
PLANNING & ZONING COMMISSION
February 4, 2013
Minutes

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

Members Absent: None

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
 Jesse Torres, Zoning Inspector
 Debra Hill, Secretary II (recording)

Others Present: Sage Diller
 Will Edmiston
 Raney Edmiston
 Will Edmiston
 Scott Senter
 Kris Seale
 Josh McQueen
 Rochelle Johnson
 James Condry
 Ken Dozier
 Megan Santee
 Elisa Smetana
 Dean Carter

Item One: Call to Order

Mr. Fred Famble 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 January 7th, 2013 meeting. Mrs. Yungblut seconded the motion and the motion carried unanimously.

Item Four: Plats:

Mr. Ben Bryner presented the staff report for these cases.

FP-4311

A public hearing to consider a plat of Southern Cross Estates, Section 1, 36.953 Acres Out of the William E. Vaughn Survey NO. 106, Abstract NO. 412, Taylor County, Texas.

FP-5612

A public hearing to consider a plat of Lot 1, Block A, Kingdom Park Subdivision, Abilene, Taylor County, Texas.

MRP-0213

A public hearing to consider a plat of Lots 401 and 402, Block 2, Section 1, Southern Hills Addition, Abilene, Taylor County, Texas, a Replat of the Remainder of lot 1, Block 2, Section 1, Southern Hills Addition, Abilene, Taylor County, Texas.

MRP-0513

A public hearing to consider a plat of Lots 303 and 304, Block D, Continuation 2, Five Points Business Park, Abilene, Taylor County, Texas, A Replat of Lot 3, Block D, Continuation 2, Five Points Business Park, Abilene, Taylor County, Texas.

Mr. Bixby questioned the process if one of these plats were denied. Mr. Bryner explained the process in the event a plat was denied.

Mr. James questioned if the Bank of America plat has an outstanding sidewalk waiver. Mr. Bryner stated it has an outstanding sidewalk waiver and has been discussed with the applicant and they are willing to provide the sidewalk if the waiver is denied.

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

Mr. Bixby moved to approve FP-4311, FP-5612, MRP-0213, MRP-0513. Mr. Rosenbaum seconded the motion and the motion carried by a vote of seven (7) in favor (Yungblut, Glenn, Bixby, Famble, Rosenbaum, Todd and McClarty) and none (0) opposed. (Mr. Todd asked to abstain from FP-5612, MRP-0213, MRP-0513)

Item Five: Master Thoroughfare Plan Amendment:

Master Thoroughfare Plan Amendment:

- a. Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Master Thoroughfare Plan regarding the area south of Antilley Road and between FM 89 (Buffalo Gap Rd) & Highway 83-84.
- b. Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Master Thoroughfare Plan regarding designation of a planned extension of Old Forrest Hill Road, between Beltway South and Iberis Road, from 'arterial' to 'collector'.

Mr. Ben Bryner presented the staff report for this case. Mr. Bryner stated the City of Abilene received a request to amend the Master Thoroughfare Plan regarding the designation of a roadway south of Old Forrest Hill Road between Beltway South and Iberis Road. The requested amendment would change the designation of the roadway from an 'arterial' to a 'collector' street. The item was discussed at the January 7th meeting and tabled to the February P&Z Commission meeting.

As part of the discussion, the Commission asked staff to expand the area and study the area for possible alternatives. The request was reviewed by the Development Review Committee (DRC) and several alternatives were identified, as follows:

- No change to the Master Thoroughfare Plan
- Continue Memorial Drive ('minor arterial') to south along old railroad right-of-way to Iberis Road; Designate southern extension of Old Forrest Hill Rd as 'minor arterial'; Designate the current depiction of Memorial Drive, which deviates from the railroad ROW to the east, as a 'collector' roadway
- Redirect the arterial street to connect Memorial Drive with County Road 337 (will require large sweeping curves); designate north extension as 'collector' to line up with White Blvd.

In addition to the possible alternatives, the DRC identified other changes to be made:

- Designate the existing Old Forrest Hill Rd as a 'minor arterial' and connecting the roadway up to Antilley Road
- Eliminating a planned 'collector' road between Hardwick Rd and Memorial Dr.

Staff continues to recommend no change in relation to the requested amendment, but recommends **approval** of the 2 additional changes. If the Commission is inclined to recommend a change in this area, staff prefers Option #2 over Option #3, which raises a number of concerns.

Mr. Bixby asked staff to clarify the definitions of Arterial, Minor Arterial and Collector streets. Mr. Bryner described the definition for each designation.

Mr. Bixby referred to Option #3 and asked staff if they have examined the possibility of the increase in traffic congestion due to this option of re-alignment. Mr. Bryner stated this could increase the possibilities of traffic turning conflicts but since this is designated as a collector street the traffic should not be as great.

Mrs. Yungblut questioned the use of traffic signals for the connection to White Blvd. Mr. Bryner explained that studies would have to be conducted to evaluate and determine if traffic signals would be warranted. He added that the original alignment to Forrest Hill Road would be more consistent with the development and would encourage the improvements for traffic signals.

Mr. Famble opened the public hearing.

Mr. Scott Senter (Senter Realtors) spoke in favor of designating the old railroad right-of-way to a Minor Arterial classification. Mr. Senter explained the future plans for the extension of Memorial Drive to the south. Mr. Bixby questioned how this extension would affect the changes in question for Old Forrest Hill Rd. Mr. Senter stated he believes this would give more flexibility for the local home owners.

Mr. Chris Seal (Directors Real Estate Management LP) addressed Mr. Senter's statements regarding the extension of Memorial Drive, stating he was in favor of extending Memorial Drive to the south.

Mr. Will Edmiston (3709 Beltway South) addressed the connection from Beltway South to Old Forrest Hill Rd. Mr. Edmiston stated that if he had to choose an option he would be in favor of option #3, he added this would help reduce the amount of road that would infringe upon their property. Mr. Edmiston questioned the use of Hardwick as a Collector or Arterial street. Mr. Edmiston also questioned the zoning and annexation of the land located south of Beltway South. Mr. James explained there is an annexation in process and if the City Council approves the annexation, there would be public hearings to consider the zoning for that area. Mr. Edmiston described for the commissioners the alignment proposed for Old Forrest Hill Rd that would infringe upon their property. Mr. James explained that if this thoroughfare were to be approved it would be more in alignment with Old Forrest Hill Rd and would probably not be located directly on their property line. Mr. Edmiston discussed the possibility of redirecting the thoroughfare to the west of his property.

Sage Diller (Enprotec, Hibbs & Todd) spoke in favor of Option #3. Mr. Diller stated this proposal would be in line with the development to the south of the homeowner's location.

Mr. Famble asked clarification to Mr. Diller in which designation of the collector street would his client be in favor of. Mr. Diller stated the he would be in favor of the proposal that would connect to White Street.

Mr. Famble closed the public hearing.

Mrs. Yungblut asked clarification if Forrest Hill Rd currently connects to Antilley Rd. Mr. James stated that at this time it does not.

Mr. Rosenbaum questioned the use of Hardwick for this request. Mr. James stated that Hardwick is in the presence of a floodway and much of the land adjacent to Hardwick is undevelopable. He added this makes the area undesirable for an Arterial street to run through it. Mr. James explained that the proposed area located adjacent to Old Forrest Hill Rd is centrally located and is more aligned within the area between FM 89 and HWY 83-84.

The Commissioners and staff discussed the various options for this request, detailing each option and the effects each would have for the area. This prompted additional question from the public.

Mr. Famble reopened the public hearing.

Mr. McClarty questioned Mr. Sage Diller (Enprotec, Hibbs & Todd) to clarify the number of access points for the propose development. Mr. Diller stated EHT is awaiting the outcome of the decision from the Commissioners. Mr. Diller stated that EHT would in all probability agree with Option #3 for the two accesses that would be required. Mr. Glenn questioned does his property extend to Hardwick. Mr. Diller stated that it does not.

Mr. Scott Senter stated that Old Forrest Hill Rd ends at a subdivision that has currently been submitted and cannot travel through to Antilley Rd. Mr. Senter later corrected this statement and agreed that there is room for this road to be continued to Antilley Rd as shown on the staff exhibit.

Mr. Famble closed the public hearing.

Mr. McClarty requested to split this option into two separate requests and vote on each separately.

Mr. McClarty moved to approve relocating Memorial Dr to the abandoned Railroad ROW south through to Hardwick Dr. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Famble, Rosenbaum, and McClarty) and none (0) opposed. (Mr. Todd asked to abstain from this request)

Mrs. Yungblut moved to approve the deletion of the existing Memorial extension from Hardwick to Memorial Dr. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Famble, Rosenbaum, and McClarty) and none (0) opposed. (Mr. Todd asked to abstain from this request)

Mrs. Yungblut moved to approve the relocation of Forrest Hill Rd (East to West) in alignment to the South in order to line up with planned collector streets to create a continuous collector street from Buffalo Gap Road to Highway 83/84. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Famble, Rosenbaum, and McClarty) and none (0) opposed. (Mr. Todd asked to abstain from this request).

Mr. James reminded the Commissioners that in the past, staff has notified the public of changes to any proposed thoroughfare amendments. Mr. James suggested the option to continue making recommendations for changes and to table the overall issue until the next regularly scheduled meeting and notify the effected public. He added another option would be to continue today's recommendations and forward onto City Council.

The Commission discussed what was labeled "Additional Change #1" regarding adding a minor arterial street using the existing alignment of Old Forest Hill Road and continuing north to Antilley Road. Prior to the vote, Mr. Rosenbaum noted that, while he approves of this change, he believes that it has a direct relationship to the decision to be made on the following item (i.e., approval of this Minor Arterial will make the case stronger for keeping the alignment to the south of 707 as is) and he wanted the other Commissioners to be aware of this.

Mr. Bixby moved to approve the Minor Arterial from Antilley to Beltway South as recommended by staff. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Yungblut, Glenn, Bixby, Famble and Rosenbaum) and one (1) opposed (McClarty) (Mr. Todd asked to abstain from this request).

Mr. Glenn moved to table the Master Thoroughfare Plan Amendment (5 a.) to the next regular scheduled meeting. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Bixby, Famble, Rosenbaum and McClarty) and none (0) in opposition. (Mr. Todd asked to abstain from this request).

- b. Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Master Thoroughfare Plan regarding designation of a planned extension of Old Forrest Hill Road, between Beltway South and Iberis Road, from 'arterial' to 'collector'.

Mr. Rosenbaum moved to remove from the table the Master Thoroughfare Plan Amendment. Mr. Glenn seconded the motion and the motion carried unanimously.

Mr. Ben Bryner presented the staff report for this case. The proponent is requesting an amendment to the Master Thoroughfare Plan. The proposed amendment would not shift the alignment of the future roadway, but would change the designation of the roadway from an 'arterial' to a 'collector' street. The change of designation would reduce the required right-of-way width from 120 feet to 70 feet.

Property owners within 200 feet of the zoning request were notified. Zero (0) Comment forms were received in favor and One (1) in opposition of the request. Staff is recommending denial as requested.

Mr. Bryner explained that what was before the Commissioners today is the designation of the future roadway not the alignment. Mr. Bryner stated that staff is recommending no change in relation to the requested amendment, with the second choice being designation of Minor Arterial.

Mr. Famble opened the public hearing.

Mr. Will Edmiston recommended tabling this item until the Commissioners and staff have come to an agreement on the alignment of Old Forrest Hill Rd. Mrs. Edmiston stated she would like to see this tabled also until staff has notified the public in that area of the proposed changes. She added this would allow the public to be able to voice their thoughts regarding this amendment.

Mr. Sage Diller (EHT) spoke in favor of the realignment proposal. Mr. McClarty questioned the location and designation of any access roads to the proposed development. Mr. Diller stated he would research this information and report his findings to the Commissioners.

Mr. Famble closed the public hearing.

Mr. McClarty moved to table the Master Thoroughfare Plan regarding designation of a planned extension of Old Forrest Hill Rd, between Beltway South and Iberis Road, from 'arterial' to collector' to the next regular scheduled meeting. Mrs. Yungblut seconded the motion and the motion carried by a vote of four (4) in favor (Yungblut, Glenn, Famble, and McClarty) and two (2) in opposition. (Bixby, Rosenbaum) (Mr. Todd asked to abstain from this request).

Item Six: Thoroughfare Closure:

TC-2013-01

Public hearing and possible vote to recommend approval or denial to the City Council on a request from AISD, Agent David Todd, to abandon the existing alleys: a 20' alley north to south between S. 7th Street & Potomac Avenue, ±575' long; and a 30' alley/easement east to west between Buccaneer Street & Hawthorne Street, ±795' long; and also to abandon right-of-way along Buccaneer Street (7' x 300') and right-of-way along S. 7th Street (13' & 3') adjacent to Bonham Elementary.

Mr. Ben Bryner presented the staff report for this case. The applicant is requesting to abandon the alley right-of-way (ROW) to plat all the property owned by Abilene I.S.D. into 1 lot. The school is constructing a new classroom building on the campus, thus requiring the need for platting. The alleys to be abandoned have not been improved and do not affect refuse collection for the exiting residential uses to the east. The applicant is requesting to abandon the street ROW in order to match the limits of the existing improvements related to the school property. There is an existing parking lot in the northwest that encroaches into Buccaneer Street and a fence that is located in the ROW along S. 7th Street. Rather than abandoning the street ROW, the encroachment can be addressed by a street-use license that would allow AISD to retain the encroachment within the ROW.

An east-to-west alley and a north-to-south alley currently exist on the property owned by Abilene I.S.D. Improvements have not been made to the alleys and buildings have been built encroaching into and over the rights-of-way.

RECOMMENDATIONS:

Plat Review Committee: Denial of the requested street ROW closures (along S. 7th St & Buccaneer Dr). Approval of the requested alley closures as requested with the following conditions:

1. 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;
2. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff is recommending approval of the requested alley abandonments, with the conditions suggested by the Plat Review Committee and denial of the street ROW abandonments. 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.

Mr. McClarty asked clarification on the applicants to request to close the ROW and the reasoning that staff recommends denial for this request. Mr. Bryner stated that the parking lot located on the corner of Buccaneer Dr. and S. 7th encroaches into the public ROW along with the fence on this property. The request to improve this area resulted in the abandonment of the ROW to allow this area to become part of the property. He added that as the property develops, the encroachments would be corrected. Mr. Bryner added that until the development has been completed the applicant would use a street license permit which would need to be approved by City Council. Mr. Bryner stated this would allow improvements to S. 7th if ever needed and would also allow for any utilities that might be needed in the ROW.

Mr. Famble opened the public hearing.

Mr. Sage Diller (EHT) spoke in favor of this request. Mr. Diller stated this request would help with the process of the platting of this property for the proposed improvements. Mr. Rosenbaum questioned Mr. Diller's opinion of the street use license. Mr. Diller stated he would be in favor of the street use license if there would be a guarantee it would be approved by City Council.

Mr. Famble closed the public hearing.

Staff and the Commissioners discussed the Street Use License and the ROW for S. 7th and Buccaneer. The process of the site plan was discussed which rendered new questions for the applicant.

Mr. Famble reopened the public hearing.

Mr. Sage Diller (EHT) was asked by Mrs. Yungblut if the ROW was to be denied would that hinder their improvements for the development. Mr. Diller stated that it would not if the Street Use license was approved. Mr. McClarty asked is they would apply for the license if the ROW was denied. Mr. Diller stated they would.

Mr. Famble closed the public hearing.

Mr. Bixby moved to approve the alley way abandonment with the conditions listed by staff. Mr. McClarty seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Famble, Bixby, Rosenbaum and McClarty) and none (0) in opposition. (Mr. Todd asked to abstain from this request).

Mr. Rosenbaum exited the meeting.

Item Seven Capital Improvement Program (CIP):

Preliminary Staff Report and discussion regarding the 5-Year Capital Improvements Program (CIP) 2013-2017

Mr. Ed McRoy presented the staff report for this case. The CIP is a 5-Year Plan that identifies needed capital projects and coordinates the financing and timing of these projects. The CIP is a method of planning for the effective and efficient provision of public facilities, infrastructure improvements, and the acquisition of property and equipment.

Generally, capital improvement projects are:

- Long term in nature (minimum life expectancy of 15 years)
- Cost in excess of \$25,000
- Includes professional services, new and/or renovated facilities, major equipment purchases, and/or property acquisition
- Fiscally constrained for the entire 5-Year Plan.
- 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. McRoy discussed the proposed budget for 2013-2017 CIP, detailing expenses for the projects listed for the Commission's recommendation.

Mr. Bixby questioned the project for the Chavez Recreation Center. Mr. McRoy stated this project is for remodel and expansion of existing restrooms. Mr. Bixby questioned how the budget was assessed for this project. Mr. McRoy stated that the Director for Community Services could answer this question.

Mr. Bixby questioned the location for sidewalk improvements. Mr. James stated that ADA requirements have not been applied to the public rights of way. Mr. Bixby asked clarifications on the types of streets sidewalks are required. Mr. McRoy stated the types of streets vary resulting from the evaluation for the development.

Mr. Glenn questioned the funding listed for street development. Mr. McRoy explained the funding was initially intended for Industrial Blvd but since has been modified to include other streets that are in need of maintenance.

Mr. Chad Carter (City Engineer) explained the maintenance would be from South Treadaway to Buffalo Gap Rd and Sayles Blvd to South Danville which would consume most of those funds.

Mr. Famble redirected the question to the funding of the Chavez Recreation Center remodel.

Mr. James Childers (Director of Community Services) stated the funding request for the renovation was based on estimates provided from one source. He added that once the CIP budget has been approved then Community Services will petition estimates from three different vendors. Mr. Childers stated the growth is substantial for this facility and Chavez Recreation Center is in need of the additional restrooms.

Mr. Bixby questioned the funds for the SODA district. Mr. McRoy stated the funds have not been expended that certain projects were completed with excess funds.

Mrs. Yungblut exited the meeting.

Item Seven: Director's Report:

Z-2012-31

A request from LKC Group LLC, agent Harris Acoustics, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), located at the northeast corner of Highway 83-84 and Beltway South.

P&Z Recommendation: Approval of GC zoning (6-0)

Council Decision: Approval as recommended by P&Z (6-0)

Ordinance Amendments:

A request to amend the Land Development Code to allow active outdoor recreation as a conditional use in residential districts.

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

Council Decision: Approval as recommended by P&Z (6-0)

A request to amend the Land Development Code related to regulations pertaining to child-care as a home occupation.

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

Council Decision: Approval with condition that a CUP is required when caring for more than 6 children (6-0)

A request to amend the Land Development Code to allow digital conversion of billboards in the Buffalo Gap Corridor Overlay.

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

Council Decision: Approval as recommended by P&Z (6-0)

Mr. Famble questioned the progress for the workshop regarding the Sign Ordinance. Mr. James stated that Council is still determining a date for the workshop.

Item Seven: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 4:25 P.M.

Approved: _____, Chairman