
PLANNING & ZONING COMMISSION
September 4th, 2012
Minutes

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

Members Absent: Gary Glenn

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
 Zack Rainbow, Planner II
 Bradley Stone, Planner II
 Stephanie Goodrich, Planner I Historic Preservation Officer
 Debra Hill, Secretary II (Recording)

Others Present: Ruby Moreno Simon Moreno
 Simon Moreno JR. Domingo Villarreal
 John Mangalonzo Ralph Martinez
 Frances Villarreal Cynthia Bernal
 Rosita Garcia Kim Hayes
 Megan Santee

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. McClarty gave the Invocation.

Item Three: Approval of Minutes

Mr. Famble moved to approve the minutes of the August 6th, 2012 meeting. Mrs. Yungblut seconded the motion and the motion carried unanimously.

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

Item Four: Plats

Mr. Zack Rainbow presented the staff report for these cases.

MRP-2912

A public hearing to consider a plat of Lot 1 and Lot 2, Block A, Sam's Club Addition, being a Replat of Lot 2, Block A, Village Investment Partners Addition, Section 1, an addition to the City of Abilene, Taylor County, Texas, according to the plat recorded in Cabinet 2, Slide 387.B and Lot 201 and 202, Block B, Correction plat of Windmill Acres, according to the plat recorded in Cabinet 1, Slide 127.

FRP-3412

A public hearing to consider a plat of Griffin Nursing Home Subdivision, Abilene, Taylor County, Texas.

FRP-3612

A public hearing to consider a plat of Martin's Addition, Being a plat of 11.478 acres out of Block 14, Section 83, T&P Railroad Co. Survey, City of Abilene, Taylor County, Texas.

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

Mr. Bixby moved to approve MRP-2912, FRP-3412 and FRP-3612. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Bixby, Famble, Rosenbaum, Todd and McClarty) and none (0) opposed. (Mr. Todd asked to abstain from FRP-3412)

Item Five: Zoning

a. Z-2012-22

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Simon Moreno, Sr., to rezone property from LI (Light Industrial) to MD (Medium Density), located at 441 & 501 Bois D'Arc Street.

Mr. Ben Bryner presented the staff report for this case. The subject properties equal approximately 0.40 acres and are currently zoned LI (Light Industrial). The properties are currently vacant with the home at 501 Bois D'Arc Street being recently burned completely. The adjacent properties have LI zoning to the east, west, north, and south. The property was part of the 1895 original town limits and was zoned LI in 1977.

Currently the properties are zoned LI but had been developed with single-family residential homes. The surrounding properties had been developed similarly. This site and surrounding properties were previously zoned RM-2 (Multi-Family Residential) and developed with single-family homes. The zoning was changed to LI (Light Industrial) in December of 1977 making residential uses no longer permitted. The existing home has been considered a legal non-conforming use of this property. As such, a home cannot be reconstructed at this same location if damaged more than 50% of the building's appraised value. A recent fire at this home has completely destroyed it.

The Future Land Use section of the Comprehensive Plan designates this general area for heavy commercial/industrial activity. However, the primary uses in the immediate area have remained residential. Staff has begun a review of the existing zoning districts city-wide and determined that the zoning for this area could be reconsidered to change from LI to the MD (Medium Density) zoning given the lack of interest shown for industrial development in this area. The requested zoning would be compatible with the surrounding uses and would be more appropriate with the existing residential uses in the immediate area.

Property owners within 200 feet of the zoning request were notified. Four (4) Comment forms were received in favor and zero (0) in opposition of the request. The applicants presented staff with a petition for approval before the public hearing was opened. Staff is recommending approval as requested.

Mr. Bixby asked staff to define the LI zoning and its uses. Mr. Bryner explained differences between LI and MD zoning and stated that staff feels that MD zoning would be more appropriate for this area.

Mrs. Yungblut questioned if this property was in a flood zone. Mr. Bryner stated that it was not in a flood zone but it could lie in the flood plain.

Mr. McClarty opened the public hearing.

Mrs. Rosita Garcia (neighbor) spoke in favor of this request. Mrs. Garcia stated she is the neighbor of the applicant and would really like to see the area revitalize back into a neighborhood. She added that if the zoning were to be changed it could help the neighborhood to redevelop.

Mr. McClarty closed the public hearing.

Mr. Rosenbaum expressed concerns with this area being zoned LI. He added that if this area is going to be a part of the future rezoning of the Planning department, it would not be fair to charge for this rezoning. Mr. Bryner stated he agrees with Mr. Rosenbaum, but until the City initiates certain rezoning's, this area will remain LI.

Mr. Bixby moved to approve Z-2012-22. Mrs. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Famble, Rosenbaum, Yungblut, Bixby, Todd and McClarty) and none (0) opposed.

b. Z-2012-23

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Bill Ortega & Elisa Bontke, to rezone property from MD (Medium Density) to MD/H (Medium Density/Historic Overlay), located at 782 Palm Street.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.22 acres and is currently zoned MD (Medium Density). 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 part of the original town created in 1895 and was zoned MD sometime after.

The property is zoned MD and has been developed with a residential dwelling unit. The 1-1/2 story Queen Anne Victorian Cottage was built in 1909 by Wesley E. Hargrove. The large framed structure has an irregular design with a hipped roof, dormer and gable windows, and a columned wrap-around porch with a characteristic rounded corner. Recently, the current owners, Bill Ortega & Elisa Bontke, have begun restoring the interior of the home and are planning to begin work on the exterior. They are requesting Historic Overlay Zoning after gaining more information regarding the responsibilities and benefits of the zoning.

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. Other properties in the area have received Historic Overlay Zoning, and this request could encourage other properties to do the same.

Property owners within 200 feet of the zoning request were notified. Four (4) Comment forms were received in favor and zero (0) in opposition of the request. Staff is recommending approval as requested and the Landmarks Commission has recommended approval by a vote of five (5) in favor to none (0) in opposition.

Mrs. Yungblut questioned if this house is under condemnation. Mr. Bryner stated that it was and the current owners have been working with the Condemnation Officer to bring the house out of condemnation.

Mr. Bixby asked clarification to the Historic Overlay process. Mr. Bryner explained the advantages and how this overlay can protect the home from being demolished until the owners can finish the necessary repairs.

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

Mr. Bixby moved to approve Z-2012-23. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Famble, Todd, Rosenbaum, Yungblut, Bixby and McClarty) and none (0) opposed.

Item Six: 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 Urban Gardens.

Mr. Bryner presented the staff report for this request. Urban farming has gained popularity recently as a way to use under-utilized property while supporting a self-sustaining land use. Several inquiries have been made to staff about community gardens and urban farms being located on vacant lots throughout the city. Currently, community gardens and urban farms are not permitted. Specifically, the City's ordinances do not allow for a water meter to be issued for a vacant lot.

Staff is proposing to allow community gardens/urban farms by right in the majority of the zoning districts so long as they meet specific regulations to mitigate potential negative impacts. The use would allow for cultivation of fruits, flowers, vegetables, or ornamental plants by one or more person or family, to include organizations such as non-profits or churches.

The use is currently not listed in the Land Use Matrix. It is proposed to be included and identified as ‘Community Garden / Urban Farm’. The sections proposed for amendment are Section 2.4.2.1 –Land Use Matrix, Section 2.4.3.3 – Specific Requirements, and Section 5.1.1.3 – Land Use Definitions.

Section 2.4.2.1 The Land Use Matrix

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, ☑-Conditions Apply See Ch.2 Art.5 Div.3

Permitted Uses	Agricultural Open Space	Rural Residential RR-5 & RR1	Residential Single-Family	Residential Single-Family Patio Home	Residential Townhouse	Residential Medium Density	Residential Multi-Family	Manufactured/Mobile Home	College & University	Neighborhood Office	Office	Neighborhood Retail	General Retail	Medical Use	Central Business	Mixed Use	General Commercial	Heavy Commercial	Light Industrial	Heavy Industrial	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	
Resource Production & Extraction																					
<u>Urban Garden</u>	☑	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Section 2.4.3.3 All Other Uses with Specific Requirements

(a) Specific Requirements.

(58) **Urban Garden:** In all zoning districts where such use is permitted by right, the following criteria shall be met:

- a. A water meter will be allowed for the cultivation and growing of plant material even when a primary structure does not exist.
- b. No on-site sales of plant material shall be permitted.
- c. No building shall be allowed that requires a building permit, electricity or plumbing. Only one such building shall be allowed on any lot or tract.
- d. Only mechanical equipment designed for household use may be used on an urban garden.

Section 5.1.1.3 Land Use Definitions

(a) Land Use Definitions & Matrix Correlation

(187) **URBAN GARDEN:** ☒ A private or public facility for cultivation of fruits, flowers, vegetables, herbs, or ornamental plants.

Staff is recommending approval of the proposed amendment to Sections 2.4.2.1, 2.4.3.3 and 5.1.1.3 of the Land Development Code.

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

Mr. McClarty questioned if this is an overlay. Mr. Bryner stated it is not an overlay but an amendment to the current Land Development Code.

Mr. Bixby stated this could be initiated in any area that would allow it, and in some situations, could conflict with certain deed restrictions for individual sub divisions.

Mr. Todd questioned the limitations regarding the mechanical equipment in the proposed amendment. Mr. Bryner stated the restriction applies to large tractors that would not normally be used in a residential area. He added this restriction pertains to storage of the large mechanical equipment.

Mr. Bixby moved to approve the Ordinance Amendment related to Urban Gardens, with item d. to state; “only mechanical equipment designed for household use may be stored on an urban garden.” Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Famble, Todd, Rosenbaum, Yungblut, Bixby and McClarty) and none (0) opposed.

Item Five: Directors Report:

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

August 9, 2012 Council Meeting

Z-2012-14

A request from Shirley Kay Yates, to rezone property from RS-8 (Single-Family Residential) to RS-8/H (Single-Family Residential/Historic Overlay), located at 1826 Belmont Blvd.

P&Z Recommendation: Approval as requested (4-0)

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

Z-2012-15

A request from Betty & Jerry Gayden, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1102 Sayles Blvd.

P&Z Recommendation: Approval as requested (4-0)

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

Z-2012-16

A request from Southern Storage & Warehousing, agent Royce G. (Pete) Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial), located at 1910 Industrial Blvd.

P&Z Recommendation: Approval as requested (4-0)

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

Z-2012-17

A request from PAK Harris, agent Harris Acoustics, to rezone property from HC (Heavy Commercial) to GC (General Commercial), located at 1813 Industrial Blvd.

P&Z Recommendation: Approval as requested (4-0)

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

August 23, 2012 Council Meeting

No Items were considered.

Item Seven: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 2:18 P.M.

Approved: _____, Chairman