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**PLANNING & ZONING COMMISSION**

**December 7, 2009**

**Minutes**

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

Members Absent:        Ovelia Campos  
                                 Clint Rosenbaum

Staff Present:            Jon James, Director of Planning and Development Services  
                                 Dan Santee, City Attorney  
                                 Ed McRoy, Assistant Director of Planning and Development Services  
                                 Ben Bryner, Planning Services Manager  
                                 JoAnn Sczech, Executive Secretary, Recording

Others Present:         Julie Napier  
                                 Greg Cannon  
                                 Leroy King  
                                 Danielle Delhomme  
                                 Amber Cree  
                                 Tommy Downing  
                                 Jason Johnson  
                                 Barbara Pointer  
                                 Dave Boyll  
                                 Gail Russey

**Item One:                Call to Order**

Mr. Tim McClarty called the meeting to order at 1:33 p.m. and declared a quorum present.

**Item Two:                Invocation**

Mr. McClarty gave the Invocation.

Mr. McClarty read the opening statement

**Item Three:              Approval of Minutes**

**Mr. Gary Glenn moved to approve the minutes of the November 2<sup>nd</sup> and November 16, 2009 meetings. Mr. Famble seconded the motion and the motion carried unanimously.**

**Item Four:                   Plats**

a.       MRP-2208

A public hearing to consider a plat of Lot 208, A Replat of Part of Lot 7 and Part of Lots 12 and 13, Stevenson Subdivision, a Subdivision of Outlots 2 and 3 and the North 140 feet of Outlot 4, Block No. 209, Original Town of Abilene, Taylor County, Texas.

b.       FRP-1709

A public hearing to consider a plat of Prairie Song Subdivision, Abilene, Taylor County, Texas, A Re-plat of part of Lot 201, Block A, Section 7, Hillcrest Addition.

Mr. Zack Rainbow presented the staff report for these plats. Staff recommends approval as both plats meet the requirements of the Subdivision Regulations. Approval would be conditional upon receiving all required signatures on the mylar for MRP-2208.

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

**Mr. Famble moved to approve MRP-2208 and FRP-1709 as guided by City staff.. Mr. Bixby seconded the motion and MRP-2208 was approved by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd and McClarty). FRP-1709 was approved by a vote of four (4) in favor (Bixby, Famble, Glenn and McClarty) and one (1) abstention (Todd).**

**Item Five:                   Ordinance Amendment**

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Section 23-306 of the City of Abilene Zoning Ordinance pertaining to “Liquor Store On-Premise Consumption.”

Mr. Ben Bryner provided the staff report for this item. Last year, the Taylor County Expo Center board voted unanimously to allow beer sales at a limited number of publicly ticketed events. However, upon review of the City’s regulations, it was determined that the existing zoning for the expo center did not allow for the sale of alcohol.

The zoning on the Taylor County Expo Center property is AO (Agricultural Open Space). The use, “liquor store on-premise consumption”, is not a permitted use within the AO zoning district. Staff proposed an amendment to Section 23-306 in the Zoning Ordinance to allow the use of “liquor store on-premise consumption” within the AO zoning district with the condition that the sale of alcohol be accessory to the following uses: Drag Strip or Commercial Racing; Fairgrounds; Motorcycle Track; Rodeo Grounds; and Stadium. The amendment was approved by City Council on December 18, 2008.

Recently, the Parks Board recommended a change to the previously approved amendment regarding alcohol in AO zoning adding the following uses to the list: golf course, zoo, and parks. The zoo and park uses would be restricted to events with a permit approved by the Parks and Recreation Advisory Board.

Planning staff recommends approval of the proposed amendment.

Mr. Santee stated that if this amendment is approved by this Commission, this Zoning Ordinance amendment along with a recommendation to amend the City's Code of Ordinances will be forwarded to the City Council.

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

**Mr. Bixby moved approve the Zoning Ordinance amendment. Mr. Glenn seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd and McClarty) to none (0) opposed.**

**Item Six: Zone Change**

z. Z.2009-19

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Danielle Delhomme, to rezone property from LI (Light Industrial) to PDD (Planned Development District) zoning, located at 1901 East Highway 80.

Mr. Bryner presented the staff report for this case. The request is to rezone property from LI to PDD. The purpose of the PDD is to allow light industrial uses, plus a permanent security residence and vacation travel trailers.

The subject parcels total approximately 3.13 acres and is currently zoned LI (Light Industrial). The parcel was recently developed with a research facility. The adjacent properties have LI zoning to the east and west, HI (Heavy Industrial) zoning to the south, and HC (Heavy Commercial) to the north. The area was annexed in 1957 and zoned LI (Light Industrial) sometime after it was annexed.

Currently the property is zoned LI and was recently developed with a research facility. The properties to the east, west, and south are mostly developed with industrial uses. The properties on the north side of East Highway 80 are primarily undeveloped. Some single-family residential uses exist farther to the north.

The Future Land Use section of the Comprehensive Plan designates this general area as part of the Gateway/Business-Industrial area and an Enhancement Corridor. This area currently contains older industrial facilities and convenience stores serving interstate travelers. The plan recommends transforming the character of these districts through a combination of aesthetic improvements (such as streetscape landscaping, signage, and lighting), coupled with a concentrated effort by the City to work with property owners to improve the appearance of their properties. Industrial activity along East Highway 80 is compatible with the surrounding area as long as aesthetic improvements are included.

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

The current Planned Development District developed by staff includes:

**Permitted Uses:**

- Allow 1 permanent onsite Security Residence (mobile home)
- Allow 6 travel trailer/RV spaces *(3 spaces in original)*

Screening:

- Screening from East Highway 80: (6 ft screen - hedge, shrubs, trees, wall, berm, wood fence with landscaping, etc.)

Signage:

- Banners allowed flat against the face of a building
- Prohibited signs:
  - Portable signs
  - Streamers, pennants, balloons, etc.
  - Temporary signs and freestanding banners

The Proponent's request is:

- Allow an additional mobile home on the property (2 MH & 6 RVs)
- Removal of screening requirements
- Removal of signage requirements

Planning staff recommends approval of the Planned Development District as proposed by City staff.

Mr. McClarty opened the public hearing.

Ms. Danielle Delhomme, proponent, stated that PDD, as developed by City staff, was presented to her on Thursday (prior to the Monday meeting) and she has concerns about requirements above and beyond normal requirements. Of particular concern are the screening requirements and the signage requirements.

Mr. Todd stated that this item could be tabled if Ms. Delhomme does not agree with the PDD developed by City staff if she would like more time to discuss this with the staff.

Ms. Delhomme stated that she would like to move forward with this project and does not want the item tabled.

Mr. McClarty closed the public hearing.

Mr. Bixby stated that because this project is located on an entrance into the City, staff might consider a corridor overlay for this area at some time in the future.

Mr. James stated that this area is located within an Enhancement Corridor and streetscaping is required. Also, additional screening is being requested because of the residential use of the land.

Mr. Bixby stated that he did not see the need for a second security residence.

Mr. Santee asked how much development can be done before the street improvement requirement is triggered.

Mr. James stated that the development of Fair Drive was waived by the City Council. Traffic needs in this area are based on "convenience store" traffic. If the amount of traffic exceeds this volume, street development would be triggered.

Mr. James stated that under the current City regulations, the RV spaces would be limited to a maximum of three months occupancy. If this length is a concern, Ms. Delhomme may request that the PDD be amended.

Mr. McClarty reopened the public hearing in order for Ms. Delhomme to address the question regarding the length of stay permitted for an RV.

Ms. Delhomme stated that she was not aware that there was a three month limit for RVs. Ms. Delhomme stated that at this time she believed this length of time would be fine in 95% of the cases.

Mr. McClarty closed the public hearing.

**Mr. Todd moved to approve Z-2009-19 as follows:**

**One mobile home on site as a security residence (limited to security personnel and/or engineer(s) working at the facility)**

**Delete the screening required**

**Retain the signage requirements as stated in the PDD**

**Permit six (6) RVs, as requested**

**Mr. Glenn seconded the motion and the motion carried by a vote of four (4) in favor (Famble, Glenn, McClarty and Todd); one (1) in opposition (Bixby); and, none (0) in opposition.**

b. A-2009-20

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Harold Cannon, to rezone property from RS-6 (Single Family Residential) to RM-3 (Multi-Family Residential) zoning, located at 1151 Lillius Street and 2041 North 12<sup>th</sup> Street.

Mr. Matt Jones presented the staff report for this case. The request is rezone property from RS-6 to RM-3. The subject parcels total approximately .42 acres and is currently zoned RS-6 (Single Family Residential). The parcels have been developed with residential units. The adjacent properties have RS-6 zoning to the south and east, RM-3 (Multi Family Residential) and RS-6 zoning to the north, and RM-3 zoning to the west. The area was annexed in 1895 and was zoned RS-6 sometime after it was annexed.

Currently the properties are zoned RS-6 and have been developed with residential units on the property. There is a mix of single family and multi family developments in the immediate area of the property. The RM-3 zoning is across the alley to the east of the subject property, and the RS-6 zoned properties are to the west.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested RM-3 zoning is compatible with the Comprehensive Plan as well as RS-6 zoning. However, there is a prominent division of the RS-6 zoning and RM-3 zoning that runs along the north/south alley to the east of the subject property. With such a defined boundary between the RM-3 and RS-6 zoning, the request would seem to create an encroachment of multi family residential into an area that is clearly intended for single family uses.

Property owners within 200 feet of the rezoning request were notified. No comment forms were received in favor and one (1) in opposition of the request.

Planning staff recommends denial of the request.

Mr. McClarty opened the public hearing

Mr. Harold Cannon, proponent, stated that this property was given to him by his father and his intention is to improve the structures and the area. Mr. Cannon stated that he is attempting to obtain an electrical member for each unit and cannot do this under single family zoning.

Mr. McClarty closed the public hearing.

Mr. Glenn asked if the proponent is attempting to obtain water meter as well as electrical meters?

Mr. James responded affirmatively. In residential zoning districts, a maximum of only one meter per lot is allowed.

Mr. McClarty stated that if the zoning is not granted, the properties will continue to deteriorate. If the rezoning for RM-3 is granted, the proponent has stated that his intention is to improve the properties. Mr. McClarty stated that he felt the RM zoning should be granted so that Mr. Cannon can obtain permits to improve these properties.

**Mr. Bixby moved to approve Z-2009-20. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Glenn, McClarty and Todd) to none (0) opposed.**

**Item Seven: Land Development Code**

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to adopt the Land Development Code.

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

Mr. McClarty had questions, concerns regarding the following:

- ⇒ Section 3.2.7.5 – This has been increased to 100 – Mr. McClarty asked staff if there is a mechanism in place to deal with a waiver of more than 100.

Mr. James stated that this would be allowable through the general plat waiver process in the new LDC.

At this point Mr. McClarty opened the public hearing. No one came forward and the public hearing was closed.

- ⇒ Driveway and Access Management – Ensure that property access is allowed for all property.

Mr. James stated that there is a provision on page 3-71 (c) – provides for a common access easement or allows the City engineer to authorize a noncompliant driveway, when required.

⇒ Page 3-69 – Design Criteria – (c) Five (5) foot minimum width (not exceeding 20 feet) for driveways and mediums

Mr. McClarty stated that there are a number of places in Abilene where the width is much less than five (5) feet.

Mr. James stated that originally the requirement was eight (8) feet and when this concern was raised earlier in the LDC discussion, staff discussed this with Public Works and they concurred that this could be reduced to five (5) feet.

Mr. McClarty stated that for some of his designs, the Traffic Division has required installation of mediums of less than five (5) feet. Mr. McClarty stated that if this is being required by the Traffic Division, he has no problem with the required footage.

⇒ Page 3-73 – Shared Driveway Access

Mr. McClarty asked how a property owner would force an adjacent neighbor to provide shared access and this occurs it appears there might be liability and insurance problems. Mr. McClarty asked how this would be enforced.

Mr. James stated that there is a provision in the LDC that addresses landowners not willing to work together and this is more likely to occur in newly developed areas. Mr. James stated that his section is utilized most often for cross access from one parking lot to another without exiting onto a highway, particularly for newly developing areas.

Mr. James stated that in a previous meeting, the question was raised regarding the driveway spacing at a T-intersection.

Mr. McClarty stated access management has typically been handled by the State DOT. Mr. McClarty stated that he would like to have their input regarding this issue. This document must be approved by the State for State roadways.

Mr. Bixby asked if a driveway should be allowed directly across from a T-intersection, particularly at a controlled intersection.

Mr. James stated that this section could be reworded to limit this only from traffic signalized intersections – therefore it would not apply to any T-intersection except those signalized.

Mr. James stated that Planning staff will meet with the Traffic Division to develop language to resolve this issue.

⇒ Page 3-77 – Definitions - “Habitable Floor” – Mr. McClarty stated that he is assuming that this definition includes the storage of automobiles.

Mr. McClarty asked if the following should be added: “A floor used for storage purposes, including auto storage, is not a habitable floor.”

Mr. James stated that this inclusion is the intent of the Code; however, staff will meet with Stormwater Management staff regarding this section. Mr. James stated that most of this section is taken directly from the Federal regulations, which most likely defines this and therefore does not need to be changed.

Mr. McClarty asked for a review of the 5,000 square foot limitation for Stormwater Management. Mr. McClarty stated that in his opinion this limitation is completely opposite of the intention of the Comprehensive Plan.

Mr. Bixby asked if this should be excluded in the Central Business District.

Mr. McClarty stated that this is correct.

Mr. McClarty stated that an infill piece of property in a central portion of the City will not make one bit of difference downstream.

Mr. Todd stated that the Down Stream Impact Analysis Criteria should address this issue.

Mr. McClarty stated that he cannot think of anything that would be more helpful to infill development than this one item and limit it to 5,000 square feet. Mr. McClarty that he would very much like for this requirement to be eliminated for the CBD and the corridor areas for infill development.

Mr. James stated that Planning staff will meet with staff of Stormwater Management to ensure that this can be accomplished.

⇒ Page 3-79, Item 42 – reference the Coastal Barrier Resources Act.

Mr. James stated that this is a standard definition.

Mr. McClarty recommended that this be stricken from the LDC for Abilene.

⇒ Page , Substantial Improvement

Mr. McClarty stated that this is referenced in Section 3.1.1.1. (c) 2. (1).

Mr. James stated that this information was removed, in general. This section is a requirement based on a FEMA standard established through the regulations for Flood Plain Development. Staff did not feel that this is a section that could be removed.

Mr. McClarty asked about another “General Statement” regarding situations in Abilene where property is returned to an absorptive state (redevelopment of a piece of property originally covered in concrete is redeveloped with only 50% covered in concrete). That property owner is provided the incentive of not providing floodwater detention because they have returned property to an absorptive state. However; this landowner has returned much more land to the absorptive state than what is required for their property and they should have the right to use this excess percentage at another location or reclaim it. This LDC includes no provision for this situation. Mr. McClarty stated that infill development is encouraged by the Comprehensive Plan and this is a tool that could be utilized to encourage infill



development.

⇒ Page 3-84, Paragraph D, Subparagraph 2 – Certificate from Contractor or Registered Professional Engineer...

Mr. James stated that on page 3-84 the wording should be limited to an “engineer” because it requires a certification by a licensed professional engineer.

⇒ Page 3-99, Sidewalks

Mr. McClarty asked why the minimum clear path width of a sidewalk varies from four (4) to five (5) feet in some areas.

Mr. James stated that the required width was originally five (5) feet in all areas. This is part of the compromise agreed upon in the adoption process – the width was reduced to four (4) feet in residential subdivisions on local streets only.

⇒ Page 3-110, Parkland Dedication

Mr. James stated that per the Commission’s recommendation at their last meeting, this section will be removed from the LDC.

⇒ Page 4-8, Traffic Impact Analysis

Mr. James stated that this section will be removed from the LDC.

⇒ Page 4-18, Land Use Matrix

Mr. McClarty asked for the definition of a “Land Use Matrix.”

Mr. James stated that this is the chart in the Zoning Section of the LDC that lists all the uses and where each use is permitted (beginning on Page 2-78).

⇒ Page 4-23, Reference to ADA and TAS

Mr. McClarty recommended a reference to both the ADA and TAS in both B-1 and B-2.

⇒ Page 4-27 – Landscaping in Floodplain and Floodway

Mr. Bixby asked if this reflects the recommendation of the Planning and Zoning Commission. Mr. Bixby stated that he did not see the reason for excluding landscaping in the Floodway. Grass should be counted toward the percentage of required landscaping. Mr. Bixby stated that his recommendation is that this exclusion should be removed.

Mr. James stated that staff will review this section.

⇒ Page 4-29, Tree Preservation Credits

Mr. McClarty stated that this section states that a maximum of 1/3 of the required trees shall be allowed per site. Mr. McClarty stated that credit should be provided for all trees if they meet the caliper requirement. Mr. McClarty stated that the maximum credit of 1/3 should be 1 to 1 (100 % of the required trees). Maximum credit should 100%.

⇒ Page 4-31, Premium Trees

Mr. McClarty stated that this section defined premium trees with a trunk caliper of eight (8) inches. This is a large tree and the premium caliper should be lowered to six (6) inches.

⇒ Page 4-33, Section 4.2.5.1.(a) – Screening of Mechanical Equipment

Mr. McClarty stated that roof equipment was excluded; however, there are some areas in the City where this is not being accomplished and will provide these locations to staff.

Mr. Bixby stated it has been expressed that most of all of the Commission should be present for final approval of this document. Staff has items that will be brought back to the Commission and another meeting will be required to complete review of this document. Mr. Bixby asked staff to contact Commissioners to determine a time and date for final review of this document

It was the consensus of the Commissioners to meet on Monday, December 14, 2009, at 1:30 p.m. Commissioners will be contacted to determine if this date is agreeable to everyone.

**Mr. Bixby moved to table this item to Monday, December 14, 2009. Mr. Todd seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Glenn McClarty and Todd) to none opposed.**

**Item Eight: Director's Report**

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

Mr. James stated the City Council approved one (1) case which was also recommended for approval by the Planning and Zoning Commission.

**Item Nine: Adjourn**

There being no further business, the Planning and Zoning Commission meeting was adjourned at 3:47 p.m.

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| Approved: _____, Chairman |
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