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**PLANNING & ZONING COMMISSION**

**April 2, 2007**

**Minutes**

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Members Present:

Bruce Bixby  
Ovelia Campos  
Fred Famble  
Jack Harkins  
Lydia M. Long  
Tim McClarty  
Clint Rosenbaum

Staff Present:

Jon James, Director of Planning and Development Services  
Trish Aldridge, Assistant City Attorney  
Ed McRoy, Assistant Director of Planning and Development Services  
Jeff Armstrong, Development Services Manager  
Gloria Elder, Planner II  
Ed Williams, Abilene Fire Department  
Mike Wegner, Solid Waste Services  
JoAnn Szech, Executive Secretary (Recording)

Others Present:

Kenneth L. Cleaver  
John F. Harvey  
Heather H. Polasek  
Patti Parker  
Colleen Nelson  
Betty Johnson  
Tim Ritter  
Mark Bunsy  
Rick Grant  
Brad Poorman  
Derman Farmer  
Monte Conrad  
Paul Johnson  
Dan Huggins  
Eddie Magee  
Lita Warmbeld  
Clinton Nertisk  
Janlyn Thaxton  
Bob Hammond

Media Present:

Sarah Kleiner-Varble, Abilene Reporter-News  
Darcy Dupree, KRBC  
Victor Sotelo, KTXS

**Item One: Call to Order**

Ms. Campos called the meeting to order at 1:34 p.m. and declared a quorum present.

**Item Two: Invocation**

Mr. Famble gave the invocation

Ms. Campos introduced the new Planning and Zoning Commission members, Mr. Bruce Bixby and Mr. Clint Rosenbaum.

Ms. Campos read the opening statement for the Planning and Zoning Commission.

**Item Three: Approval of Minutes**

**Mr. Harkins moved to approve the minutes of the February 19, 2007, meeting as submitted. Mr. Famble seconded the motion and the motion carried unanimously.**

**Mr. McClarty moved to approve the minutes of the March 5, 2007, meeting as submitted. Dr. Long seconded the motion and the motion carried unanimously.**

**Item Four: Plats**

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

Ms. Campos 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. McClarty moved to approve Plat Items a., b., and c. Mr. Harkins seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

**Item Five: Ordinance Amendments**

- a. Subdivision Regulations (possible reconsideration)  
Public hearing and possible vote to recommend approval or denial to the City Council on amendments to Section 23-262.5(B) regarding cul-de-sac design and construction requirements.

Mr. Jon James stated that this item was discussed at the March 5, 2007, meeting of the Planning and Zoning Commission. There were questions by the Commissioners which required answers from City staff members not present at this meeting. Based on the discussion at that meeting, some of the Commissioners expressed a desire to have these staff members present to provide clarification regarding certain issues. If the Commission is comfortable with the decision made at the March 5<sup>th</sup> meeting, this item will not be reconsidered and the Commission's recommendation will be forwarded to the City Council. If the Commission desires to reconsider this item, a motion is required from a member of the Commission present at last month's meeting to reconsider this item.

**Dr. Long moved that this item be reconsidered by the Planning and Zoning Commission. Mr. McClarty seconded the motion and the motion carried by a voice vote of six (6) in favor (Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to one (1) opposed (Bixby).**

Gloria Elder provided a brief review of the Ordinance Amendment and stated that representatives from the Fire Department, Public Works Department and Solid Waste are present to answer questions from Commissioners.

The City Engineer recommends increasing the minimum size requirements for all cul-de-sac turnarounds to be equal with the current standard for Heavy Commercial and Industrial zoning districts. The new requirement would provide a 60' radius for right-of-way dedication and a 50' radius for paving.

In addition to the turnaround standards, staff has also looked at the maximum length for cul-de-sacs compared to our peer cities. Our current standard for Industrial and Heavy Commercial zoning districts is 600' of length, but all other areas are permitted to have up to 1000' cul-de-sacs as long as each one serves no more than 25 single-family homes. Staff's recommendation following the discussion at the March Planning and Zoning Commission meeting is to bring our requirements in line with our peer cities and make our standard more consistent throughout the city regardless of zoning by requiring a maximum 600' length for all cul-de-sacs except in single-family and ETJ subdivisions with lots larger than one acre where the current maximum length of 1,000 feet would remain unchanged.

Staff still supports the proposal to clarify how cul-de-sacs are measured by amending the wording to ensure that the length is measured from the end of the cul-de-sac to the nearest through street with more than one outlet, which is how our current ordinance is being applied. Changing the language would remove any doubt regarding the intent of this provision.

Ms. Campos opened the public hearing.

Mr. Mike Wegner, Solid Waste Manager, stated that the proposed ordinance amendment is basically a safety issue. Refuse trucks are required to turn and back up several times within a cul-de-sac, particularly if cars are parked on the street.

Ed Williams, City Fire Marshall, stated that the Fire Department's issue is basically the same as Refuse (turning radius of the trucks). Basically, it is a matter of access without added delay.

Both Mr. Williams and Mr. Wegner stated that the main problem occurs when these trucks are backing up to exit the cul-de-sac – this is when most accidents happen.

Ms. Campos closed the public hearing.

Mr. Bixby expressed concern regarding the cost to benefit ratio for the proposed ordinance amendment.

**Mr. McClarty moved to reconfirm the motion made at the March 5<sup>th</sup> meeting (deny items a., b., and c. and approve item d). Dr. Long seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

- b. Zoning Ordinance  
Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Sections 23-306.4 and 23-306.5.H of the Zoning Ordinance regarding Fruit and Vegetable Sales as a permitted use.

Gloria Elder stated that a request was recently submitted to staff to locate a permanent Fruit Stand at the corner of South 7<sup>th</sup> Street and South Mockingbird Lane. The Ordinance currently

allows permanent retail sale of Fruits and Vegetables as a Conditional Use in SC, GC, HC, LI, and HI. The conditions require that open-air stands comply with the regulations for Farmer's Market or temporary Fruit and Vegetable sales. These references are confusing and limit permanent Fruit and Vegetable sales to large sites with multiple users under the Farmers Market regulations. Furthermore, the temporary sale of Fruits and Vegetables was eliminated in April 2005 when a new policy for Itinerant Businesses was adopted.

Staff recommends clarifying the regulations to pertain to a single use operating independently since Farmer's Markets already exist as a permitted use in the Zoning Ordinance. Staff also proposes that the use would be permitted in LC zoning in addition to the current districts. The attached ordinance provides some additional restrictions to address some of the concerns staff foresees with produce sales while still allowing the character sought by the current, and possibly future, property owners. Furthermore, the proposed conditions also provide some aesthetic controls as well as protection for neighboring residential properties to ensure the consistency of the use with the intentions of Limited Commercial zoning.

Ms. Campos opened the public hearing.

Mr. Monty Conrad stated that he is the proponent for the upcoming rezoning request for the site located at South 7<sup>th</sup> Street and South Mockingbird Lane. Mr. Conrad stated the he would answer any questions the Commissioners might have regarding this rezoning request.

Ms. Campos closed the public hearing.

**Mr. McClarty moved to amend Sections 23-306.4 and 23-306.5.H of the Zoning Ordinance regarding Fruit and Vegetable Sales as a permitted use. Mr. Bixby seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

**Item Six: Rezoning Requests:**

a. Z-2007-08 (Tabled March 5, 2007)  
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Kenneth L. Cleaver to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 6502 Highway 277 South. Legal description being 23.596 acres out of Samuel J. Ricker Survey No. 45, Abilene, Taylor County, Texas.

**Mr. Harkins moved to remove item Z-2007-08 from the table. Dr. Long seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Harkins, Long, and Rosenbaum) to none (0) opposed.**

Gloria Elder stated that the applicant originally requested a very large area of General Commercial zoning, but has no definite plans for the property at this time. He has mentioned possible future uses including a medical office, electrical contracting office, or some mix of retail-type uses. However, none of these would require zoning to the intensity of General Commercial. Staff is concerned about the size of the tract and the possible types and density of uses located at the periphery of the city. Furthermore, the tract surrounds an existing home

located on the north side of Autumn Sage Lane. The Zoning Ordinance states that “residential uses are not compatible with the environment created in the GC district, due to the character and high level of activity characterized by permitted use.”

Staff worked with the applicant to develop an alternative request that includes Limited Commercial and Office Zoning as a transition between the General Commercial to the north and the rural homes and churches to the south and west.

Staff is still concerned about the timing of the request given the parcel’s remote location on the periphery of the city and the lack of sewer service to the site. If the property develops, sewer service would either need to be extended or on-site sewage disposal would need to be approved through the Sewer Waiver process. The nearest existing sewer line is located along Highway 277 and ends on the north side of Dub Wright Boulevard, but it appears to be too shallow to be extended to the subject parcel. The next closest sewer service is located near the Quail Hollow apartment complex northeast of the intersection of Dub Wright Boulevard and Highway 277. The Water Department estimates that the cost of extension would be approximately \$90,000-\$100,000. This cost could possibly be used to justify a Sewer Waiver for the subject parcel, but this may be a concern for the long-term development of the area. If the proposal were approved and the approximately 40 acres of General Commercial, the 5 acres of Limited Commercial, and the 7-8 acres of Office zoning was developed to its fullest potential, on-site sewage disposal could cause major problems in the future. The piecemeal nature of the development occurring in the area makes cost sharing for sewer extension complicated and problematic.

Staff recommends denial due to the speculative nature and the timing of the request. If the Planning Commission feels inclined to recommend changing the zoning, staff feels that the compromise proposed by the applicant would be the most appropriate alternative.

Property owners within 200 feet of the rezoning request (the original rezoning request) were notified. Four (4) comment forms were received in favor of the request and three (3) comment forms were returned in opposition of the request.

Commissioners expressed concern regarding staff’s recommendation of denial of the request. Mr. McClarty asked why staff would not want to see 60 acres of commercial development when it is known that all of the development costs are at the expense of the developer. Plus, commercial development of this area will boost Abilene’s economy.

Mr. James stated that generally commercial development is market driven. Mr. James stated that even though there is existing infrastructure in the area (water lines, roads, etc.), development would prompt the City and/or State to make improvements that are not typically borne by the developer. Mr. James stated that when rezoning occurs, the City is essentially committed to provide all the necessary services to whatever intensity of development the zoning would allow.

Ms. Campos opened the public hearing.

Mr. Kenneth Cleaver, proponent, expressed his appreciation to the Commission for allowing additional time for this rezoning request. Mr. Cleaver stated that the amended request provides a buffer zone for the residential property in this area. Regarding the water and sewer line extensions, Mr. Cleaver stated that

if this infrastructure was currently in place, development would be occurring in this area. Mr. Cleaver stated that the amended request addresses the concerns expressed at last month's meeting.

Mr. McClarty asked Mr. Cleaver if he had anyone in line to purchase the property.

Mr. Cleaver responded that he did not.

Mr. Bixby asked Mr. Cleaver if he planned to relocate his electrical business to this location.

Mr. Cleaver stated that he is unsure at this point. If he did relocate his electrical business, he would utilize approximately 1 to 1-1/2 acres of land (2500 to 5000 square foot building).

Mr. Bixby and Mr. McClarty expressed concerns with rezoning of this property due to the speculative nature of development at this time.

Mr. Rick Grant, owner of the residential property on Autumn Sage, stated the he was adamantly opposed to the GC rezoning request last month and is still opposed to the rezoning. Mr. Grant stated that he is opposed to rezoning the entire 23 acres to GC but can accept the proposal before the Commission today. Mr. Grant stated that he still has concerns regarding the speculative use of the property.

Ms. Campos closed the public hearing.

Mr. McClarty asked if it would be possible to eliminate the AO designation in the new Zoning Ordinance and develop terminology that would make it clear to the general public that this is land being held for future zoning.

Mr. James stated that this issue has been discussed with the consultants working on the Land Development Code. Further discussions will take place regarding this issue.

Mr. Famble stated that he is uncomfortable with the progression of this rezoning request – rezoning prior to firm plans for the site.

Commissioners discussed the possibility of zoning a smaller portion of land to GC/LC or O and leave the remainder of the property AO. This would provide the applicant the opportunity to place a business on this portion of his property.

Mr. McClarty asked that the public hearing be reopened so that the applicant can provide additional information to the Commissioners.

Ms. Campos reopened the public hearing.

Mr. McClarty asked the applicant if he would be agreeable with rezoning only a small portion of the land the GC and leave the remainder as AO until such time as solid plans have been developed for the remainder of the property.

Mr. Cleaver stated that he is unsure if he would want to make a final decision as to the designation of an area for this business.

Ms. Campos closed the public hearing.

**Mr. McClarty moved to table Z-2007-08 and request staff to resubmit this request for the Commission's consideration in 60 days (June meeting), Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Harkins, McClarty and Rosenbaum) to one (1) opposed (Long).**

b. Z-2007-09

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Penrod Properties, Inc., agent Monte Conrad, to rezone property from O (Office) to LC (Limited Commercial) zoning, located at 2890 S. 7<sup>th</sup> Street. Legal description being the West 99.5 feet of the South 140 feet of Lot 3, Fair Park Acres Addition, Abilene, Taylor County, Texas.

Gloria Brownell stated that this rezoning request is in conjunction with the Ordinance Amendment considered earlier in this meeting regarding permitted use zoning areas for fruit and vegetable sales. The request is to rezone this parcel from O (Office) to LC (Limited Commercial)

This property was originally developed with a service station even though it was in RS-6 zoning. In 1977 the service station was closed and the maximum 6-month allowance for non-conforming uses elapsed. The structure was demolished at some point in the following years and has remained vacant since that time.

This property has been vacant for several decades. It represents somewhat of a difficult redevelopment situation given its small size and proximity to two busy streets, single-family residences, and Oscar Rose Park. While Office zoning is appropriate to serve as a buffer for the neighboring homes, it does not accommodate the fruit stand use proposed by the current applicant. Staff considers Limited Commercial zoning equally compatible, while still permitting the reuse of this unique site.

The Comprehensive Plan designates the Barrow/Mockingbird corridor as a Community Enhancement Corridor. This designation represents roadways that "unify the city, establish a sense of place, and provide enhanced physical and visual links between Activity Centers." In addition, Strategy #3 of the Land Use and Development recommends promoting mixed-use development that "allows an appropriate blend of residential, retail, and employment activities. Allow complimentary uses to be located on a single parcel and/or building or between multiple parcels." Limited Commercial zoning at this location would allow a small retail or office development to take advantage of the high volume of traffic on the adjacent roadways while still preserving the character of the surrounding residential and park uses.

Property owners within 200 feet of the rezoning request were notified. Four (4) comment forms were returned in favor of the rezoning request and none (0) were received in opposition. Planning staff recommends approval of the rezoning request.

Ms. Campos opened the public hearing.

Mr. Monty Conrad stated that he resides in this neighborhood and wishes to open his business at the location of this rezoning request. Mr. Conrad stated that he has spoken with everyone in the 200 foot notification radius to inform them of his plans and no one objected.

Ms. Campos closed the public hearing.

Dr. Long stated that she has received telephone calls regarding this request expressing concerns about the parking issues and quality of the development. Dr. Long asked what assurances the Commission has regarding the quality of the building.

Gloria Elder stated that the parking requirements would be determined by the square footage of the structure. This would be reviewed during the Site Plan process. If adequate parking could not be accommodated, the proponent would be required to seek a variance through the Board of Adjustment. As far as the structure, currently there are no appearance restrictions for any of the zoning districts. Building codes and parking requirements must be met; however, the only way to address community appearance is through a community appearance code.

**Mr. Harkins moved to approve Z-2007-09. Dr. Long seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

c, Z-2007-10

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Paul Johnson to rezone property from SC (Shopping Center) to GC (General Commercial) zoning, located at 2301 S. Willis Street. Legal description being the remainder out of the northwest corner of Block 10, Section 4, Brookhollow Addition, Abilene, Taylor County, Texas.

Gloria Elder presented the staff report for this request. The request is to rezone this parcel from SC (Shopping Center) to GC (General Commercial). An automotive service station was built here in 1960 and expanded by two separate additions in the following decades. Homes in the area were built from the late 1950s to the mid 1970s. The daycare directly to the south was constructed in 1977.

The property was annexed in 1957 and zoned C-4 (Major Shopping) soon after. It was transferred over to SC (Shopping Center) zoning in 1974 with the new Zoning Ordinance. The area to the rear of the subject parcel was originally part of the Brookhollow Shopping Center, but was rezoned to RM-2 for the current apartment complex in 1977 and 1978.

Although the property was originally designed for auto repair uses, this may not be the most appropriate use of the site anymore given the character of surrounding development. "Automobile and Small Truck Repair" is typically considered appropriate in a General or Heavy Commercial setting, which is evidenced by the fact that it is not permitted in the SC or LC zoning districts.

The site is adjacent to a daycare and an apartment complex and across the street from a church and single-family residences. This is a major concern since GC zoning would permit more intense uses and outdoor storage of materials with only a 7' opaque fence. Even with the required screening, the storage could still be visible from the two-story apartment complex to the east and the daycare to south due to the higher grade of the playground where it adjoins the subject parcel.

Furthermore, the nearest General Commercial zoning to the site is located approximately ¾ of a mile to the north where South Willis Street intersects South 14<sup>th</sup> Street, an arterial. Given the quiet



neighborhood character that has developed in the immediate area and the distance to any similar uses, this appears to be an inappropriate location for a small pocket of General Commercial zoning where incompatible uses could emerge.

The Comprehensive Plan does not provide any specific recommendations for the area surrounding the subject parcel. However, the lack of specific designation is an indication that this area may not be appropriate for commercial zoning to the intensity of General Commercial. The Future Land Use Plan projects Residential Uses in this portion of the city, which is in keeping with the mixed density of residential and related uses that has actually developed in the area.

Although this is a site where redevelopment is desirable, the Comprehensive Plan states that “the location and design of commercial uses should support and enhance surrounding areas, rather than alter the character of the neighborhoods they serve.” Staff feels that allowing some of the uses permitted by General Commercial zoning in this neighborhood would represent an encroachment of undesirable or even incompatible development in a cohesive mixed-use area.

Property owners within 200 feet of the rezoning request were notified. Four (4) comment forms were returned in opposition; two (2) of which were later returned in favor of the request after speaking with the applicant. Seven (7) comment forms were returned in favor of the rezoning request from residents of the apartment complex.

Planning staff recommends denial of the request as General Commercial zoning is too intense for the neighborhood and does not fit with the surrounding uses.

Ms. Campos opened the public hearing.

Mr. Paul Johnson, agent for this request, stated that in the 1970s the entire area from Barrow to Willis and South 23<sup>rd</sup> to South 27<sup>th</sup> Streets was designated as a “C-4” zoning district and was all commercial. Mr. Johnson stated that the building on the site is designed for a business related to automobiles (repair and/or services). Mr. Johnson stated that he has spoken with three of the four (4) individuals who were in opposition of the request, the church across the street, the office complex, and individuals living in the apartment complex and explained the reason for requesting GC zoning. Mr. Johnson stated that the consensus of those with whom he spoke was that they would like to see some type of business at this location rather than a vacant building.

Ms. Campos closed the public hearing.

Dr. Long stated that she is not in favor of changing the zoning to GC due to its proximity to residences.

Mr. Rosenbaum stated that he did not understand how this site could be utilized as a viable business based on the current zoning.

Mr. James stated that in the SC zoning district a gasoline station could be located on this site. Mr. James stated that there are many other uses that could be allowed at this location under SC zoning.

Mr. Bixby stated that it is obvious to him that the original intent of this structure was to be utilized for GC uses and believes this is proper today.

Dr. Long stated that the building is no longer being used as a gas station and once the SC zoning is changed to GC the building can be demolished and any type of permitted GC use can be located on the site. Dr. Long stated that she does not believe that this benefits the neighbors and/or businesses and is not transitional zoning.

Mr. Harkins stated that SC zoning is more beneficial for the neighborhood as it allows less intensive uses.

Ms. Elder stated that the primary concern expressed in the comment forms returned to staff involved automobile related uses.

Jon James stated that regardless of past zoning and uses, the more appropriate question for the Commission to address today is do you feel that GC zoning is an appropriate use at this location.

**Mr. Bixby moved to approve Z-2007-10. Mr. McClarty seconded the motion and the motion to approve failed by a vote of three (3) in favor (Bixby, McClarty and Rosenbaum) to four (4) opposed (Campos, Famble, Harkins and Long).**

**Item Seven: Thoroughfare Closure**

- a. Public hearing and possible vote to recommend approval or denial to the City Council on a request from McMurry University, agent John F. Harvey, III, to abandon the alley extending west from Amarillo Street and north from S. 17<sup>th</sup> Street to S. 16<sup>th</sup> Street, located approximately 140 feet east of Sayles Boulevard. Legal description being Block 5, McMurry Park Addition, Abilene, Taylor County, Texas.

Gloria Elder presented the staff report for this case. The request is to abandon the entire 20' alley extending north from South 17<sup>th</sup> to South 16<sup>th</sup>, located approximately 140' east of Sayles Boulevard.

**Staff Initiation:** the east-west portion extending from the subject alley east to Amarillo Street.

This block is located directly east of the Ryan Fine Arts Center on the McMurry University campus. The five westernmost homes, all owned by the applicant, were demolished in January 2007.

The applicant owns the majority of the adjacent parcels, but the alley serves property owned by a total of five separate property owners. The alley provides access for refuse collection, electric, gas, cable, phone, water, and sewer services. The utility lines represent a small portion of a larger framework, making relocation problematic and possibly very expensive. The applicant has no plans for development at this time, but wants to maintain the area as a park. They are aware of the possible need to relocate utilities with any future development, but anticipate postponing the work until they have definite plans for the site.

Upon learning of the Plat Review Committee's concerns, the applicant suggested rerouting the alley to retain full access for the parcels they do not own. McMurry would need to maintain an easement for any closed portions of the alley and the agent mentioned that they would be willing to construct the relocated portion with the caliche they plan to remove in preparation for seeding of the park. The alley surface on top of the caliche base may need to be paved as part of the construction process.

The **Plat Review Committee** reviewed this request and has major concerns due to the presence of refuse collection service and all major utilities in the existing alley. All of the utility companies would require full access in order to maintain their existing facilities serving the separately-owned homes at the eastern end, but the Water Department considers a full closure unsatisfactory due to the problematic nature of accessing meters for multiple property owners on private property. In addition, the Engineering Department recommends retaining the entire alley as an open drainage easement.

In reviewing the alternate request, AEP was still concerned with access to their overhead electrical lines for maintenance purposes. They were not opposed to rerouting the alley, but want the applicant to be aware that grass planted in the current alley location could be damaged if trucks must traverse the area to perform any necessary maintenance. Furthermore, Atmos Energy wanted to remind that applicant that although fences are typically permitted to cross easements, this one would need to remain free of any obstructions to allow passage of utility trucks if necessary. The Water Department is also satisfied with the proposed alternative with the condition that the applicant raises the valves and the manhole to grade so they will be visible even if the area covered in vegetation.

**Staff Recommendation:** Denial of the original request. Due to the variety of utilities and services already existing in the alley, staff feels that retaining an alley would be more desirable than allowing only access and utility easements. The utility representatives expressed concerns regarding maintenance problems common with existing easements that traverse property owned by multiple owners. Staff feels that there is no overwhelming justification for closure of the entire alley at this time and that it is not in the best interest of the adjacent property owners or the general public.

Staff recommends approval of the alternative route as proposed by the applicant with the following conditions:

- (1) The abandoned portion of the alley must be replatted.
- (2) The alternative layout must be dedicated on the plat as a 20' public alley.
- (3) All abandoned portions of the alley must be dedicated as an Accessible Utility and Drainage Easement.
- (4) All existing valves and manholes for water and sewer service must be raised to grade.
- (5) The new alley must be constructed by the applicant prior to full removal of the existing route. Access for Solid Waste vehicles must be maintained during construction.

Property owners within a 200 foot radius of the Thoroughfare Closure were notified. Staff received two (2) responses: one (1) in favor and one (1) in opposition of the request.

Ms. Campos opened the public hearing.

Mr. John Harvey, Director of the Physical Plant for McMurray University, stated that McMurray University has no specific plans for structures on this property currently. This area will allow expansion space for McMurray in the future. Mr. Harvey stated that this area will provide a buffer zone (green zone) between the local neighborhood and the campus.

Ms. Campos closed the public hearing.

**Mr. McClarty moved to approve TC-2007 with conditions 1, 3, and 4 listed above. Dr. Long seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Harkins, Long, McClarty and Rosenbaum); one (1) abstention (Famble); and, none (0) opposed.**

**Item Eight: Ordinance Amendments**

Mr. James asked that the order of the Ordinance Amendments be changed to allow those present to speak regarding the Sign Regulations.

- b. Off-site Signage  
Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend the Sign Regulations regarding off-site signage.

Jon James stated that this ordinance amendment addresses any sign that advertises a business (or anything) not associated with the property where the sign is located. The City Council passed a suspension on the issuance of new off-site advertising signs. No permits can be issued for these signs (billboards) until June. The purpose of this suspension was to allow staff time to craft a new ordinance and eliminate the possibility of a rash of new permits prior to new and possibly stricter regulations being enacted. Any action taken by the Commission today regarding billboards will not require the removal of current billboards – both conforming and non-conforming billboards.

Questions to be addressed today include:

1. What are “appropriate areas” or locations for new billboards?
2. Should spacing requirements be increased?
3. Should a radial spacing requirement be added?
4. What is the appropriate size for new billboards?
5. Should a “cap and replace” system be implemented?

Ms. Campos opened the public hearing.

Mr. Tim Ritter, General Manager for Lamar Outdoor in Abilene, stated that Commissions were provided with notes from him prior to this meeting addressing concerns regarding the sign ordinance. There are many restrictions contained in draft ordinance as presented to the Commissioners. Some of these concerns include:

1. Overall height of Type 1 Signs (672 square foot signs limited to 42 ½ feet) – Mr. Ritter stated that they would like for the ordinance to include the same wording as TxDOT – to the primary viewable road surface not the service road.
2. Where should new billboards be allowed other than freeways? Streets to be included in the ordinance where billboards could be allowed include: the list provided to the Commissioners with the addition of the following four (4) streets: Catclaw Drive, Willis, Ridgemont and Leggett.
3. Square footage allowance for signs located within the City limits – the draft ordinance recommends 300 square feet and Mr. Ritter stated that he would like to see this increased to 378 square feet – this is the standard industry size for billboards.
4. The last issue concerns radial spacing – 500 foot radial spacing is too far. Mr. Ritter stated that their recommendation would be 250 feet for radial spacing.
5. Cap and replace system – This system would satisfy the basics of the Comprehensive Plan – limiting the number of billboards in Abilene.

Mr. Dan Huggins stated that the City currently has a sign code that is quite restrictive. Mr. Huggins stated that he was previously employed by a sign company and basically, today, the sign business within the City is a monopoly. Mr. Huggins stated that if the cap and replace system is instituted; it would prohibit a new sign company from locating in Abilene. Mr. Huggins urged the Commissioners to eliminate the “cap” system. If the zoning and location are appropriate for a sign, then anyone should be allowed to place a sign at such a location. Mr. Huggins stated that many businesses depend on billboards for advertising and if only a certain number of billboards available, advertising costs for these billboards will increase.

Ms. Campos closed the public hearing.

Jon James stated that if the Commission had no further questions, each of the questions listed earlier could be addressed. Staff is requesting direction from the Commission. If it is the consensus of the Commission staff can rewrite the ordinance based on changes recommended by the Commission. If the Commission is comfortable enough with the ordinance, with minor modification, the Commission could recommend that the ordinance be forwarded to the City Council.

Ms. Campos recommended the each of the questions be addressed individually.

1. What are “appropriate areas” or locations for new billboards?  
Commissioners discussed the placement of billboards close to residential neighborhoods and enhancement corridors. Mr. Harkins stated that, philosophically, he has a problem with the development of enhancement corridors and at the same time allowing billboards in these areas.

Mr. Bixby asked for feedback regarding increasing the separation requirement from residential zoning (from 135 feet to a greater distance).

Mr. James recommended asking a representative from the sign companies how this would affect their business.

Ms. Campos reopened the public hearing.

Mr. Tim Ritter with Lamar stated that the separation requirement from residentially zoned areas could probably be increased. He stated that his concern is adoption of the “most restrictive” requirements.

Mr. Bixby asked if a 200-250 foot separation requirement would be too great a hardship for the sign companies.

Mr. Ritter responded that a 200-foot separation requirement probably would not be a hardship – 250 feet is a great distance. Mr. Ritter stated that with the current 135-foot spacing requirement there are very few signs within 135 feet of residential zoning due to the fact that the allowable zoning for billboards and residential zoning do not mix well. Setbacks, spacing requirements from existing billboards and screening requirements would separate billboards from residential areas.

Mr. Bixby stated that Mr. Ritter’s response answers his question.

Ms. Campos closed the public hearing.

1. What are “appropriate areas” or locations for new billboards?

**Mr. Bixby moved to approve Question 1 (What are appropriate locations for new billboards?) utilizing Option C (Freeways and arterials listed in the ordinance) but with the addition of major commercial collectors Ridgemont, Catclaw, Pine, Willis and Leggett with a 200-foot setback from residential zoning. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Harkins and Rosenbaum) to two (2) opposed (Long and McClarty).**

2. Should spacing requirements be increased?

**Mr. McClarty moved to approve Question 2 (Should spacing requirements be increased?) with the condition that spacing be increased to 1,000 for non-freeway signs. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

3. Should a radial spacing requirement be added?

**Mr. McClarty moved to approve Question 3 (Should a radial spacing requirement be added?) utilizing Option A (500-foot radial spacing). Mr. Bixby seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

4. What is the appropriate size for new billboards?

**Mr. McClarty moved to approve Question 4 (What is the appropriate size for new billboards?) allowing 672 square-foot billboard on freeways. Mr. Bixby seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

**Mr. Harkins moved to approve 378 square-foot billboards along non-freeway highways. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Harkins, and Long) to two (2) opposed (McClarty and Rosenbaum).**

5. Should a “cap and replace” system be implemented?

**Mr. Bixby moved to not implement a “cap and replace” system. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

Mr. Bixby stated that one issue not addressed by the Commissioners concerned sign height.

**Mr. Bixby moved to approve the height of Type 1 signs as follows: 42 ½ feet in height or eight (8) feet above the primary road grade to the bottom of the sign whichever is greater. Mr. McClarty**

**seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

Mr. Bixby requested that one additional issue be addressed concerning signage placed on a trailer that is parked in parking lots of businesses in town, often without the business's permission.

Jon James stated that staff would consider this a billboard. Staff will be revising language in the remainder of the Sign Ordinance to address such a situation (off site and on site signs). Options for addressing this issue will be provided to the Planning and Zoning Commission at a future meeting.

- b. Zoning Ordinance  
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.

**Dr. Long moved that this Zoning Ordinance amendment be tabled until April 16, 2007, at 6:30 p.m. Mr. Famble second the motion and the motion carried by a vote of seven (7) in favor (Bixby, Campos, Famble, Harkins, Long, McClarty and Rosenbaum) to none (0) opposed.**

**Item Nine: Director's Report**

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

Commissioners were provided with a memorandum outlining final decisions by the City Council on recommendations from the Planning and Zoning Commission. All items were approved by the Council consistent with the recommendations of the Planning and Zoning Commission.

**Item Ten: Adjourn**

There being no further business, the meeting was adjourned at 5:55 p.m.

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