
PLANNING & ZONING COMMISSION
November 4th, 2013
Minutes

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

Members Absent: None

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

Others Present: Don Bledsoe Brannon Barnes
 Zane Dennis John Mangalonzo
 B.J. Prichard Andrew Adamski
 Kady Bullock Chad Carter
 Duane Martin Megan Santee
 Bishop Powell Dale Scoggins

Item One: Call to Order

Mr. Fred Famble called the meeting to order at 1:35 p.m. and declared a quorum present.

Item Two: Invocation

Mr. Famble gave the Invocation.

Item Three: Approval of Minutes:

Mr. Rosenbaum moved to approve the minutes from the September 16th, 2013 and October 7th, 2013 meetings. Mr. Bixby seconded the motion and the motion was carried unanimously.

Item Four: Plats:

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

FP-3413

A public hearing to consider a plat of Hacienda Ranch Addition, Section 1, 34.886 Acres out of the SW/4 of Section 28, Lunatic Asylum Land, Abstract NO.1003, Taylor County, Texas.

FP-5513

A public hearing to consider a plat of Heritage Parks, Section 9, 20.378 Acres out of J. William Page Survey No. 123, Abstract No. 219, Taylor County, Texas.

PP-6313

A public hearing to consider a Preliminary Plat of South Ridge Addition, Abilene, Taylor County, Texas.

PP-7113

A public hearing to consider a Preliminary Plat for The Estates, Abilene, Taylor County, Texas.

FP-7313

A public hearing to consider a plat of Catclaw Ridge Addition, 0.545 Acres out of Subdivision 6, J.M. Cunningham's Subdivision of J. Blakemore Survey 97, Abilene, Texas.

MRP-8013

A public hearing to consider a plat of Lot 204, A Replat of the Remainder of Lot 102, Block D, Section 1, Sunlake Village Addition, to the City of Abilene, Taylor County, Texas.

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

Mr. McClarty moved to approve FP-3413, FP-5513, PP-6313, PP-7113, FP-7313 and MRP-8013. Mr. Glenn seconded the motion and the motion carried by a vote of Seven (7) in favor. (Mr. McClarty, Mr. Glenn, Mr. Rosenbaum, Mr. Famble) none (0) opposed. (Ms. Yungblut abstained from PP- 6313, PP-7113, Mr. Bixby abstained from FP-5513 and Mr. Todd abstained from, PP-6313, PP-7113).

Item Five: Thoroughfare Closure.

a. TC-2013-06. TABLED FROM 10/7/2013 MEETING.

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Medical Center, agents Duane Martin & Brannon Barnes, to abandon: Walnut St, the alley between Pine St & Walnut St, and the alley between Mesquite St & Walnut St, all between N. 16th St & N. 17th St.

Mr. Bixby made a motion to REMOVE ITEM FROM THE TABLE. Mr. Glenn seconded the motion. The motion was carried unanimously.

Mr. Ben Bryner presented the staff report for this case. The applicant is requesting to abandon the street right-of-way (ROW) and alley ROWs to be able to utilize the area for development of a medical facility. The street & alleys currently exist and will be removed to allow for the development. All properties along these ROWs will be combined and used together for the development. The properties to the north and south are a mix of residential and commercial properties.

Based on questions brought forward at the last meeting, the closure of Walnut Street does not create any violations to the maximum block length in this area. Mesquite will remain open for north-south traffic. Additionally, Pine St and Treadaway Blvd are in close proximity and accommodate the majority of the north-south traffic in this area. There is a concentration of residential homes along Walnut St north of N. 17th St. The closure would inhibit large truck traffic from travelling along Walnut St. In addition, Hendrick Medical has worked with city staff on street improvements in the area to address some of these concerns, which they will present at the meeting.

Plat Review Committee: Approval of the requested street ROW closure with the following condition:

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

STAFF RECOMENDATIONS:

Approval of the requested street ROW abandonments per the Plat Review Committee recommendations.

Property owners within the 200' of the subject rights-of-way were notified. Previously, Twenty-six (26) comments were received in favor and four (4) opposed (+2 outside 200').

Chairman Famble opened the public hearing.

Mr. Duane Martin (Hendrick Medical Center) spoke in favor of this zoning. He reviewed the re-zoning from RS (Single-Family Residential) to MU (Medical Use) the zoning. It was approved at the last meeting. However, the ROW closure was due to some concerns from business owners. After speaking with some of the business owners a solution might be lessened some. Building will

be a single story 40,000 sq. ft. medical building. Due to its size, it will take more land than what a single block would provide. The alley closest to Mesquite, due to the overhead power lines, limits the project to only a block and a half for a building this size. Due to the slope and drainage of the land on Walnut and 17th Street, it limits the project to building across the street due to the set-back and landscaping that is desired.

Mr. Rosenbaum questioned if there was a Master Plan in place for this area?

Mr. Martin stated that they have a Master Plan around their campus, this being as far south as we are going to go.

Mr. Rosenbaum explained his concerns about all the street closures in this area. More development means more closures will ensue.

Mr. Martin explains that Hendricks owns property in areas north of N. 16th Street up to Ambler. There are no short terms plans to close anything as of yet. Clarified that there is a commitment to see Pine Street continue to develop, for the good of the city.

Mr. Bixby questioned who was responsible for widening of the turning lane, Hendricks or the City? Mr. Martin clarified that Hendrick would be responsible for widening of this street. The future plan is to leave enough land to possibly line-up 16th Street.

Mr. Jon James wanted to address Mr. Bixby's concern. Mr. James stated that with a Thoroughfare Closure, we have the ability to recommend conditions attached with the approval.

Mr. Rosenbaum questioned the lack of a left turn lane south on Pine Street, any discussions of that? Mr. Jon James clarified that the main entrance for this facility will be off 17th Street, therefore not needing a median-cut on Pine Street. The City is looking into creating a turning bay for left turns onto N. 17th Street if traffic patterns warrant this.

Chairman Famble closed the public hearing.

Mr. Glenn made a motion to approve TC-2013-06. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Glenn, McClarty, Rosenbaum, Famble), zero (0) in opposition, and two (2) abstained (Mr. Todd and Ms. Yungblut).

Item Six: Zoning:

a. **Z-2013-37**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Don Bledsoe, agents Enprotec/Hibbs & Todd and Dale A. Scoggins, to rezone property from AO (Agricultural Open Space) & RS-8 (Single-Family Residential) to RS-6 (Single-Family Residential) zoning, being 48.563 acres located on the south side of the 4300-4400 block of Antilley Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned AO & RS-8 and is undeveloped. The property to the west is zoned RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), NR (Neighborhood Retail) & RS-8 and includes a mix of retail, office and some residential development. The properties to the south are zoned AO and are currently requesting a change of zoning to MF (Multi-Family Residential) and GR zoning. The properties to the north are zoned AO & RS-8 and include residential uses and the Wylie High School. The requested zoning would allow for additional single-family residential development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Buffalo Gap Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The requested zoning would be a transitional zoning from the retail development at the intersection to the RS-8 zoning to the west. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and zero (0) in opposition of the request.

STAFF RECOMMENDATION:

Staff recommends approval as requested.

Chairman Famble opened the public hearing.

Mr. B.J Pritchard (Hibbs and Todd Engr.) spoke in favor of this re-zoning. Mr. Pritchard stated that with the larger RS-8 (Single-Family Residential) lots to the west, the RS-6 (Single Family Residential) would be a good buffer for the smaller nearby retail zoning.

Mr. Tal Filligim (Agent) spoke on behalf of the adjacent property owner, Musgrave Enterprises, and voiced their support of the RS-6 (Single Family Residential) zoning.

Chairman Famble closed the public hearing.

Mr. McClarty made a motion to approve Z-2013-37. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Glenn, McClarty, Rosenbaum, Bixby, Famble) and zero (0) in opposition, and two (2) abstained (Mr. Todd and Ms. Yungblut).

b. Z-2013-38

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Don Bledsoe, Agent Chris Barnett, to rezone property from AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to MF (Multi-Family Residential) & GR/COR (General Retail/Corridor Overlay) zoning, being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd.

Mr. Ben Bryner Currently the property is zoned AO & RS-8 with Corridor Overlay and is undeveloped. The property to the west is zoned AO & RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), AO & RS-8 and include a mix of retail, office and some residential development. The property to the south is zoned AO and is undeveloped. The property to the north is zoned AO and is currently requesting a change of zoning to RS-6 (Single-Family Residential). The requested zoning would allow for multi-family residential and retail development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. An exhibit (included at the end of this report) was provided showing the extension of Velta Dr from the neighborhood to the west to intersect with Buffalo Gap Rd. The requested zoning would extend the retail zoning southward away from the intersection in more of a strip development. The requested zoning would be a transitional zoning from the retail development along Buffalo Gap Rd to the single-family residential zoning to the west. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan except for the GR zoning extending south of the future alignment of Velta Lane.

Mr. Jon James stated that with past recommendations and past approvals, we would likely support a neighborhood office or retail.

Property owners within a 200-foot radius were notified of the request. Three (3) comment forms were received in favor and zero (0) in opposition of the request.

STAFF RECOMMENDATION:

Staff recommends approval as requested with the exception that the GR zoning not extend south of the future alignment of Velta Lane.

Mr. McClarty inquired about the picture showing the Flood Zone, asking if this a non-buildable area or considered in the 100 year floodway?

Mr. Bryner stated that part is in the floodway with another area is in the *100 year flood plain*. Without substantial engineering work, or going through a flood way development permit process, the area would be substantially limited.

Chairman Famble opened the public hearing. Mr. Chris Barnett (agent representing the property owner Mr. Don Bledsoe) briefly spoke about the project and is requesting to table this item for one (1) month. Negotiating some screening requirements between the MF (Multi-Family Residential) and SF/RS (Single-Family Residential) to the west and would like more information to bring to the table for discussion. The reason for the GR (General Retail) zoning for this area was

due to the flood-plain consideration. We are able to develop 40 percent of the twenty-six (26) acres. He stated, that it fell within the zoning recommendations for that corridor and that the MF (Multi-Family) zoning makes for a transition from the commercial uses on Buffalo Gap Road and that RS Single-Family Residential) to the west.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to TABLE ITEM Z-2013-38 for one (1) month. Mr. McClarty seconded the motion and the motion carried by a vote of five (5) in favor (Mr. Glenn, McClarty, Rosenbaum, Famble) and zero (0)) in opposition, and two (2) abstained (Mr. Todd and Ms. Yungblut).

Item Seven: Capital Improvement Program (CIP):

Public Hearing to receive potential project suggestions from the public regarding the 2014-2018 CIP.

Mr. Ed McRoy spoke about this program. He stated that no voting is necessary today. The purpose of the item is to give the public the opportunity to provide suggestions or information on potential projects the public feels is a need for in the community. The City did solicit ideas from the community through different means, such as advertising through the cable channel, news releases, and our most successful means through on “*on-line web survey*”. The CIP is a five year plan. The first year has the funding that is authorized by City Council, while the last four years are reserved dollars set aside used for planning purposes. The qualifying project for the CIP program, must meet certain standards. Projects must have a minimum \$25,000 cost, must have a minimum service life of fifteen years, and these funds cannot be used for vehicles or hiring of public service employees. However, it can be used for engineering and/ or any architectural fees. There has been money in reserve that makes it possible to finance the CIP (Capital Improvement Program). The next four years are for planning purposes only. Next year City Council will make their final decision. We hope to have an estimate of 1.8 million dollars for 2014, which is less than in previous years.

In our survey, we asked for information from the community with “*rate you level of satisfaction*”. Above 50 %, wanting additional investments done in those areas. We try to keep informed of those unsatisfied with the services in their neighborhood and where the additional investments need to be made.

In this year’s survey, the public did feel the following needed some investments:

- Sidewalks and Trail.
- Drainage facilities.

Other major questions that were asked regarding the areas that were needing the improvements:

- Is the City spending too much money?

- About the right amount?
- Or too little?

The three areas where the public states there are too little money is being spent:

- Street maintenance.
- Drainage facilities.
- Pedestrian sidewalks.

Another question that was asked: Would you be willing to pay more through taxes for these services? We have received feed-back on where the public feels the funds are not needed:

- Boat ramps
- Golf facilities
- City Link Transit

Mr. Glenn stated that he would like to see a stronger re-cycle program in Abilene.

Ms. Megan Santee spoke about a variety of agencies and organizations that have been contacted by the City regarding a curbside recycling. The City is evaluating these sources and are awaiting direction from council.

Mr. Jon James stated that a few years back the City did do a scientific survey and when reviewed against these results it indicated that these suggestions were fairly consistent with what the City had received previously.

Public hearing was opened, no one spoke and the public hearing was closed.

Item Eight: Discussion Item ~ LDC(Land Development Code) related to sidewalks.

Mr. Jon James stated this is a follow-up to the last meeting. On March 18th, 2013, we had a discussion where we received quite a bit of feedback, we then came back with a revised ordinance on June 3rd, 2013. Following that, another discussion item on September 16th, 2013. Today's meeting, November 18th, 2013 we are following up again. Mr. James stated that on March 18th, all agreed with the "fee in lieu", it was written in the ordinance and was brought back again in June, and was told that it was not what was favored now. In September we presented some other possibilities. Mr. James stated that the "fee in lieu" seems to be a dead-issue, looking for confirmation. Brought up another possibility: "Fee in Lieu Option" allowing the option of a deferral. At one time we allowed developers to do deferrals, meaning to build or waive the sidewalks for a later date. We recommend if wanting this option writing it in the ordinance. Some builders do not want that hanging over them, given the developer the choice.

When do sidewalks get triggered?

- When a property is developed as triggered by a site plan.

- Residential subdivisions would trigger sidewalks (deferred to the home builder at the time the homes were built).
- If a plat doesn't trigger any other street improvements, then it should not trigger sidewalks.
- Undevelopable parts of a plat. Often times when plats are done, there are flood plain areas, and or other areas that are set aside that will never be developed. In our current ordinance, the plat would *require* the sidewalks to be built. We recommend that it be deferred. What we don't want is a complete build out, have sidewalks except in the areas where there is a gap, due to a flood plain.

Item Nine: Director's Report:

Mr. Jon James reported on the recent City Council actions. They acted on a number of items on October 7, 2013 and on October 24, 2013. The only item they varied from what Planning & Zoning recommended was on the corner of Catclaw and Curry lane. Developers asked for a GR (General Retail) zoning, staff of Planning and Zoning recommended approval of the zoning, City Council recommended approval of a PDD (Planned Development District) instead basing it on the PDD to the north and the requirement for all buildings to meet the same standards.

Spoke about having a *Special Meeting* on November 18, 2013. To discuss, waivers, processes, roles of staff, staff recommendations, and other procedures. The intent is have an open Discussion regarding these issues.

Item Ten: Adjourned:

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

<p>Approved: _____, Chairman</p>
