
PLANNING & ZONING COMMISSION
February 2nd, 2015
Minutes

Members Present: Fred Famble
Bruce Bixby
Robert Calk
Joy Ellinger
Tim McClarty
Clint Rosenbaum

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: Tim Farrall Sam Chase
Bruce Kreidler Charles Reyes (?)
James Condry Dale Boecker
Megan Santee

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. McClarty gave the Invocation.

Item Three: Approval of Minutes:

Mrs. Ellinger moved to approve the minutes of the December 15th, 2015 meeting.

Mr. Calk seconded the motion and the motion carried unanimously.

Item Four: Plats:

FP-5514: A Plat of Section 1, Antilley Road Subdivision, Taylor County, Texas.

MRP-8614: A Plat of Prairie Gardens Addition, Abilene, Taylor County, Texas.

MRP-8914: Lot 207, Replat of the East Half of Lot 7, Block B, Lytle Lake Gardens Addition, Abilene, Taylor County, Texas.

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

Mr. Rosenbaum moved to approve MRP-7714, MRP-8414, PP-8714, MRP-0115. Mrs. Ellinger seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Rosenbaum, Calk, Ellinger, McClarty, Famble) and none in opposition. (Mr. Bixby abstained on MRP-8414)

Item Five: Zoning

a. Z-2015-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Jimmy & Jeff Williams to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at the southwest corner of S. Willis St & Russell Ave.

Mr. Bryner presented the staff report for this case. Currently the property is zoned RS-6 and is vacant. The surrounding area is developed generally with a retail use to the north and residences to the south, east & west. The immediate property to the south is zoned for office uses but is currently vacant. The purpose of the zoning is to allow for neighborhood retail uses similar to the site across the street to the north. The NR zoning is deemed compatible adjacent to residential uses. S. Willis St is designated as a 'collector' street. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. There is existing NR zoning to the north with similar uses to what is being proposed.

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The NR zoning is similar to the current NR zoning to the north. This area transitions from an area of GC (General Commercial) zoning on the block to the north to the office and residential uses to the south. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Property owners within the 200 feet of the zoning request were notified. Two (2) comment forms were received in favor and zero (0) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

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

Mr. Rosenbaum made a motion to approve Z-2015-05. Mr. Calk seconded the motion and the motion carried by a vote of six (6) in favor (Rosenbaum, Bixby, Calk, Ellinger, McClarty, and Famble,) and none in opposition.

**b. Conditional Use Permit:
CUP-2015-01**

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hawley Water Supply Corp, agent Tim Ferrall, for a Conditional Use Permit to allow for 'Utility Generation, Production, Treatment' on property zoned AO (Agricultural Open Space), being 1 acre located at the northeast corner of W. Lake Rd & Johnson Rd.

Ben Bryner presented the staff report for this case. Currently the property is zoned AO and is undeveloped. The adjacent properties are also undeveloped. The request is to allow for 'Utility Generation, Production, and Treatment' for a new chlorine injection facility and a future pump station. The Hawley Water Supply Corporation will receive water from the City of Abilene at this location. Chlorine is injected into the system to maintain appropriate chlorine levels throughout their entire system. A pump station is also proposed for the site but will be developed at a future date.

The Future Land Use section of the Comprehensive Plan designates this general area for 'low density residential'. The applicant proposes to add a new chlorine injection facility and a future pump station on the property. These types of utility facilities are necessary for property functionality of the overall system and are located at appropriate locations such as this.

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.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

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

Mrs. Ellinger made the motion to approve CUP-2015-01. Mr. Rosenbaum seconded the motion with a vote of six (6) in favor (Ellinger, McClarty, Rosenbaum, Bixby, Calk, Famble) and none in opposition.

c. Ordinance Amendment:

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. **TABLED FROM JANUARY 5, 2015 MEETING.**

Mr. Bixby made a motion to REMOVE the ordinance amendment from the table. Mrs. Ellinger seconded the motion and the motion was carried unanimously.

Mr. Jon James indicated the Lake Association could not attend this meeting, therefore have requested that it be TABLED until next month's meeting. Staff is in agreement with the request.

Mr. Bixby stated he would like to discuss opinions from the Lake Association and then *TABLE* the decision until next month's meeting.

Mr. James specified that what will be discussed today is what the Lake Association recommended and what Staff had recommended.

Oil and Gas Wells: No recommended change and are not prohibited by the overlay.

Utility Lines: Service lines for utilities to primary and accessory structures shall be buried underground unless the line exceeds 150 feet of horizontal distance from a main line, in which case above ground provision shall be allowed beyond 150 feet.

Parking: Recreational vehicles, trailers, boats, or similar equipment may be parked along any public street where vehicular parking is allowed on Saturdays, Sunday, and on any Monday designated as an official federal or city holiday.

Parking Surfaces: The rules that apply city wide, also apply out at the lake.

Portable signs. Any such legally permitted sign in place within the district may continue as a non-conforming use for a period not to exceed two years from the date this overlay district became applicable to the subject property.

Sidewalks: Sidewalks shall not be required along any street within the overlay district. Hike and bike facilities, including trails, lanes, paths, routes and associated amenities shall be required along street frontages, property lines or other areas in accordance with any adopted master plan of the City.

Trails: Unless otherwise specified in the adopted plan. Paths or trails shall be a minimum of 8' in width.

Docks: No person shall own or control an abandoned or dilapidated dock, including docks that are hazardous to public safety due to unsecure roofing, decking, floatation or walkways, is submerged, is not floating upright, has decks or floors below the water level, and is in a state of disrepair. Staff's recommendation was to require the removal of potentially radio-active materials when the city will accept them.

Mr. Dan Santee stated the expense and responsibility should not burden the City.

Mr. James clarified that depending on the amount of material that needs to be removed; it could become a Code Enforcement issue.

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Fencing: Recommendation was to allow from the rear of the structure a fence up to 30 ft. from the rear of the structure that is closest to the lake, equally having the same shared fence line.

Chairman Famble opened the public hearing.

Mr. Sam Chase (property owner) inquired about parking during the holidays.

Mr. Rosenbaum stated he would like to take out the word Monday and add “*during the holidays*”.

Mr. Chase stated the lake residents are in favor of removing the boat docks and doing so the safest way possible.

Also, the view is a concern, specified 15ft. to 20 ft. away from the shoreline that is non-opaque protecting the lake view.

Mr. Bixby stated wording now states “*In no case can there be a solid fence closer than 20 ft. to the water line*”.

Chairman Famble closed the public hearing.

Mr. Bixby made the motion to TABLE the Ordinance Amendment until the next regularly scheduled Planning & Zoning meeting. Mr. Calk seconded the motion and the motion was carried by a vote six (6) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none in opposition.

- b. Public hearing and possible vote to recommend approval or denial to the City Council on a request to amend the Land Development Code (LDC) in regards to Site Development Regulations to include sections: 4.1.1.2(b) Improvements & Related Triggers; 4.1.2.5 Compliance; 4.2.1.1 (c) Parking Lot Permit; & 4.2.4 Screening, Buffering & Fencing.

Mr. James spoke about each of these amendments that have come up with zoning cases or items possibly that were not addressed. When a site plan is triggered?

Section 4.1.1.2, Improvements & Related Triggers.

There are two proposed amendments to add new triggers where a site plan would be required for redevelopment projects. The first amendment adds a new subsection (b) (3) that would automatically trigger the requirement for site plan review for the conversion of any residential structure for a non-residential use.

The second amendment adds a new subsection (b) (4) that reintroduces a trigger based on the value of improvements to a site. Prior to 2010, a site plan was triggered by a 30% increase in value. The new Code eliminated that trigger for being too restrictive. However, now a large, major expansion that does not represent a physical expansion of 30% is not required to meet development standards. This proposal reintroduces a value-based trigger, but increases the threshold to only those sites where the new

investment exceeds 100% of the current value (i.e., a doubling of the value of improvements on a property).

Section 4.1.2.5, Compliance.

There are sites throughout the City that are either not subject to an approved site plan or are subject to an older site plan that pre-date the current Land Development Code standards. Many of these sites are currently in compliance with at least some of our current standards. However, there is nothing in the Code that requires them to maintain such compliance. This proposed revision would not require existing sites to make any changes or come into compliance with rules that they currently don't meet, but would simply say that if a site meets our standards today, it must continue to meet those standards.

Section 4.2.1.1, Applicability, Review & Approval (Parking, Stacking & Loading).

This would clarify that a parking lot permit triggers compliance with relevant site plan standards, such as screening and lighting, and not just parking standards.

Section 4.2.4.2, Fencing & Land Use Buffers.

The first changes are primarily to clarify the fencing regulations for residential and non-residential fencing. The second change corrects a discrepancy between this section and a section in Chapter 3 regarding the distance from the street to any proposed gates.

The third change to this section would eliminate the requirement for industrial properties to provide screening and buffering when adjacent to General Commercial or Heavy Commercial. The fourth change would add a provision for low screening where a parking lot is adjacent to, or across the street from, a residential property.

Staff Recommendation

Staff recommends **approval** of the proposed amendments to Sections 4.1.1.2(b), 4.1.2.5, 4.2.1.1(c), and 4.2.4 of the Land Development Code.

Mr. McCarty made the motion to approve, with the removal of Item: 4.1.1.2 (b)(4), a trigger based on the value of improvements to a site; and, a change to the parking, it only applies to the new surface area. Mr. Bixby seconded the motion and the motion was carried by a vote six (6) in favor (McClarty, Rosenbaum, Bixby, Calk, Ellinger, Famble) and none in opposition.

Chairman Famble stated he did not open the public hearing before the final vote.

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

Chairman Famble recalled the Vote.

Mr. McClarty made the motion to approve, with the removal of Item #4: 4.1.1.2 (b)(4), a trigger based on the value of improvements to a site; and, a change to the parking, it only applies to the new surface area. Mr. Bixby seconded the motion and the motion was

carried by a vote six (6) in favor (McClarty, Rosenbaum, Bixby, Calk, Ellinger, Famble) and none in opposition.

Item Seven: Directors Report:

All was approved by City Council as recommended with no changes.

Item Eight: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 3:24 p.m.

Approved: _____,
Chairman