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**PLANNING & ZONING COMMISSION**

**June 7, 2010**

**Minutes**

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Members Present: Bruce Bixby  
Ovelia Campos  
Gary Glenn  
Fred Famble  
Tim McClarty  
David Todd

Members Absent: Clint Rosenbaum

Staff Present: Jon James, Director of Planning and Development Services  
Dan Santee, City Attorney  
Ed McRoy, Assistant Director of Planning and Development Services  
Kelley Messer, Assistant City Attorney  
Ben Bryner, Planning Services Manager  
Molinda Parker, Historic Preservation Officer  
Zack Rainbow, Planner II  
Megan R. Santee, Public Works  
Cody Marshall, Public Works

Others Present: A.E. Nelson, Jr.  
Alan Burns, Sojourner Drilling  
Chris & Kristi Price  
Pam Wallace  
Jana McMullen  
Paul Holden  
Glennis C. Frost  
Gregg Havlak, Directors Real Estate  
Tina Backus  
Steve Butman  
Tom Kinzeler  
Dave Boyll, AAIBO  
Mark Reeder  
Randall Rudy  
Tim White  
Terry Franklin  
Bill Minter  
Thora Sutton  
Rick Weatherl  
Odis Dolton  
Erik Johnson

**Item One: Call to Order**

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

**Item Two: Invocation**

Mr. McClarty gave the Invocation.

**Item Three: Approval of Minutes**

**Mr. Bruce Bixby moved to approve the minutes of the April 5, 2010 meeting. Mr. Fred Famble seconded the motion and the motion carried unanimously.**

**Ms. Ovelia Campos moved to approve the minutes of the May 17, 2010 meeting. Mr. David Todd seconded the motion and the motion carried unanimously.**

Mr. Gary Glenn arrived to the meeting at 1:33 pm.

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

**Item Four: Plats**

- a. MP-1410  
A public hearing to consider a plat of Lot 117, Block F, Replat of Lot 17, Block F, The Fairways & 0.134 Acre out of the John Smith Survey No 99, Abstract No. 248, Taylor Co., Texas.
- b. MRP-1510  
A public hearing to consider a plat of A Plat of Lots 101 and 102, Block D, Continuation 1, Five Points Business Park, Abilene, Texas, Being a Replat of Lot 1, Block D, Continuation 1, Five Points Business Park, Abilene, Texas.
- c. MP-1710  
A public hearing to consider a plat of Lot 1, Block A, Noah Project Addition, Abilene, Taylor County, Texas.
- d. MP-1810  
A public hearing to consider a plat of Lot 1, Block A, Squares Restaurant Addition, Abilene, Taylor County, Texas.
- e. MP-1910  
A public hearing to consider a plat of Lot 1, Block A, Meredith Subdivision, 2.049 Acres Out of the SW/4 Section 27, Lunatic Asylum Lands, Abstract No. 992, Taylor County, Texas.

Mr. Zack Rainbow presented the staff report for these plats. Staff recommends approval as all plats meet the requirements of the Subdivision Regulation.

Mr. McClarty opened the public hearing. No one came forward and the public hearing was closed.

**Mr. Famble moved to approve MP-1410 and MP-1910. Ms. Campos seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty and Todd) to none (0) opposed.**

**Ms. Campos moved to approve MRP-1510, MP-1710, and MP-1810. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Campos, Famble, Glenn, and McClarty), one (1) abstain (Todd), and none (0) opposed.**

**Item Five: Zoning**

- a. Z-2010-03

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Griffith Road Apartments, LP to rezone property from AO (Agricultural Open Space) to RM-2 (Multi Family Residential) zoning, located at 2001 Griffith Road.

**Mr. Bixby moved to remove the item from the table. Ms. Campos seconded the motion and the motion carried unanimously.**

Mr. Ben Bryner presented the staff report for this case. The request is to rezone property from AO to MF (previously RM-2). The subject parcel totals approximately 5.6 acres out of a larger 56 acre tract and is currently zoned AO (Agricultural Open Space). The parcel is currently vacant and has never been developed. The adjacent properties have AO to the east, west, and south with GC (General Commercial) to the north.

The area was annexed in 1964 and zoned AO when it was annexed. In 1998 it was then rezoned to PDD (Planned Development District) as part of a larger PDD zoning district. The property was then rezoned to AO in 2005.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were received in favor and eight (8) were received in opposition of the request.

Planning staff recommends approval, with some reservations due to the current condition of surrounding streets.

Mr. Bixby asked if the northernmost property in opposition is developed. Mr. Bryner responded that is it owned by ACU and is not developed. The area is floodplain as a creek runs through the property.

Mr. McClarty asked if there were any opposition comments. Mr. Bryner stated that the comments mentioned the traffic on Griffith Road and a change to multi-family would only add to the traffic.

Mr. McClarty opened the public hearing.

Mr. Paul Holden, agent for the applicant, provided handouts to the Commission showing the layout of the proposed development. He stated that there will be a total of 80 units. The units will be geared towards families. The development will compliment the surrounding neighborhood.

Mr. Odis Dolton, 1741 Morrow Lane, discussed concerns of flood conditions because of Griffith Road.

Mr. McClarty closed the public hearing. The P&Z Commission discussed the request.

**Mr. Bixby moved to approve Z-2010-03. Ms. Campos seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Campos, Glenn, and McClarty), one (1) abstain (Todd), and one (1) opposed (Famble).**

b. Z-2010-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Calvin L. Sumrall and Thomas M. Duncan to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 6002 HWY 277 South.

Mr. Bryner presented the staff report for this case. The request is to rezone property from AO to GC. The subject parcel totals approximately 1 acre and is currently zoned AO (Agricultural Open Space). The parcel has been developed with a commercial structure and has been used for automobile storage in the past. The adjacent properties have AO to the west, HC (Heavy Commercial) to the north, and GC (General Commercial) to the east and south across HWY 277 South. The area was annexed in 1986 and zoned AO when it was annexed.

Currently the property is zoned AO and is developed with a commercial structure. The property to the north has been developed with a single family home in HC zoning. There is commercial development to the north and south of the property, as well as commercially zoned property directly across HWY 277 South.

The Future Land Use section of the Comprehensive Plan as well as the Southwest Area Land Use Plan (1993) designates this property for commercial uses. There is currently HC zoning adjacent to the north of the subject property, GC zoning directly across HWY 277 from the subject property, and GC zoning to the south of the subject property at the intersection of HWY 277 and Dub Wright Blvd. The requested zoning is compatible with the surrounding uses.

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

Mr. McClarty opened the public hearing. No one came forward and the public hearing was closed.

**Ms. Campos moved to approve Z-2010-04. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty and Todd) to none (0) opposed.**

c. Z-2010-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Sojourner Drilling Corporation to rezone property from GR (General Retail) (previously SC (Shopping Center)) to GC (General Commercial) zoning, located at 3366 Ambler Ave.

Mr. Bryner presented the staff report for this case. The request is to rezone property from GR to GC. The subject parcel totals approximately 12.5 acres and is currently zoned SC (Shopping Center). The parcel has been developed with a strip center commercial structure. The adjacent properties have RM-2 (Multi Family Residential) to the north, RS-6 (Single Family Residential) to the east, RS-6, RM-3, and SC zoning to the south, and GC (General Commercial), SC, and RS-8 to the west. The area was annexed in 1956 and zoned SC sometime after it was annexed.

Currently the property is zoned SC and has been developed with a strip center commercial structure. The adjacent property to the north is developed with an apartment complex, as well as the property to the north across Sherry Ln. There are single family neighborhoods bordering the subject property on the south, east, and west. There are commercial developments to the south and west of the property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for the drilling and extraction of oil and natural gas. This use may not be compatible with the surrounding low density residential in the area. Although

there are some existing commercial uses to the west and south, this large of a parcel of GC zoning would not be compatible with the surrounding zoning or correspond with the Future Land Use Map. Uses allowed within the General Commercial zoning district could have negative impacts, including aesthetic impacts that make it less compatible on this particular site along an Enhancement Corridor, particularly such a large area of GC.

Property owners within 200 feet of the rezoning request were notified. Five (5) comment forms were received in favor and five (5) comment forms were received in opposition of the request. Staff recommends denial, due to the incompatibility of GC zoning at this location in a predominantly residential neighborhood along an Enhancement Corridor. Staff recommends continuation of the existing Shopping Center zoning as more compatible with this area.

Mr. David Todd asked what the staff's opinion would be if it was already zoned GC. Mr. Bryner stated that the applicant would have been able to apply for the drilling permit. However, after June 1, the applicant would need to apply for and receive approval of a Conditional Use Permit per the new Land Development Code (LDC).

Mr. McClarty opened the public hearing.

Mr. Alan Burns, agent for the applicant, spoke and urged the Commission to approve the rezoning.

Mr. McClarty asked how long the drilling would take. Mr. Burns stated that they would be drilling for oil and it would take approximately 1 week to drill.

Mrs. Glennis C. Frost, 3266 Ivy, expressed concerns of truck traffic and debris and how that would reduce her property value. Mr. Burns stated that the traffic is not very much and compared it to the trash trucks.

Tina Backus, 2257 Minter, expressed concerns of noise, hazardous materials, and leaks and questioned what the clean-up procedure would be. She also expressed concerns of the safety of the children in the area and how this would affect the housing market and the increase of foreclosures.

Thora Sutton, 2317 Minter, expressed a concern for the loss of property values.

Mr. Bixby questioned what else could go into the proposed zoning district. Mr. Bryner stated that big-box retail, service uses, auto sales, etc. would also be permitted in the proposed GC zoning district that are not allowed in the GR zoning district.

Mr. Glenn expressed concern with the safety of the kids in the area and the time to complete the drilling. Mr. Burns stated that there will be people out there 24 hours a day and the site will be fenced.

Mr. McClarty asked Mr. Burns for a quick outline of what the City has required of past drilling permits. Mr. Burns stated that the City has not required anything in most locations, but has required fencing and restricted hours of drilling for one particular location.

Mr. McClarty closed the public hearing. The P&Z Commission discussed the request. Mr. Todd asked if rezoning is the only way to allow for the use. Mr. Bryner stated that a rezoning is required. Mr. McClarty stated that his concern is about the GC zoning, not the drilling, and is leaning towards tabling it.

**Mr. Bixby moved to deny Z-2010-03. Ms. Campos seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty, and Todd) and none (0) opposed.**

d. Z-2010-06

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Tire and Service to rezone property from NR/COR (Neighborhood Retail with Corridor Overlay) (previously LC/COR (Limited Commercial with Corridor Overlay)) to PD/COR (Planned Development District with Corridor Overlay) zoning, located at 5190 Buffalo Gap Rd.

Mr. Bryner presented the staff report for this case. The request is to rezone property from NR/COR to PD/COR. The purpose of the PD is to allow Neighborhood Retail uses, plus minor automobile repair services. The subject parcels total approximately 1.10 acres and is currently zoned NR/COR (Neighborhood Retail with Corridor Overlay). The parcel is currently being used as a retail tire store, car wash, and minor automobile repair shop. The adjacent properties have PH/COR (Patio Home with Corridor Overlay) zoning to the west, RS-6/COR zoning to the north, and NR/COR to the south. The area was annexed in 1959 and 1963 and zoned LC (Limited Commercial) sometime after it was annexed. The Corridor Overlay was adopted in 2006.

Currently the property is zoned NR/COR (Neighborhood Retail with Corridor Overlay) and used as a retail tire store, car wash, and minor automobile repair shop. The previous LC zoning allowed for "Automobile Parts & Supplies (Including Tires)", but auto repair services are not allowed. The property to the south is currently developed with a convenience store, a pizza restaurant, and a liquor store. The properties to the north and west are developed with single-family homes. The requested PD proposes to allow the auto repair services as permitted uses on the property.

The Site Plan for this site, approved in 1997, made no mention of the auto repair uses. The current use of the property for auto repair is in violation of the zoning ordinance and is subject to enforcement action, which has prompted this rezoning request.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial. The requested PD zoning can be considered compatible with the Future Land Use Map. The properties to the north and west have been developed with single family residences and the properties to the south are developed with commercial uses. Buffalo Gap Road is designated as an arterial street which serves as a gateway into the City of Abilene. Chimney Rock Road is a collector street that provides connection to Buffalo Gap Road from the residential neighborhoods to the east and west. The intersection is controlled by a traffic signal. The Buffalo Gap Road Corridor Study recommends commercial uses to be located at or near signalized intersections.

Property owners within 200 feet of the rezoning request were notified. One (1) comment form was received in favor and two (2) comment forms were received in opposition of the request. Staff recommends approval of the PD.

Mr. Glenn asked what the opposition was. Mr. Bryner stated that noise, storage of old tires that lead to mosquitoes, and a fence in poor condition are the reasons for opposition.

Mr. Todd stated that the facility has been there for years and asked if the use had been going on since it opened. Mr. Bryner stated that the facility was permitted as a tire retail shop and did not know when but that the repair services have been there for several years.

Mr. Bixby questioned the car wash as being an allowable use. The regulations require a Special Exception approved by the Board of Adjustment. Mr. Bryner stated that it was there first and did not research the car wash use. Staff

Mr. McClarty opened the public hearing.

Mark Reeder, 4103 Buffalo Gap Rd, stated that in 1987 City Council approved the car wash use. In 1996, wrote a letter asking whether a tire store with associated service would be allowed. The City responded and stated the use would be allowed. Mr. Bixby asked his understanding of what the complaint is. Mr. Reeder stated that he did feel he has been in violation due to the letter from the City. He stated that he does not know the nature of the complaint.

Mr. McClarty closed the public hearing and asked if Staff had finished the presentation.

Staff indicated that all information has been presented and is recommending approval of the PD as presented.

Mr. McClarty re-opened the public hearing.

Randall Reedy, 5190 Buffalo Gap Rd, current owner of business, not aware of any specific complaint other than the use violation. No change of operations since 1998 when the facility was completed.

Mr. McClarty closed the public hearing. The P&Z Commission discussed the request. Mr. Bixby expressed concern about noise from the car wash.

**Mr. Bixby moved to approve Z-2010-06. Mr. Todd seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty, and Todd) and none (0) opposed.**

Ms. Campos asked what weight the letters have in this case. Mr. Bryner stated that the applicant did not have a copy of the letter when meeting with Staff, but that they were comfortable with moving forward. Mr. Santee stated that the letter is not a binding document and that an individual cannot promise that a use is allowed. There is a process that is designated for this which includes approval by the City Council. More discussion was held concerning this subject.

e. Z-2010-07

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Exceptional Holdings, L.P. to amend PDD-99 concerning permitted uses, located at 1801 Antilley Rd.

Mr. Bryner presented the staff report for this case. The request is to amend PD-99 to allow for banking/credit union uses. The subject parcel totals approximately 2.14 acres and is currently zoned PD (Planned Development District). The parcel is currently vacant and has never been developed. The adjacent properties have PD zoning to the north, south, and west, GR (General Retail) zoning to the east, and MU (Medical Use) to the north. The area was annexed in 1980 and later zoned PD in 2005.

Currently the property is zoned PD and is undeveloped. There are several commercial and office uses in the area, including medical offices and supply stores, banks, and other retail type uses.

The Future Land Use section of the Comprehensive Plan designates this general area as a Special Activities Center. The requested PD amendment can be considered compatible with the Future Land Use Map. The PD was adopted in 2005, and allows for hotel/motel, restaurant, medical and dental offices, labs, and clinics, pharmacy, and office. The permitted use charts in the City of Abilene Zoning Ordinance does not list Banking/Credit Unions as an office type of use. Banking/Credit Unions are allowed in Office zoning however, and are compatible with the surrounding land uses and the permitted uses in the current PD.

Property owners within 200 feet of the rezoning request were notified. Two (2) comment forms were received in favor and none (0) were received in opposition of the request. Staff recommends approval of the amendment to PDD-99 as requested.

Mr. McClarty opened the public hearing. No one came forward and the public hearing was closed.

**Mr. Bixby moved to approve Z-2010-07. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty, and Todd) and none (0) opposed.**

f. Z-2010-08

Public hearing and possible vote to recommend approval or denial to the City Council on a request from A.E. Nelson, Jr. to rezone property from RS-8/COR (Single Family Residential with Corridor Overlay) to O/COR (Office with Corridor Overlay) zoning, located at 5701 Buffalo Gap Rd.

Mr. Bryner presented the staff report for this case. The request is to rezone property from RS-8/COR to O/COR. The subject parcel totals approximately 1.0 acre and is currently zoned RS-8/COR (Single Family Residential with Corridor Overlay). The parcel was previously developed with a single family home that has recently been moved. The adjacent properties have RS-8/COR (Single-Family Residential with Corridor Overlay) zoning to the west, north, and south, and PDD/COR (Planned Development District with Corridor Overlay) to the east, which allows for single family residential. The area was annexed in 1963 and zoned RS-8 sometime after it was annexed. The Corridor Overlay was adopted in 2006.

Currently the property is zoned RS-8/COR (Single Family Residential with Corridor Overlay) and was recently developed with a single family home, which was recently moved. The properties surrounding the subject property have been developed with single family homes.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested office zoning is compatible with the Buffalo Gap Corridor study which specifically states that residential and office uses are suitable at mid block locations, such as the subject property.

Property owners within 200 feet of the rezoning request were notified. No (0) comment forms were received in favor and one (1) was received in opposition of the request. Staff recommends approval of the request.



Mr. Bixby asked if there was any additional information on the opposition. Mr. Bryner stated that there was none.

Mr. McClarty opened the public hearing.

Mr. A.E. Nelson, Jr., owner of the property, stated that he plans on building a nice office facility and that the house wasn't a very nice one.

Pam Wallace, 5669 Buffalo Gap Rd, expressed property value concerns as well as concerns of what could go onto the property with the new zoning.

Mr. McClarty closed the public hearing. The P&Z Commission discussed the request.

**Mr. Bixby moved to approve Z-2010-08. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty, and Todd) and none (0) opposed.**

**Item Six: Ordinance Amendment**

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend Section 2.3.3.4 Historic Overlay (HO) District, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, and Section 3.1.1.1 ETJ Subdivision Provisions of the Land Development Code.

Mr. Jon James presented the staff report for the ordinance amendment. At the Planning & Zoning (P&Z) Commission on May 17, 2010, the Commission asked staff to include an item on the next agenda for potential changes to the Land Development Code (LDC). The P&Z Commission wanted to discuss and recommend changes to the following sections:

- Section 2.3.3.4 Historic Overlay (HO) District
- Section 2.4.2.1 Land Use Matrix
- Section 2.4.3 Requirements Applicable to Specific Land Uses
- Section 3.1.1.1 ETJ Subdivision Provisions.

The Commission reviewed the proposed changes for Sections 2.3.3.4 first. Mr. James informed the Commission that when a historic property was requested to be demolished, the Landmarks Commission previously only was able to delay the demolition for 12 months. The Land Development Code would authorize the Landmarks Commission to halt the demolition indefinitely. The property owner would be able to appeal this through City Council by requesting a change of zoning to remove the historic overlay.

Mr. James presented possible amendments to Sections 2.4.2.1 and 2.4.3, specifically dealing with the Commission's concerns with automobile washes. One option would be to limit the districts in which they are permitted. Other options would be adding conditions that would provide additional requirements when adjacent to residential. This could include posting of signage or other conditions.

Mr. McClarty stated that he feels that enforcement of the noise from boom-boxes would be impossible. He indicated that a requirement to post a sign warning of noise violations when in proximity to residential might bring awareness to the patrons and help the problem.

Mr. James discussed addition changes to these sections dealing with the Commission's concerns on art schools and whether they should also be permitted in the Neighborhood Office district. Mr. James indicated that if there are other land use concerns, they can be addressed at this time.

Mr. James stated that staff has reviewed and is proposing changes to Section 3.1.1.1. Previous discussions resulted in allowing for installation of 'dry lines' in lieu of meeting the City's water provision standards for certain subdivisions in the Extra Territorial Jurisdiction (ETJ). Due to several concerns from the City's Water Department and the Public Works Engineering Department related to 'dry lines', staff is proposing an exemption for plats that qualify as a minor plat. The subdivider will continue to have the option to defer the obligation of meeting the City's water provision standards for other certain plats in the ETJ. Staff is comfortable with the existing language, but is open to the proposed amendment to the Land Development Code.

Mr. Bixby expressed a need to include roadway improvements to the ETJ amendment. Mr. James stated that we could include a change if desired by the Commission.

Mr. Todd asked if a property owner with Historic Overlay and wants to demolish the structure and the Landmarks Commission denies it, is the property owner responsible for the cost to secure it. He expressed a concern with City authority on private property rights. Mr. James explained that the overlay is intended to protect those buildings that have historic significance even if it limits the use of the property. The example of the Drake hotel was discussed.

Mr. Bixby clarified that the Landmarks Commission previously could only delay the demolition for a year and now the delay could be permanent. Mr. James stated that a Certificate of appropriateness is needed prior to demolition. Mr. Santee clarified that the request could be appealed to the Board of Adjustment and then to an appeals court.

Mr. McClarty opened the public hearing.

Bill Minter, 1411 Tanglewood, Director of Abilene Preservation League and member of the Landmarks Commission, discussed an example of the Landmarks Commission when a demolition permit was approved and the structure was demolished. He stated that the change does not change day-to-day operation but could be used in extraordinary circumstances. He expressed that he would be surprised if it were a tool that would be used often or abused.

Mr. Bixby asked why the Landmarks Commission feels that the previous 1-year provision is not long sufficient. Mr. Minter stated that with legal maneuverings and such the 1-year provision may not be sufficient. He stated that the change gives the Commission a little more power and can help make a stronger statement on preservation. The example of Lincoln High was discussed. Mr. Minter stated that there are no protections currently for Lincoln High.

Rick Weatherl, 1249 Hollis, Chairman of the Landmarks Commission, stated that he feels this is more of an administrative item that helps give the Landmarks Commission more power.

Mr. McClarty stated that this would require the applicant to seek the appeals processes when the Landmarks Commission delays the demolition.

Mr. McClarty closed the public hearing. The P&Z Commission discussed the item.

Mr. Bixby stated that he feels this requirement would be burdensome to property owners. The example of Lincoln High was used. Mr. Bixby stated that he feels the 1-year delay is sufficient.

Mr. McClarty stated that he would like to give power to those to help save historic properties.

Mr. Glenn stated that property owners could wait out the year and then they could go on as they please.

Mr. Todd expressed a concern related to how long do you protect a structure.

Mr. McClarty opened the public hearing.

Mr. Weatherl expressed his opinion that 1-year is not enough of a delay, it needs to be longer to allow for proper discussion and evaluation.

Mr. Minter discussed an example where the amendment would be beneficial to allow comp

Mr. McClarty closed the public hearing.

**Mr. Bixby moved to keep the language in Section 2.3.3.4 as written. Mr. Famble seconded the motion and the motion carried by a vote of five (5) in favor (Campos, Famble, Glenn, McClarty, and Todd) and one (1) opposed (Bixby).**

Mr. James reminded the Commission of the previous discussion held for Sections 2.4.2.1 and Section 2.4.3. Discussion focused on time of operation and noise.

Mr. McClarty stated that he wants to add a requirement to post signs in wash bays warning of noise enforcement.

Mr. McClarty opened and closed the public hearing. The Commission discussed the item at length.

Mr. Bixby recommends incorporating a distance requirement from single-family residential properties.

The Commission directed Staff to review the options and bring back to a future meeting.

Mr. James reminded the Commission of previous discussion concerning the 'art school' use in the Neighborhood Office zoning district. The Commission did not have any recommendation for changes.

Mr. James reminded the Commission of previous discussion held for Section 3.1.1.1.

Mr. Todd discussed his concern about when the deferral would be allowed. The deferral should be an option for all developments.

Mr. McClarty questioned the City's annexation history. Mr. James explained that we have just finished the 3-Year Annexation process last year. The Comprehensive Plan does identify potential areas of annexation, but that the City is not currently in any other annexation process.

Mr. McClarty opened the public hearing.

Tal Fillingim, engineer, spoke in favor of the recommended changes and is support of including roadway improvements in the deferral agreement and part of the exemption for minor plats.

Cody Marshall, City Engineer, agrees with what Mr. Fillingim has stated.

Mr. McClarty closed the public hearing. The Commission discussed this item. Discussion focused on roadway improvements and the applicability of deferral agreements and exemptions.

**Mr. Todd moved to approve the amendments in Section 3.1.1.1; specifically removing the language requiring street frontage and existing water lines; including road improvements as included in the deferral agreement but requiring right-of-way dedication; keeping the proposed added text; and removing the language referencing “dry lines”. Mr. Glenn seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, McClarty, and Todd) and none (0) opposed.**

**Item Seven: Director’s Report**

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

Mr. James stated that the Land Development Code was approved by City Council as recommended for approval by the Planning and Zoning Commission. Additionally, an amendment to allow alcohol sales at the zoo and other locations were approved by City Council as recommended for approval by the Planning and Zoning Commission.

**Item Eight: Adjourn**

There being no further business, the Planning and Zoning Commission meeting was adjourned at approximately 4:10 PM.

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