allowed on property that is zoned Office. Both Office and Limited Commercial zoning districts are considered transitional zoning districts between commercial and residential properties.

#### Comprehensive Planning Analysis

A survey taken by citizens prior to the writing of the Comprehensive Plan suggested that half of the citizens were not satisfied with the distribution of commercial services. The Comprehensive Plan addresses this issue by recommending that some small-scale retail stores may be located near residential areas. The Plan also mentions that the location of a commercial establishment should support and enhance the surrounding area rather than alter the character of it. Staff believes that rezoning this parcel to LC will accomplish these recommendations.

Property owners within 200 feet of the request were notified. Two (2) comment forms were received in favor of the request and two (2) comment forms were received in opposition.

Planning staff recommends approval of the rezoning request.

Ms. Campos opened the public hearing.

Mr. Larry Criswell, one of the owners of West Texas Realty Company, stated that Nutrition Stores, LLP, operates 13 WIC only stores throughout the State of Texas. The existing store in Abilene is located at 2347 North 6<sup>th</sup> Street. The WIC Program is a federally-funded program administered by the Department of State Health Services, formerly Texas Department of Health. The Department of State Health Services contracts with different entities throughout the State to administer the WIC program – in Abilene, this program is administered by the City of Abilene. Mr. Criswell stated that the previous owner informed his company that the property was zoned “commercial.” Mr. Criswell stated yes they should have checked the zoning, but they did not – they do not expect to be rewarded for that but do not want this to be held against them either.

Ms. Campos closed the public hearing

**Mr. Harkins moved to approve Z-2006-29. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

e. Z-2006-30

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Musgrave & Musgrave, LLP, agent Tal Fillingim of Jacob & Martin, Ltd., to rezone property

from AO (Agricultural Open Space) to RM-3 (Residential Multi-family) zoning district, located on the west side of Oldham Lane approximately 500 feet north of E. Industrial Boulevard. Legal description being 11.783 acres out of the Southeast Corner of Survey #62, Blind Asylum Lands, Abilene, Taylor County, Texas.

Gloria Brownell provided the staff report for this case. The request is to rezone 11.78 acres from AO to RM-3. The property was previously owned by Abilene State School, which has retained ownership of a small cemetery west of the request area. The Lytle Shores South residential subdivision and several acres of vacant General Commercial and Limited Commercial zoning are located directly to the east across Oldham Lane. The request area and the remaining portion of the tract to the north and west are currently vacant. Cisco Junior College is south of the tract across E. Industrial Boulevard.

The subject property was annexed in 1968 and has remained vacant since that time.

#### Current Planning Analysis

This property is located directly adjacent to an existing single-family residential subdivision. The applicant plans to construct duplexes, which will help to provide additional residential options near Cisco Junior College and expected non-residential development along Loop 322 in the future.

#### Comprehensive Planning Analysis

The Future Land Use portion of the Comprehensive Plan designates the intersection of Loop 322 and Industrial Boulevard (approximately 1500 feet away from the request area) as a Major Commercial/Business Activity Center. This designation expects large, possibly multi-story, retail and mixed-use developments that serve a larger population area than just the surrounding neighborhoods and encompass 60 or more acres. The proposed multi-family zoning would provide the first phase of transitional zoning between the established single-family neighborhood and the future high-traffic retail area.

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

Planning staff recommends approval of the request.

Ms. Campos opened the public hearing.

Mr. Tal Fillingim stated that Ms. Brownell basically explained the zone change request. Mr. Fillingim stated that the intent for area bound by Loop 322/Industrial Boulevard/and Oldham Lane is primarily for commercial use. The intent for this particular area is upper-end multi-family housing.

Ms. Campos closed the public hearing.

**Mr. Boykin moved to approve Z-2006-30. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther and McClarty) to none (0) opposed.**

#### Item Six                      Sidewalk Master Plan

Public hearing and possible vote to recommend approval or denial to the City Council on the proposed Sidewalk Master Plan and Ordinance.

Information regarding Sidewalk Design Standards was provided to the Commissioners prior to their meeting.

Jon James stated that one issue addressed by the Comprehensive Plan is the development of a more pedestrian friendly community. National Studies have indicated that people would prefer to walk and/or bike more; however, the number one reason for not doing this is the lack of save areas in which to do this. Mr. James stated that staff is looking at three ways to improve or increase the walkability of the City:

1. Updating of Street Standards
2. Investing in Transportation Improvements
3. Changing of Development Standards

Following the last Planning and Zoning Commission meeting, staff held three meetings with representatives of various interest groups. Based on feedback from these groups, staff revised some of the elements of this ordinance. The proposed Sidewalk Ordinance would replace the existing Sidewalk Master Plan. Some of the elements included in this Ordinance are:

1. Sidewalks would be required for all new development except local streets in rural subdivisions
2. Freeways without frontage roads would be exempt
3. Sidewalks would be required for redevelopment along all arterials, collectors and frontage roads
4. Sidewalks would be required for local streets except for local streets in existing single family neighborhoods without sidewalks
5. Areas zoned Industrial and Agricultural would be exempt
6. Staff proposes to allow waivers or deviations from the standards with the approval of the Planning Director and the City Engineer (Waiver would be the complete elimination of the requirement for sidewalk – Deviations would be from the minimum standards)
7. Sidewalk would be constructed in conjunction with the street for arterial or collector streets – on a local street, in a single-family neighborhood the sidewalk could be installed following the completion of the structure.

What triggers sidewalk requirement:

1. Any development that triggers street improvements – typically through plat
2. Any development requiring a site plan
3. Prior to the issuance of a Certificate of Occupancy

Another requirement is internal pedestrian circulation.

Design Standards:

1. Initially, five-foot minimum width – based on conversations with focus groups – staff revised the standards to allow four-foot sidewalks on local streets and single-family neighborhoods.
2. Sidewalk must be free of obstacles and encroachments
3. Sidewalks must be separated from curb on local and collector streets by three feet and on arterial streets by five feet.
4. Other applicable standards; e.g., ADA requirements and ASHTO

The Commission received a copy of the ordinance and the design standards. Mr. James stated that the ordinance is what this Commission will be voting on today to recommend to City Council. The Design Standards are the internal specifications – not formally adopted by the City Council – but utilized as an internal reference source for City Engineers and Planners and the Development Community.

Mr. McClarty stated that twenty years ago the City had a Sidewalk Master Plan and assumes that the City still has such a plan. Mr. McClarty stated that he has gone through this process with a number of developments and requested a variance so that this requirement did not have to be met (because the sidewalk would be in the middle of a street where there would be no sidewalk on either side). Mr. McClarty stated that he was in favor of this then and encouraged his clients to utilize this variance process. Mr. McClarty stated that now, 20 years later, he stated that he thought this was a mistake – sidewalks should have been required at the time of a development because the City would be that much closer to having a sidewalk system. Mr. McClarty stated that his stand regarding sidewalks has changed in the last 20 years and does not believe a developer should be given an “option” – sidewalks should be constructed with the development and within the costs of the initial development.

Mr. James stated that he wanted to make it clear that if there is a situation in which the development is putting up a financial guarantee for the street then the sidewalk would be included in this guarantee.

Ms. Campos opened the public hearing.

Mr. Ken Musgrave provided the following comments regarding sidewalks:

- Burden of additional cost onto a lot owner or the developer to put in a sidewalk that leads to nowhere for some length of time does not seem to make sense.
- In Abilene the type of soil causes the ground to frequently shift – and in short period of time the shifting of the soil will require repairs to the sidewalk
- Will homeowners be willing to pay for the sidewalk and the maintenance of sidewalks
- Requiring sidewalks for interior lots (infill development), will open us to a host of issues that may not have been thought through
- Sidewalks should be required on arterial streets that are in actual proximity to desired destinations

Ms. Vicki Anderson stated that her concern is building communities. There is a nationwide movement to build communities – how can this be accomplished if one neighbor cannot or is not connected to another. It is necessary to have some way of connecting one house to another house to become a community. Sidewalks are a necessity if the City truly wants to build neighborhoods into a community. Ms. Anderson stated that children do not walk to school today because of the lack of sidewalks. Ms. Anderson stated that she feels it is “our” responsibility to adopt a sidewalk ordinance and to make an effort, as a City, to connect our communities to each other. Ms. Anderson stated that “you have to start somewhere, and if not now, when?”

Mr. Brad Carter, President of the Cedar Creek Neighborhood Association, stated that sidewalks are an important part of a healthy community. Mr. Carter stated that sidewalks contribute to the physical, mental, social, and emotional health of all the citizens. Mr. Carter stated that sidewalks are an integral part of the street system and should not be a secondary consideration.

Mr. David Todd stated that he was a member of one of the focus groups that considered this issue. The issue that he brought up was placement of the sidewalk and how this will

interface with other City ordinances. Mr. Todd cited issues such as the drainage standards; the driveway policy; and placement of utilities in the right-of-way.

Mr. Paul Knippel, Director of Public Works, stated that the ordinance that staff has presented to the Commission for consideration addresses the “where and when” regarding the sidewalks. The “how” is contained within the Design Standards. This is a reference document to the ordinance. Design Standards are being developed and refined at this time.

Mr. Todd stated that if this item is going to be passed as an ordinance, it should be a “package” deal – design standards should be developed and what is wanted and needed prior to submission to the City Council.

Mr. Harkins stated that it appears that the Planning and Zoning Commission is acting on incomplete information – the design standards submitted to the Commission prior to this meeting are incomplete. He stated that he did not want to pass judgment on this document without complete information.

Mr. McClarty stated that he would like input from a civil engineer, developers, and others regarding design standards. Mr. McClarty stated that he would not have a problem passing the ordinance, with the statement that work is being completed on the design standards.

Ms. Campos asked Mr. McClarty is he was willing to make a motion to pass the Sidewalk Ordinance and hold off on the design standards until completed.

Mr. James stated that the Planning and Zoning Commission is not being asked to make a recommendation regarding the Design Standards. This document was provided for the Commission’s information. The only issue before the Commission today is the ordinance.

Mr. McClarty stated that he has not problem with this – he only wants to ensure that he is comfortable with the design standards before they become law.

Mr. James stated, again, the Design Standards will be developed in-house and will not be considered by this Commission. Mr. James stated that the development community can be provided with a copy of this document prior to the Design Standards going into effect.

Ms. Campos closed the public hearing.

**Mr. McClarty moved that the Commission recommend adoption of the Sidewalk Ordinance to the City Council. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Harkins, Long, Luther and McClarty) to none (0) opposed.**

**Item Seven: Director’s Report**

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

Mr. James stated that the Commissioners received a memorandum highlighting a couple of actions by the City Council:

- PDD at Oldham Lane and Loop 322 – Tabled by City Council – Staff met with the developer and neighborhood and came to an agreement. Staff brought the item back to the Council and the item was passed.

- Following the Community Appearance workshop held last month, an item was submitted to the Council to place a 180 day delay on the issuance of billboard permits. This item was passed by the Council. This will allow staff time to complete work on the ordinance.

b. Texas Chapter of the American Planning Association Conference information.

Mr. James informed the Commissioners that staff has requested an increase in the travel/training budget to enable two (2) Planning Commissioners to attend the State Planning Conference. This year the conference will be held in Corpus Christi, October 17-21, 2006. Mr. James asked the Commissioners to let him know if they are interested.

Ms. Campos reminded the Commissioners that there will be a special Planning and Zoning Commission meeting on July 17, 2006, at 1:30 p.m. in the City Council Chambers.

**Item Eight: Adjourn**

There being no further business, the meeting was adjourned at 4:50 p.m.

Approved: \_\_\_\_\_, Chairman