
PLANNING & ZONING COMMISSION
April 2, 2012
Minutes

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

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
 Kelley Messer, City Attorney
 Ben Bryner, Planning Services Manager
 Zack Rainbow, Planner II
 Brad Stone, Planner II
 Debra Hill, Secretary II (Recording)

Others Present: Megann Harlow
 Dave Boyll (AAIBO)
 Brennan Pell (ARN)
 Dale Boecker
 Tal Filingim

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. Glenn moved to approve the minutes of the March 5th, 2012 meeting. Mr. Famble seconded the motion and the motion carried unanimously.

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

Mr. McClarty stated that staff has requested reviewing Item Five: Zoning, before reviewing Item Four: Plats.

Item Five: Zoning

a. Z-2012-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from the City of Abilene to rezone property from MD (Medium Density) to TH (Residential Townhouse) zoning, located on the north side of Independence Blvd being all even numbered addresses from 2302 through 2504 Independence Blvd.

Mr. Ben Bryner presented the staff report for this case. The subject property is approximately 3.35 acres and is currently zoned MD (Medium Density). The property is currently undeveloped. The adjacent properties have AO (Agricultural Open Space) zoning to the north and east, MD zoning to the south, and RS-6 (Single-Family Residential) to the west. The property was annexed in 1982. It was rezoned to RM-3 a few years ago. The LDC reclassified the zoning to MD.

The property is zoned MD and is currently undeveloped. The applicant is proposing to develop the property with townhouses. The property was rezoned and platted a few years ago to allow for this type of single-family residential development. With the adoption of the Land Development Code (LDC), the zoning on the property was reclassified to MD. Additionally, a new zoning district was created (TH – Townhouse) specifically to address townhouse development. A plat has been submitted to modify the lots sizes. Upon review, staff determined that due to the changes created by the LDC the current zoning does not allow for the previously approved townhouse development.

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential. This area is part of an existing residential subdivision that includes single-family homes, duplexes, and patio homes. The request would not have a negative impact on the surrounding properties and would be compatible with the City's plans for this area.

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. Todd questioned why the City is the applicant.

Mr. Bryner explained that previous to the LDC the zoning allowed for Townhouse development in that district. He added that in the new LDC a new zoning district was created TH (Townhouse) specifically to address townhouse development. Mr. Bryner stated that this request is to correct the oversight of staff to zone this district TH. He added this request is the result of a plat revision submittal previously requested.

Mr. McClarty opened the public hearing.

Mr. Tal Filingim (agent for the applicant) spoke in favor of this request. Mr. Filingim stated this zoning request would affect the development of the Heritage Parks Addition, which is one of the plats in review for today.

Mr. McClarty closed the public hearing.

Mr. Rosenbaum moved to approve Z-2012-10. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Famble, Glenn, Rosenbaum, Todd and McClarty) and none (0) opposed. (Mr. Bixby requested to abstain from Z-2012-10.)

Item Four: Plats

Mr. Rainbow presented the staff report for this case.

PP-0912

A public hearing to consider a preliminary plat of Heritage Parks, Section 5, Block B, Lots 1-8 Replat and the Remainder of a 20.21 Acre Tract.

MRP-1012

A public hearing to consider a Replat of Lots 1-8 of Heritage Parks Addition, Section 5, Block B and a 0.694 Acre Tract out of a 20.21 Acre Tract out of Section 21, Abstract Numbers 1039 & 1040 & Section 25, Abstract Number 1007, Blind Asylum Lands, City of Abilene, Taylor County, Texas.

Mr. McClarty opened the public hearing.

Mr. Tal Filingim (agent for the applicant) spoke in favor of this request. Mr. Filingim stated that prior to the LDC this property meet the regulations for this development. He added that the intent for this area is still the same except for the addition of an alley way to the rear of these lots. Mr. Filingim also addressed the issue of obtaining permits for the development while this zoning case is being reviewed by City Council.

Mrs. Yungblut questioned the entrance and exits of the alley way. Mr. Filingim stated there would be exits at Liberty and would reconnect to Independence.

Mr. Todd questioned staff on the requirements for the developer regarding any permits until the rezoning is approved. Mr. James stated that the commissioners cannot speak to the building code permits, adding the permits are a Building Code issue. Mr. Santee stated that this issue with the zoning was an administrative over site and the intention is to move forward with the development.

Mr. McClarty closed the public hearing.

Mr. Glenn moved to approve PP-0912 and MRP-1012. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Famble, Glenn, Rosenbaum, Todd and McClarty) and none (0) opposed. (Mr. Bixby requested to abstain from PP-0912 and MRP-1012.)

Mr. McClarty asked to abstain from Item Six: Appeal. Mr. Famble substituted as Chair.

Item Six: Appeal:

Approval or denial of an appeal from Billy Olson Bail Bond on a decision of the Landmarks Commission on a Certificate of Appropriateness.

Mr. Bryner presented the staff report for this appeal. At their February 28, 2012 meeting, the Landmarks Commission reviewed a Certificate of Appropriateness request from Billy Olson Bail Bond to allow for a 7' x 16' sign attached to the rear wall of the stone garage at their business located at 2775 S. Treadaway Boulevard. The sign was attached to the rear wall of the stone garage without applying for a sign permit or submitting a request for a Certificate of Appropriateness.

The Keith house located at 2775 S. Treadaway Blvd. was built in 1936. It was added to the Register of National Historic Places in 1976. It was approved for Historic Overlay Zoning in November 4, 1996.

The Landmarks Commission discussed the request and determined that a sign matching the 2 existing signs in the front is most appropriate. They approved a 5' x 13' monument sign that would match the existing signs.

An appeal of any decision of the Landmarks Commission on an application for Certificate of Appropriateness shall be made to the Planning & Zoning Commission upon written request within fifteen (15) days of the decision of the Landmarks Commission. A request for appeal was received within the 15 days.

The applicant is requesting for the 7' x 16' sign to be approved attached to the rear wall of the stone garage at their business.

Mr. Todd questioned why the Landmarks Commission would not approve the proposed monument sign. Mr. Bryner stated the concern of the Landmarks Commission was that it would not be compatible with the existing signage on the front of the property. Mr. James reminded the Commissioners the criteria used for this determination involves the historic designation of this property. He added that the question is would this proposal maintain the historic character of the property.

Mr. Bixby questioned the events that lead to the sign being placed on the building. Mr. Bryner stated the sign was brought to the staffs attention by a complaint received. He added this complaint initiated reviewing the permits for this property which lead to the property not having a permit for this sign or a Certificate of Appropriateness.

Mr. Bixby questioned how long the sign has been displayed. Mr. Bryner stated he believes it has been about two months.

Mr. Famble opened the public hearing.

Mr. Billy Olson (applicant) spoke in favor of this request. Mr. Olson stated the previous Landmarks Commission decision regarding the signage located in the front of property, was not to obstruct the view of the front of the rock house. Mr. Olson stated the original request was for a larger sign but the Landmarks Commission stated that since the signs are located in the front of the property they needed to be smaller. He added the original sign located in the back of the property facing Palm Street was a portable sign that had been there for years. Mr. Olson stated they contacted the same sign company that installed the front signs and the sign company assured them that if the sign was attached to the detached garage it would not need to be permitted. He added the ideal place to locate the sign would be closer to Palm Street since most of the traffic to the jail is routed through Palm Street. Mr. Glenn asked Mr. Olson if he would be in favor of the proposed monument sign. Mr. Olson stated he would be in favor of the monument sign located away from the detached garage and facing Palm Street. Mr. Olson stated that he does have additional rock from the original building and would be able to construct the base of the monument sign with that rock.

Mr. Famble closed the public hearing.

Mr. Bixby questioned that if this request is to be approved would the Commissioners have to deal with the placement issues. Mr. Bryner stated that the Commissioners would not have to unless they wanted to request a distance from the detached garage. He added that staff has criteria to implement this proposal.

After discussion between the Commissioners and staff the following regarding the placement of the monument sign was approved.

Mr. Bixby moved to approve the appeal decision of the Landmarks Commission on an application for Certificate of Appropriateness regarding 2775 S. Treadaway with the exception of the sign is to be a monument sign and having a 25' setback to the East of the building. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Famble, Glenn, Rosenbaum, Todd and Bixby) and none (0) opposed. (Mr. McClarty requested to abstain from this appeal.)

Mr. McClarty resumed as Chair.

Item Seven: Capital Improvement Program (CIP) :

Public Hearing and possible vote to consider recommendation to the City Manager regarding the 2012-2016 CIP.

Mr. Ed McRoy presented the information for this recommendation. The Capital Improvements Program (CIP) is a five-year plan for major non-recurring capital projects that uses a range of funding sources. 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). Typical projects in a CIP include the acquisition, upgrading or major repair of streets, water lines, sewer lines, drainage facilities, large vehicles, buildings, parks, major equipment and similar projects.

Mr. McRoy discussed the 2012-2016 Preliminary CIP budget breakdown. He discussed the maintenance repairs for the LEC (Law Enforcement Center) that was addressed in the previous meeting. He added that since the last meeting it has been determined that the foundation repairs were not as extensive as they believed and the repairs have been completed. Mr. McRoy stated the money allocated for that repair has been redirected back to the sidewalk program. Mr. McRoy discussed the Recreation and Senior Citizens foundation repairs projects and Industrial Blvd reconstruction.

Mr. Glenn questioned the removal of the bike plan in the proposed budget. Mr. McRoy stated the bike plan has been removed until the following year. Mr. Glenn questioned the location of the South Downtown program. Mr. McRoy stated this program has been listed under the unfunded list.

Mr. Bixby questioned the amount allocated for the repairs to the recreation centers. Mr. McClarty described the foundation of the Senior Citizens building located at Sears Park. He added he believes the building has plumbing leaks which is causing the movement of the floors. Mr. McClarty stated that testing should be performed to provide information regarding the reasoning the floors are settling but there are no funds available for this testing. Mr. McClarty asked if Recreation has any funds available besides using the CIP money to have the necessary testing performed.

Mrs. Leslie Andrews (Interim Asst Director of Community Services) stated that they do not have any funds available for testing. She added the repairs were added to the last fiscal year budget and due to funding sources it was eliminated from their budget. Mrs. Andrews added that this is the reason it was moved to the CIP budget. Mr. Bixby stated that the cost of the testing would not be adequate to add to the CIP budget. Mr. James stated that background engineering analysis, architectural fees, and studies would be included in the overall project funding. Mrs. Andrews stated there are multiple buildings involved in this line item. She added the line item for these repairs include South Park, Rose park tennis center and the Senior center. Mrs. Andrews stated an estimate was given for the South park center and it included the fees for testing. She added this is the how the estimated amount for repairs was implemented to the proposed CIP budget.

Mr. Bixby stated he would like to see the money that had been allocated for the LEC repairs to be redirected to the South Downtown Project. Mr. Rosenbaum questioned where the money was redirected. Mr. McRoy stated that 125,000 went back to the sidewalk plan, and the rest was divided among other miscellaneous line items.

After discussion among the Commissioners and staff, the following was agreed upon.

Mr. Rosenbaum moved to approve the Capital Improvement Program with the changes listed, move \$125,000 from the sidewalk project and divide \$50,000 to items listed on 03-12 and 75,000 to items listed on 03-13 of the CIP projects. Mrs. Yungblut seconded the motion and the motion carried by a vote of seven (7) in favor (Yungblut, Famble, Glenn, Rosenbaum, Todd, Bixby and McClarty) and none (0) opposed.

Item Eight: Director's Report:

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

Below are recent decisions made by the City Council on items that had recommendations from the Commission:

March 8, 2012 Council Meeting

Z-2012-04

A request from Valarie Lantrip to amend PD-123 concerning permitted uses, located at 401 Loop 322 & 2901 Newman Rd.

P&Z Recommendation: Approval as requested (7-0)

Council Decision: Approval as recommended by P&Z (7-0)

Z-2012-05

A request from Valarie Lantrip to rezone property from AO (Agricultural Open Space) to PD-123 (Planned Development) zoning, located at 2802 E. Hwy 80.

P&Z Recommendation: Approval as requested (7-0)

Council Decision: Approval as recommended by P&Z (7-0)

Mr. Bixby questioned the progress regarding the Citizens Committee for the Sign Ordinance. Mr. James stated there is no information at this time.

Item Nine: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 3:30 P.M.

Approved: _____, Chairman
