
PLANNING & ZONING COMMISSION
September 16th, 2013
Minutes
SPECIAL MEETING

Members Present:

Tim McClarty - Substitute Chairman
Pam Yungblut
Gary Glenn
Bruce Bixby
David Todd

Members Absent:

Clint Rosenbaum
Fred Famble

Staff Present:

Jon James, 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
Donna Boarts, Secretary (recording)

Others Present:

Michael Vandervoort
Mary Kindrick
Randy Voorhees
Debra Turner
Ryan Holmes
Megan Santee

Item One: Call to Order

Mr. Tim McClarty (substitute Chairman for Fred Famble) 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: Plats:

PP-6013

A public hearing to consider a Preliminary Plat of Section 2, Tuscan Trails Subdivision, Abilene, Taylor County, Texas.

Mr. McClarty stated that we will not be discussing due to more information needed.

Item Four: Ordinance Amendments:

- a. Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code related to Sidewalks.

Mr. Jon James (Director of Planning and Development Services). Mr. James reiterated the discussion regarding the Sidewalk Ordinance. The original ordinance was first adopted in 2006, with some minor revisions again in 2008. Would like the commissioners to look over the ordinance, and possibly make any recommendations that are needed back to the City Council. In March we had brought a similar item to discuss, then again in June a draft Ordinance Amendment. At that meeting we discussed sidewalks, but possibly did not see the significance of this item, today we would like to get your opinion, so we would then be able to write up any change, based on what you would like to see added.

This meeting is a reminder just why we do this and who it affects. There are citizens that reside in our city; their primary means of transportation is walking due to not having a vehicle. Study shows one (1) out of 14 (fourteen) homes are made up of those that do not have a vehicle, or those that have a single car for multiple residents within the household. We have made an emphasis for children with *Safe Routes to School*, as well as for the elderly as the population ages and are now no longer able to drive.

Public support, due to our multiple surveys confirms that people in the community want sidewalks. Discussions today are some details; how are they paid for and when are they triggered. Overwhelmingly, people in the community have said that sidewalks should be mandatory for some of the new developments being built. One statistics not shown, a *Sidewalk Bond Election* back in 2006, passed overwhelmingly, setting aside financial support for constructing of the sidewalks within the City. As you know there are waivers and deviations (allowing sidewalks to be closer to the street, or configured differently than a standard sidewalk) in most cases sidewalks are required to be constructed at the time of street construction (new construction) or at the time of platting or a sight plan along existing streets. However new streets in a single family neighborhood, can be delayed until the homes are built.

Paperwork was handed out at our last meeting, it hopefully help with any question that you might have regarding, where and when a street is required. We feel it comes down to these questions.

- 1) Where sidewalks are appropriate, and where would we like them in our community.
“*What kind of City do we want to be*” Talked about: *Complete Street City?*
Every street, all developments construct a sidewalk. Some say, no sidewalks wanted or needed?

- 2) Who should accept the cost, the developer as part of the development, or the responsibility of the City. We have looked at other cities around the state with a population of 100,000 or more, our ordinance as it is today is consistent with the majority of the cities in terms of where sidewalks are required and when developments are responsible for them. Meaning that new development pays their own way, expecting them to make the improvements i.e. water, sewer and sidewalks, and City taxpayers fix any existing deficiencies.
- 3) When should they be triggered for new developments, and what actions would trigger that. We have discussed that when a property is developed as triggered by a site plan. Whether it be commercial, major development, it should also trigger sidewalks, which is stated in the current ordinance. When residential subdivisions are created, that would also trigger sidewalks, the sidewalks would be deferred when the home was built.
- 4) Additional exemptions and waivers for certain locations in town. Are there specific areas that we can list in the ordinance that do not require sidewalks, we can possibly list out specific roads by streets or by certain characteristics.

Does a Plat trigger other street improvements; should it also trigger the sidewalk improvements? Mr. James recommendation, unquestionably.

If Plats are exempt, it can sometimes create undevelopable areas. When do we get sidewalks for those? Recommend that those are triggered by the Plats.

Deferral Agreements, if sidewalks are not needed as of today, why make them build it today? Can we defer till a later date? Is the sidewalk to nowhere a problem? The cleanest, easiest way to get sidewalks. How do we guarantee financial restitution from the builders. In the past the builders have signed a “Deferral Agreements” in exchange for not building the sidewalk today, and will construct in the future.

“In Lieu of Sidewalks” If sidewalks not needed today, builder will put money aside into a City Sidewalk fund for a future date.

Mr. McClarty stated there was a discussion on sidewalks, was accepted by some of the Commissioners. Mr. Famble and Mr. Rosenbaum were not in attendance of today’s meeting. Therefore could not make a motion.

Mr. James stated that a survey with a list of questions was mailed to each Commissioner, asking each to select which option they would prefer, and could discussed at a future date.

“Waivers”, the current criteria, we are not recommending any additional waiver criteria. Sometimes sidewalks get waived due to topography or cost.

Question: Should that remove the obligation from that property, or should the builder pay into the sidewalk fund?

Additional exemptions and waivers for certain locations in town. Are there specific areas that we can list in the ordinance that do not require sidewalks, possibly list out specific roads by streets or by certain characteristics.

Mr. Todd questioned in the 2006 bond how much money was set aside for sidewalks.

Mr. James gave an estimate of \$600,000- \$700,000. Mr. Todd inquired how many sq. feet that paid for.

Mr. James stated our current estimate is \$40 dollars per linear foot, not sure is at today price.

Ms. Yungblut questioned if any of the bond money was still available.

Mr. James specified the money has been expended.

Mr. Bixby questioned when we rescinded the Sidewalk Ordinance recommendation to City Council. Mr. James explained that it was before August of 2006 when they adopted it.

Ms. Yungblut explained the issues regarding real estate, if money is put in a fund, property is transferred, and the sidewalks are still not completed, do we have a timeframe that we can ask for them to be completed within.

Mr. James stated that when a home is purchased that is in need of sidewalks, and it should come up on the title search as it is available information. If the money was put into a fund, then the new resident can ask for the sidewalk to be constructed.

Mr. Glenn questioned if designated sidewalk money is able to be used for other entities.

Mr. James stated that we cannot use money that is allocated for other matters. Although each year, the City adopts a new 5-year Capital Improvements Program (CIP) plan to identify major construction projects or improvements that is needed. Once it gets to the current budget year, it can only be allocated for a certain item.

Mr. McClarty opened the public hearing.

Mr. Voorhees spoke about sidewalks being more of a cost benefit analysis, due the expenditure. Feels if it is a safety issue, it should be in both old and new neighborhoods. Put the election out to the community for a vote to purchase their own sidewalks.

Mr. Vandervoort (National Federation for the Blind) spoke in favor of sidewalks being constructed. Mr. Vandervoort stated sidewalks are a very important part of transportation. Spoke for those with disabilities, and the need for sidewalk maneuverability throughout the City in relation to bus stops for transportation purposes. The desired goal is for continuous connectivity for sidewalks.

Mr. McClarty inquired if we had a City Master Sidewalk Plan at one time.

Mr. James stated the City Master Sidewalk Plan in place at this time preceded the current ordinance that was in place. Some issues were, as the area grew the map was not kept on with, therefore having only a few streets throughout the City identified on the map. Explaining that possibly looking to get away from the map base requirement and go with the street type and zoning for the area.

Ms. Kindrick spoke in favor of sidewalks. Ms. Kindrick stated due to her disability, sidewalks are needed to help with maneuverability. Neighborhoods should not be exempt from sidewalks, costs should not be a factor it is all part of purchasing a home.

Mr. McClarty closed the public hearing.

Mr. James reiterated that we have not had a sidewalk waiver, waived due to costs. There is a criteria in the ordinance that identifies what would be cost ~~prohibited~~ prohibitive. Usually waivers are granted for other purposes. The City is prioritizing connectivity and making sidewalks of the utmost importance. We received a TexDOT grant to build sidewalks within the City. Found that most cities adopted their sidewalk programs in the 1980's and with 30 years of ordinances like ours, we are not far behind in comparison. Having the developer put in the sidewalks beforehand saves the City financially.

Ms. Yungblut questioned whether the City will be putting in sidewalks in the Elmwood neighborhood. Want to make sure that we are taking care of the senior citizen's in this City. Mr. James stated that we ~~already have discussed~~ plans to put in sidewalks on Elmwood, at this time we are discussing new development and major streets. Being that Elmwood is a collector street, many some homeowners have requested sidewalks and offered to assume half their share of the cost.

Mr. McClarty stated the importance of addressing each item individually.

- Where do we want sidewalks; define the area.
- Sidewalk Master Plan; would we rather have a map showing the streets have to build sidewalks. Any streets on our Safe Routes to Schools map already have done that analysis, in the process of doing it City wide.

Mr. Glenn questioned how many miles of sidewalk are we lacking.

Mr. James stated was not aware, knows that we are short sidewalks. The ordinance states that all major, local streets are exempted, agricultural, large lots, residential, industrial and existing single family areas. All other local streets would require sidewalks.

Mr. Bixby states there are certain things that the developer pays for and certain things that we pay for as a community. Arterial and collector streets are widely used by the community. Due to the stipulations with developers, waivers, gaps and deferments, possibly the City can assume the cost. As for local streets, the financial cost should be paid for by the developer of that undertaking that development.

Mr. James stated that the cost is a huge amount given to the developers and to the City taxpayers. Developers are building sidewalks on the collector and arterials that possibly would not happen in the future.

Mr. McClarty explained it should be the builder's responsibility if developing in an area that needs sidewalks. If developed then the City would need to assume the responsibility. Connectivity is the importance of the Sidewalk Master Plan.

Mr. McClarty questioned whether the panel is in agreement that arterial and collectors are in need of sidewalks (except the exempted areas) All are in agreement. Do they need to be on both sides. Not in agreement.

Mr. James stated that the different cities that they had conferred with, only had sidewalks on one side. Judgment needed on which side.

Mr. McClarty explained the less costly route, possibly the side that has the least amount of sidewalks to this point. A decision needs to be made on these arterial and collector roads.

Mr. McClarty stated that ~~The~~ the Master Plan will determine where the sidewalks need to be. Need to be advised by the community of the disabled, we can also tell by the arterial and collectors where they need to be, seeing paths in communities. When new development is initiated, sidewalks need to be constructed.

Mr. James specified if any new development no matter where it was had put money into a fund for a source for sidewalks. Mr. James stated that Mr. Rosenbaum elucidated that it was not fair to have someone to put money in for sidewalks that clearly does not need them themselves.

Mr. McClarty stated that there is not enough funding in the budget to pay for sidewalks in all areas.

Mr. McClarty closed the public hearing for discussion.

Mr. McClarty reopened the public hearing.

Mr. Tal Filligim (Agent) spoke about sidewalk waivers. Stated that the City is supportive of sidewalks. Explained from an engineer's standpoint, the documentation process needs to be simple, stating who is clearly responsible for constructing the sidewalks. Agrees with "*In Lieu of Sidewalks*" opens up the opportunity to distribute the costs when constructing them. There are times that sidewalks are not advisable, due to topographic constraints and drainage. Stated that a vast majority of the waivers approved are tied to roads that have constraints.

Mr. Voorhees (Business Owner) spoke from a builder viewpoint, about the enormous amounts of money that was required to be put into a fund for the sidewalk construction. Specified that he would rather see his money used in the areas that sidewalks were more needed.

Mr. McClarty closed the public hearing

Mr. Bixby questioned how a fee is calculated.

Mr. Todd explained that engineering has an “*Open Ended*” contract with a contractor, for sidewalk unit pricing that pertains to the sidewalk expenses.

Mr. James stated there are a few ways to calculate it. Explained that many cities have percentage rates.

- Standard average per ft. cost to base your price.
- Have the site prepare a cost estimate, so you have an amount.
- Then how much should be charged.

Mr. McClarty suggested that there be a flow of money going into a budget to be used for building of the sidewalks.

Mr. Glenn questioned if this would apply to all the developers.

Mr. James stated that yes; there would be a percentage fee for the developer.

Mr. Bixby stated *Fee in Lieu Of*, in regards to a collector or arterial is good, if discounted 30% across the board. With taxpayers supporting the additional percentage costs.

Mr. McClarty explained that a Master Plan should also be required. Agree with having complete streets idea.

Mr. James stated that a decision would need to come back in an ordinance form. Today were looking for some general direction regarding building of the sidewalks.

- b.** Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code regarding triggers for a Site Plan.

Mr. Ben Bryner presented the staff report for this Amendment. The City of Abilene has specific standards for when a site plan is required for new development. Site plans currently are required for construction of a new principal structure or the expansion of a principal structure that is equal to or more than thirty percent (30%) of the floor area or twenty thousand (20,000) square feet.

The Planning & Zoning (P&Z) Commission had asked staff to evaluate the possibility of adding an exemption for small projects that do not exceed a certain total square footage. This potential exemption would allow for expansion of a principal structure greater than 30% but where the total square footage of the building is less than two thousand five hundred (2,500) square feet.

Staff is proposing to amend the Land Development Code (LDC) to allow for an exemption to the site plan requirements for an expansion of a principal structure greater than 30% where the

total floor area of the structure is no more than 2,500 square feet. The sections proposed for amendment are Section 4.1.1.2 (b) (1) (Improvements & Related Triggers - Triggers).

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to Section 4.1.1.2 (b) (1) of the LDC.

Mr. Bixby asked for clarity on the definition of, *expansion*.

Mr. Bryner stated it is the increase of the square footage of an attached floor area.

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

McClarty approved the Land Development Code (LDC) amendment.

Mr. Bixby made a motion to approve the Land Development Code (LDC) ordinance. Mr. Glenn seconded the motion and the motion was carried by a vote of five (5) in favor (Yungblut, McClarty, Bixby, Todd, Glenn) and zero (0) in opposition.

- c. Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code to create and adopt standards for a Lake Fort Phantom Hill Overlay zone.

Mr. Ben Bryner presented the staff report for this case. A new travel trailer park is developing on the north side of Lake Fort Phantom. During the approval process, several inquiries were made about the justification for several development regulations as they relate to such parks. In reviewing the current regulations found in the Land Development Code (LDC), staff has determined that the language needs updating to accommodate the modern travel trailer and recreational vehicle.

In reviewing the regulations, staff has identified several potential changes:

- Size, Marking and Separation of Individual Sites:
 - Minimum Area = 40' x 25' or 1,000 SF *[changed from 40' x 40']*
 - Space between pads = 0' *[changed from 8']*
- No Permanent Use of Trailers:

Up to 75% of trailers may be allowed as long-term stay. Long-term stay trailers may be allowed for up to 12 months and must leave for a minimum of 60 days prior to returning. *[changed from 3 months/year]*

- 25% of trailers must be designated as short-term stay. Short-term stay trailers may be allowed for up to 3 months and must leave

for a minimum of 60 days prior to returning. *[changed from 3 months/year]*

- Sanitary Facilities:
Only 1 toilet, sink, and shower shall be required for each sex per 20 travel trailer sites. *[changed from 1 per 10]*

Staff is proposing to amend the Land Development Code (LDC) related to Vacation Travel Trailer/Recreational Vehicle Parks. The section proposed for amendment is Section 4.2.11 (Vacation Travel Trailer/Recreational Vehicle Parks).

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment to Section 4.2.11 of the LDC.

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

Mr. Glenn made a motion to approve the Land Development Code (LDC) ordinance. Mr. Bixby seconded the motion and the motion was carried by a vote of five (5) in favor (Yungblut, McClarty, Bixby, Todd, Glenn) and zero (0) in opposition.

- c. Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code to create and adopt standards for a Lake Fort Phantom Hill Overlay zone.

Mr. Ben Bryner spoke about the Lake Fort Phantom Hill Overlay Zone ordinance. Have spoken to residents at the lake, stated that they are not ready to present anything at this time. Would like to table this item until a future date.

Mr. Bixby made a motion to TABLE (until December) the Land Development Code (LDC) ordinance. Mr. Glenn seconded the motion and the motion was carried by a vote of five (5) in favor (Yungblut, McClarty, Bixby, Todd, Glenn) and zero (0) in opposition.

Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 4:10 P.M.

Approved: _____,
Chairman