
PLANNING & ZONING COMMISSION
November 5th, 2012
Minutes

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

Members Absent: David Todd

Staff Present: Jon James, Director of Planning and Development Services
 Dan Santee, City Attorney
 Ben Bryner, Planning Services Manager
 Bradley Stone, Planner II
 Stephanie Goodrich, Planner I Historic Preservation Officer
 Zack Rainbow, Planner II
 Debra Hill, Secretary II (recording)

Others Present: Mike Pueschel Doug McIntyre
 Joan Batson Don Whitehead
 Virginia Selby Jim Pickens
 Kevin Phillis Robert Kern
 David McMeekan Elisa Smetana
 Mike Vandervoort Loyd Boren
 Rusty Boren Brad Bardin
 J. Bardin M. Choate
 Tiffany Walden Jim Tallant
 Elizabeth Valdez Cherryl Scott
 Russell Taylor Mary Davis
 Sam J Corn Mike McMahan
 D. B. Batsen Chip Townsend
 Vinson Higgenbolt Winston T. Ohlhansen
 Jan Engelke Mary Kindrich
 Craig White Diane Black
 Yesema Loves Rochelle Johnson
 Gary Grubbs Ikie Taylor
 Fred Guerrero Mercy McNally
 Tracie Martin Lisa Burkhart
 Mary Burkhart Bob Thomas
 Adam Ryan Holmes

James McKee
Shane Hutcherson
T C Williams
Don Karchel
Bruce Kreidler
Randy Williams
Kim A Smith
Gary Galbraith
Glenn Freeman
James Kamenicky
Janelle Dry
Timothy Smith
Duane Mainville
Tim Cook
Tony Conder
James Garner

John Decker
Garry Laurles
Joy Evans
James Karche
Steve Savage
Linda Rutledge
Dale E Cartee
Lesa Crosswhite
Arick Conner
Jim & Greta Holzberlein
Shannon Gollihar
Tommy Fain
Luigi Tellej
John Pierce
Brent Casey

Item One: Call to Order

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

Item Two: Invocation

Mr. Fred Famble gave the Invocation.

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

Item Three: Approval of Minutes

Mr. Glenn moved to approve the minutes of the October 1st, 2012 meeting. Mr. Bixby seconded the motion and the motion carried unanimously.

Mr. Famble moved to approve the minutes of the October 15th, 2012 meeting. Mr. Glenn seconded the motion and the motion carried unanimously.

Item Four: Plats:

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

MRP-4012

A public hearing to consider a plat of Lots 306 & 307, Block B, Section 4, Southwest Drive Addition, City of Abilene, Taylor County, Texas, a Replat of Lot 206, Block B Section 4, Southwest Drive Addition, City of Abilene, Taylor County, Texas.

MRP-4912

A public hearing to consider a plat of Lots 1 & 2, Block A, Horn Addition and Lot 129, Block M, Lytle Shores South Section 7, being 9.26 Acres out of the SW/4 of Section 61, Blind Asylum Lands, Abstract NO. 800 and a replat of Lot 29, Block M, Lytle Shores South Section 7, City of Abilene, Taylor County, Texas.

PP-5312

A public hearing to consider a Preliminary Plat of Lakewood Estates.

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

Mr. Rosenbaum moved to approve MRP-4012, MRP-4912 and PP-5312. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed. (Mr. Bixby asked to abstain from MRP-4912.)

Item Five: Zoning:

a. Z-2012-27

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Bone & Joint Clinic, LLP, agent Tino Martinez, to rezone property from MD (Medium Density) to GR (General Retail), located at 1641 Cottonwood Street.

Mr. Ben Bryner presented the staff report for this case. The subject property is approximately 0.96 acres and is currently zoned MD (Medium Density). The property is currently developed with a house. The adjacent properties have MD zoning to the north, HC (Heavy Commercial) zoning to the west across Cottonwood St, and GR (General Retail) to the south. The property was annexed in 1911. The property was zoned LI sometime after. It was rezoned to RM-3 in 2008. The zoning was re-designated to MD with adoption of the LDC in 2010.

The property is zoned MD. The property was rezoned in 2008 as part of a request to develop a series of duplexes on the property to the south. The surrounding area is developed with industrial and heavy commercial uses both across Cottonwood St on the properties along N. Treadaway Blvd to the west and the properties to the east across the railroad right-of-way. The applicant is developing the property to the south with a medical office as well as a physical fitness & training facility.

The applicant has now purchased this property is requesting the GR (General Retail) zoning to conform to the zoning on the property to the south.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. This area is just to the east of the N. Treadaway Boulevard commercial corridor and is bounded by a railroad right-of-way on the east. The residential uses in this area were originally zoned for industrial uses. While there are existing residential uses in this area, staff believes the proximity to N. Treadaway Blvd and the railroad would lend itself for commercial development throughout this area.

Property owners within 200 feet of the zoning request were notified. Two (2) Comment forms were received in favor and none (0) in opposition of the request. Staff is recommending approval as requested.

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

Mr. Glenn moved to approve Z-2012-27. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

b. Z-2012-28

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Village Investment Partners/Windmill Circle Partners, Agent Tony Conder, to rezone property from PD (Planned Development) and LI (Light Industrial) to GR (General Retail), located north of Covenant Drive between S. Clack Street and Memorial Drive.

Mr. Bryner presented the staff report for this case. The property is approximately 36.33 acres and is currently zoned PD-31 (Planned Development), PD-100, & LI (Light Industrial). The property is currently vacant. The adjacent properties have RS-12 (Single-Family Residential) zoning to the west, PD zoning to the south, and AO (Agricultural Open Space) to the north. Highway 83/84 bounds the property to the east. The property was annexed in 1978. It was rezoned to PD-31 in 1985, PD-100 in 2005, and LI sometime after 1978.

The property is zoned PD-31, PD-100, and LI. The property is currently vacant and no business activity has occurred on the property for several years. The applicant is proposing to rezone the property in order to market the property for retail development. The PD districts generally allow for GC uses in the area within 400 feet Highway 83/84. The remaining area to the west allows for HC uses. The requested GR zoning would be more consistent with the desired uses for the area. However, large single-family residential homes are being developed to the west. A transition to less intensive retail zoning, such as NR (Neighborhood Retail) zoning, would be appropriate.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial. This area is just to the north of a Special Activity Area that includes Abilene Regional Hospital. There is an existing retirement community and a proposed Sam's Club to the south. There are existing residential subdivisions to the west. Maintaining a less intensive retail zoning on the west portion of the property would serve as a transition from the proposed GR zoning. 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. Seven (7) Comment forms were received in favor and none (0) in opposition of the request. Staff recommends approval of GR zoning on the east portion of the property and NR zoning on the west portion of the property.

Mr. McClarty questioned if the NR zoning had been discussed with the applicant. Mr. Bryner stated that it had not. Mr. James clarified the discussion with the applicant, stating staff has concerns with the intensity that could be allowed along Memorial Drive.

Mrs. Yungblut questioned if the in favor vote included the NR zoning. Mr. Bryner stated it did not, only the GR zoning.

Mr. Rosenbaum questioned the reasoning for this zoning change. Mr. Bryner stated the applicant feels the GR zoning would be more marketable than maintaining a PD for the applicant. Mr. Rosenbaum stated the GC zoning in the PD is less restrictive than the GR zoning. Mr. Bryner agreed.

Mr. Glenn questioned the response from the applicants regarding the NR zoning. Mr. Bryner stated, staff did not discuss this NR zoning specifically, but they are aware of staff's concerns.

Mr. McClarty opened the public hearing.

Mr. Tony Conder (agent for the applicant) spoke in favor of the GR zoning for this case. Mr. Conder stated the GR zoning was a more favorable zoning in regards to the adjacent neighborhoods. He stated he was not aware of the NR zoning that staff is requesting, he stated the request was for GR zoning for the entire property. Mr. Famble questioned what Mr. Conder's thoughts were regarding the NR zoning that staff is requesting. Mr. Conder expressed his concerns with the City implementing more restrictions than what the applicant has already implemented on themselves. He stated they, as a developer, have taken every consideration regarding maintaining the integrity of the neighborhood. Mr. Conder stated this is why they have requested the change from a PD to GR zoning.

Mrs. Tracy Martin (homeowner) spoke in favor of the NR zoning. Mrs. Martin expressed concerns with the type of traffic and businesses that could potentially develop in this area if zoned GR. She added the neighborhood is requesting this zoning be restricted to NR.

Mrs. Joan Batson (homeowner) spoke in favor of the NR zoning for this property.

Mrs. Lesa Crosswhite (homeowner) spoke in favor of the NR zoning. Mrs. Crosswhite stated she does not live within the zoning notification listing that was sent out but does live within neighborhood this zoning would affect. She is speaking today in approval of the zoning for NR. Mrs. Crosswhite expressed concerns regarding the potential increase in traffic if this request for GR is approved.

Mr. McClarty stated he understands her concerns, and he believes the NR zoning would serve as a good buffer to the GR zoning but believes to rezoned the entire development to NR would not be beneficial.

Mr. Don Whitehead (agent for the applicant) explained their reasoning for the request of GR. Mr. Whitehead stated that with the current PD, HI and GR would be permitted. He added they understand the concerns of the residence in these neighborhoods, so to help maintain the integrity of the neighborhood they are requesting GR, a more restrictive zoning than the PD. Mr. Whitehead stated he was also unaware of the intent of the NR zoning until this meeting and disagrees with the decision made by staff. He added their request if for GR zoning for this property. Mr. Whitehead addressed the concerns of the neighborhood citizens regarding the flow of traffic. Mr. Whitehead explained the process TXDOT is undergoing for the access roads to increase the ease of the traffic flow in this area. Mr. Whitehead stated that their development company and elected to construct the road that would reroute the traffic from that neighborhood. Mr. Whitehead stated he was not in agreement with the split zoning for this area, he stated the original request for this area is GR. Mr. Whitehead stated they were trying to do what would be best for the neighborhood.

Mr. Glenn questioned the rerouting of the exits. Mr. Whitehead explained the process TXDOT is developing for the access roads which would help the traffic flow around the neighborhood.

Mr. McClarty questioned that since this request contains a NR zoning, would he rather leave the existing zoning of PD or proceed with the current request by staff. Mr. Whitehead stated he is requesting GR zoning for this property and the NR zoning was never considered.

Mr. Rosenbaum questioned the purpose of this request. Mr. Whitehead stated that the GR zoning would be marketable and would also protect the area neighborhood from HI uses moving into the neighborhood.

Mrs. Tracy Martin asked if the GR zoning was granted and the NR zoning buffer was not in place, what buffering would be implemented for the neighborhood.

Mr. James explained that the buffers for the GR zoning applied when the properties are adjacent and does not include properties across the street. He added there would not be any buffering such as fences or landscaping. Mr. James added that in this location there is a 100 foot utility line easement that would serve as a built in buffer.

Mr. Rosenbaum questioned the hours of operation for the NR zoning. Mr. Bryner explained that in a NR zoning the hours of operations are from 6 a.m. to 11 p.m.

Mrs. Arick Connors suggested using the property for a community garden. She expressed concerns with the development of a GR zoning the decrease the value of the neighborhood. Mr. McClarty stated he does live in this area and understands the concerns of the neighborhood. He added that as the zoning is currently, anything could develop in this area such as oil field equipment. Mr. McClarty expressed appreciation to the developer for trying to protect the area by requesting this GR zoning.

Mr. McClarty closed the public hearing.

Mr. Dan Santee asked clarification with Mr. McClarty and Mr. Rosenbaum if either of the Commissioners lived within the notification area of this request. Mr. McClarty and Mr. Rosenbaum stated they did not.

Mr. Bixby moved to approve Z-2012-28 as requested by the applicant. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

Mr. McClarty requested a five minute recess.

c. Z-2012-29

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Village Investment Partners/Windmill Circle Partners, Agent Tony Conder, to rezone property from PD (Planned Development) to GR (General Retail), located at 28, 32, 34, & 36 Windmill Circle, 5601 Memorial Drive, and 5850, 5950, & 6042 S. Clack Street.

Mr. Bryner presented the staff report for this case. The property area totals approximately 22.10 acres and is currently zoned PD-34 (Planned Development). The lots are currently vacant. The adjacent properties have RS-12 (Single-Family Residential) zoning to the west, PD & MU (Medical Use) zoning to the south, and PD to the north. Highway 83/84 bounds the property to the east. The property was annexed in 1978. It was rezoned to PD-34 in 1985

The property is zoned PD-34 and all lots are currently vacant. The applicant is proposing to rezone the property in order to market the property for retail development. The PD districts generally allow for GC uses in area #1 adjacent to Highway 83/84. Area #2 to the west allows for HC uses. The requested GR zoning would be more consistent with the desired uses for the area. However, large single-family residential homes are being developed to the west. A transition to less intensive retail zoning, such as NR (Neighborhood Retail) zoning, would be appropriate.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial. This area is just to the north of a Special Activity Area that includes Abilene Regional Hospital. There is an existing retirement community and a proposed Sam's Club to the north. There are existing residential subdivisions to the west. Maintaining a less intensive retail zoning on the west portion of the property would serve as a transition from the existing LI (Light Industrial) uses that exist along Windmill Circle.

Property owners within 200 feet of the zoning request were notified. Twelve (12) Comment forms were received in favor and none (0) in opposition of the request. Staff originally was recommending approval of GR zoning on the east lots and NR zoning on the west lots. Based on the previous case, staff is recommending approval for the GR zoning originally requested.

Mr. McClarty opened the public hearing.

Mr. Kevin Smith (21 & 23 Windmill Circle) questioned the placement of the road to enter this development. Mr. Smith also questioned if the area is to remain the LI zoning. Mr. James stated the applicant could address the road when he spoke. Mr. Bryner stated the area would remain the LI zoning.

Mr. Tony Conder (agent for the applicant) stated they have met with an engineer to plan a road that would connect Memorial Drive to Windmill Circle. He added there has not been contract let and this might or might not happen. Mr. Conder stated they are requesting GR zoning for this area.

Mrs. Yungblut questioned if Memorial Drive extends through to Antilley Road. Mr. Conder stated it would by the end of the year.

Mr. McClarty closed the public hearing.

Mr. Famble moved to approve Z-2012-29 as requested by the applicant. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

d. Z-2012-30

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Cheryl McNally to rezone property from MD (Medium Density) to MD/H (Medium Density/Historic Overlay), located at 1343 S. 3rd Street.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.2158 acres and is currently zoned MD (Residential Medium Density). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the south and west, and CB (Central Business District) to the North and east. The property is part of the Original Town South established in 1895.

The property is zoned MD and has been developed with a residential dwelling unit: The Miller McNalley house has been identified as a significant resource for Abilene in every historic resource survey conducted since 1977. It has been included on the City Council official Landmarks list, and is one of the oldest private residences in the Old Town neighborhood. This Folk Victorian residence has many of its original features including windows, doors, siding, and sawn wood ornament decorations. The metal fencing on 3rd Street and part of Poplar is original. It was built c. 1900 as a single story wood frame dwelling, and was expanded to the 1-1/2 story residence, as shown, by two additions, both prior to 1915. It is a contributing structure to the neighborhood with several historic homes. It is in good condition. 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 medium-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. This request could encourage other properties in the area to request Historic Overlay Zoning.

Property owners within 200 feet of the zoning request were notified. One (1) Comment form was received in favor and three (3) in opposition of the request. Staff is recommending approval as requested. The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

Mr. McClarty questioned the three responses in opposition. Mr. Bryner stated there were no comments on the response forms.

Mr. McClarty opened the public hearing.

Mrs. Mercy McNally spoke in opposition of this request.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2012-30. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

e. CUP-2012-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Jan Kidd Engelke for a Conditional Use Permit to allow a Vacation Travel Trailer Park on property zoned GC (General Commercial), located at 1125 Elmdale Road.

Mr. Bryner presented the staff report for this case. The subject parcel totals approximately 3.0 acres and is currently zoned GC (General Commercial). The property has been developed with a restaurant. The adjacent properties have LI zoning to the east, west, and south, and AO (Agricultural Open Space) and GR (General Retail) zoning to the north across I-20. This property is right along the merger of E HWY 80 and I-20. The property was annexed in 1964 and was zoned AO when it was annexed. The property was zoned LI sometime after. The property was rezoned to GC zoning last year in preparation for this request.

Currently the property is zoned GC and has been developed with a restaurant. 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 request is to allow for a Vacation Travel Trailer Park to be developed on the remaining area of the property to the south. The site plan requirement has been deferred by the Planning Director. However, a site exhibit has been provided showing the proposed development.

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 applicant proposes to add a Vacation Travel Trailer Park to the property. 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. Three (3) Comment forms were received in favor and one (1) in opposition of the request. Staff is recommending approval as requested.

Mr. McClarty questioned if the opposition had any comments. Mr. Bryner stated it did not.

Mrs. Yungblut questioned if any buffering would be required. Mr. Bryner stated the existing zoning is LI and would not require any buffering.

Mr. McClarty opened the public hearing.

Mr. Fred Guerro (1149 Elmdale Road) spoke in opposition of this request. Mr. Guerro expressed concerns with the Vacation Travel Trailer Park being located next to his property. He added the possibility of vacationers staying extended amounts of time and the security issues that could arise.

Mrs. Jan Kidd Engelke (applicant) spoke in favor of this request. Mrs. Engelke described her establishment and the hours of operation. Mrs. Engelke stated her residence is 1181 Elmdale Road which is located next to this property in this request. Mrs. Engelke stated her property and the restaurant are maintained and kept clean. She added the visitors for the the Travel Trailer Park will have back ground checks performed and the length of stay will be weekly or monthly.

Mrs. Lori Guerro (1149 Elmdale Road) spoke in opposition of this request. She expressed concerns for their children's safety if this is to be allowed.

Mr. McClarty closed the public hearing.

Mr. Rosenbaum questioned if the CUP would follow the criteria for travel trailers in the Land Development Code. Mr. Bryner stated that it would and any the length of stay can be no more than three months in any twelve month period. Mr. McClarty questioned the screening requirements for this request. Mr. Rosenbaum read the screening requirements as a solid opaque wall or fence at least six foot in height in a residential district. He added this request falls under the GC which would not require screening. Mr. James stated that the CUP could have restrictions added if the Commissioners agree they are needed. Mr. Rosenbaum stated he would like to have the screening restriction added to this request.

Mr. Rosenbaum moved to approve CUP-2012-04 with the restriction of a 6' solid, opaque fence along the south property line. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

Item Six: Resolution:

A Resolution by the Abilene Planning and Zoning Commission in support of the filing of an application with the Texas Department Of Transportation (TxDOT) for the Transportation Enhancement Program.

Ms. ELisa Smetana (Executive Director of MPO) presented the staff report for this case. On September 14, 2012, the Texas Department of Transportation announced a program call for candidate projects for the Transportation Enhancement program. This federally funded program offers opportunities to expand transportation choices and enhance the transportation experience through non-traditional transportation projects.

The project selected as the most viable candidate for this funding, under the category for provision of facilities for pedestrians and bicycles, is the South 11th Street corridor from South Treadaway Boulevard to Elmwood Drive. This corridor will provide an almost uninterrupted pedestrian transportation avenue linking residential, commercial, and social services from west to east. The proposal will be to put a continuous sidewalk along one side of the entire project and to place a bicycle lane in both directions along the project from South Treadaway Boulevard to Sayles Boulevard.

This South 11th Street Transportation Alternatives Project was incorporated into the Safe Routes to School Master Plan for Abilene in October 2008, is consistent with the 1983 Bikeway Plan, and furthers the objectives of the Comprehensive Land Use Plan. This program is 80% funded with a 20% local match required which is intended to come from existing CIP funding for sidewalks. The total project cost is \$1,182,775 with a local match needed of \$236,555. The nomination deadline is November 16th.

Staff recommends supporting the filing of an application with the Texas Department of Transportation (TxDOT) for the Transportation Enhancement Program for the South 11th Street Transportation Alternatives Project.

Mr. McClarty asked the source of the funding for this projection. Mr. James there is existing funding in the sidewalk project that was approved for the 2012 and possibly in the 2013 CIP budget. Mr. Rosenbaum asked clarification to the adjustments made to the 2012 sidewalk project in the CIP budget. Mr. James stated the funding for sidewalks in the 2012 CIP budget was not designated for any one project; staff would rank these projects by importance. Mr. Bixby questioned if this was an exact match to the funds available in the CIP budget. Mr. James stated it was not. Ms. Smetana stated it was a 20% match to the Federal funds. Mr. Glenn questioned if this funding is used then no other sidewalk projects could be completed for 2012 budget. Mr. James stated it would but funding for the 2013 sidewalk project would be available.

Mr. McClarty opened the public hearing.

Mr. Mike Vandervoort (National Federation for the Blind) spoke in favor of this resolution. Mr. Vandervoort expressed concerns with funding that would be available for future projects and the ranking of these projects.

Mrs. Greta Holzberlein spoke in opposition to the selected street. Mrs. Holzberlein questioned if South 11th would need to be widened for this project. Mr. James stated it would not. Mrs. Holzberlein stated she would like to see this money used for sidewalks located near elementary school districts.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve the Resolution for support of filing for the Enhancement Program. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

Item Seven: Capital Improvement Program (CIP):

Public Hearing to receive potential project suggestions from the public regarding the 2013-2017 CIP.

Mr. Ed McRoy (Assistant Director for Planning and Development Services) presented the information regarding the Capital Improvement Program.

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 (2013) is the Capital Budget. Projects approved in this first year (2013) will be authorized for funding. Projects scheduled for the subsequent years (2013-2016) 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 complement 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.

Schedule for Capital Improvement Process

- Oct 1-Nov 5 Citizen ideas & project suggestions received

- Nov 5 Public hearing for citizen input
- Nov 5 thru Staff reviews suggestions, prepares project sheets,
- Dec 14 Prioritizes projects
- Feb 4 Preliminary report to P&Z Commission
- Mar 4 (18?) P&Z makes formal recommendation to City Manager
- Mar 4 – Apr 11 City Manager develops final recommendation
- May 9 City Manager Reports proposal to City Council
- May 23 Public hearing and final action by City Council
- Jun- Aug Certificate of Obligation and Bond Sale

The first year of the CIP (2013) represents the City Manager’s recommendation for the annual Certificate of Obligation (C.O.) sale. Projects scheduled for subsequent years are approved for planning purposes only and do not receive expenditure authority until they are part of the Capital Budget.

Mr. Rosenbaum addressed the South down town study. Mr. McRoy stated it has not been completed as of this date.

Mr. McClarty opened the public hearing.

Mr. Dale Cartee (20 Wynrush Circle) addressed Chimney Rock Street between Buffalo Gap Rd and Cypress Point as needing resurfacing. He also addressed the alley behind Wynrush Circle as needing repair.

Mr. Ed Emerson (citizen) also addressed street repairs needed at North 13th between North Treadaway and ACU.

Mrs. Janelle Dry (citizen) addressed the bus stop coverings and benches for citizens of Abilene waiting for the City Link system.

Mr. Mike Vandervoort also addressed the bus stop seating and shelters for the City Link Transit system. Mr. Vandervoort discussed the funding for these projects.

Mr. Rosenbaum addressed the sidewalk construction listed in the CIP budget. He added there should be designated streets assigned to the budget in the sidewalk funding of the CIP budget.

Mrs. Arick Conners spoke in opposition to the sidewalks the City wants to implement into the City. Mrs. Conners addressed the repairs needed to the local streets.

Mr. McClarty closed the public hearing.

Item Eight: 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 the Sign Regulations.

Mr. James stated that in the prior meeting he had been directed by the Mayor to have the Planning and Zoning Commissioners consider the Sign Ordinance that was originally proposed and make a decision to approve or deny as written.

Mr. James reviewed the process of updating the City's development ordinances per the recommendations of the City's 2004 Comprehensive Plan, City staff began a process in 2005 to update these codes through the creation of a Land Development Code Review Committee. In addition to the primary review committee, additional representation was added to the core group for a special Sign Ordinance Review Committee whose sole focus was on reviewing and recommending updates to the City's sign regulations. In 2006 this committee made general recommendations to the Planning and Zoning Commission.

Mr. McClarty opened the discussion with a memo from Mr. David Todd expressing his concerns with the proposed ordinance. He stated he would be opposed to the Sign Ordinance as currently drafted.

Mr. McClarty added his thoughts to the discussion that he too would be opposed to the proposed Sign ordinance and asked the opinion of the remaining Commissioners.

Mrs. Yungblut stated she was opposed of the ordinance as is, but would like the proposed changes that the Commissioners have already approved be sent on to the City Council for approval.

Mr. Glenn agreed with Mrs. Yungblut, that the proposed changes need to be included to the City Council.

Mr. Bixby stated he agreed with the Commissioners with the exception of Section 4.2.8.7 involving portable signs.

Mr. Famble addressed the length of time since a committee in 2006 had made their recommendations. He stated he would like to see the proposed Sign ordinance reexamined by a committee.

Mr. Rosenbaum stated he would like clarification as to why this was tabled and set back to City Council.

Mr. McClarty explained his recommendation to the City Council was to send this proposed ordinance back to the original Committee and include the sign companies that would be interested in serving on the Sign Ordinance Committee.

Mr. Rosenbaum stated he did not agree with tabling the ordinance, he added the work that had been done by the Commissioners was almost complete and should be finished and then passed on to City Council for approval or denial. Mr. Rosenbaum stated he would not support the proposed ordinance as written. He added that if this is to be sent to Council the recommendations the Commissioners have proposed should be included.

Mr. Santee assured the Commissioners that any input the Commissioners and the public have discussed will be review and heard by the City Council. Mr. Santee also stated that Mr. Todd memo could not be voted in by proxy.

Mr. McClarty requested a five minute recess.

Mr. McClarty opened the public hearing.

Mr. Cecil Fain spoke in opposition to the Mayor sending this back to the Commissioners for approval or denial. Mr. Fain expressed concerns in regards to the work and time that has gone into the previous recommendations made by the Commissioners and the citizens. He agreed that the recommendations that have been approved should be forwarded to the City Council and not dismissed.

Mr. McClarty addressed the opposition Mr. Fain had to the Mayor sending this back to the Commissioners. He stated he understands the Mayors position and the issue of resolving the Sign Ordinance. Mr. McClarty stated the Mayor is making an effort to get the Sign Ordinance approved.

Mr. Robert Kern (Acme Signs) stated he appreciated the Commissioners involvement with this process. He added the current Sign Ordinance is not perfect and he believes the proposed ordinance is too restrictive.

Mr. Steve Savage requested clarification if the Commissioners were to forward the original proposed ordinance to the City Council with or without the recommendations made from the previous meetings.

Mr. James clarified the recommendation made by the Mayor. He stated the Mayor has directed the Commissioners to finish the Sign Ordinance in a timely manner and forward their previous recommendations and include the final recommendations on to the City Council.

Mr. Bruce Kreitler addressed the enforcement of the current ordinance. Mr. Kreitler asked clarification on what the Commissioners would be voting on today. Mr. McClarty stated he would be addressing this issue with his recommendation.

Mrs. Rochelle Johnson (Expo Center) spoke in opposition to the proposed ordinance. Mrs. Johnson described the importance of advertisement needed for the Expo Center and its participants.

Mr. Bob Thomas (Burkhart Signs) addressed the enforcement of the current ordinance. He stated the current Sign ordinance would be effective if only it was enforced.

Mr. Robert Kern (Acme Sign) addressed Mr. McClarty to make clarification to the items not addressed in the proposed Sign ordinance, when the recommendation to the City Council is forwarded.

Mrs. Arick Connors expressed concerns with enforcement of the current ordinance.

Mr. McClarty closed the public hearing.

Mr. McClarty discussed the possibility of a workshop involving the City Council and the Commissioners.

Mrs. Yungblut stated the draft ordinance was 90% complete and she would like to see the work completed and then forwarded to the City Council.

Mr. McClarty asked clarification of the Mayor's recommendation. Mr. James stated the Mayor directed the Commissioners to approve or deny the ordinance and presented. He added this would not preclude the Commissioners from recommending further changes and forwarding the draft ordinance to the City Council in a timely matter.

After discussion among staff and the Commission, the following motion was made.

Mr. Bixby moved to table the Ordinance amending the Land Development Code related to the Sign Regulations to a special meeting on November 19th, 2012, specifically to discuss the regulations regarding pole signs and non-conforming signs. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

Item Nine: Directors Report

Discussion of possible items for future consideration.

October 11, 2012 Council Meeting

Z-2012-22

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.

P&Z Recommendation: Approval as requested (6-0)

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

Z-2012-23

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.

P&Z Recommendation: Approval as requested (6-0)

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

Ordinance Amendment:

An ordinance amending the Land Development Code related to Urban Gardens.
P&Z Recommendation: Approval as requested with 1 minor change (6-0)
Council Decision: Approval as recommended by P&Z (7-0)

Item Ten: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 4:55 P.M.

Approved: _____, Chairman