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**PLANNING & ZONING COMMISSION**  
**October 2, 2006**  
**Minutes**

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Members Present: Eddie Boykin  
Fred Famble  
Jack Harkins  
Jeff Luther  
Lydia M. Long  
Tim McClarty

Members Absent: Ovelia Campos

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

Others Present: David Bourland  
Fred Killough  
Kevin Ripple  
Jason Dokey  
James Griffith  
Michael Clark  
Herman Slone  
Bob Test  
Bob Hammond  
Reave Scott  
John Estes  
Vicki Andeson  
Ramon Lopez  
John Slaughter  
Max King  
Reggie Baldwin  
David Baldwin  
Kenneth Musgrave  
Dickie Hill  
Nan Wisniewski  
Onita Hill  
Scott Senter  
Larry Holmes  
David McMeekan  
Paul Johnson  
Sam Chase

Media Present: Sarah Kleiner, Abilene Reporter-News.  
Gabriela Gonzalez, KTXS News

**Item One: Call to Order**

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

**Item Two: Invocation**

Mr. Luther gave the invocation

**Item Three: Approval of Minutes**

**Dr. Long moved to approve the minutes of the September 5, 2006, meeting as submitted. Mr. Boykin seconded the motion and the motion carried unanimously.**

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

**Item Four: Plats**

Gloria Brownell provided information for completed plats (Agenda Items a., b., c., d., e., f., g., h., and i.). Ms. Brownell stated that staff is recommending approval of these plats as all meet Subdivision Regulation requirements.

Mr. McClarty opened the public hearing and asked if anyone wished to speak regarding any of the plats being presented for approval. No one came forward and the public hearing was closed.

**Mr. Boykin moved to approve Items a., b., c., d., e., f., g., h., and i. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Famble, Harkins, Long, and Luther) to one (1) abstention (McClarty).**

**Item Five: Thoroughfare Closure**

a. TC-2006-05

Public hearing and possible vote to recommend approval or denial to the City Council on the proposed closure of Curry Lane between Sharon Road and Southwest Drive, Abilene, Taylor County, Texas.

Gloria Brownell provided the staff report for this case. The request is to abandon the full right-of-way of Curry Lane between Sharon Road and Southwest Drive. The property owners have concurrently requested rezoning of the surrounding land to prepare for the construction of Kohl's department store and additional commercial space.

This street is paved, but the width is substandard for a typical city street and it has no curb and gutter. Although the pavement extends almost to the Southwest Drive right-of-way, the dedication terminates just west of an older home that takes access off of Curry Lane. The proposed commercial development will have driveway access to both Southwest Drive and Sharon Road, which reduces the need for an additional street in this area. Also, additional right-of-way must be dedicated along Sharon Road to provide the necessary width for the future north-south collector street.

Staff recommends approval of the request subject to the recommendation of the Plat Review Committee, with the following conditions:

- (1) All abandoned right-of-way and lots with sole access onto abandoned right-of-way must be replatted.
- (2) Easements must be dedicated to accommodate existing utilities unless they are relocated.

The Plat Review Committee reviewed this request and recommended approval with conditions listed above.

Property owners within a 200 foot radius were notified. Four (4) responses were received in favor of the request and none (0) in opposition.

Staff is recommending approval of the request with conditions.

Mr. McClarty opened the public hearing.

Mr. Michael Clark, representing the developer, provided an updated site plan of the development. Mr. Clark stated that Ms. Brownell has covered this request and would be happy to answer any questions.

Mr. McClarty closed the public hearing.

**Mr. Harkins moved to approve TC-2006-05. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Famble, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

**Item Six: Rezoning Requests**

a. Z-2006-39

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Canyon Partners, agent Paul Jusselin of Pritchard Associates, to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to PDD (Planned Development District) zoning, located on the south side of Southwest Drive approximately 300 feet west of Sharon Road. Legal description being 17.791 acres out of the J.E. Shepard Survey No. 96 and the J.C. Donley Survey No. 95, Abilene, Taylor County, Texas.

Gloria Brownell provided the staff report for this case. This request is to rezone 17.791 acres from AO and GC to PDD. The property is primarily vacant with only a few older homes and accompanying accessory buildings. Elm Creek provides the western boundary, causing the western portion of the tract to be located in a Floodway and the remainder located in 100-year Floodplain. The property is bordered on the north by Southwest Drive, an arterial, and on the east by Sharon Road, a proposed collector street. The land to the south is vacant. The northern portion of the property was annexed in 1959 and rezoned to GC in 1983. The southern portion was annexed in 1986 and has remained AO since that time.

The applicant proposes to develop the site in preparation for the construction of a Kohl's department store and several smaller retail establishments. The proposal is similar in appearance to the nearby Shops at Abilene development and will occupy approximately the same amount of acreage. The proposed PDD ordinance allows the structures to be placed closer to the right-of-way to enhance pedestrian access and visual interest from the adjacent streets. The landscaping requirements include trees and shrubs around the perimeter, as well as scattered through the parking lot in islands to further enhance the appearance of the development. The western portion of the site, which is located in the Floodway, is currently proposed to remain undeveloped with existing native vegetation remaining to provide a natural barrier from Elm Creek.

Although the Comprehensive Plan does not designate this area as an Enhancement Corridor or an Activity Center, many people from Abilene and outlying areas visit to enjoy the abundant retail

shops and restaurants. Since this area is so heavily traveled, it should represent the best that Abilene has to offer by providing an attractive appearance and logical transportation framework to facilitate vehicular and pedestrian circulation. A PDD allows several of the community enhancement goals mentioned in the Comprehensive Plan to be fulfilled, including landscaping, signage, building materials, and architectural variation for big-box retail structures.

Planning staff recommends approval of the PDD ordinance.

Property owners within 200 feet of the rezoning request were notified and six (6) comment forms were returned in favor of the request and none (0) in opposition.

Ms. Brownell highlighted provisions of the PDD ordinance:

1. Landscaping at the boundary of the development as well as the parking areas (an asterisk has been placed on this item because there is one issue undecided at this time).
2. Building material requirements are consistent with the elevations that the applicant and the agent have proposed.
3. Building articulation for the larger structures to reduce the appearance of the mass of the structures.
4. Reduced setbacks to allow building to be placed closer to the street to allow more efficient pedestrian circulation.
5. Group monument signage as proposed by the applicant.
6. Sidewalks and limited driveways to promote vehicular and pedestrian circulation.

Ms. Brownell stated that one of the landscaping provisions of the PDD ordinance which staff would request further consideration deals with the mid-row parking lot island. Rows of more than 20 continuous spaces require a mid-row island – staff would like for the Commission to consider the required size of these islands. The proponent has requested they be allowed to install tree islands in the shape of diamonds (this configuration will not eliminate any parking spaces and still meet landscaping requirements).

Mr. James stated that staff is recommending the PDD ordinance as written (not with the inclusion of the tree diamonds).

Mr. McClarty opened the public hearing.

Mr. Michael Clark with Winkelman and Associates stated that the position of the building has been moved to the east due to the channel along the west property line. Mr. Clark stated that the diamond configuration allows for trees in these locations. Mr. Clark stated that the PDD, as written, requires trees in 50% of the landscaped islands. What is being proposed by the proponent are trees in 100% of the islands in return for a smaller percentage of landscaped area.

Mr. Harkins asked Mr. Clark if he was open to a compromise regarding landscaping if the diamond tree wells are allowed.

Mr. Clark responded affirmatively.

Mr. McClarty closed the public hearing.

**Mr. Boykin moved to approve Z-2006-39 with an amendment regarding landscaping (trees).**

Prior to voting, Mr. Famble asked for clarification regarding this PDD as it pertains to the Community Appearance Ordinance that will be discussed later in this meeting.

Mr. James responded that the PDD Ordinance, as presented by staff, parallels the Landscaping Ordinance that will be considered later in this meeting. If the Commission feels the applicant's request is a reasonable alternative, then, perhaps the Landscaping Ordinance should be modified to allow the same alternative. Mr. James stated that staff's recommendation is to maintain the end islands, fully landscaped, with diamonds only in the middle of the parking lot, if allowed.

**Mr. Harkins stated that he felt it appropriate to utilize the diamond shape (providing a space for a tree) with no more than 15 spaces. The remaining islands could remain at 50% (a tree would not be required for every end island), which would provide some relief for islands inside the parking lot. Mr. Harkins stated that this information would be an amendment to Mr. Boykin's motion**

**Dr. Long seconded the motion, as amended by Mr. Harkins, and the motion carried by a vote of six (6) in favor (Boykin, Famble, Harkins, Long, Luther and McClarty), to none (0) opposed.**

b. Z-2006-41

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Joe New to rezone property from AO (Agricultural Open Space) to RS-12 (Single-Family Residential) zoning, located on the west side of East Lake Road approximately 1085 feet north of Wheatland Drive. Legal description being 1 acre out of the north ½ of Survey No. 22, Blind Asylum Lands, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this case. The request is to rezone one acre from AO (Agricultural Open Space) to RS-12 (Residential Single-Family). This property is currently vacant developable land. It is north of the rapidly growing commercial and residential area around I-20 and Highway 351. This property has been zoned AO since it was annexed in 1983.

The applicant wishes to build a modular home on this site for his children who are or will be attending college in Abilene. The applicant bought this land before finding out that the minimum lot size in AO is 2 acres. The applicant has stated that purchasing an additional acre would be too time consuming. The applicant has also applied to the Board of Adjustment for a one acre variance from the two acre minimum lot size. Staff will be recommending denial to the variance because the situation is a self-created hardship. The applicant has applied for both the variance and the rezoning to maximize the possibility of an approval that will allow him to build a home on the subject property.

This subject area is just north of a major Commercial Business Activity Center as designated in the Comprehensive Plan. The Future Land use map designates the subject parcel as low-density residential, which is consistent with the request. The parcel fronts onto East Lake Road and not considered to be landlocked; however, TxDOT may not allow a driveway due to the proximity of an existing driveway. The applicant could possibly obtain a variance from TxDOT or obtain an easement off the existing driveway.

Property owners within 200 feet of the rezoning request were notified. One (1) comment from was received in opposition, one individual expressed opposition to the request via the telephone, and no responses were received in favor of the request.

Planning staff recommends approval of this request.

Mr. McClarty opened the public hearing.

Mr. Joe New, proponent, stated that he contacted the county prior to purchasing the property. The City was contacted as well. Mr. New stated that originally the sale was contracted for two acres but there seemed to be some confusion as to whether the property was within the city limits so he changed the contract to one (1) acre of land. Mr. New stated that he has three children that will be attending ACU over a time period of nine (9) years. Financially, it was more economical to build home here in Abilene in which these students could live. A plat has been submitted to the City and, at present, Mr. New is unsure of the status of the plat.

Mr. McClarty asked Mr. New if he understood the access agreement with the State and that he might encounter problems obtaining such an agreement.

Mr. New stated that he understands this and if they are required to purchase two acres that is what they will do.

Mr. John Slaughter stated that he is the owner of the private driveway. He is confused as to what is being requested and what type of structure will be constructed on this property. Mr. Slaughter stated that he would have to disapprove of the request at this point until he has had an opportunity to view the plan for the site.

Mr. Dickie Hill stated that all of the homes to the south of the road are five acres in size or greater. Mr. Hill stated that they would like maintain a buffer between the five acre lots and the proposed one acre lots for this area. Mr. Hill stated that they would prefer that the lots along the fence row remain two-acre lots.

Mr. Max King stated that he owns 160 acres in this area and has lived on this land since 1963. Mr. King stated that due to the drainage situation in the area he does not feel two acres is an adequate site for a structure. Mr. King stated that he would like to see property in the size of at least two acres, and preferable three acres, in size. Mr. King stated that he opposes rezoning for a piece of property one (1) acre in size.

Mr. McClarty closed the public hearing.

Dr. Long stated that she is concerned that if the Commission grants the rezoning request, the proponent will still not be able to do what he wants if he does not receive approval from TxDOT. Additionally, there is opposition from the neighbors who all own larger pieces of property.

Mr. Harkins stated that for him he has a problem with a single, one-acre RS-12 lot zoned and platted in this area of AO zoning (as opposed to a development of RS-12 lots).

**Dr. Long moved to deny Z-2006-41. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Boykin, Famble, Harkins, Long, and Luther) to one (1) opposed (McClarty).**

c. Z-2006-42

Public hearing and possible vote to recommend approval or denial to the City Council on a request from F.T. Killough, agent Reunion Realty, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 3002 & 3102 West Lake Road. Legal Description being 7.7 acres out of Block 22, North Park Addition, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this case. The request is to rezone 7.74 acres from AO (Agricultural Open Space) to GC (General Commercial). This property is currently developable land with a couple of small buildings on it. This property is in the vicinity of multi-family and commercial development. This property has been zoned AO since it was annexed in 1983.

The applicant wishes to use this site to divide into 4 lots. One of the lots is to be developed into a hotel. The applicant is considering building a public street to access the newly created lots.

This subject area is just east of a major Commercial Business Activity Center as designated in the Comprehensive Plan. This area is located near the intersection of an arterial and the interstate highway.

Property owners within 200 feet of the rezoning request were notified. No (0) comment forms were received either in favor or in opposition of the request.

Planning staff recommends approval of this request.

Mr. McClarty opened the public hearing.

Mr. David Bourland with Abilene Reunion Realty stated that he is representing Mr. Killough in this rezoning request. Currently one (1) hotel is under contract for this area (northwest lot) pending approval of this rezoning request. The hotel will construct a road in accordance with City specifications terminating in a cul-de-sac in the center of the eight (8) acres which would provide the four (4) lots access to the street. The two lots to the east would also have access to West Lake Road.

Mr. McClarty closed the public hearing.

**Mr. Boykin moved to approve Z-2006-42. Mr. Harkins seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Famble, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

d. Z-2006-43

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Estes, Estes, and Tindol, agent John L. Estes III, to rezone property from RS-6 (Single-family Residential) to MU (Medical Use) zoning, located at 1802 Walnut Street. Legal description being Lot 20 and the South 20 feet of Lot 19, Block 2, Simmons Terrace Addition, Abilene, Taylor County, Texas.

Justin Fortney provided the staff report for this case. The request is to rezone a 9,800 square-foot lot from RS-6 (Residential Single-Family) to MU (Medical Use). This property had a single family home on it since 1945 until it was demolished just after the application for this rezoning was submitted. Homes in the area were built from the 1920's to the mid 1950's. This property was annexed in 1911 and since that time the zone has been as follows:  
1940's Residential Multi-Family/1950's Residential Single-Family/1960's Heavy Commercial.

Finally, in 1986 many of these lots along Walnut Street were rezoned again to Residential Single-Family. This was a City initiated rezoning with a lot of public support. One of the driving forces behind that rezoning was that the original Carver Neighborhood Plan recommended residential zoning in this area.

The applicants have bought this residential lot that is adjacent to their existing dental building. They have stated their desire to use the residential lot for excess parking for their existing office building. The zoning designation of the parking lot must permit the use for which the parking is being provided. During early conversations with the applicant, staff recommended they apply for MU zoning as this would be most appropriate for their proposed use. MU zoning has a few requirements for screening parking lots from residential areas. Staff believes the proposed zoning district is more appropriate than other zoning districts that allow this use. However, Staff also believes that the proposed zoning district is still not compatible with the residential neighborhood in which it is located.

An applicant informed staff that he may demolish an accessory building on the subject property prior to the Planning and Zoning Commission meeting. Staff informed him that he may not want to demolish the main structure prior to an affirmative decision by the Planning and Zoning Commission and City Council. If they were unable to obtain a new zoning designation and they demolished the home, their options of property uses would be limited. All of the buildings were demolished in the middle of September.

One way of determining the longevity of a single-family neighborhood is to look at the number of properties within it that are occupied by their owners. The following data suggests that the 1700 & 1800 blocks of Walnut Street are still within a viable neighborhood that is being reinvested in by citizens of Abilene.

The 1800 block of Walnut Street:

8 homesteaded residences, 3 shown as being homesteaded in 2000 or later  
4 houses, not owner-occupied, but owned by residents of the neighborhood  
4 houses, including 1802, not owned by residents of the neighborhood

The 1700 block of Walnut Street that is zoned residential:

7 homesteaded residences, 2 shown as being homesteaded in 2000 or later  
1 house, shown as being owned by occupant, purchase date April 3, 2006  
4 houses not owned by neighborhood residents  
1 vacant parcel

An objective in the Neighborhoods chapter of the Comprehensive Plan is to "protect and enhance the quality, character, and integrity of established and stable neighborhoods." Several strategies are listed to help achieve this objective with Number 8 being most applicable to this rezoning case: "Evaluate land use proposals in established stable SNAs [Super Neighborhood Areas] on



the basis of projected changes in scale, traffic patterns, intensity of use, pedestrian orientation, and relationship of the site to adjacent development.” Although some of this residential area backs up to commercial uses, Walnut Street itself is developed with only single-family homes in this area. Staff believes for this reason the proposed rezoning is not compatible with the surrounding homes.

Property owners within 200 feet of the rezoning request were notified. Two (2) comment forms were received in favor of the request and one (1) comment form was received in opposition of the request.

Planning staff recommends denial of this request.

Mr. McClarty asked staff if they had discussed PDD zoning with the proponent. Mr. Fortney stated that a PDD was discussed among staff members and it was determined that the area was too small for a PDD.

Mr. McClarty opened the public hearing.

Dr. John Estes, owner of the parcel of land for which rezoning is requested, stated that there are hardly any houses in the area owner-occupied – nearly all are rental units. Mr. Estes stated that his request is similar to the land use for both blocks on either side of him. Dr. Estes stated that the structure on the property for which the rezoning is requested has been demolished.

Mr. McClarty closed the public hearing.

Mr. McClarty stated that the North 18<sup>th</sup> Street area is quickly being utilized for medical and/or commercial uses. Currently only four residential structures face onto South 18<sup>th</sup> Street. Mr. McClarty stated that medical use is the current trend and appears to be the way development will continue for this area.

Mr. Boykin stated that he believed at some point all of this land will be purchased for medical uses.

Mr. James stated that if it is the consensus of the Commission that this entire area will be utilized for medical uses, then this rezoning request might be appropriate. Staff would prefer rezoning for a larger area.

**Mr. Boykin moved to approve Z-2006-43. Mr. Harkins seconded the motion and the motion carried by a vote of four (4) in favor (Boykin, Harkins, Luther and McClarty) to two (2) opposed (Famble and Long).**

**Item Seven: Ordinance Amendment**

Community Appearance (TABLED)

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend the Zoning Ordinance regarding landscaping, fencing, screening, and urban design regulations.

**Mr. Harkins moved to remove this item from the table. Mr. Famble seconded the motion and the motion carried unanimously.**

Mr. Boykin stated that he has received a number of telephone calls from individuals who will be greatly affected by this ordinance amendment. The main concern was how this ordinance was developed and if these individuals follow through with what they have indicated to him, they will recommend that this item be tabled so that reconsideration can be given to a portion of this ordinance and the manner in which it was drafted. Mr. Boykin stated that he was never satisfied with any explanation he has been given as to how the various committees developed their recommendations.

Jon James, Director of Planning and Development Services, stated that the proposed zoning ordinance amendments address landscaping and urban design. These ordinance amendments are consistent with the direction given to staff by the Commission at the special meeting on June 19, 2006 and suggested revisions to the draft ordinance presented on July 17, 2006.

This is the culmination of a process that began over a year ago in June 2005. Staff held a series of "Focus Group" meetings with community members most affected by these proposed requirements. Incorporating the recommendations of the Comprehensive Plan, in addition to a review of a number of other cities' ordinances, staff presented a series of policy options for discussion and input from these groups. These meetings helped staff determine the areas of broad consensus, as well as the areas where there was disagreement, for policies related to community appearance. Presentations of these results and staff recommendations were made during two Commission meetings where staff asked the Commission for policy direction prior to writing the draft ordinance changes. Finally, staff presented a draft ordinance at a special meeting on July 17, 2006, where the Commission provided additional direction with recommended changes to the draft.

Mr. James provided the Commissioners with a brief summary of the recommended changes. Also submitted to the Commission was a listing of the recommended changes discussed at the July 17th Commission meeting, as well as a few additional changes recommended by staff.

One note: staff is still working on revising the list of "premium tree" species for the Tree Preservation section. Suggestions and direction from the Commission would be helpful.

Mr. Boykin stated that it is his feeling the individuals who will be the most affected by this ordinance should have a voice in the contents of the ordinance. Mr. Boykin stated that this ordinance will be so far reaching for such a long period of time and affect so many people that it must be done right.

Mr. James stated that the purpose of the focus group or task force was not to make decisions, but to offer input as to the contents and direction of this ordinance. Mr. James stated that the public hearings of the Planning and Zoning Commission and City Council provide the citizens of Abilene an opportunity to express their concerns, provide input, and public participation.

Mr. Boykin stated that this issue is very important and as perhaps as much time should be devoted to this issue as was given to the Comprehensive Plan. The line by line approach taken with the Comprehensive Plan should also be given to this ordinance.

Mr. James stated that the Director of the AAIBO was represented on this group and attended all the meetings. He also sent out surveys, at least once and perhaps two or three times, to the members of the AAIBO asking specific, very specific questions. Mr. James also mentioned that the PDD Ordinances which have been considered recently by the Commission are different from PDDs submitted a year ago. As each of these PDDs has gone through the process, staff has

worked with the developers and tweaked the contents of the PDDs to incorporate portions of the landscape ordinance proposed today. This has also provided staff with a review process with developers and this has improved the landscape ordinance. Staff began with the Comprehensive Plan, looked at other city's ordinances and nothing contained in this ordinance is unique – all of this information is based on other cities ordinances. Portions of the proposed ordinance are more restrictive than others, some of which is based on this Commission's direction (at three prior meetings). Staff also review the focus group recommendations, as well as input from citizens and community groups, so staff feels that the background work has been diligently accomplished. Based on the Commission's last meeting, some of the changes to the first draft of this ordinance include:

- Irrigation – rather than requiring underground irrigation system, close proximity to a water facet is sufficient in certain situations
- Final Landscape Plan – At what point should the final landscaping plan be submitted – when a permit is obtained or when a certificate of occupancy is issued (staff is looking to the Commission for direction on this matter)
- Tree Preservation – premium trees are defined as trees 8 inches in diameter or larger (staff is also requesting the Commission's feedback on this issue – size and species)
- Standards to tree protection during the construction phase of a project
- Landscaping credits for tree preservation
- Establish mitigation standards for tree preservation
- Trees located within the building footprint and 10 feet from the building are exempt and may be removed
- Tree preservation plan is required with the site plan or plat identifying trees to be preserved
- Fencing - Current standards for residential areas remain intact (height and setbacks) – Chain link and barbed wire fencing will be phased out – 24 month amortization period
- Fencing must be constructed of “typical” fencing materials
- Alternative design plans will be submitted to a design review committee composed of Planning and Zoning Commission members rather than presented to the Commission as a whole
- Lighting - Height limit and overall light limit was removed for light poles (must be shielded and screened from residential properties)
- Alternative landscaping plan could be applied for for any redevelopment – not just in infill areas
- Minor changes and clarification changes

If this ordinance is approved by the Planning and Zoning Commission, this item will be on the City Council's agenda for public hearing on October 19, 2006. Staff is recommending a public hearing on first and second reading of this ordinance. Final adoption of this ordinance is scheduled for November 2, 2006, if approved by the Planning and Zoning Commission today.

Mr. Harkins stated that requiring the landscape plan at the site plan review will not work. This will require an architect to work with a landscape architect in order for all information to be complete at the appropriate time. Mr. Harkins stated that personally he is absolutely opposed to this recommendation.

Mr. McClarty added that this will place additional “soft” costs when an architect is attempting to get a project “off the board” and in progress. If the “soft” costs can be kept down, the project is more likely to occur.

Commission members and staff were in agreement that the landscape plan should be submitted when applying for a Certificate of Occupancy.

Dr. Long asked if these regulations applied to any new development or redevelopment, regardless of size.

Mr. James stated that only a development that triggers a site plan or remodeling amounting to more than 50% of the value of the building will be subject to these regulations. Mr. James stated that he would review this information to ensure that the intent of this ordinance is clear, particularly in regard to the certificate of occupancy.

Mr. McClarty opened the public hearing.

Mr. Bruce Bixby stated that an ordinance addressing community appearance is important to him; however, during the creation of such an ordinance it is very important that developers are included in the process. Mr. Bixby stated that he asked the consultants to make sure that developers are included in these discussions. This issue was also discussed with the Mayor, the City Manager and the Director of Planning and Development Services. Mr. Bixby stated that he did not feel a balance had been achieved between cost and effect. Mr. Bixby stated that he spoke with the Mayor on Tuesday of last week and was told by the Mayor that a Committee would be formed, including David Taylor (Horn Properties, Nashville, TN) and local developers to build this ordinance. Mr. Bixby stated that in light of the Mayor’s comments regarding a committee to review this ordinance, he is somewhat confused as to why this item on the Commission’s agenda today. Mr. Bixby volunteered to be a part of this committee.

Mr. Marvin Norwood, owner of Bingo Motors, Abilene Auto, and Flag World, stated that because of the nature of his product, a car dealer must display his merchandise outdoors. Such businesses make extensive use of flags, streamers, banners, and pennants to draw customers. Mr. Norwood stated that it is his hope that this Commission or no other entity will attempt to restrict the sale of flags, streamers, banners and pennants for a business in Abilene. It is a necessary marketing and merchandising tool and one dealers all over the United States have been using. Mr. Norwood stated that he has a petition containing over 300 signatures from small business owners in Abilene in favor of streamers, banners, and pennants.

Mr. Bob Hammond, Executive Director of the Abilene Association of Independent Business Owners, stated that two major difficulties exist today:

1. This Commission is attempting to pass an ordinance that contains 15 pages and one that will impact every type and size of business imaginable.
2. You are trying to tell a West Texan what to do

Mr. Hammond stated that City staff has supplied information regarding this ordinance; however, everyone needs to be on the same page – review the information, look at every possibility that may occur and find a remedy now before the ordinance is passed. If the business community is not a part or feel they are not a part of this community appearance ordinance, there will be resistance. Mr. Hammond urged the Planning and Zoning Commissioners to table this item. Mr. Hammond stated that a meeting has been planned with business owners from all aspects of local

businesses and city staff and discuss these items – find the problems before this ordinance is passed.

Dr. Long asked Mr. Hammond for specific problems with this ordinance.

Mr. Hammond stated that one of the concerns deals with the landscaping triggered by the 50% valuation figure. Another issue is the 10 feet of landscaping along the street right of way which will require watering - water is a problem in Abilene. Another concern is flexibility within the ordinance.

Mr. Paul Johnson stated that he was surprised that this item was on the Commission's agenda because he was under the impression that a workshop regarding this ordinance would be conducted. The costs incurred by developers and small business owners by the passage of this ordinance will be incredible. Therefore, this ordinance needs to be done right. Mr. Johnson stated that he is in agreement that this item should be tabled.

Mr. Larry Holmes stated that he has noted two issues today: (1) input was received from members of the AAIBO and seems to have been disregarded; and, (2) 10% of site landscaped – this may be somewhat ambitious.

Mr. James stated that the list of questions developed by staff for the focus group were sent to members of the AAIBO by Mr. Hammond. For clarification, Mr. James stated that some of the contents of the ordinance was not agreeable with the AAIBO members. The draft ordinance did take into account the input from this group – this is the third draft of the ordinance and staff feels that this ordinance is a compromise based on all input. Mr. James stated that it is the duty of this Commission and the City Council to determine if this is a good compromise.

Mr. Sam Chase stated that everyone wants to “raise the bar” and ensure that Abilene has a better quality of life and is a good place in which to live. Mr. Chase stated that better decisions are made when there is a consensus. Mr. Chase stated that it was obvious to him following the meeting with Dunkin, Sefko and Associates, Inc., that there were many issues to be resolved and questions to be answered. Dunkin-Sefko representatives told us that there were a number of policy decisions that needed to be made and that we needed to make these decisions before we moved forward with the finalization and implementation of the particular ordinances that would be coming to the Planning and Zoning Commission and the City Council. Mr. Chase stated that he has been anxiously awaiting the next workshop or committee meeting for everyone to come together so that we could gain consensus about what we want to do and how we want to do it - we can't do that if we don't meet. Also, this cannot be done in a meeting like this because there are many pages and many questions and it's easy to talk generalities but you can't get to the specifics until you start asking questions and you have the professionals – not just architects but the engineers, the landscape folks, the builders, the developers there that are going to be affected asking the questions and getting the answers and getting the feedback. Mr. Chase stated that he felt the Commission is on the right track if the ordinance is referred to a committee. Mr. Chase recommended Council members, Planning and Zoning Commissioners, builders, developers and other players who will be affected should be on this review committee. The Commission could also refer this issue to the Mayor. Not only the appearance code, but the sign ordinance, the landscape issues, the ETJ issues – all of those issues have affected people and they have not yet all come to the table. Mr. Chase stated that if we are going to make Abilene the best it can be, we need to make sure that we've invited them to the table – not just given a public notice or assumed that they would show up, but rather specifically selected those folks.

Bob Thomas with Burkhardt Portable Signs stated that the Community Appearance Ordinance will tie in with the sign ordinance. Mr. Thomas stated that in 1986-87, the portable sign industry was almost regulated out of business in Abilene. Mr. Thomas stated that this ordinance will impact the portable sign industry and asked the Commissioners to consider this industry when developing this ordinance.

Mr. McClarty closed the public hearing.

Mr. McClarty stated that he would prefer that a workshop be conducted on this one item (Appearance Ordinance). Mr. McClarty recommended the following as Committee members: Realtors, builders, developers, AAIBO, City Council, Keep Abilene Beautiful, landscape architect, Chamber of Commerce, forestry/nursery representative and citizens.

Mr. Boykin stated that he would not want one group to select the members of this committee. Recommendations for members could be provided by the Planning and Zoning Commission, the City Council, etc., as well as members of these groups. Mr. Boykin recommended that Mr. McClarty appoint a committee to formulate a membership roster and this recommendation may be a moot point if the Mayor is in the process of forming a review committee.

Mr. McClarty stated that he would speak with the Mayor regarding his actions/recommendations for this ordinance. Mr. McClarty stated that he would draft a letter to members of the development community, the real estate community, the builders, each one of the organizations mentioned above to inform them what is to be accomplished and ask them for their suggestions as to whom they would like to recommend to represent their particular area of expertise. A deadline for providing this information would be provided in the letter.

Mr. Harkins stated that the Planning and Zoning Commission's desire to broaden the Committee have been expressed at today's meeting; apparently the Mayor is wanting to do the same thing; therefore, it appears that this Commission has done all that is required from them. At this point, staff, the Mayor and the City Manager should work on putting together that meeting with the Planning and Zoning Commission and have all or part of the City Council present to hear the information firsthand.

**Mr. Boykin moved to table this item. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Boykin, Famble, Harkins, Long, Luther, and McClarty) to none (0) opposed.**

**Item Eight: Director's Report**

- a. Recent City Council decisions regarding items recommended by the Planning and Zoning Commission.

Staff provided the Commission members with a memorandum regarding recent Council actions of recommendations forwarded from the Planning and Zoning Commission. Mr. James provided the Planning and Zoning Commissioners with a "Summary of Revisions" to the Sidewalk Master Plan. At Council's request, staff has submitted a modification to the "Exceptions and Waivers" section of this plan. This modification adds an appeal process to the City Council in those cases where staff does not grant a waiver or deviation to standards of the Sidewalk Master Plan.

- b. Upcoming opportunity for citizen suggestions of projects for the 2007-2011 Capital Improvements Program.

The City's schedule for the Capital Improvement Program has included a segment for public participating at the beginning of this process. This has not been done for the past few years and this process is being reinstated. A public hearing will be held at next month's meeting of the Planning and Zoning Commission to allow citizens and/or neighborhood groups to provide input as to particular projects they would like included in the Capital Improvements plan. Commissioners were provided with a calendar for the Capital Improvement Program.

c. Three-Year Annexation Plan

This information will be presented at the Commission's next meeting. A timeline for this process was included with the information provided to the Commissioners for this month's meeting. The Council decided to only annex the land located off Maple Drive as requested by Mr. Waldrop. The Council directed staff to create a three year annexation plan for additional land located off Maple Drive, as required by a new State law. Once a three annexation plan is adopted, then, any land within this plan must be annexed at the end of the three year period; or, if not annexed within 60 days, the area cannot be annexed for a number of years thereafter.

**Item Nine: Adjourn**

There being no further business, the meeting was adjourned at 4:55 p.m.

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