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**PLANNING & ZONING COMMISSION**

**August 6, 2007**

**Minutes**

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Members Present:           Bruce Bixby  
                                  Fred Famble  
                                  Jack Harkins  
                                  Lydia M. Long  
                                  Clint Rosenbaum

Members Absent:           Ovelia Campos  
                                  Tim McClarty

Staff Present:             Jon James, Director of Planning and Development Services  
                                  T. Daniel Santee, City Attorney  
                                  Edward S. McRoy, Assistant Director of Planning and Development  
                                  Services  
                                  Matt Jones, Planner I  
                                  Zack Rainbow, Planner I  
                                  JoAnn Sczech, Executive Secretary (Recording)

Others Present:            Mark McKenna

**Item One:                    Call to Order**

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

Dr. Long asked for a volunteer to serve as Secretary for this meeting (for the signing of plats). Mr. Fred Famble volunteered to serve and all Commissioners voted in favor of Mr. Famble serving in this capacity.

**Item Two:                    Invocation**

Dr. Long asked for a moment of silence.

**Item Three:                 Approval of Minutes**

**Mr. Bixby moved that the minutes of the July 2, 2007, Planning and Zoning Commission meeting be approved as submitted. Mr. Rosenbaum seconded the motion and the motion carried unanimously.**

Dr. Long read the opening statement for the Planning and Zoning Commission.

**Item Four:                 Plats**

Matt Jones presented information regarding plats listed on the agenda. Two (2) plats are being submitted for consideration by the Commission. Mr. Jones stated that staff is recommending approval of these plats as both meet Subdivision Regulation requirements.

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

**Mr. Harkins moved that the plats listed as Items a. and b on the agenda be approved. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Harkins, Long, and Rosenbaum) to none (0) opposed.**

**Item Five: Rezoning Requests**

a. Z-2007-17

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Mark McKenna to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, located at 4034 Newman Road.

Mr. Edward McRoy, Assistant Director of Planning and Development Services presented the staff report for this case. The request is to rezone property from AO to LI. The subject parcel is currently used as agricultural open space and is intended to be used as a pharmaceutical warehousing--distribution center or other commercial use in the future. The surrounding area does not have much development. The area has AO (Agricultural Open Space), LI (Light Industrial), and PI (Park Industrial) to the North; HC (Heavy Commercial) to the East; PDD (Planned Development District) and AO (Agricultural Open Space) to the South; and AO (Agricultural Open Space) to the West.

The area was annexed in 1964 and zoned to AO sometime soon after. A home has been built on the property along with a metal barn. Currently the property is zoned AO and is used as such. There is also a Single Family Residence in the south central part of the property.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Business-Industrial Gateway into the City along I-20, which is intended to have a higher standard of aesthetic qualities for development.

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

Planning staff recommends approval of a Planned Development District rather than Light Industrial zoning.

Mr. McRoy stated that the PDD Ordinance drafted for the site being considered today is based on the Southeastern Freight Lines, Inc., site located next to this site. Portions of the PDD ordinance address the following issues:

**Landscaping**

Landscaping must comply with the requirements of the City's landscaping standards.

**Signage**

- (i) One (1) monument sign, per tract (as identified by part 5 Legal Description), with a masonry base is permitted to promote an image in the gateway reflecting order and high-quality development. The sign shall not exceed 14 feet in width, nor 18 feet in height, nor a maximum square footage of 252 square feet per side. The sign is required to be at least 40 feet from the edge of the travel lane of Stamford.
- (ii) Wall signs:

- (a) Wall signage may not exceed 10% of the area of any wall on which the signs are located.
- (b) Wall signage may only be attached to the main structure.
- (iii) Portable signs and off-site advertising signs shall be prohibited.
- (iv) Banners:
  - (a) Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.

### **Architectural Standards**

The façade of the structure facing Interstate 20 should provide an image of quality. The façade area, not including glass and doors, shall consist of brick, natural stone, concrete, or masonry.

### **Site Plan**

The Gateway Improvements described above delineate only the general parameters, placement and coverage for the Gateway Improvements. The final details of the requirements and design for the Gateway Improvements shall be negotiated between the developer and City staff during site plan review. In the event that the parties are unable to agree upon said details, the developer may file an application to amend this PDD to resolve the outstanding issues.

Gateway Improvements shall be properly maintained, repaired, restored or replaced, whichever may be necessary, to sustain the aesthetic integrity of the site.

### **Lighting**

All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from residential areas.

### **Driveway Access**

- (i). Driveways shall comply with the City of Abilene or State of Texas access management regulations, whichever is applicable.
- (ii) Driveway access located on East Stamford Street (I-20 frontage road) shall be separated 180' from center-line to center-line.
- (iii) Driveway access on Newman Road shall be set back at least 250' from the intersection of East Stamford St.
- (i) Driveway access on Newman Rd. shall be separated 150' from center-line to center-line.

### **Storage and Display**

- (i) No outdoor storage of materials shall be permitted.
- (ii) Storage of all vehicles, trucks, tractors, trailers or other equipment shall be located on paved surfaces only, and located to the side or rear of the building.
- (iii) There shall be no storage of derelict, dilapidated, or inoperable vehicles, trucks, trailers, tractors, or other equipment on the property, except for temporary storage not to exceed fourteen (14) days and while pending repair.
- (iv) Freight Containers shall be prohibited.

**Parking and Loading**

- (i) Parking between the front building façade and the frontage road of I-20 (East Stamford Street) shall be only authorized for single passenger vehicles; including light trucks and vans.
- (ii) Loading/loading docks shall only be permitted on the side and rear of the building, and out of site from the right-of-way along Interstate 20.

Mr. McRoy stated that off-site and portable signs are prohibited under the proposed PDD and the property owner has expressed opposition to this portion of the ordinance. The proponent will most likely address this in the public hearing. The proponent has also expressed opposition to that portion of the ordinance which addresses screening of the truck bays.

Mr. Bixby stated that if the entire interstate highway through Abilene is a “gateway” then perhaps an overlay corridor could be developed for the entire interstate within the City of Abilene, - guidelines could be developed for the entire interstate particularly specific to screening.

Mr. James stated that changes recommended by the Planning and Zoning Commission were submitted to the City Council. Some of these changes were adopted by the Council; however, the Council was not comfortable with all the recommended changes and directed staff to revise the entire corridor overlay approach (crafting the corridor overlay in such a way that designated corridors could be treated differently).

Mr. Bixby also expressed concerns regarding the prohibition of billboards and outdoor storage and freight containers.

Dr. Long recommended that the public hearing be opened so that perhaps some of these issues could be addressed by the proponent.

Dr. Long opened the public hearing and asked if anyone wished to speak regarding this Planned Development District.

Mr. Mark McKenna, proponent, stated that two issues are concerning him. These two issues concern the prohibition of billboards and the loading dock. Mr. McKenna stated that there is no problem with landscaping and building aesthetic requirements.

Mr. Famble asked Mr. McKenna if his understanding that billboards are being requested as a means of financing this project is correct.

Mr. McKenna responded affirmatively. Mr. McKenna stated that he has contacted billboard companies and one offered \$35-40,000 for a site and another offered \$7200 per year for a 10-20 year lease. Mr. McKenna stated that this is a great deal of money and restricting billboards will lessen the funds available to finance this project.

Mr. Bixby asked Mr. McKenna if the size of Tracts 1 and 2 were sufficient for this proposal.

Mr. McKenna stated that he has spoken with Tal Fillingim with Jacob and Martin and believes the sites will be sufficient. He did state that he did not receive the PDD information until Friday and at that time learned of the restrictions and setback requirements.

Dr. Long closed the public hearing and opened discussion for Commissioners.

Mr. Bixby stated that in order to accommodate both the gateway and the property owner, a billboard could be allowed on Tract 1.

Mr. McRoy stated that Tract 1 would be the more prominent site for a billboard due to the topography.

Mr. Harkins stated that since part of this site contains AO zoning, the fencing statement may not be appropriate (barbed wire, razor wire or similar fencing material shall be prohibited within the required setback of I-20).

Mr. James stated that this fencing condition could be applied to only to Tracts 1 and 2 and exempt the AO portion.

Mr. Bixby asked the Commissioners their opinions regarding storage of materials and freight containers. Mr. Bixby stated that he did not feel comfortable prohibiting these items for the Light Industrial areas with screening.

Mr. James stated that in looking at the new ordinance regarding outdoor storage requirements, if the same type of screening was applied as required for Heavy Commercial zoning outdoor storage would be allowed but limited to rear and side yards and required to be screened from the adjacent rights-of way.

Mr. Bixby stated that if the Commissioners are comfortable with the prohibition of outside storage and freight containers, he will go along with this. However, he recommended the Commission begin the process of reviewing corridor regulation for the entire length of the interstate highway through the City of Abilene to the five mile ETJ limit.

**Mr. Famble moved to approve the PDD ordinance with the exception of off-site advertising on Tract 1 (billboards).**

**Mr. James recommended allowing Mr. McRoy to provide language changes to Section I, based on discussion with the applicant.**

**Mr. Harkins stated that the motion should include language as follows:**

**Section D (4) Fencing: add "Except in Tract 3" at the end of this section**

**Section C Setbacks: Add "except to drives and approaches" at end of (1)**

**Section D 2 Signs: Item C would be modified to indicate that off-site advertising would be prohibited on Tracts 2 and 3; off site advertising would be allowed on Tract 1; and portable signs would be prohibited on Tracts 1, 2, and 3.**

**Section D 4 Fencing: Barbed wire would be allowed on Tract 3**

Dr. Long reopened the public hearing to provide the proponent an opportunity to ask questions.

Mr. McKenna asked if barbed wire/field fencing would be allowed on Tract 2.

Mr. Harkins stated that the recommendations of the Commission only address the I-20 frontage.

Mr. McKenna asked if it is correct that only one off-site advertising sign will be allowed (on Tract 1).

Commissioners responded affirmatively to this inquiry.

Dr. Long closed the public hearing.

Mr. McRoy stated that the final issue pertains to loading areas and loading docks in relationship to the site and where these can be located (Section I (2)). This sentence would need to be modified to read: ***“Loading areas and loading docks shall only be permitted at the rear of the building facing away from the right-of-way along I-20.”***

**Mr. Harkins moved to approve Z-2007-17 with the following amendments:**

**Section C Setbacks:** Add “except to drives and approaches” at end of (1)

**Section D (2) Signs:** Item (c) would be modified to indicate that off-site advertising would be prohibited on Tracts 2 and 3; off site advertising would be allowed on Tract 1; and portable signs would be prohibited on Tracts 1, 2, and 3.

**Section D (4) Fencing:** add “Except in Tract 3” at the end of this section

**Section D (4) Fencing:** Barbed wire would be allowed on Tract 3

**Section I (2) Parking and Loading:** Loading areas and loading docks shall only be permitted on the rear of the building facing away from the right-of-way along I-20.

**Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Harkins, Long and Rosenbaum) to none (0) opposed.**

**Item Six: Director’s Report**

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

Mr. James provided information to the Commissioners regarding recent City Council actions. The Council approved items as recommended by the Planning and Zoning Commission with the exception of the request to abandon Fair Drive. This item was tabled by the Council and directed staff to work with the applicant to develop a solution that would keep the road open but potentially remove some of the proponent’s construction obligation.

b. Discussion of upcoming Texas Chapter of the American Planning Association State Conference in Addison, Texas, October 17 through 20, 2007.

Mr. James provided the Commissioners with information regarding the upcoming State Conference of the American Planning Association. Beginning last year, the City Manager’s approval was obtained for budgeting for two Planning Commissioners to attend this conference. The policy has been to give the first opportunity to newly-appointed Commissioners. Mr. James asked those Commissioners interested in attending this conference (particularly Mr. Bixby and Mr. Rosenbaum) to contact the Planning Office as soon as possible.

Mr. Bixby requested that the issues of Sign Regulations and an Interstate Overlay be given priority in development of the Land Development Code.

Mr. James introduced Mr. Zack Rainbow, the most recent addition to the Planning staff.

**Item Seven: Adjourn**

There being no further business, the meeting was adjourned at 2:40 p.m.

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