
PLANNING & ZONING COMMISSION

January 2, 2007

Minutes

Members Present: Ovelia Campos
Eddie Boykin
Fred Famble
Jack Harkins
Lydia M. Long
Tim McClarty

Members Absent: Jeff Luther

Staff Present: Jon James, Director of Planning and Development Services
Dan Santee, Interim City Attorney
Ed McRoy, Assistant Director of Planning and Development Services
Jeff Armstrong, Development Services Manager
Gloria Brownell, Planner II
JoAnn Szech, Executive Secretary (Recording)

Others Present: Bill E. Cox
Jim Tallant
Sam Daggubati
Jared & Julie Murnin
Tal Fillingim
Rick Milne
John Downs
Michael Schultz
Glenda Watts
Audrey Perry
Sam Earp
Lana Tripp
John Imman
Ken Musgrage
Eddie Chase
Josh Ensor
Danial Mason
Bob Hammond

Media Present: Sarah Kleiner-Varble, Abilene Reporter-News.

Item One: Call to Order

Ms. Campos called the meeting to order at 1:30 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 of Minutes

Ms. Campos noted one correction to the minutes: Page 2, paragraph 4, should read: “Mr. McClarty moved to deny Item c.”

Mr. Boykin moved to approve the minutes of the December 4, 2006, meeting as corrected. Mr. McClarty 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., and f.). Ms. Brownell stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements.

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. Harkins moved to approve Items a., b., c., d., e., and f. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Famble, Harkins, Long, and McClarty) to none (0) opposed.

Item Five: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Section 23-313.2.C of the Zoning Ordinance regarding setback requirements adjacent to collector streets.

Gloria Brownell provided the staff report for this item. The current setback requirement for most properties adjacent to collector streets is 30 feet. Staff proposes to reduce this setback requirement to 20 feet in RS-6 and RS-8 zoning districts for both front and exterior side setbacks. An existing exception for these zoning districts allows only 20’ front and 15’ exterior side setbacks when properties are adjacent to local or subcollector streets.

Setback requirements in general are one of many things being considered for revision for the Land Development Code. However, this particular item is being proposed at this time due to the construction of a number of residential subdivisions along collector streets. This amendment would allow a more consistent appearance throughout these neighborhoods and create additional buildable area on the lots adjacent to collector streets.

Staff recommends approval of the proposed amendment.

Mr. Harkins asked why a 15 foot side setback was not recommended.

Ms. Brownell stated that this was considered and staff would not be opposed to a 15 foot side setback; however, the 20 foot setback would provide consistency of setback requirements.

Mr. Armstrong stated that the 20 foot setback would allow sufficient space for a vehicle to exit a garage without entering the right-of-way and provide for visibility.

Ms. Campos opened the public hearing and asked if anyone wished to speak regarding the Ordinance amendment being presented for approval. No one came forward and the public hearing was closed.

Mr. McClarty expressed concern regarding the 20-foot setbacks in RS-6 zones. Mr. McClarty stated that the 20-foot setback in the front is acceptable; however, the side setback of 20 feet seems excessive. RS-6 lots need as much land as possible to build and expand.

Jeff Armstrong stated that the proposed setbacks (front and side) would allow for alignment of the homes fronting different streets.

Jon James stated that the setbacks apply to collector streets only – not on local streets.

Mr. McClarty moved to approve the ordinance amendment as proposed by staff with front and side 20-foot setbacks. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Famble, Harkins, Long, and McClarty) to none opposed.

Item Six. Rezoning Requests

a. Z-2006-44 (Tabled on December 4, 2006)

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Sam Daggubati, M.D., to rezone property from RS-6 (Single-family Residential) to PDD (Planned Development District) zoning, located at 2002 Jameson Street. Legal description being part of Block 1, J.B. Collins Subdivision of the North Park Addition, Abilene, Taylor County, Texas.

Mr. Harkins moved to remove this item from the table. Mr. Boykin seconded the motion and the motion carried unanimously.

Jeff Armstrong provided the staff report for this item. As presented in the December Planning and Zoning Commission meeting, Mr. Armstrong reiterated that this property is the site of a former elementary school and was recently purchased by the applicant from the Abilene Independent School District. The property has streets on all four sides; I-20 is to the north (freeway with frontage road), Old Anson Rd. is to the west (arterial), Jameson St is south (local) and Victoria is east (local). The buildings are all located on the eastern half of the property. The parking lot is located at the east end of the property with one driveway onto both Jameson and Victoria Streets. There is also head-in diagonal parking along both Jameson and Victoria Streets. The western half of the parcel is open space with an oval running track. The entire property is within the 100-year floodplain.

Since the original submission date, the ordinance has been changed to require parking to meet the minimum requirements of the Zoning Ordinance for uses established on the property. In addition, it allows the existing on-street diagonal parking to count toward the requirement. The ordinance also prohibits the construction of new parking until the requirement for the on-site uses exceeds the amount of existing parking. Once new parking is added to meet the requirement, the number of excess spaces may not be more than 10% of the total spaces required by the Zoning Ordinance.

The applicant is proposing the establishment of an Indian cultural center that would include various products and services related to the culture of India, including a Hindu Temple, food, and a museum. Existing facilities such as the gymnasium would be made available for organized children's and youth activities. Reuse of the property would benefit the neighborhood by continuing to have an occupied viable structure as opposed to vacant buildings and property that deteriorates over time.

The PDD is designed to utilize the existing buildings and to maintain existing green spaces. Much of the west half of the property would not be used. If in the future uses for the undeveloped portions of the property were to be identified, a request to amend the PDD could be made. The PDD has several

provisions that are consistent with other recent PDDs, including prohibitions on outdoor storage and certain types of signage, limitations on fencing materials, and provisions for signage. A plan of the site indicating existing buildings and proposed use of the buildings was provided for the Commissioners. One of the proposed uses, a free medical clinic, is not included in the permitted uses for this PDD and, if approved, would need to be added. Also, a Street Use License would be required to utilize all existing street parking. An 8,000 square foot area located off Jameson Street has been designated for future parking.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were returned in favor and three (3) in opposition.

Staff recommends approval of this request with the addition of Medical Offices to the Permitted Uses in the PDD.

Mr. Boykin stated that in the PDD on Page 9, Part 4 of his ordinance the zoning is indicated as SC to PDD.

Mr. Armstrong stated that SC is incorrect and this PDD ordinance will be corrected prior to the information being submitted to the City Council.

Dr. Long stated that Medical Office is not listed on the Permitted Uses for this PDD; however, there are a number of other uses included and asked if the buildings could be utilized for these other uses.

Mr. Armstrong responded that other uses would be allowed; however, the ordinance could be adopted with the graphic submitted by the proponent as Exhibit A. In that way, the uses indicated on the buildings would have to be developed in that manner.

Ms. Campos opened the public hearing.

Dr. Sam Daggubati stated that he felt it his duty to give back to his community. The Cultural Activity Center for the Indian community would include a free medical clinic (opened to everyone in the City) and this is one way of contributing to this community.

Dr. Dagubati stated that he has been speaking with residents in the neighborhood and has not met with objections from area residents. Any profits received through the Cultural Center will be put back into the Community.

Ms. Campos stated that her main concern is the "restaurant." Ms. Campos asked the hours of operation for the restaurant.

Dr. Daggubati responded that, currently, the restaurant will be open only on weekends.

Mr. Boykin asked for an explanation of "prohibited signs-off site advertising."

Mr. Armstrong stated that this refers to billboards that advertise other businesses on the site.

Ms. Campos asked about the bed and breakfast use.

Dr. Daggubati responded that a bed and breakfast facility is planned for out of town visitors.

Dr. Long stated that she is excited about the reuse of these buildings; however, is concerned about the impact on the residential neighborhood, i.e., traffic once the shops, restaurant, and clinic are in place.

Mr. Harkins stated that the traffic for this facility will be much less than it was when the facility was a functioning school. It will be a different type of traffic, more sporadic, but not as heavy as school traffic.

Ms. Campos stated that this is a good use for the area and only three (3) comment forms were returned in opposition indicating that the proposed use will not be a major concern to the residents.

Mr. Sam Earp, Pastor, North Park Assembly of God Church, located across the street from the proposed facility stated that he is not opposed a free clinic or shops and does not see why this would create a traffic situation greater than when the building was utilized for a school. Pastor Earp stated that he and his congregation would prefer the buildings be utilized rather than allowed to fall into ruin. Pastor Earp stated that on behalf of himself and those members of his congregation with whom he has spoken they are not objecting to this project.

Ms. Campos closed the public hearing.

Dr. Long expressed concern regarding a restaurant on the site.

Mr. James stated that if the Commissioners would feel more comfortable with making the graphic provided by Dr. Daggubati an exhibit or site plan to the Planned Development District ordinance, i.e., development must occur as it appears on the exhibit, this could be a part of the Commission's recommendation.

Mr. Armstrong stated that if the Commission is concerned that this would be too explicit, flexibility could be provided by stating uses not allowed in this PDD.

Dr. Long stated that she feel the permitted uses should be more concise.

Mr. Harkins moved to approve Z-2006-44 with the following conditions:

- 1. Add medical use or medical clinic to the Permitted Uses**
- 2. Graphic added as an exhibit to the PDD as a general guideline**
- 3. Add cafeteria/restaurant (for clarification purposes)**
- 4. Youth organization/center could be located with the current gym**
- 5. Future Use could be reworded to Future Use/Bed and Breakfast**
- 6. Add after the Off Street Parking and Circulation heading "existing on-street angle parking may be counted toward parking requirement if (or when) Street Use License is granted."**

Mr. Armstrong asked for clarification on the following points:

- 1. Adopt the graphic as an exhibit to the PDD ordinance**
- 2. Uses not show on the graphic but listed in the text should be reflected on the graphic in some manner (future use in the gym could include any of the permitted uses)**

Mr. Santee asked if the intent of the Commission is for the proponent to amend the PDD if they wish to utilize a building for something other than listed on the exhibit.

Mr. Harkins stated that he felt this would be fine – he did not see anything wrong with a PDD amendment if the use is placed in a totally different location than indicated on the current plan.

Mr. McClarty seconded the motion and the motion carried with the conditions listed by a vote of six (6) in favor (Boykin, Campos, Famble, Harkins, Long, and McClarty) to none (0) opposed.

b. Z-2007-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Amarillo Street Historic District Committee to apply Historic Overlay zoning to create a historic district, located along the east and west sides of Amarillo Street between S. 6th and S. 14th Streets, and along the west side of Meander Street between S. 6th and S. 7th Streets. Legal description being Block H, H. Ward Subdivision; Blocks C and 7-9, and the western halves of Blocks 4-6, Alta Vista Addition; the western half of Block 1, McMurry Heights Addition; the western half of Block 13, B. Austin Subdivision; Lots 1-8 and 13-16, Block C, the western halves of Blocks C, E, G & J, and the eastern halves of Blocks A, B, D, F, & H, Continuation 5, Highland Addition; and the north 156.5 feet of the east 135 feet of the west half and the north 156.5 feet of the west 140 feet of the east half of Lot 1, the south 156.75 feet of the eastern 140 feet of the western half and the south 156.75 feet of the western 140 feet of the eastern half of Lot 8, Block 3, B. Austin Subdivision, Abilene, Taylor County, Texas.

Larry Abridg provided the staff report for this case. Staff has received a request for Historic District Zoning along Amarillo Street from South 6th to South 14th Street. On December 19, 2006, the Landmarks Commission voted (by a vote of 5 to 1) to send this request on the Planning and Zoning Commission. At this point, because to the 5 to 1 vote, staff is recommending that this issue be sent back to the Landmarks Commission for further consideration. There are specific reasons for this request:

1. Staff would prefer to have all seven Landmarks Commissioners present. The ordinance states that six votes are required for a district. With the current Landmarks Commission vote, some areas would be excluded from the district.
2. Contributing and Non Contributing Properties – Some members of the Landmarks Commission asked for more detail regarding the method utilized by staff to determine the contributing and non-contributing properties.
3. Design Standards – This information was distributed at the Landmarks Commission meeting; changes were made; and, the applicant and Landmarks Commissioners did not have an opportunity to review the changes prior to the meeting.
4. The applicant has an interest in sending this request back to the Landmarks Commission for further study.

Staff's recommendation is to open the public hearing to receive input from the applicant and others in attendance to determine if they concur with staff's recommendation of sending this request back to the Landmarks Commission. If the Planning and Zoning Commission decides not to sent this back to the Landmarks Commission, Mr. Abridg requested the opportunity to present a full staff recommendation to the Planning and Zoning Commission.

Ms. Campos opened the public hearing.

Mr. Jim Tallant stated that he resides in this historic area and the neighborhood is very special to its residents. It is a historically and culturally important part of this city. Currently, seven (7) properties on Amarillo have Historic Overlay Zoning. Mr. Tallent stated that the neighborhood has been empowered by the Comprehensive Plan and the Historic Plan to take this type of action. If the entire neighborhood is unified the chances of survival and viability of the neighborhood are greatly enhanced. The neighborhood began meeting in 2004 in an attempt to revitalize the neighborhood and avoid decline of the neighborhood. Mr. Tallant stated that it is his recommendation that this request be reconsidered by the Landmarks Commission. Mr. Tallant stated that 16 properties opposed the district and 45 were in favor

of the district. The district designation will provide control regarding architectural style for existing and future structures.

Mr. Bill Cox stated that he is a member of the committee that has met for the past two years tasked with developing a recommendation for a historic district. Mr. Cox stated that he agrees with Mr. Tallant – this issue should be sent back to the Landmarks Commission for further consideration.

Mr. Bill Minter, Executive Director of the Abilene Preservation League, stated that he made the motion to go forward with the historic district at the Landmarks Commission meeting. Mr. Minter stated that he agrees with Mr. Tallant and Mr. Cox that if this Commission determines that further study is warranted, it would be agreeable with him. If approved, this will be Abilene’s first historic district. Mr. Minter stated that in the future, this district will be a very successful example of in-town reinvestment and historic preservation.

Ms. Campos closed the public hearing.

Mr. Boykin commended this group for the work they have done and the Planning and Zoning Commission needs to do everything possible to accommodate them.

Mr. Boykin moved to resubmit Z-2007-01 to the Landmarks Commission for further study and consideration with the direction to consider the following concerns:

Prior to voting, Dr. Long asked for clarification regarding the following issues and that these issues be addressed by the Landmarks Commission:

- Contributing and Non Contributing properties
- Nuisance and property maintenance standards (90 day correction issue – Mr. Abrigg stated that staff will work with the residents to correct these conditions)
- Design Standards enforcement

These issues will be enforced by the Community Enhancement Division (Code Enforcement Officer); Planning and Development Services (Zoning Enforcement); a Design Review Committee appointed by the Chairman of the Landmarks Commission (member of the Landmarks Commission and residents of the neighborhood); and District Standards enforced through a Certificate of Appropriateness process.

Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Famble, Harkins, Long, and McClarty) to none (0) opposed.

c. Z-2007-02

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Town & Country Food Stores, agent Randy Brooks, to rezone property from AO (Agricultural Open Space) to PDD (Planned Development District) zoning, located at 6165 Hartford Street. Legal description being the 2.227 acres out of Block A, C. B. Allen Subdivision, Abilene, Taylor County, Texas.

Jeff Armstrong presented the staff report for this case. This request is to rezone 2.227 acres from AO to PDD-118. The parcel is currently vacant and is located across from the main gate to Dyess Air Force Base. A third street, Inwood Dr. runs along the south side of the property. However, Inwood Dr. is only partially dedicated and is unimproved.

The area was annexed in 1959 and has remained AO since that time. The property across Hartford St. to the north of the request was rezoned to PDD-55 in 1994. The time frame for development of PDD-55 expired and the item was considered for rezoning back to the previous zoning in 2003. However, the Commission and City Council voted to keep the existing PDD, primarily for the benefit of protecting the character of properties near the main gate to Dyess. Four other PDDs have been approved along the Dub Wright/Arnold Blvd. corridor since 2004. The proposed PDD is consistent with the most recent PDDs.

The applicant proposes to construct a convenience store with gasoline pumps and a separate car wash structure. The proposed PDD would provide landscaping, flexible setbacks based on parking lot location, screening and limitations on building materials, signage and driveways.

The Thoroughfare Plan and the Dyess Area Land Use Plan of 1985 both recommend the use of PDDs to provide quality development along this corridor, particularly due to this area leading to the main gate of Dyess Air Force Base. All rezoning requests except for two between U.S. Highway 277 and U.S. Highway 84/West Hwy 80 along the Dub Wright/Arnold Blvd. corridor have been approved as PDDs in the last 20 years, the two exceptions being commercial development at the corner of Highway 277 and Dub Wright Blvd.

Property owners within 200 feet of the rezoning request were notified. Two (2) comment forms were returned in favor and one (1) in opposition (concern regarding increase in traffic). Planning staff recommends approval of this request.

Ms. Campos opened the public hearing.

Mr. Rick Milne with Town and County Food Stores stated that he will answer questions the Commissioners may have about this project. Mr. Milne stated that they have been working with the City and Dyess AFB to develop this PDD.

Mr. Michael Schultz, Deputy Base Civil Engineer at Dyess AFB, stated that he not be speaking for or against this particular zoning proposal. His purpose at this meeting is to offer up some questions, concerns, suggestions and requests. Mr. Schultz stated that one concern is traffic flow in this area. The original plan view by Mr. Schultz indicated driveways off Hartford Street and Inwood Drive, if this has changed, it might be more of a concern for Dyess. Mr. Schultz requested information regarding the number of gas pumps; if there will be a carwash and its location; will there be convenience items only or will there be branded food services; will laundry services be provided; orientation of the building; lighting; and architectural compatibility with the base.

Ms. Campos asked Mr. Milne if he had any comments regarding the façade of the building, i.e., are you willing to follow the architectural style and building materials present in the area.

Mr. Milne stated they currently utilize a block fascia building materials in a two-tone material that covers the entire structure. Mr. Milne stated that eight (8) gasoline dispensers are proposed for this location. Mr. Milne also addressed lighting and signage. Mr. Milne stated that his company is attempting to capture existing traffic and property is purchased based on existing traffic counts. Mr. Milne stated that access for this business off Dub Wright Boulevard will be dictated by TxDOT.

Mr. Schultz used the Shell Service Station off Loop 322 (Lone Star Addition) as an example of the utilization of generic “fake” rocks that would be more architecturally compatible with materials currently utilized in this area.

Mr. Milne stated that that they have utilized other materials recently and would be amenable to utilizing materials that would match the materials in this area.

Ms. Campos closed the public hearing.

Mr. McClarty moved to approve Z-2007-02 (PDD Ordinance as submitted to the Planning and Zoning Commissioners in their packet). Mr. Boykin seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Campos, Famble, Harkins, and McClarty) to one (1) opposed (Long).

a. Z-2007-03

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Dudley Mason, agent David Todd, to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to GC (General Commercial), LC (Limited Commercial), and O (Office) zoning, located on the west side of US 83-84 approximately 580 feet north of Beltway South. Legal description being 9.1 acres out of the Northeast Quarter of Survey No. 23, Lunatic Asylum Lands, Abilene, Taylor County, Texas.

Jeff Armstrong presented the staff report for this item. The request is to rezone 9.1 acres from AO and GC to GC, LC, and O or PDD. The parcel is currently vacant. The south approximately 170 feet is zoned GC. The rest of the parcel is zoned AO. There is a small pond on the property. The parcel is between U.S. Highway 83/84 to the east and a residential subdivision along a portion of the west. To the north and northwest are large tracts of land, some of which have houses on them. To the south is a vacant GC parcel at the corner of Hwy 83/84 and FM 707.

The area was annexed in 1980 and much of the subject parcel has remained AO since that time. The property at the corner of Highway 83/84 and FM 707 was rezoned to GC in 1984 which includes the south 170 feet of the subject parcel. The only portion of the GC property that has been developed is an area now part of the Skyline Estates Subdivision that has been developed with single family residences.

The applicant wants to develop the area with a combination of retail and office uses. However, much of it is speculative, including the layout of the development. The applicant would prefer zoning that is GC for the south 300 feet, LC north from the GC for 234 feet and O for the northern 288 feet. Another option would be to rezone the parcel to PDD and allow GC or SC uses on the southern portion of the property and LC uses on the northern part. Depending upon how the property develops, the subdivision regulations may require an east-west street that would stub out at the western property line. Such a street would be a logical dividing line separating types of permitted uses.

This property is along an entryway to the City of Abilene. The Comprehensive Plan identifies this area as an entryway and recommends development that would create a positive image of the City through appearance standards. The ACE Report also supports creating a positive image of the city at its gateways. Currently, PDD zoning is the only tool that can accomplish this. However, when the City adopts comprehensive community appearance standards, there likely would be no need to do a PDD – standard zoning would be sufficient.

Decreasing the intensity of uses farther north on the property provides an appropriate transition from the GC areas at the intersection of Hwy 83/84 & FM 707 to sparsely developed areas to the north.

Property owners within 200 feet of the rezoning request were notified. No comment forms were returned either in favor or in opposition of the request. Planning Staff recommends a PDD to protect the entryway, consistent with recommendations of the Comprehensive Plan. However, there are no plans from which to

develop a PDD ordinance. If it is the Commission's preference to rezone this area to PDD, staff would recommend that this item be tabled to allow more time to work with the applicant to develop a plan. Staff has discussed this with the applicant's agent.

If the Commission is inclined to recommend approval of standard zoning, staff would recommend that the zoning be as described in the "Current Planning Analysis" of this report except that staff would recommend that the southern portion be zoned SC rather than GC.

Mr. McClarty stated with the last zoning case, this case was tabled three time in order for the Commission to receive a specific plan and uses for the area. Mr. McClarty stated that what he is hearing at this meeting regarding this case is that it is unknown as to future development and/or uses on this parcel.

Mr. Armstrong stated that staff certainly would not suggest that the Planning and Zoning Commission consider a PDD at this meeting. Only the standard zoning is before this Commission today and this is the request on which the Commission can take action. The Commission has the option of tabling this item and recommend that the proponent come back with a PDD or deny the standard zoning.

Mr. Harkins asked if the need exists if the requested LC zoning is eliminated and the area is rezoned to SC.

Mr. Armstrong stated that the SC zoning would allow more uses than the LC zoning category. Mr. Armstrong stated that the current request places the most intensive zoning next to an existing subdivision. One of the advantages of SC zoning is its compatibility with the residential development and would provide screening and greater setback requirements.

Mr. McClarty stated that it seems that for the last six to eight months there have been many PDD ordinances. Mr. McClarty asked if it is staff's consensus that the general public will be steered toward PDDs until a new zoning ordinance is in place (including appearance codes).

Mr. Armstrong responded that the trend to PDDs began a couple of years ago as the Comprehensive Plan was being developed. Mr. Armstrong stated that in today's particular situation (zoning case) the Community Appearance Code would help staff feel better about standard zoning at this location even without the remainder of the Land Development Code because the quality of development would be held to a certain level.

Mr. McClarty asked for a timeframe for the development of the Zoning Ordinance.

Mr. Armstrong stated that work progresses on this issue. The Community Appearance portion of the Land Development Code might satisfy some of these issues.

Jon James stated that a draft Landscape and Urban Design Ordinance has been developed and was considered by this Commission (the Commission tabled this item). The reason for tabling the item was to appoint a Landscape and Urban Design Review Committee to review the ordinance. This Committee has met once and this might be an appropriate time to ask the Commission how quickly they would like for staff to resubmit this item for the Commission's consideration. Mr. James stated that staff would like to give some direction to this Committee regarding an "end date."

Mr. McClarty stated that he was appointed to this Review Committee and would recommend that the Committee complete its review in 30 days. The PDDs that are being created now are inconsistent and it is important to have zoning consistency throughout the city.

Mr. James stated that staff and the Planning and Zoning Commission has discussed utilizing a second meeting each month (on the third Monday) to discuss issues such as this. Mr. James asked the Commissioners if they would feel comfortable with staff directing the Review Committee to complete reviewing this issue so that this item could be placed on the agenda for the second Commission meeting in February.

Mr. McClarty stated that the Commission and staff should do everything possible to complete the zoning ordinance.

Ms. Campos stated that she felt the Commission is comfortable with Mr. James directing the Review Committee to complete their review as soon as possible.

Regarding this case, Ms. Campos stated that she feels this case should be a PDD because the Commission has nothing concrete as to what businesses will be placed on this parcel of land and due to the fact that this parcel is located on an entryway.

Mr. Campos opened the public hearing.

Mr. David Todd stated that he has been in business in Abilene since 1979 and has watched the City do this “contract” zoning since that time. Mr. Todd stated that he believes this to be a travesty that the City has not moved forward – trying to protect the entryways. Mr. Todd stated that contrary to popular belief, some developers really do not know what they want to do with a parcel of land – they zone it to sell it, develop it, or simply may not want the owner or purchaser publicly known. Mr. Todd stated that if the City cannot do regular zoning then we should get rid of it. Mr. Todd stated that he has represented developers who have had PDDs approved by the Commission and the City Council who have no idea what they have agreed to do. Mr. Todd stated that the only reason for proceeding through this process is to sell some of their property. Mr. Todd stated that initially PDDs were set up with a specific site plan and to do something different from normal zoning.

Regarding the case before the Commission today, Mr. Todd stated that the developer he is representing does not know at this time how he want to develop the area.

Mr. Harkins asked if SC zoning for the remainder of the property meet the developer’s needs.

Mr. Todd asked if the proposal is that the GC and LC zoning be replaced with SC zoning and leave the O zoning as it is at present. If this is the case, Mr. Todd responded that he felt this would be acceptable.

Mr. Glenda Watts stated that she is not opposed to development; however, when a zone change request is received without any plan as to how the property will be developed, she is opposed to this. Ms. Watts asked that the Commission limit uses in the area. Ms. Watts also expressed concern about increased traffic in the area.

Mr. McClarty stated that use is limited by the zoning (the back portion of the property will be utilized for an office).

Ms. Julie Vernon expressed safety concerns regarding the type of business that will be placed on the property in close proximity to her residence (office use vs. residential use)

Ms. Campos closed the public hearing.

Mr. Harkins stated that from what he has learned at this meeting, the proponent cannot do a planned development district (PDD) without doing a very general one, to which he would be opposed. Mr. Harkins stated that it appears that the only option remaining for the Commission is standard zoning.

The Commissioners asked for the permitted uses for Shopping Center and Office zoning districts prior to voting. Staff provided this information.

Mr. McClarty stated upon reviewing the permitted uses in these zoning categories, it is easy to understand that zoning is in favor of a developer or someone trying to sell their land, because there are many people to whom the property may be sold (for many different uses). This is unlike a PDD where specific uses are addressed as well as other zoning issues. Mr. McClarty stated for this reason, the Commission must go back to utilizing standard zoning rather than PDDs.

Mr. McClarty moved that the first (southern) 600 feet be zoned SC (Shopping Center) and the remainder be zoned O (Office). Mr. Boykin seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Campos, Famble, Harkins, Long, and McClarty) to none opposed.

e. Z-2007-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Musgrave and Musgrave, LLP, agent Tal Fillingim of Jacob & Martin, Ltd., to rezone 10.22 acres from AO (Agricultural Open Space) to PDD-115 (Planned Development District) zoning, located at the north end of Liberty Boulevard and Trenton Drive. Legal description being 10.22 acres out of the Southwest Quarter of Survey No. 21, Blind Asylum Lands, Abilene, Taylor County, Texas.

Gloria Brownell presented the staff report. The request is to rezone 10.2 acres from AO to PDD-115. The parcel is currently vacant and is the northern extension of the existing Heritage Parks Subdivision.

The area was annexed in 1980 and 1982 and has remained AO since that time. The area directly south of the request was rezoned to PDD-115 in October 2006. The Planning and Zoning Commission recommended approval of RS-6 zoning, but the applicant amended his request to PDD before the item was considered by the City Council. The PDD ordinance allows development to RS-6 standards with the exception of a 10' setback reduction along Liberty Boulevard and elimination of the sidewalk requirement.

The applicant proposes to extend the existing residential development further to the north. The proposed section is a small portion of a larger development that has slowly developed since 1983. The request to rezone the 10.2-acre portion for residential uses is consistent with the long-term plans for the area.

The Future Land Use section of the Comprehensive Plan calls for residential development in the area surrounding the request. The proposed portion is adjacent to developed single-family homes on two sides, which makes it undesirable for a more intensive type of development.

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 did not make a formal recommendation regarding this request.

Mr. James stated that this item was considered by the Planning and Zoning Commission and recommended approval of RS-6 zoning. Following action by this Commission (approval of RS-6 zoning), the applicant appeared before the City Council and requested a PDD that would waive the sidewalk requirement and modify the setbacks. The City Council approved a PDD for that purpose. Mr.

James stated that it is his understanding that the City Council's intent was that a PDD be created that could be expanded for future sections of this development (as indicated on a preliminary plat that has since become invalid due to changes to the plat) as being requested today.

Mr. Harkins stated that the Commission can extend or amend the PDD until development documented in the original preliminary plat is completed. Future development in this area (outside the PDD) will require the area to be platted and will trigger the sidewalk requirement.

Ms. Campos opened the public hearing.

Mr. Tal Fillingim stated that the preliminary plat for this area was approved in the early 1980s for an area north and east of this PDD. Mr. Fillingim stated that there is a master plan for the area and the development currently proposed is consistent with this master plan. The change to the preliminary plat determined by staff to be a significant change (which caused the preliminary plat to be null and void and required a preliminary development plan each time a new section was developed) was essentially created by having to end Valley Forge at a specific point, improve a drainage problem, and the installation of a drainage ditch to the north. Mr. Fillingim stated that it is the proponent's intent to expand the PDD as future sections are developed.

Mr. Ken Musgrave stated that 300 acres remain in Heritage Park for development. This area will be "grandfathered" and sidewalks will not be required. Future development will fall under a new set of rules and regulations. Mr. Musgrave stated that following the adoption of the Sidewalks Regulations, he was informed that due to variations from the development master plan for Heritage Parks sidewalks would be required. Mr. Musgrave stated that he met with the City staff, the City Manager, the City Secretary and the Mayor concerning this issue and interpretation of the regulations. Mr. Musgrave stated that this type of rezoning request was suggested as a means for development following the regulations in place when the original plan was submitted.

Ms. Campos closed the public hearing.

Mr. Boykin moved to approve the planned development district (PDD) for case Z-2007-04. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Campos, Famble, Harkins and McClarty) to one (1) opposed (Long).

f. 2007-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Musgrave and Musgrave, LLP, agent Tal Fillingim of Jacob & Martin, Ltd., to rezone 14.4 acres from AO (Agricultural Open Space) to RM-3 (Multi-family Residential) zoning, located at the northwest corner of E. Industrial Boulevard and Oldham Lane. Legal description being 14.4 acres out of the Southeast Quarter of Survey No. 62, Blind Asylum Lands, Abilene, Taylor County, Texas.

Gloria Brownell presented the staff report. The request is to rezone 14.4 acres from AO to RM-3. The property was previously owned by Abilene State School, which has retained ownership of a small cemetery southwest 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 located south of the subject tract across E. Industrial Boulevard.

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

This property is located across Oldham Lane from 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 the expected non-residential development along Loop 322 in the future.

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. One (1) comment form was received in favor of the request and none (0) were received in opposition. Planning staff recommends approval of the request.

Ms. Campos opened the public hearing

Mr. Tal Fillingim stated that this rezoning request is to accommodate future duplex development. The Commission reviewed this rezoning request several months ago and the project ceased. The project is now back on track and the approval of this Commission is being requested.

Ms. Campos closed the public hearing.

Mr. Harkins moved to approve Z-2007-05. Dr. Long seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Campos, Famble, Harkins, and Long) to none (0) opposed.

Item Seven: Discussion Item

Capital Improvement Program Workshop

Gloria Brownell provided information regarding the Capital Improvement process – what the CIP process is designed to accomplish and the Planning and Zoning Commission’s role in this process. Staff will be presenting a draft of the CIP in February for this Commission’s consideration.

This information included the following information:

- Definition – CIP (involves three elements: Cost/Life Expectancy/Actual Improvement)
- Purpose – Prioritize projects and Coordinates financing
- Method of Planning
- Efficient Means of Providing Public Facilities
- Utilizes Limited Financial Resources
- Overview of Process

This information will be provided to the Planning and Zoning Commission for review and forwarded to the City Manager with the Commission’s recommendation. Staff asked for direction regarding a second meeting in the month of February for review of this information.

Mr. Harkins stated that the easiest way for him to review this information, since 80-90% of the projects were reviewed last year, is to review changes, i.e., what is different.

Ms. Brownell stated that there were a few major changes and she will prepare a memorandum to the Commissioners highlighting major changes to the CIP from what was presented to the Commission last year.

Item Eight: Director's Report

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

Commissioners were provided with a memorandum outlining final decisions by the City Council on recommendations from the Planning and Zoning Commission.

The second meeting of the month for the Planning and Zoning Commission in February will be held on February 19, 2007, at 5:30 p.m.

Mr. James introduced the new Assistant Director of Planning and Development Services, Mr. Ed McRoy.

Item Nine: Adjourn

There being no further business, the meeting was adjourned at 4:55 p.m.

Approved: _____, Chairman
