
PLANNING & ZONING COMMISSION
October 3rd, 2011
Minutes

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

Members Absent: None

Staff Present: Jon James, Director of Planning and Development Services
 Ed McRoy, Asst Director of Planning and Development Services
 Dan Santee, City Attorney
 Ben Bryner, Planning Services Manager
 Matt Jones, Planner II
 Zack Rainbow, Planner II
 Debra Hill, Secretary II (Recording)

Others Present: Kevin Phillips
 Rudy Estrada
 Don Davis
 Tommy Roberts
 Lupe T. Leal
 M. E. Marino
 Dave Boyll
 Loy Garneq
 Justin Harris
 Brennan Peel
 BJ Prichard
 Margaret Gbant
 Duane Martin
 Gloria Gbant

Item One: Call to Order

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

Item Two: Invocation

Mr. Famble gave the Invocation.

Item Three: Approval of Minutes

Mr. Famble moved to approve the minutes of the September 6, 2011 meeting. Mr. Glenn seconded the motion and the motion carried unanimously.

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

Item Four: Plats

Mr. Rainbow presented the staff report for this case.

MRP-4211

A public hearing to consider a plat of Lot 128 Replat of Lot 28, Lot 29 and a North-South Portion of an Abandoned Alley between Lot 28 and 29, Block A, Section 1, Elmcrest Club Addition, to the City of Abilene, Taylor County, Texas.

Planning staff recommends approval of these requests.

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

Mr. Todd moved to approve MRP-4211. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Rosenbaum, Todd, Glenn and McClarty) and none (0) opposed.

Mrs. Yungblut entered the meeting.

Item Five: Zoning

a. Z-2011-21

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Brushy Armadillo Acres, LLC to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 2257 Industrial Blvd.

Mr. Matt Jones presented the staff report for this case. The subject parcel totals approximately .34 acres and is currently zoned LI. The property has been developed with a commercial building complex. The adjacent properties have LI zoning to the north, south, east, and west.

Currently the property is zoned LI and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. An application for a Certificate of Occupancy was submitted for a use that is not allowed in LI. Industrial zoning throughout Abilene is over used. Industrial Blvd. is transitioning into more of a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Blvd.

Property owners within 200 feet of the zoning request were notified. One (1) comment form was received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request.

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

Mr. Bixby moved to approve Z-2011-21. Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Todd, Yungblut, Glenn, Rosenbaum and McClarty) and none (0) opposed.

b. Z-2011-22

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Harris Acoustics to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, located at 1201, 1233 S. Treadaway Blvd., and 1260 China St

Mr. Jones presented the staff report for this case. The subject parcels total approximately 1.8 acres and are currently zoned HI. The properties have been developed with commercial uses. There was an existing restaurant located at 1233 S. Treadaway that has been demolished. The adjacent properties have HI zoning to the north, south, east, and west.

Currently the properties are zoned HI and have been developed with commercial uses. The restaurant at 1233 S. Treadaway has been demolished. The surrounding properties have been developed with a mix of heavy commercial and retail uses.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity, and it is also designated as an Enhancement Corridor. The applicant intends to develop the property with an automobile repair facility, which is not allowed in HI zoning. The requested HC zoning would be more compatible with the surrounding land uses, and would be more a more appropriate zoning along an Enhancement Corridor, while allowing for the intended use of the applicant. This corridor, especially from S. 14th to N. 1st St. is developing into more of a commercial area than an industrial area. Therefore, HC zoning would be appropriate for the subject property.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request.

Mr. McClarty asked clarification of Heavy Commercial zoning. Mr. Jones listed the various businesses that could be listed as Heavy Commercial.

Mr. McClarty opened the public hearing.

Mr. Kevin Phillips (Harris Acoustics) spoke in favor of this request.

Mr. McClarty closed the public hearing.

Mr. Bixby expressed concerns with the Heavy Commercial zoning for this area. Mr. McClarty also expressed concerns with “spot zoning”.

Mr. Jones explained this area is trending toward Heavy Commercial zoning.

Mr. Bixby questioned feasibility of looking at a larger area. Mr. Jones stated that staff did look at a larger area and in the future will be looking to change the zoning along the South Treadaway corridor.

Mr. Jon James discussed in the new Land Development Code stating that Heavy Industrial zoned areas would trend to more strictly industrial rather than just allow anything in Heavy Industrial. He added that in the future, these types of zoning areas would have a more appropriate zoning for each particular area.

Mr. McClarty asked clarification of “spot zoning”. Mr. James stated that illegal spot zoning is defined by one property zoned differently than surrounding properties without a good reason.

Mr. Bixby asked if the non-conforming issue of zoning in this area extensive. Mr. Jones stated that yes in some areas such as Treadaway and Industrial. He added that before the passing of the Land Development Code such uses were allowed but in the new Land Development Code they are not allowed in Heavy Commercial. Mr. Jones stated that some properties were grandfather in as non-conforming and in the future if a business were close and reopen six months later it would not be able to reopen the same business at that site.

Mr. Todd motioned to approve Z-2011-22. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Todd, Yungblut, Rosenbaum, Glenn, Famble and McClarty) and none (0) opposed.

c. Z-2011-23

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Jan and Jerry Engelke to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1125 Elmdale Rd.

Mr. Jones presented the staff report for this case. The property was annexed in 1964 and was zoned AO when it was annexed. The property was zoned LI sometime after. Currently the property is zoned LI and has been developed with a commercial building. The property to the south has been developed as a single family residence. There is a retail store to the east of the property. The majority of the surrounding area is undeveloped.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is also designated as a Gateway into the City of Abilene. The request for GC zoning would prohibit the more intensive industrial uses and provide a more appropriate land use along the Gateway into our community. The request would allow the applicant to develop their property as they intend, and would be compatible with the surrounding uses.

Property owners within 200 feet of the zoning request were notified. One (1) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request.

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

Mr. Famble moved to approve Z-2011-23. Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Yungblut, Todd, Glenn, Rosenbaum, and McClarty) and none (0) opposed.

d. Z-2011-24

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Griffin Properties of Fort Smith, LLC to rezone property from HC (Heavy Commercial), RS-6 (Single Family Residential), and LI (Light Industrial) to MU (Medical Use) zoning, located at 1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626 – 1690 Plum St., and 1657, 1673, and 1689 Mesquite.

Mr. Jones presented the staff report for this case. Mr. Jones stated that 1673 Mesquite was to be omitted from this request. The subject parcels total approximately 7.57 acres and are currently zoned LI, HC, and RS-6. The properties along N. Treadaway have been developed with commercial buildings, while there are some residential structures on the subject properties west of N. Treadaway. Some of the properties were at one time developed are currently vacant. The adjacent properties have GC(General Commercial) to the north, LI and HC zoning to the east, and RS-6 zoning to the south and west. The property was annexed in 1895 and was zoned AO when it was annexed. The properties were given the current zoning classifications sometime after.

Currently the properties are zoned LI, HC, and RS-6. The properties along N. Treadaway are developed with commercial buildings, while the subject properties to the west of N. Treadaway are developed with residential buildings, or were at one time residential structures, but are now vacant.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and it is also designated as an Enhancement Corridor. The requested zoning would be compatible along N. Treadaway Blvd. and could act as a land use buffer to the residential properties to the west from the more intensive uses along N. Treadaway Blvd. The request for MU would be appropriate for the surrounding area, seeing that there is a large amount of medical type uses from Hickory St. to the east to N. Treadaway Blvd. and the request is also consistent with the recommendations of the Carver Neighborhood Plan.

Property owners within 200 feet of the zoning request were notified. Eight (8) comment forms were received in favor and two (2) in opposition of the request. Planning staff recommends approval of the request.

Ms. Yungblut asked clarification on the omitting of 1673 Mesquite. Mr. Jones stated that he was unsure of the reasoning.

Mr. Bixby questioned the rezoning of Mesquite Street. Mr. Jones stated that staff believes this zoning is compatible with the surrounding properties.

Mr. Bixby questioned the Medical Use zoning in the middle of residential area. Mr. James stated that this general area from Treadaway to Pine has not been well defined and the consensus is to allow this area to transition to Office and Medical uses. He added that through the Carver Neighborhood Plan the policy is to preserve the southern area, south of around North 12th or 13th, as an intact residential neighborhood, but that north of that area the Council has acknowledged that transitioning to non-residential uses would be appropriate.

Mr. McClarty opened the public hearing.

Mr. B.J. Prichard (Hibbs and Todd Engineer, representing Griffin Properties) spoke in favor of this request. Mr. Prichard described the expansion of this property. Mr. McClarty asked clarification on the two lots located on Mesquite Street. Mr. Prichard stated that he was unaware of Griffin Properties intent on purchasing these properties.

Mr. Duane Martin (Hendrick Medical Center) stated clarification concerning the association with the proposed business for this request. He added that Hendrick Medical Center is not directly related to Griffin Properties. Mr. Martin discussed the property in this request, stating that this property has been vacant for many years and this area is in transition and should be a positive effect for this area.

Mr. McClarty closed the public hearing.

Mr. Bixby expressed concerns with the two remaining properties located on Mesquite.

Mr. Rosenbaum moved to approve Z-2011-24. Mr. Famble seconded the motion and the motion carried by a vote of four (4) in favor (Famble, Glenn, Rosenbaum and McClarty) and one (1) opposed (Bixby). Mr. Todd and Mrs. Yungblut abstained.

e. Z-2011-25

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Phillip and Cheryl Miller to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 2241 College St.

Mr. Ben Bryner presented the staff report for this case. The subject property is approximately 0.44 acres and is currently zoned RS-6 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-6 zoning to the north, east and west with GC (General Commercial) zoning to the south. The property was annexed in 1895 and was zoned RS-6 sometime after it was annexed.

Currently the property is zoned RS-6 and has been developed with a residential dwelling unit. The Hawkins House is a Prairie Style Home built in 1927. The one-story frame residence with brick

vener exterior exhibits the following physical characteristics: a linear plan and a central hip roof with three off-set hip roofs extending over the carport, front porch and breakfast room; two-foot square columns with tapered capitals support the roof that overhangs the porch and carport; original wood Prairie Style windows; original front doors; no additions or major alterations are evident. The property is well maintained. The surrounding properties have all been developed with residential dwelling units except for businesses to the south along S. 14th Street.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

Property owners within 200 feet of the zoning request were notified. Three (3) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request. The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

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

Mr. Bixby moved to approve Z-2011-25. Mr. Rosenbaum seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Yungblut, Todd, Glenn, Rosenbaum, and McClarty) and none (0) opposed.

f. Z-2011-26

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Steven and Deborah Smith to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 1430 S. 6th St.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.42 acres and is currently zoned MD (Medium Density Residential). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the, north, south, east, and west. The property to the east also has historic overlay. The property was annexed in 1895 and was zoned MD sometime after it was annexed.

Currently the property is zoned MD and has been developed with a residential dwelling unit. The N. J. Roberts House was designated a National Historic Place in 1992. It was built in 1912 and is representative of the transition between the pre- and post- World War periods. It exhibits stylistic details from both eras. This house represents the beginning of the era of “Eclectic Architecture, as elements of historic styles were juxtaposed and blended. The property is well maintained. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

Property owners within 200 feet of the zoning request were notified. One (1) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request. The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

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

Mr. Todd moved to approve Z-2011-26. Mr. Yungblut seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Yungblut, Todd, Glenn, Rosenbaum, and McClarty) and none (0) opposed.

g. Z-2011-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from David and Kirsten Keel to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 340 and 342 Palm St.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.32 acres and is currently zoned MD (Medium Density Residential). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the north, south, east and west. The property was annexed in 1895 and was zoned MD sometime after it was annexed.

Currently the property is zoned RM-3 and has been developed with a residential dwelling unit. The Tandy House was built in 1901. It is an eclectic blend of vernacular American Foursquare, Colonial and Classical Revival style. This house represents a move toward the blending of historic architectural styles prevalent after WWI. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. No other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

Property owners within 200 feet of the zoning request were notified. One (1) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request. The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

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

Mr. Famble moved to approve Z-2011-27. Mr. Yungblut seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Yungblut, Todd, Glenn, Rosenbaum, and McClarty) and none (0) opposed.

h. Z-2011-28

Public hearing and possible vote to recommend approval or denial to the City Council on a request from City of Abilene to rezone property from MD (Medium Density Residential) to PD (Planned Development) zoning, located at 1699 S. 1st St.

Mr. Jon James presented the staff report for this case. The subject parcel totals approximately 7.8 acres and is currently zoned MD (Medium Density). The property has been developed with the old Lincoln Middle School. The adjacent properties have MD and O (Office) to the west, MD zoning to the south, and MD, NR (Neighborhood Retail), GC (General Commercial), and CB (Central Business) zoning to the east. The property was annexed in 1895 and was zoned MD sometime after it was annexed.

Currently the property is zoned MD and has been developed with the old Lincoln Middle School. The property is located on the S. 1st Street corridor. It is also adjacent to the South Downtown Area. There are residential properties to the west and south. The other adjacent properties are a mix of office and retail uses that are consistent with the area.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. However, the location is directly adjacent to the South Downtown Area. Under the current zoning, the subject property can be developed for residential uses and for educational and civic uses. The proposed PD zoning proposes to modify the permitted uses to be consistent with those on the S. 1st Street corridor and within the South Downtown area. The proposed PD also identifies specific uses that have been deemed incompatible with the area. Additionally, the PD proposes specific regulations that would discourage major alteration or demolition of the building.

Property owners within 200 feet of the zoning request were notified. One (1) comment forms were received in favor and zero (0) in opposition of the request. Planning staff recommends approval of the request. The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

Mr. James discussed the Building requirements for this case:

PDD requirements – Lincoln Middle School Buildings

- No demolition, without Landmarks Commission approval
- Preserve the “terminating vista” from Grape Street (i.e., no buildings that would block the view of the main building)
- Window openings must appear to be windows from the street

- Cannot alter or remove significant architectural features including gargoyles, cornices, etc...
- If painted, the bricks on visible facades must be painted neutral earth-tone colors
- Signs attached to the main building must get a Cert. of Appropriateness

Mr. McClarty questioned that if the closed windows currently would have to be opened. Mr. James answered that anything done to the building before this zoning request would not need to be changed. He added that this would prevent any future changing of windows, bricks or any of the building visible facing North 1st.

Mr. James discussed the Land Uses requirements for this case:

PDD requirements – Lincoln Middle School Land Uses

- Wide variety of uses allowed, including most uses in General Commercial, plus:
 - Multi-family dwellings (i.e., apartments)
 - Institutional dwellings
 - Recreation buildings, private swimming pools and tennis courts
 - Personal Care Facility
 - Drive Thru, but not in main building
- But not including:
 - Drive Thru, attached to main building
 - Fuel Sales
 - Kennels
 - Auto/Truck Repair, Maintenance, Sales, Rental
 - Taxidermist

Mr. McClarty questioned if Office use would be allowed. Mr. James stated that it would be allowed along with anything else that would be allowed in General Commercial zoning.

Mr. Bixby questioned if the school board approved of this request. Mr. James stated that there have been several small group meetings with APL, city staff, and various school board members. He added that the school superintendent was aware of and supportive of this request.

Mr. McClarty questioned that if someone was to purchase this property with this PDD zoning, could the zoning be changed. Mr. James stated that yes in the future the zoning could be changed or amended. Mr. McClarty questioned if a Historical Overlay could be changed as well. Mr. James stated that it also could be a simple rezoning request as well.

Mr. Todd asked clarification on the responsibility of the maintenance of the property. Mr. James stated that the maintenance would be the same as any property owner.

Mr. Todd questioned that if property owner was in need of fencing the property, would that be a possibility. Mr. James stated that he could see no reason for the future owner not to be able to fence in the property if needed. He added that the same fence restrictions would apply to this property as it would to any other property.

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

Mr. Glenn moved to approve Z-2011-28. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Yungblut, Todd, Glenn, Rosenbaum, and McClarty) and none (0) opposed.

Item Six: Thoroughfare Abandonment

TC-2011-03

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Griffin Properties of Fort Smith, LLC to abandon N. 17th St. between N. Treadaway Blvd. and Mesquite St., a portion of Plum St. between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th St. and Wilson Ave.

Mr. Matt Jones presented the staff report for this case. Improvements have been made to the existing rights-of-way and there are utilities within them as well. Some services are still provided, such as refuse collection, in the existing rights-of-way.

The applicant intends to abandon the subject rights-of-way to develop a large tract of land for a single use. Parts of Wilson St. and N. 17th St. have already been abandoned as part of a different development to the west, therefore they do not act as through streets, and their abandonment would not create a negative impact on interconnectivity.

The Plat Review Committee reviewed the request and recommends approval of the requested closures with the following conditions: where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities or the applicant will be responsible to move all of the utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area. Provide for cul-de-sac turnarounds where the closures will result in dead-end streets. Must maintain access to through traffic in the north/south alley ROW between Mesquite and Plum for refuse collection. The applicant must replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved.

Property owners within 200 feet of the zoning request were notified. Seven (7) comment forms were received in favor and two (2) in opposition of the request. Planning staff recommends approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

Mr. Famble asked if there were any comments from the oppositions. Mr. Jones stated there were not.

Mr. Bixby asked clarification with the open access for the refuse collection. Mr. Jones discussed the location of the access easements for the alley ways.

Mr. Bixby questioned the closing of North 17th. Mr. Jones stated that in closing North 17th, this would not be in violation of the block link and North 18th would serve as through street. He added that North 17th was already abandoned to the west. Mr. Bixby asked if North 17th is a through street to Pine. Mr. James answered that it does go through to Pine but is not a through street past Pine street.

Mr. McClarty opened the public hearing.

Mr. B.J. Prichard (Hibbs & Todd) spoke in favor of this request. Mr. McClarty questioned the alley entrance. Mr. Prichard answered by saying that there would be access for refuse collection to the remaining properties. Mr. Bixby addressed the turning radiance to the alley right of way. Mr. Prichard stated that this would be a paved entrance. Mr. James stated that this is a preliminary site plan just for an exhibit to show the intent of this request. He added that this would still have to go before the site plan review process for approval. Mr. James stated that the turning radius would then be inspected by the site plan review community.

Mr. Bixby asked why closing North 17th is important to this project. Mr. Prichard replied that area is projected to be additional parking for this addition.

Ms. Margaret Ghant (1634 Mesquite) expressed concerns of closing North 17th. She added that when it rains, North 18th floods and the only way to exit her property is on North 17th. Ms. Ghant also expressed concerns of this residential area being diminished and the property values reduced.

Ms. Gloria Smith (17th and Plum) spoke in favor of this request. She added that this is giving her the opportunity to move her house onto Mesquite Street. Ms. Smith stated that she believes this would greatly improve the area.

Mr. McClarty closed the public hearing.

Mr. McClarty asked that when North 17th is closed, will there be a flood water analysis conducted. Mr. Jones stated that when the street is closed, the property will need to be re-platted. He added that when the developer goes through the site plan process, they will have to do a flood water study.

Mr. Famble moved to approve TC-2011-03. Mr. Glenn seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Glenn, Rosenbaum, and McClarty) and none (0) opposed. Mrs. Yungblut and Mr. Todd abstained from TC-2011-03.

Item Seven: Ordinance Amendment:

Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code related to Wind Energy Conversion Systems

Mr. McRoy presented the discussion for this Ordinance. With approval of the Land Development Code (LDC), a request was made by City Council to have staff review the regulations for Wind Energy Conversion (WEC) systems with specific direction in making them more accessible for home owners and business to install. Upon review of the language, staff determined that several changes were warranted both in terms of clarification as well as regulation.

Staff is proposing to allow certain WEC's by right in any zoning district so long as they meet specific regulations. Other WEC's would require approval of a Conditional Use Permit (CUP) where other conditions could be added by City Council.

The use currently is not listed in the Land Use Matrix and is proposed to be included and identified as 'Wind Energy Conversion System (WEC)'. The sections proposed for amendment are Section 2.4.2.1 – Land Use Matrix and Section 2.4.7 – Wind Energy Conversion Systems (WEC).

Potential Ordinance Changes

- WEC Systems Allowed By Right
- WEC Systems Allowed With Approval
 - Conditional Use Permit
 - Special Exception
- Minimum Lot Size
- Location
 - Setbacks
- Separation
 - No requirement
 - 200'
 - Some other distance
- Exemptions
 - Type 'A' Billboards
- Maintenance & Abandonment

Mr. Bixby asked what the average home usage would be for a WEC's system. Mr. McRoy stated that the usage varies household to household. Mr. Bixby asked clarification on kilovolts. Mr. McRoy explained that a hundred kilovolt would more than power a single home.

Mr. McRoy discussed the changes in the City's ordinance pertaining to the kilovolt requirements. He stated that if a WEC system is rated at 10 kilovolts or less it is considered a small wind energy system in our area and if the WEC is rated between 10 plus to 100 it is considered a large wind energy system for the City of Abilene. Mr. McRoy stated that in the new ordinance the staff has broken this rating down further to 10 or less or 10 up to 100 kilovolts.

Mr. McClarty asked why this is broken down even further. Mr. McRoy stated the reasoning is that most residential areas tend to be less than the 10 kilovolt units. He added that most of the units on the market tend to be at 5 kilovolts and the larger the kilovolts means the larger the blades and larger units. Mr. McClarty questioned setting the conditions on visual and not the KV output of the units.

He added that in the future there could be cylinder WEC that could create up to 80 kilovolt of energy and this would not surpass any of these conditions. Mr. McClarty discussed that the conditions should be on the obtrusive effects of these WEC's not the kilovolt's produced.

Mr. McClarty asked to discuss what conditions the Commissioners and the staff would like to see in this ordinance.

After discussion of the Ordinance Amendment concerning the Wind Energy Conversion Systems, the Planning and Zoning Committee moved to table this request until the next monthly meeting.

Mr. Bixby moved to table the Ordinance Amendment to the November 7th, 2011, Planning and Zoning Commission meeting. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Famble, Yungblut, Todd, Glenn, Rosenbaum, and McClarty) and none (0) opposed.

Item Eight: Director's Report:

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

Item Ten: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 4:15 P.M.

Approved: _____, Chairman