
PLANNING & ZONING COMMISSION

April 21, 2008

Minutes

Members Present: Bruce Bixby
Ovelia Campos
Lydia M. Long
Tim McClarty
David Todd

Members Absent: Fred Famble
Clint Rosenbaum

Staff Present: Jon James, Director of Planning and Development Services
T. Daniel Santee, City Attorney
Paul Knippel, Director of Public Works
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: Judge George Newman
Commissioner Chuck Statler
Michael H. Schultz
Dwight Welheim
Dan Frieberg
Phil Crawley
Janelle Whittington

Item One: Call to Order

Dr. Lydia Long called the meeting to order at 1:33 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: 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.

This item was tabled at the Commission's April 7, 2008, meeting. Ms. Campos requested a motion to remove this item from the table.

Mr. Todd moved to remove this item from the table. Mr. McClarty seconded the motion carried unanimously.

Mr. Ben Bryner presented the staff report for this ordinance amendment. The City's Comprehensive Plan identifies areas of land to be annexed within the vicinity of Abilene Regional Airport. Primarily, the ordinance is to control development and its potential impact on airport operations. The City has also identified areas in proximity to Dyess Air Force Base to provide controls in this area as well.

The City currently has an Airport ordinance in place; however it is outdated and does not provide protection for development adjacent to these airports. Concerns exist regarding limiting uses and height in the vicinity of these airports. Therefore, staff has prepared changes to the ordinance to provide these development regulations.

The purpose of the Airport Zoning Ordinance Amendment is threefold:

- Establish regulations limiting height of:
 - Structures
 - Natural growth
 - Potential obstructions
- Establish compatible land uses
- Establish noise attenuation standards

The proposed ordinance amendment will delineate and determine zones in proximity to the airports and within these zones appropriate uses as well as height restrictions will be identified.

Mr. Bryner provided schematics of Abilene Regional Airport and Dyess Air Force Base to assist in representing the surfaces to be defined by the Airport Zoning Ordinance Amendment. Drawings were also provided for Dyess Air Force Base indicating the "Clear Zones" and "Accident Potential Zones."

Mr. Bryner mentioned that the ordinance will provided an enforcement mechanism for the City in the areas around the airports, both within the ETJ and outside the ETJ. The one exception to the City's enforcement will be any incorporated areas.

Mr. Bixby stated that the outer circle on the schematic sets a height limitation of 500 feet. To the east this encompasses most of downtown Abilene. Mr. Bixby stated that it appears to him that this height limitation would be more important on the west and asked why the east and west portions of the City were included in this area.

Mr. Bryner stated that a representative from Dyess Air Force Base is present at this meeting and can answer this question during the public hearing.

Ms. Campos opened the public hearing.

Mr. Mike Schultz, Deputy Base Civil Engineer, addressed Mr. Bixby's question regarding the height limitations east and west. Mr. Schultz stated that typically take-offs and landings are from the west. However, runway constructions projects will necessitate approaches or departures from time to time from the east. This is generally an intermittent situation and generally a special condition.

Mr. David Todd asked about the IQ zones; i.e. 65 db or less will allow residential development. Mr. Todd asked if there were noise reduction criteria that could be utilized by private contractors for construction of homes in close proximity of the Air Base.

Mr. Schultz stated that this would require examination of the plat and the exact location of a development. Mr. Schultz stated that occasionally upgrades can be done; however, the Air Base believes that review and input are important in these situations. The current AICUZ study was completed in 2000 and the Air Force is currently updating this study which should be completed by late summer or early fall.

Mr. James stated an appeal procedure is provided through the Board of Adjustment – a property owner or developer could seek a variance for something that would otherwise not be allowed. This request would be reviewed and a recommendation made by either Dyess Air Force Base or Abilene Regional Airport prior to being considered by the Board of Adjustment.

Judge George Newman stated that he had the opportunity to visit with Mr. James and Mr. Santee regarding this ordinance amendment. Judge Newman stated that he could not speak for the Commissioner's Court; however, he stated that there have been some concerns for some time regarding some type of regulation in these areas. Judge Newman stated that counties do not have the ability to enact ordinances and stated that he supports this proposal for protecting the air space for Abilene Regional Airport and Dyess Air Force Base. Judge Newman stated that the points addressed with Mr. James and Mr. Santee concerned noise and height. Judge Newman requested additional information regarding compatible land uses.

Mr. James stated that Land Use Compatibility charts have been developed for Dyess Air Force Base and Abilene Regional Airport. Basically, these charts indicate the types of land uses would be allowable (and in some cases, allowed with conditions) within each of the zones listed. The chart provided for the Commission's review is only one sample of a multi-page chart which sets out allowable uses for each zone. Related to land use compatibility is the noise attenuation levels.

Mr. James stated that the City utilizes authority granted by the State to enforce guidelines recommended by the Air Force and the FAA.

Mr. Don Green, Director of Aviation, stated that Abilene Regional Airport has a Civil Airports Compatible Land Use, similar to that of the Air Force. Mr. Green stated that as growth around airports increases, the FAA has provided funding for noise attenuation. If the problem is too significant, airports are purchasing the homes around the airports and hold the land for a more compatible use or clear the land altogether. Abilene is not currently in this situation.

Ms. Campos closed the public hearing.

Mr. Todd asked Mr. James if this ordinance provides the City with the authority to administer height encroachments in approach surfaces out city limits.

Mr. James responded that the City's authority does extend to into the ETJ areas and beyond. However, the state law that grants this authority does not allow regulation authority within the jurisdiction of another municipality.

Mr. Bixby asked if there are existing encroachments that will need to be grandfathered or dealt with at some point.

Mr. James stated that at this time it is unknown if there are existing uses that would be grandfathered. However, the ordinance specifically exempts existing uses from compliance with these regulations.

Dr. Long moved to approve the Zoning Ordinance amendment regarding Airport Zoning. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Long, McClarty and Todd) to none (0) opposed.

Item Four: Director's Report

Discussion of upcoming Planning Commissioner training.

Mr. James stated that the Texas Chapter of the American Planning Association is sponsoring a training session for Planning Commissioners in Abilene and will be hosted by the West Central Texas Council of Governments. This training will be held on May 30, 2008, from 9:00 a.m. until 4:00 p.m.

Commissioners interested in attending this training were asked to contact Mr. James.

Item Five: Election of Officers

This item will be placed on the agenda for the May Planning and Zoning Commission meeting.

Item Ten: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 2:12 p.m.

Approved: _____, Chairman