
PLANNING & ZONING COMMISSION

April 7, 2008

Minutes

Members Present: Bruce Bixby
Ovelia Campos
Fred Famble
Lydia M. Long
Clint Rosenbaum
David Todd

Members Absent: Tim McClarty

Staff Present: Jon James, Director of Planning and Development Services
Richard Burdine, Assistant City Manager
T. Daniel Santee, City Attorney
Don Green, Director of Aviation
Edward S. McRoy, Assistant Director of Planning and Development Services
Ben Bryner, Planning Services Manager
Matt Jones, Planner I
Zack Rainbow, Planner I
JoAnn Szech, Executive Secretary, Recording

Others Present: Charles Scarborough
Raymond McNutt
Glenn Galle
Ken A. Smith
James Griffith
Roxy Cox
Bill E. Cox
Charles Shoemaker
Edithlyn Deichmann
Willis W. Deichmann
Norma Hackman
Marcus Mullings
Kenneth Killian
Bill Brackett
Sam Moore
John Elstrom
Jack & Ruby Yates
Seymour Beitscher
Allen R. Woody
John Downs
Holli Adams
Carl Keike
Chris Westbrook
Blake Howard

Janice Murray
Laura Moore
Tim Tallant
Everett Ferguson
Sammie L. Harrison
Janice Merryman
Tommy Downing
Patsy J. Ivery
Jerry Hallmark
Eddie Chase
Robert O. Briley
Audrey Perry

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

Ms. Campos gave the Invocation.

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

Item Three: Approval of Minutes

Mr. Bixby moved to approve the minutes of the February 25, 2008, Planning and Zoning Commission meeting as submitted. Mr. Famble seconded the motion and the motion carried unanimously.

Mr. Rosenbaum moved to approve the minutes of the March 3, 2008, Planning and Zoning Commission meeting as submitted. Mr. Todd seconded the motion and the motion carried unanimously.

Item Four: Plats

Zack Rainbow presented information regarding plats listed on the agenda. Six (6) plats are listed on the agenda; however, only three are complete and are being submitted for consideration by the Commission. Mr. Rainbow stated that staff is recommending approval of items a., b., and c., as these plats as all meet Subdivision Regulation requirements. Items d., e., and f. are incomplete and staff is recommending denial of these plats.

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

Mr. Bixby moved to approve MRP-0708, MP-1008 and MRP-1308. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, Rosenbaum and Todd); one (1) abstention on Plat MRP-0708 (Todd); and, none (0) opposed.

Dr. Long moved to deny MP-1408, MRP-1508, and FP-1608. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, Rosenbaum and Todd) to none (0) opposed.

Item Five: Rezoning Requests

a. Z-2008-06

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Javier Alanis to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 3801 & 3865 Sharon Road.

Dr. Long moved to remove this item from the table. Mr. Bixby seconded the motion and the motion carried unanimously.

Mr. Matt Jones presented the staff report for this case. The subject parcels total approximately 0.58 acres and are currently zoned AO (Agricultural Open Space). One of the parcels is undeveloped and the other parcel has a metal building constructed on it. The adjacent properties have AO (Agricultural Open Space) zoning to the north, south, and east, with PDD (Planned Development District) zoning to the west.

The area was annexed in 1986 and zoned AO (Agricultural Open Space). Since the property has not been developed it has remained AO (Agricultural Open Space) since it was annexed.

Currently the properties are zoned AO (Agricultural Open Space) and are used as such. The surrounding uses are all compatible with the current zoning. The applicant wishes to use the property for a landscaping business and for temporary parking of work trucks and trailers.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a low-density residential neighborhood. The requested GC (General Commercial) would not be compatible with the future plans. Transitional zoning should be used to prevent more intensive commercial uses from the residential uses planned for this general area in the Comprehensive Plan. Sharon Road is also shown on the Thoroughfare Plan to continue to the south to intersect with Rebecca Lane, which when connected with local streets would create a residential area compatible with the Comprehensive Plan. Even if this area is deemed appropriate for commercial use, GC (General Commercial) is too intensive and a less intensive zoning should be considered that is more compatible with residential uses and the high quality development in the area.

Planning staff recommends denial of GC (General Commercial). Staff does not feel that GC (General Commercial) is appropriate for the subject properties.

Property owners within 200 feet of the rezoning request were notified. One (1) comment form was returned in favor of the request and none (0) in opposition.

Ms. Campos opened the public hearing. No one came forward and the public hearing was closed.

Mr. Bixby moved to deny Z-2008-06. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, Rosenbaum and Todd) to none (0) opposed.

b. Z-2008-09

Public hearing and possible vote to recommend approval or denial to the City Council on a request from James Griffith to rezone property from RS-6 (Single-Family Residential) to RM-3 (Multi-Family Residential) zoning, located on the south side of the street in the 500 block of EN 16th Street.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from RS-6 to RM-3. The subject parcels total approximately 1.8 acres and are currently zoned RS-6 (Single-Family Residential). The adjacent properties have single-family residential zoning to the north, south, and west, with multi-family residential zoning to the east of the subject properties. The area was annexed in 1938 and zoned AO (Agricultural Open Space). The zoning was changed to RS-6 (Single-Family Residential) sometime after.

Currently the properties are zoned RS-6 (Single-Family Residential). The surrounding uses are all compatible with the current zoning. This area has a large amount of properties that have had additions or built detached dwelling units prior to the current Zoning Ordinance. Since the Zoning Ordinance was adopted, several of the properties in this area became legal non-conforming issues, and the rezoning of these properties to multi-family would help to resolve this issue.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential. The requested RM-3 (Multi-family Residential) would be compatible with the surrounding land uses, and given the nature of the area, multi-family zoning would be appropriate for these properties.

Planning staff recommends approval of RM-3 (Multi-Family Residential) zoning.

Property owners within 200 feet of the zone change request were notified. One (1) comment form was received in favor of the request and seven (7) in opposition.

Mr. Bixby asked to hear the comments of those in opposition of the request. Mr. Jones provided this information to the Commissioners.

Ms. Campos opened the public hearing.

Mr. Al Woody stated that he purchased his home in this neighborhood because it was a nice part of town, close to Abilene Christian Schools and to the church he and his family attend. Mr. Woody stated that he has four (4) concerns regarding this rezoning request:

1. If this request is granted, the requests for RM zoning will increase and the neighborhood will become less "child-friendly."
2. Individuals with families looking for single family residences will not purchase homes in multi-family areas.
2. The rezoning will adversely affect property values.
3. Increased traffic, congestion on the streets and alleys, accidents, loud parties, police service, DWIs, noise violations and parking violations.

Mr. James Griffith, proponent of this request, stated that he does not allow pets or smoking at any of his properties. Mr. Griffith stated that he believes his property to be the best looking property on this block. Mr. Griffith stated that he caters to college students because he believes students are our future.

Mr. Griffith stated that most of the area has been a “non-conforming” multi-family area for many years and there are very few owner occupied units on this block.

Dr. Long asked Mr. Griffith why he was requesting multi-family zoning.

Mr. Griffith stated that when he purchased the property, an apartment in the rear of the property was being constructed. He is requesting multi family zoning in order to obtain an additional electrical meter on this property.

Mr. Marcus Mullins stated that he supports the multi family rezoning request.

Mr. Everett Ferguson stated that he is opposed to the rezoning request. Mr. Ferguson requested clarification regarding multi family – does multi-family refer to separate structures or unrelated individuals in the same structure?

Mr. James stated that the separate dwelling unit, whether attached or detached determines the multi family status.

Mr. Ferguson stated that he is opposed to the rezoning request because it would change the character of the neighborhood.

Ms. Connie Smith stated that she was under the impression that the rezoning request was to allow apartment complexes (to which she is very opposed). Ms. Smith stated that even after learning of the multi-family request she is still opposed to the request.

Ms. Campos closed the public hearing.

Dr. Long asked if the Land Development Code was being revised to allow garage apartments.

Mr. James stated that staff has discussed this issue and has recommended that the consultants for the Land Development Code review this information and, as an option, allow garage apartments in single family neighborhoods.

Dr. Long asked what options the Commission had if they decided to rezone only the proponent’s property.

Mr. James stated that this is an option; however, staff typically recommends against rezoning one individual property, particularly where it would be surrounded by a different zoning.

Mr. Bixby stated that at this time he did not believe there to be a strong reason for rezoning this property. Mr. Bixby stated that the Commission has heard from property owners directly affected by this rezoning – they do not want this neighborhood transitioning any further.

Mr. Bixby moved to deny Z-2008-09 (rezoning from RS-6 to RM-3). Dr. Long seconded the motion and the motion carried by a vote of five (5) in favor (Campos, Bixby, Long, Rosenbaum and Todd) and one (1) in opposition (Famble),

c. Z-2008-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from James Griffith to rezone property from RM-3 (Multi-Family Residential) and RS-6 (Single-Family Residential) to LC (Limited Commercial) and RM-3 (Multi-Family Residential) zoning, located at 241, 233, 209, and 201 N. 13th Street.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from RS-6 & RM-3 to LC and RM-3. The subject parcels total approximately 1.2 acres and are currently zoned RS-6 (Single-Family Residential) and RM-3 (Multi-family residential). The adjacent properties have AO (Agricultural Open Space) zoning to the south, HC (Heavy Commercial) to the west, and RS-6 (Single-family residential) to the north and east.

The area was annexed in 1911 and was later rezoned to RM-3 (Multi-Family Residential) and RS-6 (Single-family residential).

Currently the properties are zoned RS-6 (Single-Family Residential) and RM-3 (Multi-family residential). There is currently a legal non-conforming commercial use on 241 N 13th St. The requested zoning would allow for some transitional zoning from the HC (Heavy Commercial) along Treadaway Boulevard to LC (Limited Commercial) and then the RM-3 (Multi-family residential) zoning across Almond Street to the single-family zoning to the east of the subject properties. It would also allow for a proposed office use at 233 North 13th Street.

The requested zoning would solve the issue of the non-conforming use on the subject properties. The zoning would also provide some transitional zoning to allow for some buffering of the more intensive commercial uses to the west for the single-family residences to the east.

Planning staff recommends approval of LC (Limited Commercial) for 241 & 233 N 13th St. and RM-3 (Multi-Family Residential) for 201 & 209 N 13th St.

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.

Dr. Long asked what the original request was – prior to staff recommending additional properties for rezoning.

Mr. Jones stated that the original request applied only to 233 North 13th Street (office use).

Ms. Campos opened the public hearing.

Mr. James Griffith stated that he owns property at 209, 233 and 201 North 13th Street. Mr. Griffith stated that his property is currently zoned multi-family and this is the zoning that he wants; however, the floral shop next door to his property is not zoned for this type of business. Mr. Griffith stated that the requested zone change would bring the floral shop into zoning compliance.

Mr. Marshall Helm stated that he owns property directly across the street from the property for which rezoning is being requested. Mr. Helm stated that his daughter and grandson live at this residence. Mr. Helm stated that this is an extremely dangerous street, particularly when backing out of the drive.

Mr. Helm stated that he would be opposed to any rezoning that would increase traffic on this street – particularly commercial zoning.

Ms. Campos closed the public hearing.

Dr. Long asked for clarification regarding this rezoning request.

Mr. Bixby stated that all of the properties in this location are zoned RM-3 except for 241 North 13th Street.

Mr. James stated that the property owner's request is to rezone 233 North 13th Street to Office or Limited Commercial to allow this property to be utilized as an office.

Dr. Long stated that she understood Mr. Griffith to say that he is satisfied with the present zoning at 233 North 13th Street so why is the zoning being changed.

Mr. James stated that Mr. Griffith has a tenant who would like to utilize this property for a small office.

Ms. Campos reopened the public hearing in order for Mr. Griffith to clarify this issue.

Mr. Griffith stated that at one time, 233 North 13th Street was utilized as an office even though it appears to be a residence. He has a tenant who would like to utilize this structure for an adult counseling center.

Mr. McNutt stated that Mr. Griffith has cleaned up this property, updated the property and there has been no increase in traffic. Mr. McNutt stated that all parking is off-street parking.

Ms. Campos closed the public hearing.

Mr. James stated that for Mr. Griffith's request, Office zoning would suffice. Staff's recommendation is for Limited Commercial for both lots. Staff also considered the option of rezoning 241 North 13th Street Limited Commercial and rezone 233 North 13th Street to Office to clean up the nonconforming status of these lots. Mr. James stated that Office zoning would be an option from both staff's perspective and Mr. Griffith's perspective.

Dr. Long moved to approve Z-2008-10 as follows:

- ⇒ 233 North 13th Street rezoned to Office
- ⇒ 241 North 13th Street rezoned to Limited Commercial
- ⇒ 201 and 209 North 13th Street rezoned to RM-3

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

d. Z-2008-11

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Franklin Real Estate to amend the text of PDD-28 (Planned Development District), regarding signage, located at 4321 Southwest Drive.

Mr. Matt Jones presented the staff report for this case. The request is to amend PDD-28 concerning signage. The subject parcels total approximately 24.8 acres and are currently zoned PDD (Planned Development District). The area was annexed in 1959 and zoned PDD (Planned Development District) in 1985.

Currently the regulations for signage of the PDD (Planned Development District) are governed by the regulations for LC (Limited Commercial) as allowed by the Sign Ordinance for the city. Off-site signs are not allowed in LC (Limited Commercial) zoning. The PDD allows 2 (two) signs along the frontage of Southwest Drive. The applicant requests to amend the PDD to allow 1 (one) of the permitted free-standing signs to be replaced with an off-site advertising sign. The sign would still meet the height, area, and setback requirements for free-standing signs within LC (Limited Commercial) zoning. This would not increase the total number of signs allowed within the PDD.

Planning staff recommends approval of the amendment request.

Property owners within 200 feet of the request were notified. No comment forms were returned in favor of the request and one (1) comment form was returned in opposition (Mr. Jones read the opposition comments submitted).

Mr. James stated that staff is recommending approval because Southwest Drive does allow billboards. Approval of this request would guarantee that one of the billboards would be shorter and smaller than would otherwise be allowed. This request is specific to the PDD only to allow a billboard in place of an existing sign.

Ms. Campos opened the public hearing.

Mr. Terry Franklin stated that depending on the final engineering associated with the sign structure, the billboard would be placed in the first or second parking space. The billboard will be located on the property line between his property and the detention pond. Mr. Franklin stated the request is simply to change signage approved for this site from an on-site sign to an off-site sign.

Mr. Blake Howard with Digital Impact Outdoor provided the Commissioners with a presentation to illustrate the type of sign proposed. Mr. Howard stated that the proposed billboard is digital and has the capability to cycle in order to illustrate multiple advertisers and multiple messages on the same sign.

Mr. James asked Mr. Howard if the proposed billboard would include any type of animation.

Mr. Howard stated that there would be no animation on this billboard.

Mr. Robert Briley stated that he owns the building in which Aarons RTO is located. Mr. Briley stated that he is not necessarily against the request; however, he would not want the visibility of his business blocked. Therefore, the location of the sign would be very important to him.

Mr. Franklin stated that if it would assist the Commission's decision, they are willing to restrict the approval of the side location to one of the parking spaces at the far southern corner of his property.

Ms. Campos closed the public hearing.

Mr. James provided the following information for clarification purposes:

The proposed off-premise sign would be smaller than would otherwise be allowed on Southwest Drive (378 square feet). The sign is also shorter than what would otherwise be allowed. However, it is larger than the one (1) sign currently allowed on this property (100 square feet).

Mr. Bixby asked if it was correct that this Commission and the City Council have determined that Southwest Drive is a street where billboards would be allowed.

Mr. James stated that this is correct.

Mr. Bixby stated that since both the Planning and Zoning Commission and the City Council have agreed that billboards should be allowed on this particular street, he did not see a problem with this request.

Dr. Long stated that it is her belief that restrictions in an approved PDD should not be lessened.

Mr. Bixby moved to approve Z-2008-11 (amend text of PDD-28). Mr. Rosenbaum seconded the request and the motion carried by a vote of four (4) in favor (Bixby, Campos, Rosenbaum and Todd) and two (2) opposed (Famble and Long).

e. Z-2008-12

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Sam Moore to rezone property from RS-8/COR (Single-Family Residential with Corridor Overlay) to GC/COR (General Commercial) zoning, located at 5942 Buffalo Gap Road.

Mr. Ben Bryner presented the staff report for this case. The request is to rezone property from RS8/COR to GC/COR. The subject parcel is approximately 2.8 acres and is currently zoned RS8/COR (Single Family Residential) and AO/COR (Agricultural Open Space) with Corridor Overlay. The property is currently used for a rental residence. The adjacent properties have RS8/COR (Single Family Residential) & AO/COR (Agricultural Open Space) zoning to the north, AO (Agricultural Open Space) to the west, and RM3/COR (Multi Family Residential) & AO/COR (Agricultural Open Space) to the south; PDD/COR (Planned Development District) zoning is across Buffalo Gap Road to the east. The Corridor Overlay affects property within 600 feet of Buffalo Gap Road.

The area was annexed in 1963 and zoned AO (Agricultural Open Space). The RS8 (Single Family Residential) zoning was changed since the property was annexed. The Corridor Overlay was approved on February 23, 2006.

Currently the property is zoned RS8/COR (Single Family Residential) and AO/COR (Agricultural Open Space) with Corridor Overlay. The surrounding uses are all compatible with the current zoning. Additionally, the Buffalo Gap Road Corridor Study determined that the majority of the properties in the general vicinity are currently zoned and used for single family residential. There is no GC/COR (General Commercial) zoning in the area, and it is not compatible with the surrounding uses. There are some non-residential uses on adjacent properties including two (2) day care facilities to the south

and some churches on either side of Buffalo Gap Road further south, but these are all residential-compatible uses rather than the more intensive uses allowed in GC (General Commercial) or SC (Shopping Center) zoning.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential use. The requested GC/COR (General Commercial) zoning allows certain uses that are too intense for the surrounding area. Non-residential use, including those permitted in GC/COR (General Commercial) zoning, is recommended to be located at 'nodes' where such uses can be concentrated. The Buffalo Gap Road Corridor Study recommends the encouragement of low density residential or office zoning along the frontage of Buffalo Gap Road at mid-block locations to minimize development of commercial uses adjacent to residential uses.

The Master Thoroughfare Plan recommends a collector road to be located along the north portion of this property to align with Pebble Beach on the east side of Buffalo Gap Road. The collector road designation would justify a node of residential-compatible uses at the intersection, including Office zoning.

Planning staff recommends approval of O/COR (Office) instead of the requested GC/COR (General Commercial) zoning.

Property owners within 200 feet of the rezoning request were notified. One (1) comment form was received in opposition and none (0) in favor of the request.

Ms. Campos opened the public hearing.

Ms. Holly Adams stated that traffic is a problem in this area, therefore, an office or business directly across from Pebble Beach would create more traffic. If the area is planned for residential use, Ms. Adams stated that she would also be opposed to commercial zoning.

Mr. Sam Moore stated that the traffic mentioned by Ms. Adams is primarily not from the day care facilities – it is from traffic entering or exiting Abilene to attend school. Mr. Moore stated that any construction on his property will be landscaped with proper fencing and would include demolishing the structures currently on the property.

Ms. Campos asked Mr. Moore he thoughts regarding staff's recommendation of Office zoning rather than General Commercial.

Mr. Moore responded that he would be in favor as long as he could construct an office building on this site. Mr. Moore stated that currently there are no plans for this property – currently, all plans are conceptual.

Ms. Campos closed the public hearing.

Dr. Long asked Mr. Bryner about the future collector street, i.e., if a building is constructed on the site, where is the street installed?

Mr. Bryner stated that when the site plan is submitted, staff would evaluate the site plan to ensure that

the road extension has been incorporated; then, the site would be designed accordingly.

Mr. James stated that at this time he does not know if the property is platted. If the property requires replatting, the property owner would be required to dedicate the area for construction of the road and be responsible for a portion of the construction costs.

Mr. Bixby stated that he does not have an objection to office zoning at this location; however, he would prefer a definite plan for the area prior to rezoning.

Mr. Famble moved to deny the General Commercial zoning for case Z-2008-12 due to the fact that no defined plan currently exists for the use of this property. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, Rosenbaum and Todd) to none (0) opposed.

f. 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 Amarillo Street between South 6th and South 14th Streets, and along the west side of Meander Street between South 6th and South 7th Streets.

Mr. Famble moved to remove this item from the table. Dr. Long seconded the motion and the motion carried unanimously.

Mr. Jon James presented the staff report for this case. The request is to apply Historic Overlay zoning to properties zoned RS6, RS6/H, RM3/H, RM3, and RM2 in the areas mentioned above.

The area is developed with single family houses, with one church and one school. The land closer to South 6th Street is higher in elevation than the other parts of the proposed district. The area has 95 property owners and 75 contributing (historic properties) on nine (9) blocks.

The subject area was annexed to Abilene in 1895. There are four subdivisions that developed this section of Amarillo Street. They are Alta Vista, Highland, McMurry, and B. Austin. Development and zoning in this area has always been residential which includes churches and schools. The majority of the residences were built in the 1920's, but in-fill development occurred over the years. The request area is in the Amarillo – Highland Neighborhood Association.

Historic overlay zoning was passed by the City Council in 1984. The City and the Abilene Preservation League in 1989 hired a consultant to survey and nominate properties to the National Register of Historic Places. The Sayles Boulevard National Register Historic District established in 1992 was a part of the work completed by the consultant. In 1993 the City Council changed the zoning ordinance to allow for zoned historic districts. Abilene does not have zoned historic districts, but has 112 individually zoned historic properties. The Town West area west of Grape Street and north of North 1st Street applied for historic district zoning, and it was tabled by the Landmarks Commission in February of 2004.

A committee of the Amarillo – Highland Neighborhood Association was formed and started meeting in the fall of 2004 to explore the idea of creating a zoned historic district. The committee has met about

once a month and after a petition drive last summer and a neighborhood meeting in October of this year they filed for historic district overlay zoning on November 20, 2006.

Because this is an established stable older neighborhood the Comprehensive Plan designates this area as a potential historic district. The objective as stated in the plan is to protect and enhance the quality, character, and integrity of established and stable neighborhoods. Strategy 9 specifically says, "Where appropriate, utilize and expand Historic Districts and create Conservation Districts as tools to preserve and stabilize historic and cultural resources."

Planning staff recommends approval. The Historic Preservation Plan recommends historic districts as a citywide objective for Abilene. About 60 cities in Texas have zoned historic districts. Studies have shown that neighborhoods that have historic districts, or other special zoning, or neighborhood associations, are neighborhoods with more pride and where blight is not as much of a problem. In 1999 the Texas Historical Commission participated with Rutgers University in a study called *Historic Preservation at Work in the Texas Economy*. Three of the seven conclusions stated that historic designation:

- ⇒ improves property values,
- ⇒ provides incentives for historic properties by attracting reinvestment, and
- ⇒ rebuilds communities.

Similar studies from all over the United States likewise have concluded that property values improve with historic designation and lead to overall stabilization of a neighborhood.

Committee Report - On December 11, 2007, a committee of the Landmarks Commission met with staff and reviewed all the properties in the proposed district. The map on page 4 of this report reflects their recommendations for contributing (historic) and non-contributing (not historic) properties. Staff agrees with their recommendation.

On December 19, 2006, the Landmarks Commission voted 5 to 1 to approve the proposed historic district. Votes in favor were from Steve Butman, Pebbles Lee, Robert Calk, Rick Weatherl, and Bill Minter. The opposing vote was from Michael McClellan.

On January 25, 2007, the Landmarks Commission voted 6 to 1 to approve the proposed historic district. Votes in favor were from Steve Butman, Pebbles Lee, Robert Calk, Rick Weatherl, Phil Miller and Bill Minter. The opposing vote was from Michael McClellan.

At their January 2, 2007, meeting the Planning and Zoning Commission voted unanimously to send this request back to the Landmarks Commission for further consideration.

Overall summary of support for the historic district:

Out of 95 properties in the Historic District Boundaries

45 property owners in favor or 47%

18 property owners opposed or 19%

32 no response or 34%

Outside the district there are 4 opposed and 4 in favor

Property owners within the proposed district were notified of this request. Twelve comment forms

were returned in opposition and 31 in favor. Mr. James stated that the information sent to property owners did not contain a complete explanation of today's proposal. This proposal would adopt everything as approved and also provided property owners with an "opt out" option for property owners opposed to the District. General property maintenance standards would apply throughout the District; however, those choosing to "opt out" would be exempt from the historic regulations that would require a Certificate of Appropriateness for exterior alterations. The "opt out" provision would allow each property owner 30 days after the District becomes effective to file an "opt out" form with the City requesting that their property be excluded.

Ms. Campos asked if property owners within the district would be notified by City staff if the Commission approves this request today regarding their opportunity to opt out of this district.

Mr. James stated that another notification letter will be sent to the property owners, including the full standards and guidelines, as well as information regarding the process for opting out of this district.

Mr. Santee asked what would be the result if 55% of the property owners within the district opt out of this zoning.

Mr. James stated that staff does not anticipate that this will happen. If it does, however, there are still benefits to applying the historic district designation to those remaining properties. In this way, the City still has a "partial" district. Mr. James stated there has been a great deal of discussion about the regulations and restrictions a district would place on a property; however, the entire purpose of the historic district and the reason the people residing in this neighborhood are requesting this designation is that it helps to maintain and stabilize an area and ensure property maintenance.

Dr. Long asked about economic benefits since this is not a State or Federal district.

Mr. James stated that under the City of Abilene's ordinance there are tax incentives available for historic districts.

Dr. Long asked about future home owners opting into the district.

Mr. James stated that language could be included in the ordinance addressing an "opt in" provision for a property owner that has opted out or for a future owner if the property is sold.

Mr. Santee stated that this would be subject to Landmarks Commission approval because the property may no longer be a contributing property depending upon what the intervening owner(s) has done to the home.

Ms. Campos opened the public hearing.

Mr. Charles Scarborough stated that he is in favor of the proposal. The district proposal is another step forward and a good one for a number of reasons. Six meetings have been held in the neighborhood to discuss this issue. Initially, the neighborhood was divided into thirds regarding this issue. Since the meetings, compromises have been made and the "opt out" provision is one of the concessions. Mr. Scarborough stated that he felt the "opting in" provision rather than "opting out" is not a good idea. Mr. Scarborough urged the Commission to adopt this proposal and send it forward to the City Council.

Mr. K.O. Killian stated that he and his wife have voted against this proposal. Mr. Killian asked to see something in writing about what is being voted on at this meeting.

Dr. Long stated that if the Commission passes this proposal and the City Council passes this proposal, Mr. Killian would have the option of opting out of the district.

Mr. Bill Brackett asked for an explanation as to why this should be declared a Historic District. Mr. Brackett stated that he does not understand why he must abide by rules and regulations that are not necessary.

Mr. Bill Cox stated that neighborhood meetings have been held since the summer of 2006. These meetings have been open to everyone to make sure that they reached a common ground that would be agreeable to a majority of the people. Mr. Cox stated that it is extremely unlikely that the district will ever have 100% support or participation.

Ms. Victoria Carter stated that she strongly disagrees with the historic district proposal. Ms. Carter stated that even with the opt out provision the property is still subject to the architectural committee and this is a great concern to her. Appearance of the property will still be dictated by some governmental agency (does not allow freedom of expression and many are on limited incomes and cannot meet the standards required by the district). Ms. Carter stated that she was never notified of the neighborhood meeting and does not see the advantage of the historic district.

Mr. John Elstrom stated that he and his wife are active duty military and the 30 day option does not provide sufficient time for opting out of the district. Mr. Elstrom stated that he does not feel it is right to impose district standards on everyone within the district. Mr. Elstrom stated that he has many unanswered questions regarding the historic district and urged the Commission to table this item until the residents have an opportunity to review the most current proposal.

Dr. Long asked Mr. Elstrom what would be a reasonable amount of time for the opt out option.

Mr. Elstrom responded that at a minimum, the timeframe should be 60 days.

Ms. Campos closed the public hearing.

Dr. Long expressed concern regarding enforcement within the district by City staff.

Mr. James stated that this document has been through 10-12 revisions. City staff and proponents of the district have attempted to write this document in such a way to make it clear to anyone enforcing the rules and regulations the intent of the ordinance. Explanatory language has been included in the ordinance to make the intent of the ordinance clear for future enforcement.

Mr. Bixby stated that those desiring historic overlay zoning should have an opportunity to promote this project to the neighborhood to let those wishing to participate to do so. Mr. Bixby stated that the 30 day timeframe is an unreasonable amount of time. If the Commission goes forward with this proposal, Mr. Bixby stated that the option should be to opt in to the program.

Mr. Santee stated that in his position as City Attorney he could not support the opt in concept. This is not the way to approve zoning.

Mr. Bixby recommend obtaining a registered letter from everyone affected so that it can be determined that these individuals have been notified and have make a decision regarding this proposal. Mr. Bixby stated that he could not support a situation where someone may have been overlooked and is included within the zoning who does not wish to be included.

Dr. Long stated that in many cases notifications are sent to non-resident property owners, renters, etc., and often times no response will be obtained even if a registered letter is sent. Dr. Long stated that the “opt out” timeframe should be a minimum of 60 days to allow out of town property owners to respond. Dr. Long stated that it would be advantageous for the neighborhood committee to go door to door to try to convince individuals to support this proposal prior to the issue being discussed by the City Council.

Dr. Long asked Mr. James when this item would be considered by the City Council.

Mr. James stated that particularly after today’s discussion, this item would not progress as regular rezoning requests. Staff will complete another mail out with a letter of explanation, as well as the full document regarding the district, to ensure that everyone is aware of what is being proposed.

Dr. Long moved to approve Z-2207-01 with a 60 day timeframe for the “opt out” provision. Dr. Long’s motion failed for lack of a second.

Mr. James stated that, across the board, homes in historic districts have increased in value. Additional restrictions are being placed on the property owner; however, these are restrictions that have been instrumental in stabilizing neighborhoods and increase desirability. Historic districts provisions in the Zoning Ordinance do not contemplate approval of every property owner within a district. In fact, it is the opposite; these regulations are intended to be applied to entire districts. Mr. James stated that by law staff is required to notify property owners 15 days prior to the hearing. This district has been under discussion for two years and multiple mailings have gone out and staff has made every effort to make the property owners in this area aware of the possibility of a historic district. If required, staff will provide additional information regarding this district.

Mr. James stated that a possible option if the general consensus of the group is to allow property owners who want to be included is to forward this item but only include those in the district who want to be in a historic district – in this case the 46 property owners in favor of the proposal. Mr. James stated that he would be hesitant about forwarding this to City Council with only the 46 property owners who responded – this may result in a non-contiguous district and therefore may lose some of the benefits of a district.

Ms. Campos moved to approve Z-2007-01 to apply Historic Overlay zoning to create a historic district but modifying the district boundaries to only include those properties for which the owner has expressed a desire to be in the district (46). (After adoption of the district, individuals desiring to be within the district would be considered on a case by case basis – through the rezoning process.) Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Rosenbaum and Todd) and one (1) opposed (Long).

Item Six: Thoroughfare Closure

TC-2008-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Development Corporation of Abilene to abandon Venture Drive from Arnold Boulevard to Polaris Drive.

Mr. Jon James presented the staff report for this case. The request is to abandon Venture Drive from Arnold Boulevard to Polaris Drive. The applicant currently owns all properties that are adjacent to the right-of-way being requested for abandonment. Venture Drive has a platted right-of-way of 60 feet, and there have been no improvements made to Venture Drive.

The zoning for the surrounding area is PDD (Planned Development District). The PDD was approved with a site plan that shows three streets, one of them being Venture Drive. The closure of Venture Drive would create a cul-de-sac that exceeds the maximum length (600 ft) allowed for a cul-de-sac as required in the Subdivision Ordinance. However, the applicant is pursuing an option with the City Engineer to authorize this platted cul-de-sac length based on an agreement from the developer to replat and extend Polaris Drive (the current cul-de-sac) as a through street to the north to Marigold as those properties develop in the future. Under this agreement, in no case would the cul-de-sac be constructed beyond the maximum allowable cul-de-sac length without such replatting.

This is a large lot industrial development, and although the applicant owns all adjacent properties to the right-of-way, this abandonment could create traffic flow problems. This right-of-way is also a part of a utility plan approved in 2000 that uses the right-of-way of Venture Drive as a route for several utilities to service properties on Polaris Drive.

The Plat Review Committee recommends denial as the abandonment would create a street, Polaris Drive, that is not in compliance with the Subdivision Ordinance concerning maximum cul-de-sac length. If the street right-of-way is abandoned, an open drainage and utility easement will need to be retained over the entire length and width of the right-of-way. (Note: the information regarding the applicant's pursuit of an agreement with the City Engineer was not finalized at the time of the Plat Review Committee meeting, but the committee did discuss this as an option.)

Staff recommends approval, with the following conditions:

1. The future extension of Polaris as a through street connecting to Marigold to the north is accommodated through a replat or an agreement for a future replat negotiated and approved by the City Engineer.
2. Maintain a utility easement over the area of the existing right-of-way for planned utilities.
3. Maintain a drainage easement over the area of the existing right-of-way, unless an amended drainage plan is approved which otherwise accommodates the area's drainage.

Property owners within 200 feet of the Thoroughfare Abandonment were notified (basically the DCOA owns all property within the notification area). No responses were received either in favor or in opposition of the request.

Ms. Campos opened the public hearing.

Mr. Richard Burdine, Assistant City Manager and CEO of the Development Corporation of Abilene, stated the neither Polaris nor Venture are built at this time. Mr. Burdine provided the following proposal to the City Engineer: The DCOA would agree to extend Polaris Drive all the way to Marigold when required for access to this area beyond the 600 feet; i.e., construct 600 feet of roadway with a temporary cul-de-sac at the end of the street. If access was required to the remaining lots in the future, the street would be completed. Mr. Burdine stated that several years ago, the DCOA employed the firm of Carter-Burgess to review the Master Plan for this area. Carter-Burgess prepared a number of options. Mr. Burdine illustrated the options for the Commissioners.

Mr. James stated that the City Engineer has the authority, under the Subdivision Regulations, to enter into an agreement with the developer for a financial guarantee regarding the two streets involved (Venture and Polaris).

Ms. Campos closed the public hearing.

Mr. David Todd moved to approve TC-2008-05 with the conditions recommended by staff. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) (Bixby, Campos, Famble, Long, Rosenbaum and Todd) in favor to none (0) opposed

Mr. James recommended that the Commission consider Item Eight prior to consideration of Item Seven.

Item Eight: Thoroughfare Plan Amendment

Public Hearing and possible vote to recommend approval or denial to the City Council to consider an amendment to the Thoroughfare Plan in an area generally described as being between Southwest Drive and US Highway 277 beginning at Southwest Drive approximately 3,000 feet northeast of the intersection with Rebecca Lane.

Mr. Ed McRoy presented the staff report for this case. This area of Abilene along US Highway 277 recently saw the establishment of a multi-use PDD with Commercial, Office and Residential uses. After the establishment of the PDD, the developers of this property and City Staff came to believe that a new connection between US Highway 277 and Southwest Drive might be worthy of re-evaluation. In evaluating modifications, staff consider a variety of concerns including the need to provide an adequate, efficient, and logical transportation system, the need for consistent application of regulations and policies, the benefits and costs of connectivity, the need to balance private property rights with the public good, the need to prevent traffic congestion, and the ability to improve safety through road design. Proposed roadway locations on the Thoroughfare Plan are generally intended to indicate approximate locations or corridors that become more specific as development occurs.

This specific action to revise the Thoroughfare Plan would add a new section of collector street that is not currently shown. This new collector street would provide a direct through connection between two arterial streets. A shallow tributary of Elm Creek passes through the area. This feature will be crossed by this new street section. The new section will not cross Elm Creek itself. Historically, the City has tended to refrain from forcing developers to cross such features with roads where they might present a significant additional cost or engineering challenge. In this case, the change in elevation appears to be less than 10 feet reducing the engineering issues. The improved traffic flow will promote the commercially zoned properties along US Highway 277 and it will provide more

convenient and direct access for future residential lots in the area to reach the retail centers located along Southwest Dr. This will reduce trip lengths, congestion and will enhance safety. It is anticipated that this new through street may eventually justify signaling the intersections at US 277 and Southwest Drive.

Staff recommends approval of the following proposed changes to the Thoroughfare Plan Map as depicted in the maps to be presented.

Mr. Bixby stated that the connector needs to connect US Highway 277 with Southwest Drive; however, the thought process needs to be in terms of what is happening in the area east of this area. Mr. Bixby stated that it appears as though the collector street should continue east and not just stop at Southwest Drive. Consideration should be given to continuation of this street.

Mr. McRoy stated that such consideration as mentioned by Mr. Bixby is certainly within the purview of this Commission.

Dr. Long asked if there is an urgency to matter and could it be brought back to the Commission next month?

Ms. Campos opened the public hearing.

Mr. Chris Westbrook, agent for the Elm Acres Venture Limited Partnership, stated that he would support the tabling of this item for further consideration. The partnership represented by him today and representatives from Butterfield Meadows have discussed the construction of this collector street, specifically the allocation of expenses, concurrent development of water and sewer lines, etc. Mr. Westbrook stated that he would prefer this item be tabled to allow all entities time to reach an agreement.

Ms. Campos closed the public hearing

Mr. Todd moved to table this Thoroughfare Amendment until the June meeting. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, Rosenbaum and Todd) to none (0) opposed.

Item Seven: Zoning Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Section 23-319 of the Zoning Ordinance regarding Airport Zoning.

Dr. Long asked if there was a reason this item could not be tabled.

Mr. James responded that there is no reason why the Commission cannot table this item; however, the City Council would like this item addressed prior to their consideration of the issue of annexation, to which this item relates. Annexation will be considered by the Council in June. Mr. James stated that staff's recommendation is that this item be considered on April 21, 2008. Planning Commissioners requested that the meeting be held at 1:30 p.m.

Dr. Long moved to table this item until the April 21, 2008, meeting and that this meeting be held at 1: 30 p.m. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, Rosenbaum and Todd) to none (0) opposed.

Item Nine: Director's Report

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

Mr. James provided a memorandum to the Commissioners regarding the City Council's vote on items recommended by the Planning and Zoning Commission.

Item Ten: Election of Officers

It was the consensus of the Commissioners that this item be placed on next month's agenda for consideration.

Item Ten: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 5:20 p.m.

Approved: _____, Chairman