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**PLANNING & ZONING COMMISSION WORKSHOP**  
**December 5, 2005**  
**Minutes**

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Members Present:            Neomia Banks  
                                     Eddie Boykin  
                                     Ovelia Campos  
                                     Jack Harkins  
                                     Jeff Luther  
                                     Tim McClarty  
                                     Floyd Miller

Staff Present:                Jon James, Director, Planning and Development Services  
                                     Jeff Armstrong, Development Services Manager  
                                     Dan Santee, First Assistant City Attorney  
                                     Gloria Brownell, Planner I  
                                     Justin Fortney, Planner I

Others Present:              Dan Sefko, AICP, Dunkin, Sefko & Associates  
                                     Heather Sims, AICP, Dunkin, Sefko & Associates

Media Present:                Sarah Kleiner, Abilene Reporter-News

**Item One:    Call to Order**

Mr. Harkins called the meeting to order at 12:00 noon and declared a quorum present.

**Item Two:    Discussion Item**

a.                    Discussion with consultants regarding Land Development Code.

Mr. Jon James introduced the consultants preparing the Land Development Code for the City of Abilene. These individuals include Mr. Dan Sefko and Ms. Heather Sims.

Mr. Sefko provided PowerPoint presentation giving background information regarding the firm of Dunkin, Sefko & Associates and an overview of the process involved in preparing a Land Development Code (LDC) or Unified Development Code. This Code combines the Zoning Ordinance and Subdivision Regulations, along with other relative ordinances – a compendium of organized codes. This document (the LDC) is being undertaken as a part of the recently adopted Comprehensive Plan.

The LDC will be undertaken in two (2) phases:

Phase I:

- Investigate and identify issues related to current zoning, subdivision, signage and other development regulations (November 2005 – January 2006)

- Prepare Diagnostic Review Report that summarizes the results (February 2006)
- Refine issues and devise solutions through interactions with City staff (March 2006 - mid-April 2006)
- Prepare a Regulatory Action Plan (Mid-April – mid-June 2006)

Phase II:

- Prepare public review draft of LDC (Mid-June 2006 – August 2006)
- Convene public workshops to solicit comment on draft LDC (September – October 2006)
- Revise public review draft of LDC based upon input from the public workshops (November 2006)
- Present the LDC draft at public hearings (December 2006)
- Make final revisions to LDC (January 2007 – February 2007)
- Revise Abilene’s Zoning Map to include new zoning districts and to reflect any other changes deemed necessary (March 2007)
- Create a Transitional Issues Document to help the City transition from previous regulations to the new LDC (April 2007)

Issues to be addressed relative to subdivisions include:

- Are present right-of-way requirements adequate?
- Does the City have adequate public facility policies?
- Does the City have adequate utility extension policies?
- Should the City consider parkland dedication?
- Should joint access be required in nonresidential areas?
- Should in-City standards apply to the ETJ?

Issues to be addressed relative to zoning include:

- Should an Agricultural or other type of “holding” zoning district be created?
- Should Conditional Use Provision procedures be revised?
- Should a super-majority option be added to City Council procedures (for rezonings)?
- Should accessory dwelling unit provisions be revised?
- Are new home-based business standards needed?
- Are new/revised outdoor storage standards needed?

Mr. Sefko stated that the main objective of undertaking this project is to implement those recommendations in the Comprehensive Plan. Ideally, in this process, Abilene will be “raising the bar” or adopting standards that raise the standards and improve the quality of life for the City and its citizens.

Mr. James stated that this is the first opportunity for Planning and Zoning Commissioners to ensure that items to be addressed are included in this process.

Some of the issues mentioned by Commissioners are Stormwater Management and TxDOT access restrictions.

There being no further business, the meeting was adjourned at 1:17 p.m.

Approved: \_\_\_\_\_, Chairman

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**PLANNING & ZONING COMMISSION**

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Members Present:

Neomia Banks  
Eddie Boykin  
Ovelia Campos  
Jack Harkins  
Jeff Luther  
Tim McClarty  
Floyd Miller

Staff Present:

Jon James, Director, Planning and Development Services  
Jeff Armstrong, Development Services Manager  
Dan Santee, First Assistant City Attorney  
Gloria Brownell, Planner I  
Justin Fortney, Planner I  
JoAnn Sczech, Executive Secretary (Recording)

Others Present:

Bob Hammond  
Tal Fillingim  
Eddie Chase  
Gerald W. King  
Cathy King  
Kenneth Babian  
Leroy Walden  
Bill Yoes  
Kevin Boyden  
Connie Hay  
Ben Nursick  
Tom Nursick  
Wayne Bradshaw  
Vinson Higginbotham  
Stefanie M. Porche  
Cory Mithers  
James P. Bright  
Gary Haltmann  
Brian Scalf  
David Barber  
Floyd Ball  
Spencer Butcher  
Aaron Waldrop  
Virginia Zak  
Karen Gottschall

Media Present:

Sarah Kleiner, Abilene Reporter-News  
Jerry Hitt, KTXS Television

**Item One: Call to Order**

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

**Item Two: Invocation**

Ms. Ovelia Campos gave the invocation.

**Item Three: Approval of Minutes:**

**Ms. Neomia Banks moved that the minutes of the November 7, 2005, meeting be approved as submitted. Mr. Miller seconded the motion and the motion carried unanimously.**

Mr. Harkins read the opening statement for the Planning and Zoning Commission.

**Item Four: Plats**

Ms. Gloria Brownell, Planner I, stated that ten (10) plats (identified as items a., b., c., d., e., f., g., h., i., and j.) were complete and provided information for each plat. Staff recommends approval of these plats as all meet the requirements of the Subdivision Regulations.

Mr. Harkins opened the public hearing and asked if anyone wished to speak regarding any of the plats being considered for approval. There was no response and Mr. Harkins closed the public hearing.

**Mr. McClarty moved to approve plats a., b., c., d., e., f., g., h., i., and j., as submitted. Mr. Boykin seconded the motion and the motion carried by a vote of seven (7) in favor (Banks, Boykin, Campos, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

**Item Five: Rezoning Requests:**

a. Z-2005-37

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Gary Massingill to rezone property located at 6834 East Lake Road from AO (Agricultural Open Space) to MH (Mobile Home). The legal description being a portion of the John Sellers Survey 76, Abilene, Jones County, Texas.

Ms. Gloria Brownell provided the staff report for this case. The request is for a 2.085-acre tract out of a 76.2-acre parcel located at 6834 East Lake Road. The proponent is requesting to rezone 2.085 acres from AO to MH for residential use.

The parcel is currently vacant and is bordered on the north, south, and west by property owned by the City of Abilene. The western property line adjoins Lake Fort Phantom Hill and the eastern property line abuts East Lake Road. The portion under request is near the center of the applicant's 76-acre parcel. The area was annexed in 1983 and has remained AO since that time.

- **Current Planning Analysis**

The applicant recently purchased the property and plans to possibly construct a site-built home for himself over the next couple years. In the meantime, he proposes to locate and occupy a mobile home near the center of the 76-acre tract. He foresees this proposal as a temporary necessity, and eventually plans to subdivide and develop the site with multiple single-family homes. Due to financial and logistical factors, construction of his own home will not begin immediately. This delay eliminates the possibility of requesting a Temporary Security Residence from the Board of Adjustment. A Temporary Permit for such a use requires active construction on the site for the duration of the presence of the

mobile home. Staff feels that this option is more appropriate than permanently changing the zoning. Staff recommends that the applicant wait to place the mobile home until he begins construction and is eligible to request the Temporary Security Residence.

- Comprehensive Planning Analysis

The Comprehensive Plan designates the area around the subject parcel as the Lake Fort Phantom Hill Super Neighborhood. There are no specific goals for the area, although the Future Land Use map generally calls for “Restricted Open Space” for the majority of the land surrounding the lake. The area has an active neighborhood association that produced a Neighborhood Plan in 2005. It anticipates residential and recreational development to create a unique multi-use Special Activity Center. The Neighborhood Plan gives no specific details for future land use around the subject parcel.

Notification forms were mailed and one (1) comment form was received by staff in favor of the request. Ms. Brownell stated that because this property will be platted, staff did not want to tie the request to a specific area. If the Commission feels inclined to approve a smaller area or a different shaped area that would tie into the platted lot, the Commission does have this discretion. Staff based the notification area on this premise. Planning Staff recommends denial of this request.

Mr. Harkins asked for clarification.

Ms. Brownell stated that the applicant is requesting rezoning for two (2) acres. On two acres, the applicant could place approximately 15 mobile homes – he would be required to plat separate lots and the area is not large enough for a mobile home park – but if he was to plat lots with driveways coming into the area, he is within his rights to place several mobile homes on this property. If the Commission feels it more appropriate to tie the mobile home request to a single lot or a smaller area, this item was advertised in such a way as to allow the Commission to do this.

Mr. Harkins opened the public hearing.

Mr. Gary Massingill stated that he recently purchased this 76 acre parcel and is unsure of development plans at this point. Mr. Massingill stated that what he does not want to do is commit to a permanent structure. Mr. Massingill stated that he is seeking a method whereby he can place a temporary structure on the property. Mr. Massingill stated that if the requested size (2 acres) is too large, then permit the site for the placement of one (1) mobile home.

Mr. Harkins closed the public hearing.

**Mr. Luther moved to approve Z-2005-37 with the following stipulation: 5000 square foot lot with a 50 foot access and frontage onto East Lake Road to be included in the mobile home zoning. Mr. Boykin seconded the motion and the motion carried by a vote of seven (7) in favor (Banks, Boykin, Campos, Harkins, Luther, McClarty, and Miller) to none (0) opposed.**

b. Z-2005-38

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Aaron Waldrop of P-n-C Development Corporation, agent Tal Fillingim of Jacob & Martin, Ltd., to rezone property located at 101 & 102 Sugarberry Avenue from RS12 (Residential Single-family) and RS6 (Residential Single-family) to RS6/PH (Residential Single-family with Patio Home Overlay). The legal description being Lot 1, Block A, and Lot 1, Block J, Section 1, Parkside Place Subdivision, Abilene, Taylor County, Texas.

Ms. Brownell provided the staff report for this item. The parcel is located at 101 & 102 Sugarberry Avenue (East side of Maple Street across from Kirby Lake). The request is to rezone two parcels totaling 3.63 acres from RS-12 and RS-6 to RS-6/PH for patio home development. The parcels are approximately 97.5 feet deep and their development will require a variance from the 100-foot minimum lot depth regulation.

The property was annexed in February 2005 at the applicant's request and he immediately requested rezoning of the annexed acreage. The applicant originally requested RM3 zoning for the subject parcels, but the Council agreed with staff and the Planning and Zoning Commission and determined that the lower density provided by RS12 zoning was more compatible with the surrounding land uses.

- Current Planning Analysis

The applicant is proposing to develop the parcels with a patio home development. His original intention was to develop duplexes along Sugarberry Avenue, the main entrance road to the RS6 development occupying the majority of the 70-acre tract. Staff, the Planning and Zoning Commission, and the City Council determined during the original rezoning hearings that RS12 zoning would be more compatible with the existing low-density residential development along Maple Street. The current zoning regulations allow the applicant to plat four lots; two would face Maple Street and two would face Cinderella Lane. The applicant currently intends to submit a variance request to reduce the required minimum lot depth from 100 feet to 97 feet. If granted, the applicant could plat lots facing Sugarberry Avenue and greatly increase the amount eligible for development. With RS12 zoning, the applicant would be able to subdivide into 12 lots, but may have trouble meeting the substantial setbacks required in that zoning district. If the request for RS6 zoning with Patio Home Overlay is granted, he will be able to plat a maximum of 32 lots.

- Comprehensive Planning Analysis

The Comprehensive Plan calls for annexation in the general area around the request as a means for controlling incompatible encroachment of Abilene Regional Airport. There are no specific land use plans other than a general expectation for Low Density Residential development similar to the existing homes surrounding the request. RS6 zoning was approved for the majority of the new development, but staff still supports RS12 zoning for compatibility with the large-lot homes directly adjacent to the current request.

Property owners within a 200-foot radius were notified of the request. Two written responses have been received in opposition of the request.

Because staff believes RS-12 zoning is more compatible with the surrounding property, Planning Staff recommends denial of this request

**The Planning and Zoning Commission denied the request for RM-3 zoning in April of 2005 by a vote of 7 in favor (McClarty, Boykin, Harkins Luther, Campos, Miller, Banks) and 0 opposed.**

Mr. Harkins opened the public hearing.

Mr. Gerald King stated that he owns the land north of the rezoning request and at one time his family owned all of the property, including the area for which rezoning is being requested. Mr. King stated that patio homes would not be compatible with the larger homes in the area.

Mr. Spencer Butcher stated that his property is 50 feet outside the notification zone. Mr. Spencer asked for clarification of information within the Zoning Ordinance of the City of Abilene. Under Article 7, Administration, Section 23-356, #1: Planning and Zoning Commission (page 235) speaks to the notification process. Mr. Butcher stated that included in this section of the Zoning Ordinance is the following information: “In any instance, at least all property owners adjacent to the property in question, regardless of the 200-foot distance, should be notified.” Mr. Butcher asked for clarification of this portion of the Zoning Ordinance. Mr. Butcher stated that his property is adjacent to the property in question and for this reason asked that this item be stricken from today’s agenda and not considered because the rules of the document which govern this Commission were not followed.

Mr. Dan Santee stated that Mr. Butcher’s property is more than 200 feet from the property being rezoned – the notification requirement was met.

Mr. Harkins asked if the distance is from the portion of the property being rezoned.

Mr. Santee stated that this is correct

Mr. Bill Yoes stated that when this 70 acre development was originally proposed and annexed it was with the understanding that the developer could have the RS-6 lots on the preponderance of the acreage. Mr. Yoes stated that, as City staff has indicated, the frontal portion of the acreage was to be RS-12 zoning. Mr. Yoes stated that since Mr. Waldrop accepted the RS-6 zoning, he should also accept the RS-12 zoning.

Mr. Gary Hoffman provided staff with written opposition to the proposed rezoning. Mr. Hoffman wanted the Commission to know that he is opposed to the rezoning request and opposed to the number of requested residences adjacent to his property.

Mr. King stated that he dedicated to the City of Abilene all of the frontage of his property on Maple Street. Mr. King asked that it be taken into consideration that he dedicated this property to the City of Abilene.

Mr. Ken Bargain stated that he lives north of the proposed subdivision. The proposed subdivision will change the neighborhood. Mr. Bargain stated that the neighbors with whom he has spoken are not in favor of changing the zoning.

Mr. Tal Fillingim with Jacobs and Martin Engineers stated that this firm is working with Mr. Waldrop to develop this subdivision. Mr. Fillingim provided the Commissioners with five (5) layouts for this property. Mr. Fillingim provided details for the proposed development for the 3.6 acres and the reason for the zone change from RS-12 to RS-6 with patio home overlay.

Mr. Harkins closed the public hearing.

**Mr. Luther moved to deny Z-2005-38. Mr. McClarty seconded the motion and the motion carried by a vote of seven (7) in favor (Banks, Boykin, Campos, Harkins, Luther, McClarty, and Miller) to none (0) opposed.**

c. Z-2005-39

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Leroy Walden, agent Gregg Hemingway, to rezone property located in the 5200 block of S. Clack Street



from PI (Park Industrial) and O (Office) to GC (General Commercial). The legal description being Lots 1 & 2, Block A, Walden Addition, Abilene, Taylor County, Texas.

Ms. Gloria Brownell provided the staff report for this item. The request is to rezone 2.6 acres from PI and O to GC, located in the 5200 block of South Clack Street. The majority of the subject parcel is zoned Park Industrial with approximately a third of an acre of Office zoning in the northwest corner.

The eastern portion of the parcel was annexed in 1957 and the rest was annexed in 1978. The 60 acres to the south and west of the applicant's parcel were rezoned from HC and GC to PI in 1980. The subject parcel was added to the PI zoning district later that year upon Mr. Walden's request. A 0.345-acre tract was rezoned to Office zoning in 1982 to allow office uses within an existing structure that has since been demolished. The PI district adjacent to the subject parcel was rezoned to PDD in 1985 to protect the appearance along the US 83/84 corridor.

- Current Planning Analysis

The applicant requests commercial zoning for his property primarily to allow for speculative future development. His current plans include a secondary location for his electrical appliance repair and resale business, but there will be additional space left on the parcel that could be developed later. The majority of the property to the south and west of the request is zoned PDD for aesthetic protection of the corridor, as noted in the original staff report. The easternmost 400 feet of the PDD allows most General Commercial uses, with some added restrictions for signage and outdoor storage. The remaining portion on the west side of the tract allows Heavy Commercial uses and does not include as many aesthetic restrictions.

Staff determined that a PDD would be more appropriate than General Commercial zoning because of parcel's location along US 83/84 and the presence of neighboring PDDs. After reviewing the ordinances for the neighboring PDDs, staff recommends a new ordinance that is similar to their GC portions with a few updates. Landscaping, lighting, and access management regulations have been added, as well as stricter regulations for outdoor storage to protect nearby residential areas.

- Comprehensive Planning Analysis

The Future Land Use portion of the Comprehensive Plan includes the subject parcel in a Gateway Mixed Use area. The Plan explains the importance of enhancing Gateway Districts because they are "the area where visitors will form their first impression of the city and, as such, should reflect the highest quality and provide a glimpse of Abilene's local identity." The suggested strategies include designated land uses, site planning, architectural standards, historical context, and landscaping requirements to help shape the character and image of these key areas. More specifically, the Comprehensive Plan provides the following recommendation for the District surrounding the subject parcel:

US 83/84 South: This area has experienced a surge of new development over the past several years. The gateway coincides with the Special Activity Center found around Abilene Regional Medical Center on the west and Kirby Lake on the east. The character of the area will build on the supporting land uses of the activity center and the degree to which Kirby Lake can be transformed into an inviting natural asset.

The proposed PDD ordinance addresses these strategies and is designed to provide an aesthetically pleasing transition from the residential development on the west side of the subject parcel to the expressway on the east side.

Planning Staff recommends approval of the PDD ordinance submitted to the Planning and Zoning Commission.

Property owners within a 200-foot radius were notified of the request. No written responses have been received as of December 5, 2005.

Mr. Harkins opened the public hearing.

Mr. Vincent Higginbotham stated that he owns the parcels to the north of the tract being considered today. Mr. Higginbotham stated that he has plans to develop the land to the north and outdoor storage of appliances is not aesthetically pleasing. For this reason, Mr. Higginbotham requested that the rezoning be denied.

Mr. Leroy Walden stated that the rezoning request is to change the zoning from Park-Industrial zoning into a zone that would allow him to more readily lease or sell the property. The appliances currently stored on the property are not permanent and can and will be removed if required. The Park Industrial zoning was obtained 15 years ago.

Mr. Harkins asked the proponent if he is agreeable to rezoning to a PDD rather than the General Commercial request originally submitted by the proponent?

Mr. Walden responded affirmatively.

Mr. Don Whitehead stated that he, along with partners, is developing the land across the railroad tracks. The development will be a subdivision and he stated he is concerned about the outdoor storage of appliances. Mr. Whitehead stated that he has been involved in the 57-acre PDD across from this property. Mr. Whitehead stated that as he understands the PDD presently, he is opposed to this zoning, particularly if outdoor storage is allowed – screened or otherwise

Mr. Harkins closed the public hearing.

Me. Luther stated that after hearing from Mr. Walden it seems that the rezoning is being requested to make the property marketable. However, a PDD has been written around the use.

Mr. Harkins stated that, after hearing from Mr. Walden, outdoor storage should be eliminated from the PDD. There is no way to screen this outdoor storage and it does not appear to be an important part of the request.

Mr. James stated that the screening requirement was purposely included in the PDD. The PDD states “screen from view” and if it is impossible to do this with fencing, then the outdoor storage would not be allowed.

**Mr. Boykin moved to approve Z-2005-39 as a Planned Development District as proposed by City staff. Ms. Campos seconded the motion and the motion carried by a vote of seven (7) in favor (Banks, Boykin, Campos, Harkins, Luther, McClarty, and Miller) to none (0) opposed.**

d. Z-2005-40

Public hearing and possible vote to recommend approval or denial to the City Council on a request from David Ballard to rezone property located at 4901 Buffalo Gap Road from O (Office) to PDD (Planned Development District). The legal description being Lot 101, Block 4-A, Section 1, Button Willow Parkway Addition, Abilene, Taylor County, Texas.

Mr. Jeff Armstrong provided the staff report for this request. The property is located at 4901 Buffalo Gap Road and the request is to rezone the parcel from O to PDD to alter signage requirements

This 0.26-acre parcel is developed with an insurance office. There is an illegal nonconforming 5' tall monument sign with a scrolling message center on the top of it. The parcel is surrounded by residential uses and residential zoning.

The area was annexed in 1959. The property was zoned AO until 1975 when it was rezoned, along with surrounding parcels, to RM-2. In 1983 the subject parcel only was rezoned to O. In 1995, the Corridor Overlay was added along Buffalo Gap Rd. including this parcel.

The only purpose of this proposed rezoning to PDD is to allow for changes to the sign regulations for the property. In 2002 the Board of Adjustment approved a variance from the setback requirement to allow a monument sign at the location where it is now installed. Early in 2005, a scrolling message center was added to the top of the sign. Initially, staff was concerned that the sign had changed from what the Board of Adjustment had approved. However, in researching the case, staff discovered that a permit was never obtained for the original sign. Because so much time had gone by without the issuance of a permit, the original variance was invalid. Mr. Ballard applied for a new variance to get approval of the location again, but also to have the message center as part of the sign. The Board of Adjustment considered this request at its September 2005 meeting. Staff recommended denial of the variance. The request was denied. The Board requires 4 affirmative votes to approve a variance. The motion was to approve, but the vote was 3 in favor, 1 opposed, 1 abstained. Due to the denial, Mr. Ballard may not reapply for the same variance for a minimum of 12 months.

In an effort to try a different process to get the sign approved, the applicant has made this request to rezone to PDD. The PDD as drafted would allow for development consistent with the O (Office) district and subject to the Corridor Overlay, which is the current zoning. The only difference is that the PDD ordinance would allow the sign that Mr. Ballard desires. Staff's opinion is that this is not a proper use of PDD zoning. Mr. Ballard attempted the most appropriate process for variations of signage requirements and the request was denied.

This Commission made a recommendation to the City Council regarding monument signage. This item will be on the Council's agenda for public hearing on December 15, 2005. If this item is approved by the City Council, it will not affect this property. This sign does not meet the requirements for this amendment.

Planning Staff recommends denial of this request.

Property owners within a 200-foot radius were notified of the request. Two responses were returned in opposition.

Mr. Boykin stated that a PDD is not the most desirable way to accomplish this type of request. However, if this is the only avenue available, then probably the proponent will pursue every opportunity or avenue available.

Mr. James stated that seeking a variance from the Board of Adjustment requires a hardship. Under State law this is a very high burden to prove and the intent is that it should not be difficult to convince four (4) individuals on a five (5) person board that a hardship exists and a variance is warranted.

Mr. Luther asked if any permits were obtained.

Mr. Armstrong stated that an electrical permit was sought for the message center – no permit was applied for or obtained for the sign.

Mr. Santee stated that staff was presented with a letter from the original sign company indicating that they had pulled a permit – this could not be verified. A different company was contracted to place the lighter/scrolling message center. The problem or concern was that this sign was being mistaken (by someone) as a traffic control sign because of the height. There was a great deal of discussion among the Board of Adjustment members as to how to allow the sign but also account for eliminating any safety concern by dealing with the scrolling part (perhaps fading in and out at a different speed). If this Commission entertains a PDD, the Commission has the discretion of dictating how the message changes.

Mr. James stated that as part of the research regarding Sign Ordinances, staff has reviewed standard regulations in other ordinances in terms of how often the sign can change, rate of blinking, etc.

Mr. Harkins opened the public hearing.

Mr. David Ballard stated that when he opened his business in 1985, the business was identified by a 4 x 6 pole sign located 38 feet from the curb. In 2002 he applied for and received a setback variance to install the current monument sign. Mr. Ballard presented the Commission with a petition signed by 371 citizens demonstrating their support for the approval of this zoning request.

Mr. Ballard stated that he requested that the company from whom he was to purchase the sign contact Planning and Zoning Division prior to his purchasing the sign. Approximately one month after the sign was installed and functioning, he received a correction notice that instructed him to stop the installation of the sign. Mr. Ballard stated that he met with Ms. Hicks, City Attorney, Mr. Dan Santee, Assistant City Attorney, Mr. Jon James, Director of Planning and Development Services, and Mr. Jeff Armstrong, Development Services Manager, in an effort to remedy this situation. Mr. Ballard stated that City staff has stated that a PDD request is not the best way to remedy the situation. However, it was the City Attorney and those in attendance at this meeting that suggested the PDD zoning. Mr. Ballard stated that in reading the Abilene Reporter-News regarding this Commission's position on monument signs, it appears as though the Planning and Zoning Commission is in favor of monument signs. Mr. Ballard stated that the information submitted to Council regarding monument sign height and size aligns with what he is requesting. Mr. Ballard stated that with the absence of any credible safety issue and in light of the overwhelming support of the community, he is requesting the favorable approval of this zoning request.

Ms. Virginia Zak submitted to each of the Commissioners a copy of her objections to the rezoning application. Ms. Zak stated that her concern is directly related to the compatibility of future land use activities, the property development standards and the sign standards that would be allowed by the

requested zone change. Ms. Zak stated that the land use relations between residential and commercial are potentially destructive and degrading to the residential uses. Ms. Zak stated that she is respectfully submitting her opposition to the zone change.

Mr. Harkins informed Ms. Zak that the PDD does not change the office zoning on the property and, in fact, it does only address the sign. Mr. Harkins stated that the manner in which the PDD is written it states “development shall conform to the standards applicable to the office zoning district and the Buffalo Gap Corridor Overlay at the time of approval of this ordinance except as modified by the following” and then the PDD addresses signage.

Mr. James Bright stated that he uses Mr. Ballard’s sign as a landmark, particularly at night, to ensure that he turns on the correct street in order to arrive at his home. He also utilizes the sign to assist other in reaching his home.

Mr. Floyd Ball stated that this matter, in his opinion, is a gross inconsistency. There is a sign on South 14<sup>th</sup> Street in front of the KRBC Television Station that is much more visible than Mr. Ballard’s. If Mr. Ballard’s sign is considered a traffic hazard, then the sign on South 14<sup>th</sup> Street should also be investigated as a potential traffic hazard.

Ms. Karen Gottschall stated that she has been employed by Mr. Ballard for several years and has received a tremendous amount of support for Mr. Ballard’s sign. Ms. Gottschall stated that the signatures on the petition submitted by Mr. Ballard are only those clients coming into the office.

Mr. Brian Scalf stated that he passes this sign two to four time a day and has never confused the sign as a road construction sign. Mr. Scalf stated that he is a firefighter for the City of Abilene. In the past he drove the fire engine that responds in this area and the sign never caused him concern.

Mr. Harkins closed the public hearing.

Mr. Santee asked to clarify a couple of issues:

He did not believe Planning staff ever stated that they would be supportive of this request. Staff attempted to provide Mr. Ballard with all options available to him.

A complaint was received. The name of the complainant is protected (informer’s privilege protected by law). Had the sign been in compliance in every way, the individual submitting the complaint would have been informed of this and this issue would not be before this Commission today.

Mr. Luther stated that to him the PDD ordinance, as written, does not address only this sign. It seemed to him that the ordinance provided an opportunity to place more signs on this property.

Mr. Armstrong stated that what the PDD ordinance is intended to do is allow everything that is allowed in an Office district and the Corridor Overlay.

Mr. Luther asked if the wording of the ordinance allows the current monument sign to remain and permits no other signs.

Mr. Armstrong stated that the ordinance allows for no other free-standing signs. Wall signs are permitted.

Mr. James provided further clarification regarding this PDD. In the section reading: “Development shall conform to the standards applicable to the Office zoning district and Corridor Overlay,” this is intended to say “however those may change in the future.” It actually states “at the time of approval of

this ordinance.” The intent is for the regulations to change with Office zoning and Corridor Overlay restrictions if these change at any point in the future. If staff’s recommendation is a part of the motion, the motion would require a statement “as amended per staff’s recommendation.”

Mr. Santee reiterated that the language changes should include the striking of “at the time of approval of this ordinance.”

Mr. James stated that would probably suffice; however, staff would want to ensure that the intent of staff is expressed as a part of the motion.

**Mr. McClarty moved to approve Z-2005-40 with the stipulations placed by staff (striking from ordinance [in bold print] *at the time of approval of this ordinance* and with the intent that as Office zoning changes through the years it will comply with future Office zoning regulations). Mr. Boykin seconded the motion and the motion carried by a vote of seven (7) in favor (Banks, Boykin, Campos, Harkins, Luther, McClarty, and Miller) to none (0) opposed.**

#### **Item Six: Thoroughfare Closure**

a. TC-2005-10

Public hearing and possible vote to recommend approval or denial to the City Council on a proposed closure of all of East Lake Road south of Highway 351 and all of Scottish Road east of Interstate 20, Abilene, Taylor County, Texas.

Mr. Armstrong provided the staff report for this item. The proposed thoroughfare closure is located on East Lake Road, south from Highway 351 and Scottish Road east from I-20. The proponent is requesting abandonment of the entire rights-of-way.

These two streets are adjacent to land that is largely undeveloped. There are two houses that use these streets for access – one at the east end of Scottish Road and one at the north end of the subject portion of East Lake Road. The actual construction of both streets is substandard in regard to City specifications.

This abandonment is an important step in the process to redesign the street layout in this area that is being planned. Earlier this year, the Planning and Zoning Commission and City Council approved amendments to the Thoroughfare Plan related to the alignment of collector and arterial streets in this area, particularly a new alignment for East Lake Road and a collector street that will connect I-20 to East Lake Road.

There are utilities in the right-of-way that are being relocated. During construction of the new streets it will be important for the two homes to have access to the street system and measures will be taken to assure that continuous.

Planning Staff recommends approval of this Thoroughfare Closure. No comment forms were received either in favor or in opposition of the request.

The Plat Review Committee reviewed this request and recommended approval with the assurance of access to the property owners in the area.

Mr. Armstrong stated that approval of this request could be made conditional upon the continued assurance of access to this property and that Scottish Road be abandoned from I-20 to the new

Musgrave Boulevard intersection, wherever that is dedicated. Also, this abandonment does not take affect until the conditions of the new dedication are met.

Mr. Harkins opened the public hearing.

Mr. Kenneth Musgrave stated that it is his intention to complete the boulevard in this area and the extension of East Lake Road; however, he does not want to spend a great deal of money if the streets remain as they are at present because this splits the property. Mr. Musgrave stated that the closing of these roads is very important to the installation of Musgrave Boulevard.

Mr. Harkins asked Mr. Musgrave if he was amenable to leaving the east section of Scottish Road in place to serve the residents in the area.

Mr. Musgrave stated that this is correct until the other road is in place to allow access.

Mr. Harkins closed the public hearing.

**Mr. McClarty moved to approve TC-2005-10 with the amendment that Scottish Road remains in place to serve the residents at the end of Scottish Road until the new roads are developed. Mr. Miller seconded the motion and the motion carried by a vote of seven (7) in favor (Banks, Boykin, Campos, Harkins, Luther, McClarty and Miller) to none (0) opposed.**

**Item Seven: Director's Report**

Mr. James stated that a summary of Council actions on items submitted from the Planning and Zoning Commission is not complete and will be provided at the Commission's next meeting.

There being no further business, the meeting was adjourned at 3:55 p.m.

Approved: \_\_\_\_\_, Chairman