
PLANNING & ZONING COMMISSION
January 3, 2011
Minutes

Members Present: Tim McClarty
 Bruce Bixby
 Ovelia Campos
 Clint Rosenbaum

Members Absent: David Todd
 Gary Glenn
 Fred Famble

Staff Present: Jon James, Director of Planning and Development Services
 Ed McRoy, Assistant Director of Planning and Development Services
 Dan Santee, City Attorney
 Ben Bryner, Planning Services Manager
 Matt Jones, Planner II
 Zack Rainbow, Planner II
 Megan Santee, Interim Director of Public Works
 Chad Carter, City Engineer
 Ken Dozier, Fire Chief

Others Present: Stacey McGrew
 Jeremy Kahl
 Sam Chase
 Barbara Pointer

Item One: Call to Order

Mr. McClarty called the meeting to order at 1:35 p.m. and declared a quorum present.

Item Two: Invocation

Mr. McClarty gave the Invocation.

Item Three: Approval of Minutes

Mr. Bixby moved to approve the minutes of the December 6, 2010 meeting. Ms. Campos seconded the motion and the motion carried unanimously.

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

Item Four: Plats

- a. PP-3810
A public hearing to consider a Preliminary Plat for Bledsoe Subdivision, Abilene, Taylor County, Texas.
- b. FP-1010
A public hearing to consider a plat of Iberis Road South Subdivision, Phase 2, Section 2, 2.001 Acres out of the NE/4 of the R.L. Harlan Survey, Abstract No. 1401, Taylor County, Texas.
- c. MRP-4210
A public hearing to consider a plat of Lot 502, a Replat of Part of Lot 102, Block D, Section 1, Curry Park Addition, out of Tract No. 1 of a Subdivision of the JE Sheppard Survey No 96, City of Abilene, Taylor County, Texas

Planning staff recommends approval of the requests.

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

Mr. McClarty moved to approve PP-3810, FP-1010 and MRP-4210. Ms. Campos seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Campos, Rosenbaum, and McClarty) and none (0) opposed.

Item Five: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend the Land Development Code, Sections 1.4.4.1 (Special Exceptions) and 2.4.4 (Accessory Uses and Structures) regarding Accessory Dwelling Units.

Mr. Bryner presented the information regarding the ordinance amendment to the Land Development Code.

With approval of the Land Development Code (LDC) earlier this year, accessory dwellings are now allowed on all residential property. Accessory dwellings are separate from the house and allow rental opportunities. In addition, accessory dwelling are subordinate to the primary dwelling, have maximum square footage restrictions, require similar construction to the primary dwelling and only allow 1 bathroom.

At the November P&Z Commission meeting, staff presented minor amendments to clarify these regulations, specifically to address the maximum size, location, and access to the accessory dwelling. At their December 2 meeting, the City Council tabled the item and remanded it back to the P&Z Commission for further review. Specifically, the City Council asked for further review on the size of accessory dwellings for properties with acreage.

Staff has again reviewed the LDC again and finds that the amendment as initially proposed is most favorable. This would insure proper placement and scale to the existing residence. It would also insure the ability to subdivide the property in the future. However, in line with City Council's interest to permit allowances for properties with acreage, staff is also proposing an option to allow large properties to have a bigger accessory dwelling through approval of a Special Exception by the Board of Adjustment. This would require a review for compatibility and proper placement for future subdivision. Additionally, notification to potentially affected property owners would be made inviting them to participate in the public hearing process required for the Board of Adjustment.

Division 4 – Accessory Uses & Structures

Section 2.4.4.1 Description and Regulations by District Type

(b) Residential Districts.

(4) Accessory Dwelling Units.

- a. An accessory dwelling unit shall not be larger than fifty percent (50%) of the primary structure.
- b. No accessory dwelling unit shall be sold separately from the primary structure.
- c. An accessory building or dwelling unit may have a maximum of one (1) bathroom.
- d. An accessory dwelling unit shall be constructed in a manner in keeping with the general architecture and building material of the main or primary dwelling.
- e. ~~An accessory dwelling unit must be located to the rear of the primary dwelling.~~ No accessory dwelling unit shall have a front facing door unless located to the rear of the primary dwelling.
- f. An accessory dwelling unit shall be constructed only with the issuance of a building permit and with the same minimum building standards as the primary dwelling.
- g. Any required additional parking for the accessory dwelling unit shall be provided with the required parking for the primary dwelling.
- h. If detached, any wall of the secondary dwelling must be placed no closer than six feet (6') from the primary dwelling and/or any other structure existing or under construction on the same lot.

Proposed Option #2 (Special Exception)

Division 4 – Board of Adjustment (BOA) Procedures

Section 1.4.4.1 Special Exceptions

(d) Special Exceptions Outlined

- (13) To allow an accessory dwelling larger than what would otherwise be allowed for properties being 2 acres or larger.

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- d. ~~An accessory dwelling unit must be located to the rear of the primary dwelling.~~ No accessory dwelling unit shall have a front facing door unless located to the rear of the primary dwelling.
- e. No accessory dwelling unit shall be sold separately from the primary structure.
- f. An accessory dwelling unit shall be constructed only with the issuance of a building permit and with the same minimum building standards as the primary dwelling.
- g. Any required additional parking for the accessory dwelling unit shall be provided with the required parking for the primary dwelling.
- h. If detached, any wall of the secondary dwelling must be placed no closer than six feet (6') from the primary dwelling and/or any other structure existing or under construction on the same lot.
- i. For properties 2 acres or larger, a Special Exception may be approved by the Board of Adjustment for accessory dwellings larger than permitted by this Land Development Code. As part of the Special Exception, only items 'a' through 'd' above may be modified in addition to the size of the accessory dwelling.

Staff recommends approval of the proposed amendments for Section 2.4.4.1.

Mr. McClarty suggested three different changes to the Division 4 - Accessory Uses & Structures Exceptions. Mr. McClarty suggested deleting (1b) and substitute with, "Dwellings and related structures shall be exempt from this requirement on parcels or tracts of land that are two acres or greater in size." He also suggested adding the following Exception: "Property exceeding 2.0 acres shall be exempt from a,c,d & e." Final suggestion: Table 2.13: Maximum square footage for Accessory Buildings/Dwellings in residential districts, Accessory dwellings 1,200 square feet below 2.0 acres / 2,400 square feet above 2.0 acres.

Mr. Bixby stated the architectural design is more important in smaller lot sizes than the larger lots, also the division of larger lots with two dwellings already existing should be allowed to divide if owners wish to sell dwellings separately. Mr. Rosenbaum stated he agreed and the lots should be replatted to divide the lot. Mr. McClarty agreed also. Mr. Bryner pointed out that is why Option #1 is a favorable proposal, stating dividing properties with additional dwellings when built would lessen the issues down the road.

Mr. Bixby stated changing the limitations on number of bathrooms on accessory dwellings and suggested changing the square footage restrictions. Mr. Bixby suggested changing the dwelling size limitations from the square footage of the existing dwelling to a percentage of the square footage of the lot. He also addressed the architectural similarity design, stating there is not a need for similarities on larger lots. He agrees with the architectural design needing to be similar on smaller lots.

Mr. James reminded the Commissioners before they proceeded that this has not been open to the public for discussion.

Mr. Bryner reiterated the benefits of the Special Exceptions as an options for any property with two acres or more specifically that Items A-D on the final list could be modified by the Board of Adjustments. Mr. James agreed with favoring the Special Exceptions. Residents of two-acre neighborhoods usually move to these areas for the open spaces and expectations of one home per lot. Allowing the addition of accessory dwellings could allow for greater density of the neighborhood. The Special Exception does also give notification to the surrounding properties. Mr. McClarty asked if adding an additional dwelling of a percentage of the lot size on a two acre lot would cause that much density in the neighborhood. Mr. James agreed that a few additional dwellings would not, but in the future could cause a noticeable change to the existing development. Mr. Rosenbaum asked about an existing metal building being converted to a dwelling and how this affects the architectural design of the main dwelling. Mr. James stated it would have to meet building standards and codes. Mr. McClarty stated that under the current Special Exception it states that an existing metal building would have to meet architectural similarities. Mr. James answered that under the proposed amendment from Mr. McClarty this would allow for exceptions in architectural differences. Mr. Bixby suggested the architectural design should not be made at a City level. Mr. McClarty stated this was addressed in the Comprehensive Plan and agreed that the architectural control is not defined by the City.

Mr. McClarty opened the public hearing.

Mr. Chase, spoke in favor of amending the Special Exceptions, he asked to clarify the subdivision of a property. His question involves his personal home, which he would convert to a mother-in-law home and intends on building a new primary home soon. Which home would be considered the primary dwelling?

Ms. Campos asked how the architectural compatibility affects this situation. Mr. Bryner stated the existing structure could be a non conforming situation or could actually be compatible, if similar materials are used on the new home. Mr. Bixby asked which would be the accessory building. Mr. Bryner stated that under the current proposal the new accessory building would only be allowed 800 square feet. Mr. James stated that under proposed revised rules this could allow for an additional structure to be the same square footage or larger, depending on the lot size. Discussion of the meaning of accessory dwellings could be addressed in the future.

Mr. McClarty closed the public hearing.

Mr. McClarty opened the discussion to the Commissioners to make a recommendation to City Council.

Mr. Bixby stated he agreed with Mr. McClarty on the changes to the proposed option with the recommendation that (a) state: "An accessory dwelling unit shall not be larger than fifty percent of the primary structure or 2.5% of the total lot size, which ever is larger." Mr. McClarty agreed with this recommendation.

Mr. Rosenbaum asked about the existing structure. If considered to be the mother-in-law dwelling, if a new structure was to be added, which would be the primary structure. Mr. James suggested the smaller of the two homes to be the accessory dwelling. Mr. McClarty, Mr. Bixby and Ms. Campos agreed.

Mr. McClarty reopened the pubic hearing.

Mr. Chase stated that Mr. James had answered his question, pertaining to the existing dwelling mentioned above. Mr. Chase agreed with the recommendation from Mr. Bixby regarding the 2.5% of the lot size but suggested this might not be enough.

Mr. McClarty closed the public hearing.

Mr. McClarty motioned to approve the text amendment Option #1 with the following modifications:

- 1. Changes to Table 2.13: revising the option to state: “An accessory dwelling unit shall not be large than fifty percent of the primary structure or 2.5% of the total lot size, which ever is larger.**
- 2. Change Division 4 Section 2.4.4.1 (a) (1) b. to: “Barns, Accessory dwellings and related structures shall be exempt from the requirement on parcels and tracts of land that are two acres or greater in size.**
- 3. Properties greater than two acres should be exempt from c.d. and e.**
- 4. Lots less than two acres should be limited to 1,200 square feet and lots greater than two acres should be limited to 2.5% of the lot size, as previously stated.**
- 5. There should not be a size limitation for special exceptions.**

Mr. Bixby seconded the motion and the motion carried with the conditions stated, by a vote of four (4) in favor (McClarty, Bixby, Rosenbaum, and Campos) and zero (0) in opposition.

Item Six: Capital Improvement Program

Preliminary Staff Report and discussion regarding the 5-Year Capital Improvements Program 2011-2015 CIP.

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

Mr. McRoy stated the next meeting will be February 7, 2011 and have scheduled an optional meeting for February 14th, 2011 if on the 7th the Commissioners are not comfortable enough to make a recommendation.

The City of Abilene’s Capital Improvements Program (CIP) is a 5-year plan used to identify needed capital projects and to coordinate the financing and timing of these projects. CIP projects are long-term investments rather than day-to-day operating expenses. Typical items include infrastructure and assets that are relatively costly, (\$25,000+) and that are expected to have a long life, (15+ years). Projects in a CIP can vary widely, but typically they include the acquisitions, upgrading or major repair of streets, water lines, sewer lines, drainage facilities, large vehicles, buildings, parks, major equipment or similar projects. The first year of the CIP (2010) is the Capital Budget. Projects approved in this first year (2010) will be authorized for funding. Projects scheduled for the subsequent years (2011-2014) are included in the CIP for planning purposes only.

Capital Projects represent a significant allocation of public resources. The CIP is a planning tool used to forecast, prioritize, coordinate and strategically invest those resources in an efficient and effective way that balances needed improvements with available financing. This long-term approach allows the City to

more accurately anticipate and prepare for future needs. The City can also use the CIP to help achieve goals of the Comprehensive Plan. The type of projects chosen, their location, their timing, and the amount of expenditures can compliment the Comprehensive Plan directly or they can make certain goals more achievable.

The Process begins with the distribution of instructions to department heads requesting projects for consideration for the next five-year CIP period. Department heads are responsible for reviewing the most recent CIP to determine the funding necessary for projects that are currently programmed in the CIP and the Strategies identified in the Comprehensive Plan. Based on this review and a review of the new requirements for capital improvements for the next five-year period, the department head completes a Project Sheet. Once the Project Sheets are completed and prioritized, the five-year Plan is submitted to the Planning and Zoning Commission (P&Z) for review and recommendation to the City Manager. During the process, appropriate funding is determined for each of the first year projects, and a proposed capital budget and five-year plan is submitted by the City Manager to the City Council for their consideration and approval. The Finance Department conducts an analysis each year to determine that projected capital projects cost and the projected estimates for available debt instruments are reasonable and in accordance with existing standards. Upon Council adoption, the final CIP document is produced and distributed to the Departments for implantation of the program.

The CIP projects receive funding from various sources but primarily rely on Certificates of Obligation (C.O.). Other sources of funding include General Obligation (G.O.) Bonds, General Fund Revenue, Water and Sewer Utility Fund Revenues and State and Federal funds in the form of grants.

Mr. McRoy explained the additional funding for future replacement of Fire apparatus's with the CIP program. This program was originally designed to replace projects every year, not just one apparatus. Beginning in 2015, with this thought, continue the replacement of Fire Apparatus's through the C.O. The current Fleet Services budget does not have funds to replace Fire equipment. The current budget is set up to replace other City vehicles on a more frequent manner. The Fire equipment is generally not replaced as often. The recommendation is to use the CIP for funding in replacing future Fire Apparatus.

Mr. McRoy discussed the second major item of policy change is street repair.

Mr. Bixby asked Chief Dozier that in 2005 and 2006 a recommendation was made for the Fire Dept to work with a Citizens committee to create a plan for the future. He questioned the wear and tear of the vehicles for EMS minor emergency calls and whether the Committee had ever been put in place.

Chief Dozier explained the Committee was put into place in 2007 and has discussed EMS response. Firefighters are currently responding to EMS calls with Fire trucks. The Fire Dept is working with each Firefighter for EMS training. Chief Dozier explained this would be one of the items recommended to the City Council. If the Fire Dept took over the ambulance service this would be a way to modify the First Responder operations.

Mr. McRoy explained the process for replacing Fire Apparatus in the future if funded through the CIP.

Ms. Campos asked who decides which streets are scheduled for repair and where does the City stand on the street repair for South 8th, formally discussed in last month's meeting.

Mr. McRoy stated in years past this was left the discretion of the City Engineer. Mostly these were funded with Bond money.

Ms. Santee stated South 8th would remain on the CIP list for the 2015 proposal; a resurfacing was discussed for now.

Mr. Carter, City Engineer, stated the neighborhoods selected are surrounded by arterial streets. In these cases they are usually the neighborhoods with the highest percentages of streets in the worst conditions. In new developments, streets are built as a group of streets and drainage and functionality are more effectively planned.

Mr. McRoy stated sidewalk construction is still planned for street rebuilding.

Mr. Bixby asked if there are other options for funds of damaged equipment.

Mr. McRoy explained the City of Abilene is self insured. One option is go to outside insurance policies. Another is Bond elections for funding. Other sources could be explored.

Mr. Santee stated the staff could get more information from the Finance Dept or City Manager's office for the next meeting regarding the use of CIP money for damaged equipment.

Mr. Bixby agreed.

Mr. James suggested that through formal correspondence the staff could pass on any concerns Commissioners might be having to City Council.

Mr. Rosenbaum asked "How was the replacement of large Fire equipment replaced in the past?"

Chief Dozier explained that in the past a lot of the Fire Engines were bought in groups of three because they would wait until they were completely worn out and then it would be a bond issue. If they knew they were going to have to replace these engines every twenty years it would make sense to schedule replacement of these vehicles on a yearly basis using the CIP Program. If this process was put into the fleet replacement program this would then become a budget issue.

Mr. McClarty stated there needs to be a shelter for homeless citizens of Abilene added to this CIP program, \$250,000.00 over a five year period would be sufficient. He proposed in 2011 a feasibility study (\$5,000) be done and after the feasibility study in 2012 have \$45,000 set aside for constructing a building for our homeless. And in 2013 set the implementation of this program projected over the next five years.

Mr. McClarty stated this should be set as a recommendation to add this to the CIP list by the February meeting.

Mr. Bixby asked about the Revitalization of the downtown area and would like to see at least two items listed on the list from the implementation list.

Mr. Rosenbaum asked if any estimates for the downtown revitalization has been done that just hasn't made the list.

Mr. McRoy explained this list is the funded list, The unfunded list is not provided due to the fluctuation of projects being added. Project sheets have been done for two projects pertaining to the Southside revitalization program.

Mr. James discussed the creation of a new TIF district to further the development of the Downtown project.

Item Seven: Election of Officers

Mr. James recommended that the Commission reschedule the elections until more Commissioners are present. The Chair agreed and the item will be carried over to the next meeting.

Item Eight: Director's Report

Mr. James stated Council did approve the dog grooming business located on S. 11th and Palm. The accessory dwelling issue was tabled and remanded back to the Planning & Zoning commissioners for consideration.

Item Nine: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 4:00 P.M.

Approved: _____, Chairman
