
PLANNING & ZONING COMMISSION
February 1, 2010
Minutes

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

Members Absent: Bruce Bixby
Ovelia Campos

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

Others Present: Terry Pribble
Carl Kieke
Dave Boyll

Item One: Call to Order

Mr. Tim McClarty called the meeting to order at 1:31 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. Clint Rosenbaum moved to approve the minutes of the January 4, 2010, meeting. Mr. Fred Famble seconded the motion and the motion carried unanimously.

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

Item Four: Plats

- a. FRP-2209
A public hearing to consider a plat of Stovall Estates, Section 1, Abilene, Taylor County, Texas.
- b. MRP-0110
A public hearing to consider a plat of Lot 202, a Replat of Lot 102, and a part of Lot 2, Block 16, North Park Addition, City of Abilene, Taylor Co., Texas.

Mr. Zack Rainbow presented the staff report for these plats. Staff recommends approval as both plats meet the requirements of the Subdivision Regulation.

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

Mr. Glenn moved to approve FRP-2209 and MRP-0110. Mr. Rosenbaum seconded the motion and MRP-0110 was approved by a vote of five (5) in favor (Famble, Glenn, McClarty, Rosenbaum and Todd) to none (0) opposed. FRP-2209 was approved by a vote of four (4) in favor (Famble, Glenn, McClarty and Rosenbaum); one (1) abstention (Todd); and, no (0) opposition.

Item Five: Thoroughfare Closure:

TC-2010-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Ag Service & Supply, agent Bob Lindley P.E., to abandon Rose Street between South 11th Street and South 14th Street, South 12th Street approximately 200 feet east from Rose Street, South 13th Street approximately 200 feet east from Rose Street, and a north-south road between South 11th Street and South 13th Street approximately 200 feet east from Rose Street.

Mr. Matt Jones presented the staff report for this case. The request is to abandon Rose Street between South 11th Street and South 14th Street, South 12th Street approximately 200 feet east from Rose Street, South 13th Street approximately 200 feet east from Rose Street, and a north-south road between South 11th Street and South 13th Street approximately 200 feet east from Rose Street.

Improvements to these right-of-ways have never been completed. The right-of-way was dedicated for public use as part of the Original Town Abilene Plat. The right-of-way width of Rose Street varies from 65 feet to 40 feet. There are existing platted lots that have their only access off of Rose Street. However, there is an existing railroad within the right-of-way of Rose Street, South 13th Street, South 12th Street, and the unnamed right-of-way to the east of Rose Street have never been improved and are all contained by a single lot.

The applicant intends to close the subject right-of-ways to avoid street construction during future improvements to their property. There are existing platted lots on the west side of Rose Street north of South 13th Street that have their only access on Rose Street, therefore, this portion of Rose Street needs to remain as a public right-of-way. The remaining portion of Rose Street south of South 13th Street has substandard right-of-way to be a full City street, but can be maintained as an alley right-of-way to accommodate the railroad that currently utilizes the right-of-way. The extensions of South 12th Street, South 13th, and the unnamed right-of-way to the east of Rose Street have no peculiarities that would prevent them from being abandoned.

Plat Review Committee: Approval of the requested closures of the extensions of South 12th, South 13th, and the unnamed right of way to the east of Rose Street. Maintaining Rose Street south of South 13th Street as an alley right-of-way, and Rose Street north of South 13th Street to continue as it exists currently. There will also need to be an open drainage/utility easement along Rose Street. The applicant must also replat within 12 months.

Staff Recommendation: Approval of the requested abandonment with the conditions suggested by the Plat Review Committee.

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

Mr. Todd asked if the northern portion of Rose Street (that staff is recommending remain open) will be required to be brought up to City standards and, if so, how does this affect the railroad.

Mr. Jones stated that this has been discussed with the City Engineer and if this occurs, an alternative design plan would be explored, given that the railroad is elevated above grade in this area.

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

Mr. Todd moved to approve TC-2010-01 with the following conditions:

⇒ **Close the unnamed eastern portion of Rose Street (north-south) and South 12th and South 13th (the portion recommended by staff)**

⇒ **Rose Street remains open from South 11th Street to South 13th Street**

⇒ **Rose Street becomes an alley right-of-way between South 13th Street and South 14th Street**

Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Famble, Glenn, McClarty, Rosenbaum and Todd) to none (0) opposed.

Item Six: 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.

Me. Glenn moved to remove this item from the table. Mr. Todd seconded the motion and the motion carried unanimously.

Mr. McClarty asked about a joint meeting of the Planning and Zoning Commission and City Council to discuss the Land Development Code.

Mr. James stated that at this time staff is working on a joint meeting for the City Council and Planning and Zoning Commission to discuss the Land Development Code. Tentatively a meeting has been set for March 4, 2010, at 8:30 a.m. at the Civic Center. As soon as this meeting date and time for this meeting have been finalized, the Planning and Zoning Commissioners will be contacted.

Mr. McClarty asked for clarification regarding the following sections of the Land Development Code:

⇒ Page 3-30 – Mr. McClarty asked Mr. Todd if he had read paragraph 3.1.8.6.b and if he was in agreement with this section.

Mr. Todd stated that he has read this section and wanted the warranty period to be consistent with other projects completed within the City of Abilene and this has been accomplished.

⇒ Page 3-76 – There was a great deal of discussion regarding this definition and the percentage and/or cost of the structure as it pertains to renovation or alteration to the structure (the point at which a floodwater detention study is triggered).

Mr. James stated that definition #45, referenced by Mr. McClarty, specifically addresses drainage standards. This information is taken from Federal standards for drainage, flood plains, etc. This definition does not relate back to the site plan or subdivision plat triggers.

Mr. Santee stated that the 50% rule will be applied by FEMA whether or not it is in a City's code. This is a Federal standard and Mr. Santee stated that it would not be his recommendation for the Commission to apply a different standard because the 50% standard is what will be applied by FEMA when flooding is assessed.

⇒ **The consensus of the Commission was to reword the definition in Section 3.2.11.1(b)(45) from “Substantial Improvement” to “Substantial Improvement in a floodway or a floodplain”.**

Mr. McClarty stated that he has been unable to locate the section of the LDC in which the definition of infill development and where the CBD and specific corridors were exempted.

Mr. James stated that this information is located in Section 3.2.11.4(c)(2) – this section creates the exemption for infill areas. The section cross-references other documents and provides a map that specifically defines the area and the “infill development corridors” as defined by the City's Infill Development Strategy (this document was adopted by City Council) with the exclusion of the Highway 80 east of Treadaway Boulevard, as recommended by the Planning and Zoning Commission. Mr. James stated that there is a map on Page 8-01 in the CIP notebook provided to the Commissioners illustrating these corridors.

Mr. McClarty asked if information discussed at an earlier Planning and Zoning Commission meeting had been included regarding returning property back to an absorptive state and utilizing this land as a future credit for recovering a portion of the development cost.

Mr. James stated that this is a complicated issue and is being researched by the Stormwater Division of the City. Mr. James stated that this research will likely result in changes to the Stormwater Ordinance and to the Land Development Code upon completion of this research, but that no changes have currently been made to the draft code.

Mr. McClarty stated that this issue has been discussed with the City Council members, with Planning and Zoning Commission members and City staff and felt that discussion of this issue should be concluded and included within the Land Development Code.

⇒ Page 4-36 – Sign Regulations – Mr. McClarty stated that this item has been discussed by the Commission and this Chapter is reserved for this information once updated and adopted.

Mr. James stated that revision of the Sign Regulations will begin following adoption of the Land Development Code. Until revised, the current Sign Regulations will be in effect.

Mr. James stated that the LDC Consultant, City staff and the City's Legal staff have discussed the enforcement provisions in the LDC to ensure they match those of the City Code. This information is currently being reviewed and will likely result in the removal of the enforcement provisions from the LDC because general enforcement provisions are included within the City Code. Mr. James stated that an update on the issue will be provided to the Planning and Zoning Commission at the joint workshop with the City Council.

Mr. McClarty reiterated two of his concerns with the LDC:

- ⇒ Page 3-76: Staff will reword the definition from substantial improvements to *substantial improvements in the floodway or floodplain*.
- ⇒ Concern regarding the “detention credit.”

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

Mr. Famble moved to approve the Land Development Code and forward this document to the City Council with the Commission's recommended changes. Mr. Glenn seconded the motion and the motion carried by a vote of four (4) in favor (Famble, Glenn, Rosenbaum and Todd) and one (1) in opposition (McClarty).

Item Seven: Capital Improvement Program

Public hearing, discussion and possible vote on a recommendation to the City Manager for improvements related to the 2010-2014 Capital Improvements Program (CIP).

Mr. Ed McRoy provided the Commissioners with information regarding the current CIP. Changes noted by Mr. McRoy from the document received by the Commissioners last month include:

- ⇒ Pavement Rehabilitation (various locations) – the amount was reduced from \$350,000 to \$300,000
- ⇒ Park Improvements (athletic lighting projects) – the \$50,000 saved in pavement rehabilitation allowed the athletic lighting projects timeframe to be moved forward.

Staff has completed a financial review of the CIP projects with the City's Finance Department and the finance director has reported that the CIP figures are very good projections based on conservative estimates of revenue projections for the next five years.

Mr. McClarty stated that the citizens of Abilene have indicated that they want sidewalks. Perhaps funds should be reallocated from street reconstruction projects for sidewalks.

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

Mr. Rosenbaum moved to approve the CIP Program and forward this information to the City

Manager. Mr. Todd seconded the motion and the motion carried by a vote of five (5) in favor (Famble, Glenn, McClarty, Rosenbaum and Todd) to none (0) opposed.

Item Eight: Director's Report

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

Mr. James stated that the City Council denied the request for a PDD on Highway 80 (travel trailers and security residence). The Planning and Zoning Commission voted to approve this case.

Item Nine: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 2:55 p.m.

Approved: _____, Chairman
