
PLANNING & ZONING COMMISSION
August 3, 2015
Minutes

Members Present: Fred Famble
Bruce Bixby
Mike Dunnahoo
Tim McClarty

Members Absent: Robert Calk
Joy Ellinger
Clint Rosenbaum

Staff Present: Jon James, Director of Planning and Development Services
Dan Santee, City Attorney
Ben Bryner, Planning Services Manager
Zack Rainbow, Planner II
Donna Boarts, Planning Secretary (recording)

Others Present: Tim Smith Linda Derrick
Velva Smith Ross Bennett
Denise Barnett Thomas & Linda Peters
Paul & Linda Jensen Brennan & Sydney Underwood
Marilyn Mitchell Jim & Gretchen Etheridge
Carolyn Shelhamer Gerry McDowell
Sam Corn Richard & Ruth Traylor
K. Phillips Steve Schroeder
Joyce Cummings Tim Yandell
Sam Chase Melinda Chetham
Karen Hendrich David Way
Kent Barnett Don Scott
Nichole Anderson

Item One: Call to Order

Chairman Famble called the meeting to order at 1:30 p.m. and declared a quorum present.

Item Two: Invocation

Chairman Famble gave the Invocation.

Item Three: Approval of Minutes

Mr. Famble stated the July 6, 2015 minutes were received and reviewed. Mr. Bixby stated a correction was needed to the minutes, specifically to clarify his opposition to a case from the meeting. Mr. Bixby moved to approve the minutes with the correction noted. Mr. McClarty seconded the motion and the motion carried unanimously.

Item Four: Plats

Chairman Famble stated that PP-3715, FP-1815 will not be up for consideration today.

FP-0714: Maxwell Addition, Section 1, 6.749 Acres out of the J.M. Moody Survey NO. 108, Abstract NO. 213, Taylor County Texas.

FRP-1015: Lot 1, Block A, ACU Drive Addition, Abilene, Taylor County, Texas.

FP-1115: Southlake Estates, Section 4, to the City of Abilene, Taylor County, Texas.

MRP-0215: Lot 101, Replat of Part of Block 17, North Park Addition, Abilene, Taylor County, Texas.

PP-8814: Preliminary Plat of Elm Creek at Wylie, Phase 1, City of Abilene, Taylor County, Texas.

FRP-3115: Lot 101, Block A, a Replat of Lot 1, Block A, Cont. No. 1, Twin Oaks Addition, to the City of Abilene, Taylor County, Texas.

MRP-3815: Lots 2011 and 202, W.O. Kemper Addition, Replat of Lot 102, W.O. Kemper Addition of a Replat out of Lots 21-23, Block 3, W.O. Kemper Addition, and a Portion of South 20th Street, Abandoned per City Ordinance 2015-01. City of Abilene, Taylor County, Texas.

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

Mr. Bixby moved to approve FP-0714, -FRP-1015, FP-1115, MRP-0215, PP-8814, FRP-3115 & MRP-3815. Mr. McClarty seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Dunnahoo, McClarty, & Famble) and none in opposition.

Item Five: Zoning

a. Z-2015-21

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Gerald Johnson, agent Jacob & Martin, to rezone property from AO (Agricultural Open Space) to PH (Single-Family Residential Patio Home) zoning, located at 1702 EN 10th St.

Mr. Bryner presented the staff report for this case. Currently the property is undeveloped. The surrounding area is developed with single-family homes to the north and east. There are some townhomes at the corner of EN 10th St and Griffith Rd. There are some existing patio homes further north on Griffith Rd that are part of the Wildlife Trails subdivision. The property has

frontage along EN 10th St as well as along Wildlife Trails Pkwy in the northwest corner of the property. Patio homes are a type of single-family residential development.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. EN 10th St is designated as an 'arterial' street. It is also designated as an 'enhancement corridor'. 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. Zero (0) comment forms were received in favor and ten (10) in opposition.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

Mr. Bixby inquired if the Master Thoroughfare Plan shows a collector road east of the development.

Mr. Bryner stated that the plan does show a north-south collector road that will extend from EN 10th St up to Scottish Road to the north.

Mr. Bixby asked where the drainage is designed to go over Wildlife Trails Pkwy and if there have been any situations where the road was unpassable due to inclement weather.

Mr. Bryner stated the property owners he has spoken with have stated that flooding of the roadway has occurred. The adjacent property owner to the northeast does have a private drive from Wildlife Trails Pkwy extending down to EN 10th St. The owner has opened the gates for residents to use when Wildlife Trails Pkwy is flooded.

Chairman Famble opened the public hearing.

Mr. Blake Howard (agent, Jacob & Martin) spoke in favor of the RS-6 zoning request.

Mr. Rich Traylor (property owner) spoke in opposition of this zoning request.

Mrs. Karen Hendricks (property owner) spoke in opposition of this zoning request. Stated that she had heard this property was designated as a wetland area and no building was allowed.

Mr. Thomas Peters (property owner) spoke in opposition for this zoning request.

Mr. Kent Barnett (property owner) spoke in opposition of this zoning request.

Mrs. Gretchen Etheridge (property owner) spoke in opposition of this zoning request and is concerned about the flooding.

Mrs. Nicole Anderson (property owner) spoke in opposition of this zoning request.

Mr. Ross Bennett (property owner) spoke in opposition of this zoning request.

Mr. Bixby asked Mr. Bennett what he thought could be done to make Griffith Rd better.

Mr. Bennett stated that he has spoken to the City about the hazardous conditions of the road as well as the widening of the road.

Mr. Tim Yandell (property owner) spoke in opposition of this zoning request. He spoke about water concerns living near the drainage culvert.

Mr. Bixby inquired about the drainage concerns and not wanting to develop in this neighborhood.

Mr. Randy Beyer (property owner) spoke in opposition of this zoning request.

Mr. Vernon Underwood (property owner) spoke in opposition of this zoning request.

Mr. McClarty explained to Mr. Blake Howard (agent, Jacob & Martin) that due to only having 4 Commissioners present for a vote, if one opposes it will fail. He stated that Mr. Howard needed to discuss with the property owners if Tabling until the next meeting is desired in hopes of having a full commission.

Mr. James stated if we do take a vote and it fails the owners still have the option to appeal to the City Council. It will include an extra fee and application to appeal it, but it keeps it moving forward to City Council.

Mr. Howard removed himself for a moment with the property owners.

Mr. Santee encouraged Chairman Famble to not close the public hearing due to others wishing to speak.

Mr. Steve Schroeder (property owner) spoke in opposition for this zoning request due to traffic concerns and possible flooding issues.

Mr. Kent Barnett (property owner) spoke in opposition of tabling this item, recommended a decision being made.

Chairman Famble closed the public hearing making a statement that if needed he will re-open.

Mr. Bixby made a statement about designing the subdivision in such a way to not have an access onto Wildlife Trails Pkwy. City Engineers will handle any flooding issues when construction begins. PD (Planned Development) possibly needs to be initiated.

Mr. McClarty stated that he is pro-development. Developments should have two ways to enter & exit for emergency purposes.

Chairman Famble opened the public hearing.

Mr. Blake Howard addressed the following concerns:

- **Drainage and flooding:** When surveying and designing the layout of the land, drainage will be addressed before construction begins making sure there are no negative effects downstream from the development.
- **Connectivity:** Stated that the developer would be willing to gate the community to help address any traffic issues with surrounding residents and make a gated entrance on both sides (EN 10th St and Wildlife Trails Pkwy).

Mr. Bryner stated there are allowances within the Subdivision Regulations of the Land Development Code that allows for the gated type subdivisions. They do have to build the streets to current City street standards and that an HOA (Homeowner's Association) would be needed for the maintenance of the streets and gates.

Mr. McClarty asked how you make that a requirement if the zoning is changed.
Mr. Bryner stated that it would need the PD (Planned Development District) district.

Mr. Blake Howard stated the property owner would like to go to a vote. Inquired about the requirement of having an entrance gate, does the board need to take action to create the PD?

Mr. James stated the commissioners have the ability to approve a PD today. The Commission can approve what is requested or anything more restrictive than is requested which includes a PD based on the PH zoning with some added regulations.

Mr. McClarty inquired whether the Commission can vote on the request as presented today and if it fails are they able to re-vote again as a PD.
Mr. James agreed that if there is a motion that does not receive sufficient votes to pass, then another motion is in order.

Mr. Jim Etheridge (property owner) spoke about property values being brought down.

Mrs. Sydney Underwood (property owner) spoke in opposition of this zoning request.

Mrs. Ruth Traylor (property owner) spoke in opposition to having a gated entry and the safety of their children.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2015-21 as a PD (Planned Development) with a condition to require both entrances to be gated and that the gates are to remain in good repair and kept closed.

Mr. Santee clarified on the motion that it does have the PH district as the under-lying zoning.
Mr. Bixby confirmed the clarification.

Mr. Clarty stated if it goes to a PD district with a gated community everything else in the zoning would remain the same.

Mr. James stated that it would require the developer to make the streets private and that would require them to be maintained by the HOA. Placing this kind of requirement might be hard to enforce on the HOA for street repair.

Mr. McClarty seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Dunnahoo, McClarty and Famble,) and none in opposition.

Item Six: Ordinance Amendment

Public hearing and possible vote to recommend approval or denial to the City Council on an amendment to the Land Development Code (LDC) regarding Section 4.2.1.4 (h) Off-Street Parking – Design & Construction Standards, Paving of Parking Areas for Permanent, Principal Uses.

Ben Bryner presented the staff report for this case. As part of new development and redevelopment, a minimum amount of parking is required to serve the new use. The current standard is for this parking to be paved with asphalt, concrete, or a similar surface approved by the City Engineer. A “similar surface” is intended to allow for hardscape alternatives, such as pavers or other specialty pavement. This is not intended for surfaces, such as caliche or gravel, which do not meet the ordinance definition of all-weather surface.

Recently there have been a few instances where a new business owner has requested to use one of these alternative surfaces. These surface types are not allowed as they do not provide both a durable and dustless surface as required. Based on these recent questions, the Planning staff is bringing this ordinance item for consideration and to seek clarification.

The purpose of this review is to clarify the City’s intent for appropriate parking surfaces for development other than single-family and two-family. Options include no changes, clarification of the current regulation to avoid confusion, or changes to the regulations to allow these alternative surfaces. The question comes down to two main issues. The first being what is an appropriate surface for engineering and technical reasons, such as fire protection, engineering standards for adequate parking areas, etc. The second issue is one of community appearance and aesthetics – what do we want the community, and new businesses, to look like.

Concerns:

- Safety, that each parking space is striped appropriately, allowing enough space for handicap parking spots and that they are identifiable.
- A paved surface is expected.

Most of our peer cities do not allow unpaved surfaces for parking lots.

The section in the LDC being considered for possible amendment is Section 4.2.1.4 (h) Off-Street Parking – Design & Construction Standards, Paving of Parking Areas for Permanent, Principal uses.

STAFF RECOMMENDATION

Staff, both Planning and Public Works, recommends no change to the current ordinance.

Chairman Famble opened the public hearing.

Mr. Tim Smith (owner, Firehouse Fitness) spoke about the opening of the second location. Mr. Smith stated that he went through the process of obtaining an occupancy permit and was advised that due to the caliche parking lot a permit could not be obtained. Bontke Brothers Construction was hired to grade and expand what was already there. He specified the regulations stated Asphalt, concrete or similar.

Mr. Kevin Phillips (owner, Harris Acoustics) spoke about overflow parking for GR properties. Inquired about overflow parking for larger vehicles in the back of the business. Stated that caliche is considered impervious and is seen used throughout Abilene.

Mr. Santee inquired if Engineering was able to attend the meeting to answer questions?

Mr. James made a statement saying for aesthetic purposes a paved parking lot is more appealing.

Mr. Sam Chase (property owner) spoke in defense as a attorney. He stated that in some of the overlay districts around the City caliche surfaces are seen.

Chairman Famble closed the public hearing.

Mr. Bixby stated that caliche softens with moisture and gets tracked unto the city streets.

Mr. McClarty stated the standard has been set stating that you cannot put in a surface that has more than a quarter inch difference.

Mr. Bryner specified in the ordinance if you are adding an all-weather surface for parking, and if it is over 5,000 Sq. ft., a parking lot permit is required as well as a plan showing the projected design.

Chairman Famble inquired if the property in question triggered something other than caliche? Mr. Bryner stated the building previously was zoned retail use then was converted into the fitness use, therefore the parking requirements changed. A change of occupancy required more parking than what existed previously, therefore the concrete or asphalt is needed.

Mr. James advised that the Engineering Department is not able to make the meeting due to another conflicting meeting.

Mr. Bixby made the motion for *no change*. Mr. McClarty seconded the motion and the motion was carried by a vote four (4) in favor (Bixby, Dunnahoo, McClarty, Famble) and none in opposition.

Item Seven: Directors Report

All was approved by City Council as recommended by the Commission with no changes. Mr. James stated that this will be his last P&Z Commission meeting.

Item Eight: Meeting Adjourned

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

Approved: _____,
Chairman