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## PLANNING & ZONING COMMISSION

January 5, 2009

### Minutes

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

Members Absent: Ovelia Campos  
Tim McClarty

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  
Kelly Messer, Assistant City Attorney  
Ben Bryner, Planning Services Manager  
Matt Jones, Planner I  
JoAnn Szech, Executive Secretary, Recording

Others Present: Nick Coates  
Tim Watson  
Joey Light  
Jack Harkins  
Mike McDonald  
Dave Boyll  
Jack Stewart  
Barbara Moffett  
R.G. Brown  
C.G. Grey  
Jack Barber  
John Jordan

#### **Item One: Call to Order**

Mr. Fred Famble called the meeting to order at 1:30 p.m. and declared a quorum present.

#### **Item Two: Invocation**

Mr. Rosenbaum gave the Invocation.

#### **Item Three: Approval of Minutes**

**Mr. Bixby moved to approve the minutes of the November 17, and December 1, 2008, Planning and Zoning Commission meetings. Dr. Long seconded the motion and the motion carried unanimously.**

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

**Item Four: Plats**

Mr. Ben Bryner presented information regarding the plats listed on the agenda. The following plats; FP-4508, MRP-5508, MRP-5708 and MRP-5908 are complete and are being submitted for consideration by the Commission. Mr. Bryner stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements.

Mr. Famble 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.

**Dr. Long moved to approve the plats as submitted. Mr. Todd seconded the motion and the motion carried by a vote of five (5) in favor of MRP-5508, MRP-5708 and MRP-5908 (Bixby, Famble, Long, Rosenbaum and Todd) and four (4) in favor of FP-4508 (Bixby, Famble, Long and Rosenbaum) and one (1) abstention (Todd).**

**Item Five: Rezoning Requests**

a. Z-2009-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Nick Coates to rezone property from RS-8 (Single-Family Residential) to RS-8/PH (Single-Family Residential with Patio Home Overlay) zoning, located at the southern 7.62 acres of Lot 201, Block A, Section 7, of the Hillcrest Addition.

Mr. Matt Jones presented the staff report for this case. The request is to rezone property from RS-8 to RS-8/PH. The subject parcel totals approximately 7.62 acres and is currently zoned RS-8 (Single-Family Residential). The parcel has not been developed. The adjacent properties have RS-8 zoning to the north, south, and west, with RS-8/PH (Single-Family Residential with Patio Home Overlay) zoning to the east. The area was annexed in 1957 and zoned RS-8 sometime after it was annexed.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested patio home overlay is compatible with the existing uses of the surrounding properties as well as compatible with the Future Land Use Section of the Comprehensive Plan.

Planning staff recommends approval of the request.

Property owners within 200 feet of the rezoning request were notified. Six (6) comment forms were returned in favor of the rezoning request and nine (9) in opposition.

Mr. Famble opened the public hearing.

Mr. Don Baber stated that he mailed a comment form in opposition of this request. Mr. Baber stated that he and other residents are requesting a privacy fence between Prairie Song and County Meadows. Mr. Baber stated that in speaking with Mr. Coates, proponent for this request, Mr. Coates stated that he intended to install a privacy fence.

Ms. Barbara Moffett stated that she did submit notification of her approval of this request; however, at this time Ms. Moffett stated that she is uncertain of her approval or disapproval of this request. Ms. Moffett stated that her concern is that this meeting should have taken place prior to removal of any trees

in this area. Ms. Moffett stated that if this development does occur, it is her hope that there will be an alley outside her fence and asked where the entrance will be to this development.

Mr. Coates, proponent, stated that he provided a preliminary site plan for this development that illustrated an entrance off Campus Court. Mr. Coates stated that a wall be constructed (height and materials to be determined) down the alley. Mr. Coates stated that Nichols Drive is planned to be a thoroughfare through this development and will allow property owners access via Dutton Circle (off Campus Court) or Nichols Drive.

Mr. Bixby asked about the wall between Country Meadows and the new subdivision – or is the wall to be between the new subdivision and the school.

Mr. Coates responded that the wall will be between the subdivision and the school and the subdivision and Country Meadows. Mr. Coates stated that at this time it is proposed that the fence be on the western border of the Country Meadows north-south alley. The subdivision proposed by Mr. Coates will have rear alley access.

Mr. Bixby asked if a second alley would be constructed.

Mr. Coates stated that he felt a second alley would be the right thing to do.

Mr. Bixby stated that this seems to be an odd situation and a double alley is unneeded.

Mr. James stated that the wall and rear access to the development is not a part of the rezoning request. If the zoning is approved or denied, there is no guarantee that the development will be configured in the manner presented at today's meeting. Mr. James stated that if the duplicate alley is intended to be a public alley, there is no guarantee that the City would accept the double alley.

Mr. John Jordan stated that in reviewing the maps presented at today's meeting, the biggest problem, in his view, is that what seems to be happening is the installation of a "shortcut" between the property to the west and Judge Ely Boulevard. Mr. Jordan stated that his objection to this development is traffic.

Mr. Jack Stewart stated that he was in favor of the request until he heard Mr. James state that regardless of what the public objects to or is in favor of today, the only item before this Commission is the rezoning.

Mr. Famble stated that the Commission's responsibility concerns the zoning of the property. Mr. Famble stated that the physical development of the property involves a different process and outside the scope of responsibility of this Commission.

Mr. Stewart stated that he has no objection to the development. His main concern is the wall – the alley cannot be widened because a utility easement exists in this area and there are poles all along the west side of the alley. The wall will also serve to decrease traffic in the area.

Mr. Famble closed the public hearing.

**Dr. Long moved to approve Z-2009-01. Mr. Bixby seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Famble Long and Rosenbaum) with one (1) abstention (Todd).**

**Item Six: Ordinance Amendment**

a. Discussion and possible action on an Ordinance amending the City of Abilene Zoning Ordinance, Section 23-312 regarding maximum building height restrictions in the AO (Agricultural Open Space) zoning district. The specific proposal being to increase the maximum building height allowed.

Mr. Ben Bryner presented the staff report for this item. Mr. Bryner stated that upon review of the City's regulations pertaining to building restrictions in the AO (Agricultural Open Space) zoning district, staff concluded that the existing regulations may be overly restrictive with regard to height and side setbacks.

Staff is proposing an amendment to Section 23-312 in the Zoning Ordinance to eliminate the maximum height within the AO zoning district and to only require a side setback of 25 feet. Additionally, staff is proposing increased setbacks for buildings and/or structures taller than 45 feet in height to protect adjacent properties.

Planning staff recommends approval of the proposed amendment.

Mr. Bixby asked if it is correct that there are other ordinances that restrict height in certain AO zoning areas, e.g., Dyess Air Force Base and the City's Airport.

Mr. Bryner stated that the Airport Zoning Ordinance addresses these areas.

Mr. Famble opened the public hearing.

Mr. Jack Harkins with the Tittle Luther Partnership expressed his firm's request that the Commission favorably consider this request. Mr. Harkins stated that Tittle Luther Partnership is working with the Wylie School District. Construction at the Wylie School site would be impacted by this zoning ordinance amendment.

Mr. Joey Light, Superintendent of WISD, expressed his appreciation to the Commission for considering this request. Mr. Light stated that this height amendment is needed by the WISD and hopefully will not place any hardship on anyone or any zoning purposed.

Mr. Famble closed the public hearing.

Dr. Long asked if the ordinance amendment is the only option.

Mr. Bryner stated that another option would be a variance through the Board of Adjustment. Upon investigation by staff, it was determined that a nonfinancial hardship (required by the Board of Adjustment for granting a variance) would be difficult to justify. With the addition of the setback restrictions, staff believes that adjacent properties will be protected.

Mr. James stated that if the "no height limit" is of concern to this Commission, a maximum height allowance could be established.

**Mr. Bixby moved to approve the Ordinance Amendment to Section 23-312 regarding the removal of a height restriction in AO zoning. Mr. Todd seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Famble, Rosenbaum and Todd) to one (1) in opposition (Long).**

**Item Seven: Discussion Items**

a. Report and Discussion Regarding the 2009-2013 Capital Improvement Program (CIP).

Mr. Edward McRoy presented the staff report for this item. Mr. McRoy stated that today he will be providing a report to the Planning and Zoning Commission regarding projects for the 2009-2013 CIP Program. Staff will provide more detailed information and project sheets at the Commission's February meeting. Mr. McRoy reviewed the CIP program (timeframe; project costs; and criteria for CIP projects). It is anticipated that the Planning and Zoning Commission will make a recommendation to the City Manager at the February 2, 2009, meeting. The City Manager will submit the CIP Program to the City Council for final approval.

Mr. Famble thanked Mr. McRoy for his presentation. Mr. Famble stated that the information seems to be more concise and clearer this year than it has been in the past.

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

Mr. Jon James stated that the Commission discussed the issue of the area for infill development. Mr. James stated that the primary reason that this issue is being addressed at this time is that in this year's budget the City Council approved a reduction in fees of 50% for development within an infill area. The City Council asked that this item be considered by the Planning and Zoning Commission for recommendations and input regarding infill areas. In addition to the fee reduction, staff will be looking at a number of other issues in the future to encourage infill development, e.g. the 2013 CIP projects; neighborhood empowerment zone; sidewalk construction project; etc. At last months Planning and Zoning Commission meeting, the boundaries for infill development were recommended as follows:

Downtown Area (North Downtown - Grape to Treadaway; North 10<sup>th</sup> Street to the railroad tracks (South Downtown – Butternut to Treadaway; the railroad tracks to South 7<sup>th</sup> Street)  
Any properties fronting onto the following roadways:  
Highway 80 – inside the loop from 277 on one side to Loop 322)  
Treadaway – From I-20 to Industrial  
Pine Street  
Butternut

Mr. Bixby stated that the map, as presented, looks exactly as recommended by the Commission. Mr. Bixby asked for clarification regarding a statement made by Mr. James: "any property that abuts these areas would be included." Mr. Bixby asked if this meant parcels.

Mr. James stated that staff felt the easiest and most simple way of defining the area is properties that actually have frontage on the designated streets. Mr. James stated that staff designation is that only the parcel fronting on a specific street would receive the credit.

Mr. Bixby agrees with the wording "parcels abutting the specified streets or areas."

Mr. James stated that since the Commission seems to be in agreement with the areas defined by the Commission and City staff, this information will be forwarded to the City Council.

**Item Eight: Director's Report**

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

Commissioners were provided a memorandum regarding recent Council decisions.

- b. Lake Fort Phantom Plan: Regular or Special Meeting in February?

The consensus of the Commissioners was to hold a special meeting on February 16, 2009, at 5:30 p.m.

- c. Information on the State Planning Conference, February 4-7.

Commissioners were asked to contact the Director's secretary as soon as possible if they wished to attend the American Planning Association State Conference to be held in El Paso.

**Item Eight: Adjourn**

There being no further business, the Planning and Zoning Commission meeting was adjourned at 2:45 p.m.

Approved: _____, Chairman
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