
PLANNING & ZONING COMMISSION

November 3, 2008

Minutes

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

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

Others Present: Richard Burdine, CEO Development Corporation of Abilene
Dave Boyll
Bob Benham
Tim Yandell
Royce Peterson
Mark Brown
Tal Fillingim

Item One: Call to Order

Mr. Tim Rice McClarty called the meeting to order at 1:30 p.m. and declared a quorum present.

Item Two: Invocation

Mr. Famble gave the Invocation.

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

Item Three: Approval of Minutes

Mr. Rosenbaum moved to approve the minutes of the October 6, 2008, Planning and Zoning Commission meetings. Ms. Campos seconded the motion and the motion carried unanimously.

Item Four: Plats

Mr. Zack Rainbow presented information regarding the plats listed on the agenda. The following plats; MRP-4708, MRP-4808, FP-4908, and MRP-5008 are complete and are being submitted for consideration by the Commission. Mr. Rainbow stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements. The proponent has requested that MRP-2008 be tabled.

Mr. McClarty 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 table MRP-2008. Mr. Todd seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed

Mr. Bixby moved to approve MRP-4708, MRP-4808, FP-4908, and MRP-5008, as submitted. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, McClarty, Rosenbaum and Todd) for MRP-4804 and FP-4908 and a vote of five (5) in favor (Bixby, Campos, Famble, Long, McClarty and Rosenbaum); one (1) abstention on MRP-4708 and MRP-5008 (Todd); and, none (0) opposed

Item Five: Rezoning Requests

a. Z-2008-35

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the Development Corporation of Abilene to amend the text of PDD-73, located at the Five Points Industrial Park.

Mr. Matt Jones presented the staff report for this case. The request is to amend PDD-73 concerning building design. The subject parcels total approximately 207 acres and are currently zoned PDD (Planned Development District). Part of the area was annexed in 1959 and the remainder later annexed in 1964, the property was zoned PDD (Planned Development District) in 2000.

The regulations of this PDD were originally written with the intent of establishing an industrial park with higher building aesthetics than typically found in industrial areas. The current regulations prohibit standard metal facades and this restriction applies to all walls on a building. This regulation was included not only to have an aesthetically pleasing industrial area, but also due to the anticipation of the size and visibility of buildings that would be built in this industrial park. The applicant wishes to change the regulation to only apply this standard to the front façade of a building and any side within 300' of a public right-of-way. The applicant's intent is to cut down on the cost of development to help promote future development in the area.

Additionally, the applicant is requesting to modify the regulation regarding openings, windows and doors and that "Petroleum/Gas wells" be added as a permitted use within the PDD.

Planning staff recommends approval of an alternative to the requested amendment.

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

Mr. McClarty asked for clarification regarding the alternative language proposed by staff.

Mr. Jones responded that alternative language proposed by staff addresses any façade oriented toward a right-of-way. Staff feels that structures oriented toward a right-of-way the entire wall should meet the full façade criteria.

Mr. McClarty opened the public hearing.

Mr. Richard Burdine, CEO of the Development Corporation of Abilene, stated that the PDD requirements for this property were developed over eight years ago. Mr. Burdine stated that this amendment is to relieve developers from requirements for areas of a building that are not visible for the right-of-way. Mr. Burdine stated that today's request is an effort to relieve property owners and developers from the façade requirement for those areas of a building not visible from a right-of-way. The requested change does not appreciably change the appearance in the Business Park, but does have a substantial impact on construction costs. Regarding the language addressing the openings (windows and doors), the current requirement is 5% based on the entire front façade of the structure. The proposed language requires the 5% requirement only on the first floor of the building. (The PDD language is as follows: *Openings, windows and doors shall be constructed of aluminum and glass curtainwall or storefront and shall comprise a minimum of 5 percent of the first floor (16 feet) of the main façade of the building facing on the street frontage.*)

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2008-35 with alternative language proposed by City staff. Dr. Long seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Long, McClarty, and Rosenbaum) and one (1) abstention (Todd).

Item Six: Thoroughfare Closure

a. TC-2008-09

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Royce G. Peterson to abandon the alley right-of-way west of Oil Belt Lane from South Danville to Industrial Boulevard.

Mr. Matt Jones presented the staff report for this case. The request is abandon a partial alley right-of-way directly south of 6141 Hartford Street. The alley right-of-way (ROW) was dedicated to the city but has never been improved.

This alley ROW has been dedicated to the City but has never been improved, the alley does not serve as a collection route for Solid Waste, but does have utilities that run down the ROW. The applicant wishes to close the alley to provide for better security of his property and to better maintain the land within the ROW.

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

The Plat Review Committee recommends approval with the following conditions: an open drainage and utility easement must be retained along the ROW, the driveways must be replaced with curb and gutter,

and the properties will need to be replatted to incorporate all parts of the abandoned ROW within 12 months of final approval.

Planning staff recommends approval with the conditions recommended by the Plat Review Committee.

Mr. McClarty opened the public hearing

Mr. Royce (Pete) Peterson stated that the reason for this alley closure is to make the property which he owns contiguous and to eliminate a fire hazard caused by the condition of this alley. Mr. Peterson stated that it is his intention to remove all utility poles in the alley that service his property.

Mr. Bixby asked Mr. Peterson if he is in agreement with recommendation proposed by City staff.

Mr. Peterson answered affirmatively.

Mr. Bixby asked if there is currently a water leak in the alley – there seems to be a great deal of standing water.

Mr. Peterson stated that there is no leak – the area is a low spot and water collects in the current alley.

Mr. Todd asked if the water standing in the alley was runoff from Industrial Boulevard. The reason for his question is that if the approaches are closed by means of curb and gutter, what is the benefit of a drainage easement in the area.

Mr. Jones stated that Mr. Peterson can work with the Public Works Department regarding the drainage and utility issues.

Mr. McClarty closed the public hearing.

Mr. Todd moved to approve TC-2008-09. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Long, McClarty, Rosenbaum and Todd) to none (0) opposed.

Since the next three items are from the same proponent and in the same general vicinity, Mr. Santee stated that one presentation could be made by staff; however, a separate vote must be taken for each request.

b. TC-2008-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Southern Hills Church of Christ to abandon Broadway Street west of Buffalo Gap Road.

Mr. Matt Jones presented the staff report. This request is to abandon Broadway Street west of Buffalo Gap Road. The Broadway Street right-of-way (ROW) was dedicated to the city and has been improved with a base material.

The applicant owns all of the property that is adjacent to the ROW except for the parkland owned by the City to the west where Broadway Street dead ends. The ROW for Broadway Street serves as a major drainage feature that drains Red Bud Park, and there are utilities that run down the center of Broadway

Street including the City's water lines. The applicant plans on using the ROW as part of a future expansion of their current facilities to the south.

The Plat Review Committee recommends approval with the following conditions: an open drainage and an accessible utility easement must be retained along the ROW, a 20' all weather fire lane must be provided to service all structures located more than 150' from Buffalo Gap Rd., the property must be replatted to meet the regulations of the Subdivision Ordinance within 12 months of final approval.

Planning staff recommends approval with the conditions of the Plat Review Committee.

c. TC-2008-11

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Southern Hills Church of Christ to abandon Central Avenue north of Broadway Street.

Mr. Matt Jones presented the staff report. The request is to abandon Central Avenue north of Broadway Street. The Central Avenue right-of-way (ROW) was dedicated to the city and has never been improved.

The applicant owns all of the property that is adjacent to the ROW. The ROW way has never been improved. The applicant intends to use this abandonment in conjunction with future plans to expand their facilities to the south. Central Ave. has several platted lots with no frontage other than their frontage along Central Ave. which if the ROW were abandoned it would create lots that are "landlocked", so the property would need to be replatted before the ROW could be officially abandoned.

The Plat Review Committee recommends approval with the following condition: the property must be replatted to meet the regulations of the Subdivision Ordinance within 12 months of final approval.

Planning staff recommends approval with the conditions of the Plat Review Committee.

d. TC-2008-12

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Southern Hills Church of Christ to abandon Perry Street north of Broadway Street.

Mr. Matt Jones presented the staff report. The request is to abandon Perry Street north of Broadway Street. The Perry Street right-of-way (ROW) was dedicated to the city and has never been improved.

The applicant owns all of the property that is adjacent to the ROW. The ROW way has never been improved. The applicant intends to use this abandonment in conjunction with future plans to expand their facilities to the south. Perry Street has several platted lots with no frontage other than their frontage along Perry Street which if the ROW were abandoned it would create lots that are "landlocked", so the property would need to be replatted before the ROW could be officially abandoned.

The Plat Review Committee recommends approval with the following conditions: retain an open drainage easement along the ROW, and the property must be replatted to meet the regulations of the Subdivision Ordinance within 12 months of final approval.

Planning staff recommends approval with the conditions of the Plat Review Committee.

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

Mr. Jones stated that staff would not wish to abandon Central Avenue and Perry Street without the abandonment of Broadway as this leave two streets without access. Therefore, all three Thoroughfare Abandonments are contingent upon the abandonment of Broadway.

Mr. McClarty opened the public hearing.

Mr. Bob Benham with Southern Hills Church of Christ stated that for the past year a Committee has been developing a Master Plan for the Church for the next 20 years. Mr. Benham stated that the Church owns all the properties in question and this area will be replatted into one lot.

Mr. Robert Allen, Abilene Metropolitan Planning Organization, stated that he is favor of this request, particularly with the restrictions placed on the thoroughfare closures by the Plat Review Committee. The required replatting time limit ensures that street closures will be finalized in a reasonable time period.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve TC-2008-10. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, McClarty, and Rosenbaum) and one (1) abstention (Todd).

Ms. Campos moved to approve TC-2008-11. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, McClarty, and Rosenbaum) and one (1) abstention (Todd).

Mr. Famble moved to approve TC-2008-12. Ms. Campos seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Long, McClarty, and Rosenbaum) and one (1) abstention (Todd).

Item Seven: Discussion Item with Public Hearing:

Public hearing to receive comments and suggestions regarding the pending 2009-2013 Capital Improvement Program (CIP).

Mr. Ed McRoy presented background information regarding the Capital Improvement Program.

- ⇒ This is a five-year program that identifies needed capital projects and coordinates the financing and timing of these projects
- ⇒ The CIP is a method of planning for the effective and efficient provision of public facilities, infrastructure improvements, and the acquisition of property and equipment
- ⇒ CIP projects are
 1. Long term in nature
 2. Cost in excess of \$25,000

3. Include professional services, new and/or renovated facilities, major equipment purchases, and/or property acquisition

Mr. McRoy stated that the purpose of today's meeting is to receive public input for the upcoming CIP. Staff will report formally to the Planning and Zoning Commission on January 5, 2009. The report will include projects identified by staff and consolidate input received from the public. In February of 2009, the Planning and Zoning Commission will meet to potentially consider approval of the CIP. The Planning and Zoning Commission will make their CIP recommendations to the City Manager and the City Manager will make his CIP recommendations to the City Council.

Mr. McRoy stated that he had received a telephone call from Dr. A.C. Jackson regarding his concerns in relation to improvements in his neighborhood. Mr. McRoy assured Dr. Jackson that his submission of information would be included in the record of these minutes.

Mr. Todd asked Mr. McRoy if funds would be budgeted for sidewalks in the costs for street reconstruction projects so as to avoid issues addressed last year regarding this situation.

Mr. McRoy responded that it is now staff's policy to include the cost of sidewalks in street reconstruction projects.

Mr. McClarty opened the public hearing.

Ms. Wilma Butman, representing the Abilene Downtown Association, suggested that the City consider replacing a certain amount of sidewalks in the downtown area each year utilizing CIP funds. Ms. Butman stated that many of the sidewalks in the downtown area are a safety hazard.

Dr. Long asked Ms. Butman if the Downtown Association has discussed the type of sidewalk (look) for the downtown area.

Ms. Butman stated that several years ago when Everman Park was renovated, a Cityscape was prepared by the architect of this project for the City of Abilene that addressed both sidewalks and landscaping. Ms. Butman stated that this plan has gradually fallen by the wayside. Ms. Butman stated that a "consistent appearance" is needed in the downtown area.

Mr. James stated that a Streetscape Master Plan for the Downtown area (both north side and south side) is available in the Planning Department. Mr. James stated that the sidewalks that have been redone in the downtown area have been redone in accordance with this plan. The intent is to continue to repair and replace sidewalks depending on availability of funds.

Mr. Santee stated that this funding comes from a variety of sources – not necessarily the City's general fund. Mr. Santee stated that repair of the sidewalk is the responsibility of the adjacent property owner unless the adjacent property is owned by the City.

Mr. McClarty closed the public hearing.

Item Eight: **Discussion Item:**

Discussion and direction to staff on the area for the Infill Development Program.

Mr. Jon James presented this information. One of the key elements of the City's Comprehensive Plan is the encouragement of infill development. Mr. James stated that the primary consideration for this Commission is the establishment of boundaries for the infill area(s). Mr. James provided the Commission with the City Council's general ideas of where these boundaries should be as determined in a Council workshop held in October of 2008. The Council specifically asked that the definition of the infill area be presented to this Commission and provide the Commission with an opportunity to provide input prior to adoption by the Council.

Current strategies that have been adopted to encourage infill development include:

- “Existing Building Code” adopted
- Focus CIP funds in already developed areas
- ETJ development standards
- Infill development funds (2006 CIP)

Proposed strategies include:

- Reduce planning and building fees within the infill area (2008)
 - Already approved as part of 2008-2009 budget
 - 50% fee reduction for qualifying projects
 - Will be effective when infill boundary is determined*
- Establish a Land Bank (2009)
 - A mechanism to allow the City to acquire property for redevelopment
- Revise pro-rata fees for water and sewer improvements related to new development (2009)
 - Recognizes the cost efficiencies to the City of development where infrastructure already exists
- Adopt a Transportation Impact Analysis (TIA) as part of the Land Development Code (2009)
 - Consultant is including this as a recommendation in the forthcoming LDC
- Set-aside infrastructure funding through CIP, bond projects, and/or the general fund (2009)
 - Continuation and expansion of 2006 CIP project for Infill Development Funds
 - Possibly identifying other sources of funding for assistance with demolition of buildings
 - Will be considered as part of the 2009 CIP process*
- Sidewalk construction program through special assessments or CIP/Bond projects (2009)
 - Will be considered as part of the 2009 CIP process*
- Overlay Zoning Districts for selected corridors to promote redevelopment
 - Modified development standards for parking, impervious cover, setbacks, etc to address constraints of redeveloping in older areas
 - Plans already in progress for the Pine Street Corridor (2008) and the Butternut Corridor (2009)
 - Additional corridors may be included in the future
- Neighborhood Empowerment Zone” for tax abatements (2010)
 - Use the state-authorized NEZ program to provide property and sales tax abatements for up to 10 years
 - Simpler procedures vs. other tax abatement programs (enterprise zones, Chapter 380 agreements, etc)

Consider the creation of a new Tax Increment Financing (TIF) district (2010/2011)
Possible recommendation of the upcoming South Downtown Master Plan
Could possibly be considered in other areas

Mr. James stated that one of the most critical components is to define the area where infill incentives will apply. Currently two options are being presented for consideration:

Geographic

Criteria-based (neighborhood age, available infrastructure, etc.)

Mr. James stated that the primary purpose of today's item is to get input on this boundary

Dr. Long stated that she feels the area should be geographically focused so that appearance-wise it is evident what is happening in a specific area – it should be a concentrated area.

Mr. McClarty stated that the only incentive he has heard mentioned is the fee waiver. Mr. McClarty asked Mr. James to specify other incentives.

Mr. James stated incentives include:

CIP funding program for infill development possibly every other year

Street reconstruction projects within an infill area might receive a higher priority

Mr. McClarty stated that the person that must be involved in this issue is the developer. Mr. McClarty stated that the only incentive mentioned specific to the developer would be the reduction in fees.

Mr. James stated that other incentives include tax abatements and tax rebates which could be substantial over time.

Mr. McClarty stated that substantial savings in the form of incentives include:

Sidewalks

Floodwater Detention

Construction costs for these facilities

Mr. McClarty stated that at one time the City maintained a "regional detention fund." Developers would provide funds to the City for construction of these facilities at a later date. Mr. McClarty stated that the issues he mentioned are great incentives that will encourage developers to build within these areas.

Mr. James stated that some of these items will be addressed to some extent through two of the incentives mentioned earlier:

1. Infill development funds through CIP – these funds could be set aside to complete the incentives mentioned by Mr. McClarty
2. The Land Development Code consultants are working with Public Works staff to determine a way to revise the Stormwater Detention regulations to help with small lots

Mr. McClarty stated that incentives are as important, if not more important, as the boundaries.

Mr. James stated that the critical issue today is defining the area in which the 50% waiver will be offered.

Mr. McClarty stated that for him to make this decision, he would need to a map of all the vacant property within the City of Abilene; including all the water and sewer lines that are in good shape and have the capacity to carry and develop these properties (not only water and sewer but all utilities). These two pieces of information would determine property that can be developed without replacement of these utilities. Mr. McClarty stated that once this has been determined, the boundary for infill areas can be determined.

Mr. Todd stated that he would like to see a “super infill development area” defined.

Mr. McClarty asked if the two maps (one indicating vacant lots and the other illustrating water and sewer lines in good condition) could be combined at a scale that could be viewed by the Commissioners and this would help the Commissioners define the infill area(s).

Mr. James stated that the map indicating the vacant lots is a couple of years old; however, it could be utilized to determine infill areas. Also, maps are available that indicate line sizes and construction materials for water and sewer lines that would provide the information as to whether the lines are adequate for infill.

Mr. McClarty stated that at this point the Commission is requesting additional information from staff in order for the Commission to make a decision regarding infill development. Mr. McClarty stated that Dr. Long has made a strong, valid point in that there are areas in which these efforts need to be concentrated. Mr. McClarty stated that in his opinion these areas should be high traffic count areas so that these changes are visible to the citizens of Abilene.

Mr. James stated that many good points have been discussed at this meeting; however, one caution that should be mentioned is that if staff does need to submit information to the Council regarding this issue fairly quickly - every day that passes without a determination of infill areas is a day that infill development is not occurring.

Mr. McClarty stated that if staff can provide the information requested by the Commission’s November 17th meeting, he feels certain that the Commission can formulate recommendations.

Item Nine: Consideration Item:

Consider a recommendation to the City Council for the approval of a Safe Routes to School Master Plan for areas within the City of Abilene and the Abilene Independent School District (AISD) as a part of the national and state Safe Route to School Program. Plan elements to include engineering, education, enforcement, encouragement and evaluation strategies and the establishment of performance goals and a vision for the Safe Routes Abilene program.

Mr. Ed McRoy presented this information. Today, staff is seeking input and/or approval from the Planning Commissioners for a Plan that would become a Master Plan for the entire City of Abilene – limited to those areas within the City of Abilene and within the Abilene Independent School District.

Mr. McRoy provided an explanation of the program and background information regarding development of this program.

Mr. McRoy stated that in 2007, 360 grant applications were received for the Safe Routes to School program in Texas were received by the Texas Department of Transportation. Of these applications, 244 projects were funded – representing a total of \$24 million. The City of Abilene received two (2) Safe Routes to School:

1. Infrastructure grant totaling \$142,000 (to construct a sidewalk in the area of Fannin Elementary School); and,
2. A \$10,000 grant for development of this plan.

Mr. McRoy stated that in order to receive infrastructure funds, the project must be within a location that is included in an authorized plan. Approving this Master Plan will provide the City access to the federal dollars enumerated above. Mr. McRoy stated that the unique feature about the Safe Routes to School program is that no local matching of funds is required.

Mr. McRoy stated that the goal of this program is to increase the number of students walking and bicycling to school, improve safety for these students and to remove access barriers.

In creating the plan, a great deal of public input was provided; staff worked closely with the AISD (Mr. Joe Humphrey provided a great deal of assistance in putting this plan together), particularly principals at the elementary schools; the program was advertised broadly; a community workshop was held and an online opinion survey was conducted.

Mr. McRoy stated that the information being presented to the Commission today is the Master Plan – a broad overview. In implementing the plan, the next step will be concentrating on individual schools.

Mr. Bixby recommended selecting one school for a pilot project to determine the ratio of students walking versus those riding to school, implementing surveys (both parents and students to determine the needs and wants of each), following up with the students and parents, etc.

Mr. McClarty asked Mr. McRoy what action is required by the Planning and Zoning Commission today.

Mr. McRoy stated that staff is seeking a recommendation from the Planning and Zoning Commission to the City Council. The Council will make the final recommendation to accept or modify the Plan. Mr. McRoy stated that the plan involves two major components: 1. Text (new regulations, incentive programs, etc.); and 2. Route Map

Mr. McClarty stated that this is a great plan and would very much like to see this plan implemented.

Dr. Long moved to approve the Safe Route to School Plan and forward the Plan to the City Council. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Campos, Famble, Long, McClarty, Rosenbaum and Todd) to one (1) opposed (Bixby – requested pilot program).

Item Ten: Director's Report

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

Commissioners were provided a memorandum regarding recent Council decisions.

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Commissioners were reminded that there will be a special meeting of the Planning and Zoning Commission on November 17, 2008, at 5:30 p.m.

Item Eleven: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 4:04 p.m.

Approved: _____, Chairman