
PLANNING & ZONING COMMISSION

August 17, 2009

Minutes

Members Present: Bruce Bixby
 Fred Famble
 Gary Glenn
 Tim McClarty
 Clint Rosenbaum
 David Todd

Members Absent: Ovelia Campos

Staff Present: Jon James, Director of Planning and Development Services
 Kelley Messer, Assistant City Attorney
 Ed McRoy, Assistant Director of Planning and Development Services
 Ben Bryner, Planning Services Manager
 Matt Jones, Planner I
 Zack Rainbow, Planner I
 JoAnn Sczech, Executive Secretary, Recording

Others Present: Dan Sefko, Dunkin, Sefko and Associates
 Laddie C. Galloway
 Dave Boyll
 Randy Williams
 Barbara Pointer

Item One: Call to Order

Mr. Tim McClarty called the meeting to order at 1:34 p.m. and declared a quorum present.

Item Two: Invocation

Mr. McClarty gave the Invocation.

Item Three: Approval of Minutes

Approval of the minutes of the July 6, 2009, Planning and Zoning Commission meeting.

Mr. Glenn moved to approve the minutes of the July 6, 2009, meeting. Mr. Famble seconded the motion and the motion carried unanimously.

Item Four: Plats

a. MRP-0809- A public hearing to consider a plat of Lots 101, 102 and 103, Replat of Lots 1-5, Lots 7-10, an abandoned alley running north and south and a portion of an abandoned alley running east and west out of Block 7, Scott Highway Place, an Addition to the City of Abilene, Taylor County, Texas.

Mr. Zack Rainbow presented information regarding the plat listed on the agenda. Mr. Rainbow stated that staff is recommending approval of the plat as it meets the Subdivision Regulation requirements.

Mr. McClarty opened the public hearing and asked if anyone wished to speak regarding the plat being presented for approval. No one came forward and Mr. McClarty closed the public hearing.

Ms. Bixby moved to approve MRP-0809. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Glenn, McClarty, Rosenbaum and Todd) to none (0) opposed.

Item Five: Zoning Ordinance Amendment

a. Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Section 23-313 of the City of Abilene Zoning Ordinance regarding building lines.

Mr. Ben Bryner presented the staff report for this item. The current building setback from a lot boundary adjacent to a collector street is thirty (30) feet. The same building setback is required from a lot boundary adjacent to an arterial street. The primary purpose of a collector street is to provide connection between arterial streets. Although still substantial, the traffic volumes on collector roads are much less than volumes on arterial streets. A reduced building setback would bring houses and buildings closer to the street which will help define the edges of the street.

Staff is proposing an amendment to Section 23-313 in the Zoning Ordinance to reduce the required building setback from a lot boundary adjacent to a collector street to twenty-five (25) feet. As part of the planned Land Development Code, it is proposed to reduce the building setback requirement to 25 feet along collector streets.

Planning staff recommends approval of the proposed amendment

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

Mr. McClarty opened the public hearing. No one came forward and Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve the amendment to Section 23-313 of the City of Abilene Zoning Ordinance regarding building lines. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Glenn, McClarty, Rosenbaum and Todd) to none (0) opposed.

Item Six: Workshop

a. Presentation and discussion on the draft Land Development Code.

Mr. Jon James presented the staff report and background information for this item. Mr. James stated that also present at this meeting is Mr. Dan Sefko with Freese and Nichols, the consulting firm that staff has

been working with on the preparation of the Land Development Code. Mr. James stated that one of the recommendations of the City's Comprehensive Plan (adopted in 2004) was to review the City's development ordinances. The Land Development Code incorporates the Zoning Ordinance, Subdivision Regulations and other ordinances and Council policies into one document. The Procedures Section ensures that development issues are interrelated and the required steps for each procedure are systematically defined. Mr. James stated that highlights of major changes will be presented at this meeting. The first public hearing on this document will be held at the Planning and Zoning Commission's next meeting (September 8th). The proposed Land Development Code is divided into five (5) chapters.

Chapter 1: General Provisions (Roles & Procedures)

- Clarified the role and membership of the Development Review Committee (combined Plat Review Committee and Site Plan Review Committee) to reflect recent practice {1.1.6}

Committee discussed the following options for consideration:

- *Time limit within which the DRC must provide comments, else deemed OK (staff has some concerns with this);*
- New requirement to post notice on the property being rezoned {1.2.2.3}
Review Committee recommended eliminating this provision; staff concurs.
- New procedure for a "plat requirement waiver" decided by the P&Z Commission {1.3.4}
Staff has some concern with the broad authority this gives to waive requirements of the ordinance.
- New provision requiring a super-majority decision at the City Council when a zoning case denied by P&Z is appealed to the Council {1.4.1.3(i)(2)}
Review Committee recommended keeping the simple majority requirement.
- New "conditional use permit" and procedure {1.4.3}

Mr. James stated that this section would provide a process whereby a particular use at a specific location would only be allowed if approved by the Planning and Zoning Commission and the City Council. This section implements the procedure and criteria for granting a "conditional use."

Chapter 2: Zoning Regulations

- Substantial Changes to a number of zoning districts:
 - Patio Home (PH) District as a standalone district (rather than Overlay)
 - New Townhome (TH) District
 - RM-3 converted to Medium Density (MD) District (max 4 units/lot)
 - RM-2 and RM-1 converted to Multiple-Family (MF) District
 - Usable open space requirement? {2.4.2.9(k)}

- Office (O) District
 - Split into two office districts: (O) Office, similar to our current office district and (NO) Neighborhood Office, that is intended to be more compatible with nearby residential (with limits on building size, height, and hours of operation)
- Limited Commercial (LC) converted to Neighborhood Retail (NR) District
 - Changes to make this district more neighborhood-compatible, such as more limited permitted uses and limits on maximum building size, hours of operation, etc.
- Shopping Center (SC) replaced with General Retail (GR) District
 - Generally more permissive than SC; intent is to convert much of existing SC and GC to this new GR District
- Revised General Commercial (GC) District
 - Generally more permissive than current GC district; therefore, some areas currently zoned GC should be rezoned to the GR District

Rezoning requests must be approved by the Planning and Zoning Commission and the City Council, as required by the current ordinance.

- Changes to site layout and building requirements for residential zoning districts {Table 2-2}
 - Reduced front setbacks adjacent to subcollectors or minor streets
 - Added a separate setback for collector streets
 - Added a garage setback
 - Standardized the side yard setbacks
 - Increased the maximum heights for RS zoning districts
 - Clarified that maximum lot coverage includes all impervious surfaces, not just buildings.
- New Neighborhood Conservation Overlay (NCO) District {2.4.4.3}
- Changes to Historic Overlay (HO) District, as recommended by Landmarks Commission {2.4.4.4}
 - Allows Landmarks to initiate zoning designation in certain situations. {2.4.4.4(e)(2)}
 - Remove super-majority vote for Landmarks Commission approval when the property owner is opposed to the overlay? {2.4.4.4(e)(6)a}
 - Remove 12-month demolition delay in favor of permanent delay without a Certificate of Appropriateness? {2.4.4.4(f)(6)c.}
- Land Use Matrix {2.5.2.1}
 - Simplified use classifications using more general categories of uses
 - Reduced parking requirements for many uses
- Accessory dwellings permitted in single-family zoning with conditions {2.5.4.1(b)(4)}

This would allow accessory dwellings (such as a garage apartment) by right in single family zoning districts as long as certain conditions are met.

- Added Wind Energy Conversion (WEC) systems provisions (conditional use permit) {2.5.7}
- Outstanding setback questions:
 - How to address platted building setbacks? Should the City enforce platted building setbacks that are greater than the current setbacks per the ordinance? {2.6.1.1(d)}
Committee recommends allowing the use of the ordinance setback (i.e., not enforcing a platted building setback).
 - Should we include a provision that allows a new building in a mostly developed area to meet the average setback of surrounding buildings, in lieu of the otherwise required setback? {2.6.1.1 and Tables 2-2 and 2-4}

Chapter 3: Subdivision Regulations

- Committee recommended not using value of building improvements to trigger a plat (only size of expansion) – consistent with their recommendation to remove the value trigger for site plans. {3.1.1.1(c)(2)2}
- Replaced Preliminary Development Plan (PDP) with required Preliminary Plat {3.1.3}
- Committee discussed the option of allowing water delivery to qualify a property as having an adequate water supply (i.e., not requiring a well or connection to a certified water system).

Neither staff nor the consulting team is recommending this option. Mr. McClarty stated that there was a great deal of discussion regarding this item at the Committee level. Mr. McClarty asked that if the Zoning Commission agrees with the Committee, will City staff still present their recommendation at the Council.

Mr. James stated that it depends on the recommendation – there are some (staff) recommendations that staff feels obligated to present to the Council. The recommendation of this Commission is the information formally presented to the Council; however, if staff strongly disagrees, that information will also be presented to the Council.

Mr. Bixby asked if the Committee recommendation will also be presented to the Council. Some issues may have three (3) recommendations: Committee, Planning and Zoning Commission and City staff.

Mr. James stated that in this instance (or instances) all recommendations will be presented to the Council.

- Changes to street standards {3.2.7}:
 - New requirement that subdivisions over 60 lots must have two points of vehicular access. {3.2.7.5(a)}
The Review Committee recommended increasing this to 100 lots.

- Shifts responsibility of installing street signs and streetlights to the developer. {3.2.7.6(k) and (l)}
Review Committee recommends keeping this responsibility with the City; staff disagrees.
- Reduced maximum block length for non-arterial streets from 1,800' to 880' {3.2.7.8(a)}
Review Committee questioned this change and suggested that it should be higher. Staff continues to support 880' as the maximum. However, 5 of 10 peer cities have a maximum of 1,200', while 3 peer cities have either 600' or 660' maximums.
- New standards for access management and driveway spacing {3.2.9, particularly Table 3-7}
- Changes to Drainage Standards {3.2.11}:
 - Staff recommended reducing the trigger for a drainage plan from 5,000 square feet of impervious surface to 2,500 square feet. The Review Committee recommended keeping the 5,000 square feet trigger. {3.2.11.4}
 - New Alternative Design procedure?
 - New Downstream Assessment procedure?
- Parkland dedication requirement for new subdivisions {3.2.16}
Committee recommended eliminating this requirement

Chapter 4: Site Development Regulations

- Clarified and changed the triggers for a Site Plan {4.1.1.2(b)}
See ordinance notes for discussion of Review Committee recommendations
- Proposed “Traffic Impact Analysis” for uses with high traffic generation and impacts {4.1.2.6}
Review Committee recommends eliminating this requirement.

Mr. James asked Commissioners to contact staff with questions and/or concerns when reviewing this information over the next few weeks. Mr. James stated that the information provided to the Commissioners regarding the “major changes” to the Codes is intended to highlight or point out changes, staff recommendations and Committee recommendations (particularly in those instances where the staff recommendation(s) and Committee recommendation(s) differ).

Mr. McClarty stated that until everyone has had a chance to review this information, there is no reason to review the information point by point. Mr. McClarty stated his recommendation would be to discuss the items in detail once all Commission members have had a chance to review the information.

Mr. McClarty asked Mr. James if there would be a special meeting of the Planning and Zoning Commission to discuss only the Land Development Code.

Mr. James responded that this information will be on the agenda for the Commission’s regularly scheduled meeting on September 8th and a special meeting on September 21st.

Mr. Rosenbaum stated that his preference would be to designate only one (1) chapter to discuss at the meeting on September 8th.

Item Seven: Director's Report

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

Mr. James stated that because it was not possible to approve plats at the Planning and Zoning Commission's regular meeting on August 3rd, under State law if a plat is not denied within 30 days of submission, then it is automatically approved. The plats listed on the agenda exceeded the 30 day timeframe and therefore approved under State law. No action is required by this Commission – the plats were listed on the agenda for informational purposes. All plats met Subdivision Regulations requirements and staff recommendation was approval.

Item Eight: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 2:35 p.m.

Approved: _____, Chairman
