
PLANNING & ZONING COMMISSION
December 5th, 2011
Minutes

Members Present: Bruce Bixby
Fred Famble
Pam Yungblut
Tim McClarty
Clint Rosenbaum
David Todd

Members Absent: Gary Glenn

Staff Present: Jon James, Director of Planning and Development Services
Ed McRoy, Asst Director of Planning and Development Services
Dan Santee, City Attorney
Kelley Messer, City Attorney
Ben Bryner, Planning Services Manager
Zack Rainbow, Planner II
Debra Hill, Secretary II (Recording)

Others Present:

Tim Cook	Nancy Deegan
Doyle Dacus	Brennan Peel
Cecil Fain	John Foster
Steven Savage	Harriet Bass
Rockette West	Mike McMahn
Herbie West	Jim & Greta Holzberlein
Amanda Cain	Kevin Phillips
Dave Boyll	Deck Andrews
Timothy Smith	Janell Dry
Andrew Barker	Steve Abel
David Beasley	Adam Andrews
Terry Pribble	Randy Dodd
Pam Smith	Megan Santee
John Decker	Duane Mainville
Shain Hulohrson	Robert Rocha
Marvin Norwood	Yesenia Torres
Shannon Gollihar	Mary A Burkhart
Bruce Kreidler	Diane Black
Van Ligon	
Robert Kern	
David McMeekan	
Terry Hay	
Eddie Harrison	

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. McClarty gave the Invocation.

Item Three: Approval of Minutes

Mr. Famble moved to approve the minutes of the November 7th, 2011 meeting. Mr. Bixby seconded the motion and the motion carried unanimously.

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

Item Four: Plats

Mr. Rainbow presented the staff report for this case.

PP-4111

A public hearing to consider a Preliminary Plat of Lots 1 and 2, Block A, Continuation 3, Five Points Business Park, Abilene, Taylor County, Texas.

FP-4511

A public hearing to consider a plat of Lot 1, Block A, Continuation 3, Five Points Business Park, Abilene, Taylor County, Texas.

MRP-4811

A public hearing to consider a plat of Lot 401 and 402, a Replat of Lot 301, Block A, Santa Fe Village, City of Abilene, Taylor County, Texas.

MRP-5211

A public hearing to consider a plat of Lots 116 and 117, Block U, Section 12, Elmwood West Addition, a Replat of 2.54 Acres out of the West end of Lot 16, Block U, Section 12, Elmwood West Addition, City of Abilene, Taylor County, Texas.

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

Mr. Rosenbaum moved to approve PP-4111, FP-4511, MRP-4811, and MRP-5211. Mr. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Rosenbaum, Yungblut, Todd and McClarty) and none (0) opposed. (Mr. Todd abstained from PP-4111 and FP-4511.)

Item Five: Zoning

a. Z-2011-32

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Shawna Abernathy to rezone property from RS-6 (Single Family Residential) to O (Office) zoning, located at 2526 S. 32nd St.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 0.25 acres and is currently zoned RS-6. The property has been developed with a residential dwelling unit. The adjacent properties have RS-6 zoning to the north and west, O zoning to the east, and PD (Planned Development) zoning to the south across S. 32nd St. A portion of the property was annexed in 1951 and another portion later in 1957 and was zoned AO, the property was later rezoned to RS-6 sometime after.

Currently the property is zoned RS-6 and has been developed with a residential dwelling unit. The property is currently vacant. The surrounding properties have been developed with an elementary school to the west, and commercial uses to the south and east including banking and medical office uses.

The Future Land Use section of the Comprehensive Plan designates this general area for residential uses. The applicant intends to redevelop the property for office uses. The properties to the south and east have already been developed for the same purpose. The proposed zoning would provide a transitional zoning buffer to the elementary school to the west and act as a “stopping point” for commercial development along S. 32nd St. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

Property owners within 200 feet of the zoning request were notified. One (1) comment form was received in favor and zero (0) 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.

Mrs. Yungblut moved to approve Z-2011-32. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Yungblut, Todd, Rosenbaum and McClarty) and none (0) opposed.

b. Z-2011-33

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Timothy Smith to rezone property from RS-12 (Single Family Residential) to GR (General Retail) zoning, located at 3518 S. 7th St.

Mr. Ben Bryner presented the staff report for this case. The subject parcel totals approximately 1.2 acres and is currently zoned RS-12. The property has been developed with a commercial building. The properties to the east, north, and south have been developed with residential dwelling units and are zoned RS-12. The adjacent properties to the east have been developed with commercial uses and are zoned GR. The subject property has been used in the past for a fire house as well as an adult day care facility. A portion of the property was annexed in 1927 and the remainder was annexed in 1950 and were zoned AO, they were later rezoned to RS-12 sometime after.

Currently the property is zoned RS-12 and has been developed with a commercial building. The property is currently vacant. The surrounding properties have been developed with single family dwellings to the east, north, and south and commercial buildings to the west. The most recent use for the property was an adult day care facility.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential. The applicant intends to open a fitness facility. The request for GR would also allow for some more intensive uses that are not compatible with the adjacent residential properties. Although this property seems to be suited for commercial uses, a less intensive zoning such as NR (Neighborhood Retail) would be more compatible with the surrounding residential uses.

Property owners within 200 feet of the zoning request were notified. One (1) comment forms were received in favor and three (3) in opposition of the request. Planning staff recommends approval of the request.

Mr. Bixby asked for clarification regarding the comments listed on the zoning notices that were received. Mr. Bryner read each comment for clarification. Mr. Todd asked what resided in the building previously and was that an appropriate zoning for that area. Mr. Bryner explained the building was previously the Adult Day Care of Abilene and is currently vacant.

Mr. McClarty opened the public hearing.

Mr. Tim Smith (applicant) spoke in favor of the request. Mr. Smith presented the commissioners with a petition signed by area neighbors in favor of this zoning request. Mr. McClarty explained the zoning request presented by staff today is requesting to rezone the property from GR to NR and asked if this was an issue with Mr. Smith. Mr. Smith stated the reason he was requesting the GR was for the hour restriction. He added the property will be a fitness center and would require to be opened 24 hours to be able to compete with the existing fitness centers in Abilene. Mr. McClarty questioned staff for the zoning change to NR was to limit the hours of operation. Mr. Smith stated that normally there would only be three to four citizens in the facility after the hours of 11:00 p.m. and this would not cause any more traffic in this area than is already happening. Mr. Todd questioned if the building would be remodeled to accommodate the fitness center. Mr. Smith stated that it would be remodeled. He added that this area is his neighborhood also and he too does not want to see a convenience store or gas station in this area.

Mr. Todd explained the zoning to either GR or NR could, in the future, enable this property to allow a retail business. Mr. Smith stated that the property is currently zoned RS-12 and is clearly not a residential property. Mr. Famble questioned if staff explained to him the reasoning behind the current zoning for this property. Mr. Smith stated it was never explained to him the reasoning. Mr. McClarty explained to Mr. Smith the property was initially a fire station to serve the area neighborhood and later was transitioned into an adult day care, and at that time the zoning was a nonconforming zoning.

Mrs. Rockette West (resident 3490 S. 7th) spoke in opposition of the zoning request for this property. Mrs. West stated she was not opposed to the fitness center itself, just the hours of operation. She added her concerns were for the safety of her property.

Mrs. Herbie West (resident 3465 S. 6th) spoke in opposition of the zoning for this property. Mrs. West expressed concerns the retail zoning for this property could potentially decrease the value of the homes located in the Old Elmwood area.

Mr. Andrew Barker (Fitness Director for the Personal Training Studio) explained the security system of the proposed facility. He stated the center would have a security system along with cameras on the inside and the outside of the building. Mr. Barker explained there would only be two entrances at night to access the building. He added that everyone who enters the building would have to check in. Mr. Barker also stated that between midnight and 4 a.m. is the slowest time and hardly anyone enters the building between those times.

Mr. McClarty discussed the option of rezoning this property as NR-PDD. He explained that with this zoning the staff could work with the property owners to personalize the zoning to their needs. Mr. McClarty stated that if this property were to be zoned NR-PDD that if for some reason this business leaves this property that the next business would also have to fall under the PDD zoning. Mr. Smith questioned the PDD requirements involved. Mr. McClarty explained the PDD is a compromise between the property owners, the staff and the neighborhood. Mr. Smith expressed concerns with this PDD involving additional expenses to his budgeted project.

Mrs. Pam Smith (applicant) stated that she understands there are many opposed to this request but there are just as many in favor that are listed on the petition presented to the commission.

Mr. James discussed the petition, stating that it seems there are many citizens that are in favor of the fitness center but are opposed to the hours of operation. He added that the concerns of the citizens seem to be more with what would happen if this fitness center left and the next occupants wanted the property for a convenience store or gas station. Mr. James stated that if the zoning were changed to a NR-PDD that this would only allow a fitness center to occupy this property in the future. He added that the commissioners could recommend a PD for this property that would eliminate the hours of operation restrictions.

Mr. Steve Savage (resident of Abilene) spoke in favor of this request. He added that he believes this proposed business could only add to the value of the area. Mr. Savage stated that the revenue generated by this fitness center could only help the economy of Abilene.

Mr. McClarty closed the public hearing.

Mr. Bixby stated he agreed with the recommendation NR-PDD and extended hours of operation for this type of business.

Mr. Rosenbaum questioned if the hours of operation referring to the NR-PDD would be a stipulation for this property only. Mr. James agreed.

Mr. McClarty asked clarification with the screening between the properties. Mr. Bryner stated that a fence divided the two properties.

Mr. McClarty opened the public hearing.

Mrs. Rockette West addressed the screening between the two properties. Mr. McClarty questioned the ownership of the fence. Mrs. West stated it belongs to the property owners of this request. Mr. Smith stated the fence would remain.

Mr. McClarty opened the public hearing.

Mr. Bixby motioned to approve Z-2011-33 with the recommendation for NR-PDD with conditions. Mr. Todd seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Yungblut, Rosenbaum, Todd, Famble and McClarty) and none (0) opposed.

c. Z-2011-34

Public hearing and possible vote to recommend approval or denial to the City Council on a request from SMR Acquisitions to rezone property from MD (Medium Density Residential) to NR (Neighborhood Retail) zoning, located at 1774 State St.

Mr. Bryner presented the staff report for this case. The subject parcel totals approximately 1.9 acres and is currently zoned MD. The property is currently undeveloped. The adjacent properties have MD zoning to the south, north, and west and NR zoning to the east. The property was annexed in 1895 and was zoned AO, and was later rezoned to MD in 1985.

Currently the property is undeveloped. The surrounding properties have been developed with residential dwelling units to the north, south, and west and a commercial building to the east along Grape St.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential. The request is also part of a thoroughfare closure that would result in the subject property being along an Enhancement Corridor. NR zoning is compatible with residential uses; therefore the request does not seem to have any negative impact on the surrounding properties and is compatible with the surrounding land uses.

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and two (2) in opposition of the request. Staff recommends approval as requested.

Mr. Famble questioned the comment form regarding the flooding for this area. Mr. Bryner stated that with any development this property would have to go through the site plan process which would include any of the drainage issues.

Mr. Rosenbaum questioned any other properties with nonconforming uses. Mr. Bryner stated that were several in this area.

Mr. McClarty opened the public hearing.

Mr. David Beasley (1758 N 9th) spoke in opposition of this request. He discussed the flooding issue of this area. He added that just like the previous request, he would not like to see a convenience store or liquor store at this location. He expressed concerns with the traffic and debris in this area. Mr. McClarty discussed the requirements of the NR zoning and the requirements pertaining to the development of a property.

Mr. Terry Hagin (attorney for the applicant) spoke in favor of this request. He stated the building will be 9100 sq. ft. Mr. Bixby questioned the depth of the lot. Mr. Hagin stated he did not have the depths for this lot.

Mr. McClarty closed the public hearing.

Mr. Bixby discussed the zoning of NR of this property, stating it only needs to be zoned for what is needed. He added that with not knowing the depths of the lot estimated use of this lot would be a third of the property. Mr. James stated that the applicant stated that the building would take about a third of the property and the entire development would take about half of the property.

Mr. McClarty opened the public hearing.

Mr. Hagin produced a copy of the site plan with the depths of the property.

Mr. Rosenbaum asked the purpose of zoning only a part of the property. Mr. Bixby stated the opposition to the NR would enable only certain businesses to reside on this property. Mr. James stated the property needs to stay uniform in its zoning.

Mr. McClarty closed the public hearing.

Mrs. Rosenbaum moved to approve Z-2011-34. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Yungblut, Todd, Rosenbaum and McClarty) and none (0) opposed.

d. Z-2011-35

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Harriet Bass to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential with Historic Overlay) zoning, located at 3435 S. 9th St.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.60 acres and is currently zoned RS-12 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-6 zoning to the north with RS-12 (Single Family Residential) zoning to the east, west and south. The property was annexed in 1927 and was zoned RS-12 sometime after it was annexed.

Currently the property is zoned RS-12 and has been developed with a residential dwelling unit. The house, the Jones House, was built in 1940 by Morgan Jones for Morgan Jones Jr. The style of the home exemplifies the Ranch style of architecture that was prominent during the 1940-1960 era. The ranch house is noted for its long, close-to-the-ground profile, and minimal use of exterior and interior decoration, creating an informal living style. This house embodies many ranch style features; single-story, long, low roofline with a side gable, sliding glass patio doors, large windows, with shutters, and deep overhanging eaves. The Colonial touch at the entrance is expressed with Ionic Greek columns.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. One other property in the area has received the overlay, but this request could encourage other properties to seek the Historic Overlay zoning.

Property owners within 200 feet of the zoning request were notified. Four (4) comment forms were received in favor and zero (0) in opposition of the request. Staff recommends approval as requested. The Landmarks Commission recommended approval by a vote of six (6) in favor to none (0) in opposition.

Mr. McClarty opened the public hearing.

Mrs. Harriet Bass (applicant) spoke in favor of this request. Mrs. Bass stated that her family has resided in this home since 1941. Mrs. Bass discussed the origin of the home and the history.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2011-35. Mr. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Yungblut, Todd, Rosenbaum and McClarty) and none (0) opposed.

e. Z-2011-36

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Kelly Thompson to rezone property from RS-8 (Single Family Residential) to RS-8/H (Single Family Residential with Historic Overlay) zoning, located at 1710 Belmont Blvd.

Mr. Bryner presented the staff report for this case. The subject property is approximately 0.23 acres and is currently zoned RS-8 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-8/H zoning to the north, RS-8 (Single Family Residential) zoning to the east and south, and HC (Heavy Commercial) zoning to the west. The subject property is approximately 0.23 acres and is currently zoned RS-8 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-8/H zoning to the north, RS-8 (Single Family Residential) zoning to the east and south, and HC (Heavy Commercial) zoning to the west.

Currently the property is zoned RS-8 and has been developed with a residential dwelling unit. The house, the Rhodes/Connally House, was built in 1941. This house was designed in the Tudor Revival style of the mid 1900's. It embodies the key components of the style: one or two-stories, steep roof, asymmetrical design, cross-gables, decorative half-timbered exterior, arched entryway, quoins in patterned brick cladding and tall chimney with chimney pots. It is a contributing structure to the neighborhood with several other historic homes.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. Other properties in the area have recently received the overlay and this request could encourage even more properties to seek the Historic Overlay zoning.

Property owners within 200 feet of the zoning request were notified. Three (3) comment forms were received in favor and zero (0) in opposition of the request. Staff recommends approval as requested. The Landmarks Commission recommended approval by a vote of six (6) in favor to none (0) in opposition.

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

Mr. Famble moved to approve Z-2011-36. Mr. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Yungblut, Todd, Rosenbaum and McClarty) and none (0) opposed.

Item Six: Thoroughfare Closure:

TC-2011-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from SMR Acquisitions to abandon a portion of the north to south alley right-of-way between N. 9th St. and State St. and between Grape St. and Merchant St.

Mr. Bryner presented the staff report for this case. Improvements have not been made to the existing right-of-way. There are no improvements on the adjacent properties. The applicant intends to abandon the subject right-of-way to develop a larger tract of land for a single use. The portion of the alley to be abandoned does not service any residential uses or provide for any refuse collection. There are no improvements on the adjacent properties and the abandonment does not have a negative impact on vehicular or pedestrian maneuverability.

Plat Review Committee: Approval of the requested closure as requested with the following conditions: where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities or the applicant will be responsible to move all of the utilities, proper fire apparatus access for all structures within the closure area. **Provide for cul-de-sac turnarounds where the closures will result in a dead-end.** The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff Recommendation: *Approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.*

Property owners within 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and one (1) in opposition of the request.

Mr. Bixby questioned if there would be a need for a turnaround for this request. Mr. Bryner stated there would not be a need for a turn around. Mr. Bryner stated there is currently no alley refuse pickup for this area. Mr. Todd questioned the future closing of the north end of the existing alley way. Mr. Bryner stated that it could be addressed in the future if needed.

Mr. Bryner stated the requirements addressing the turnaround could be changed to reflect the new Land Development Code. He added this would not require the property to have a turnaround or a tie into a street. Mr. James suggested removing “***Provide for cul-de- sac turnarounds where the closures will result in a dead-end.***” as listed in the previous conditions.

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

Mr. Todd moved to approve TC-2011-04 with the revised conditions. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Todd, Rosenbaum, Yungblut and McClarty) and none (0) opposed.

Item Seven: Ordinance Amendment:

- a. Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code related to Wind Energy Conversion Systems.

During the approval of the Land Development Code (LDC), the City Council directed the Planning Staff to evaluate provisions contained in the LDC regarding Wind Energy Conversion (WEC) systems. Staff had noted that a preliminary analysis of the pending standards appeared to indicate that only a small percentage of properties in the City would likely be able to take advantage of this new provision. The Council asked staff to bring back an ordinance change if we found the standards to be overly restrictive.

Staff completed our review and over the last few months the P&Z has been steadily working through the proposed ordinance changes. This draft is what we believe to be an accurate construction of the discussions, suggestions and modifications by the P&Z from Staff’s original proposal four months ago.

This draft would prohibit WEC’s in residential zoning districts and certain other districts likely to be in close proximity to residential areas. The ordinance would also allow some WEC’s by right in other zoning districts so long as they meet specific regulations to mitigate potential negative impacts. Qualifying WEC systems in these non-residential districts would only require staff review and issuance of a building permit.

No special approval or public hearing would be needed. WEC's with greater potential for negative impacts and not able to qualify for simple building permit approval would require issuance of a Special Exception (SE) by the Board of Adjustment (BOA). This BOA process would provide nearby property owners and other interested parties the opportunity to note their concerns at a public hearing. The BOA could add appropriate conditions or stipulations for approval of a WECS (if needed), or they could deny WECS found to be incompatible, with the area.

Mr. Rosenbaum stated that the second line of the Land Development Code related to Wind Energy Conversion Systems, 2.4.7.3. b. should be eliminated.

Mr. McClarty opened the public hearing.

Mr. Doyle Dacus (consultant for area Wind Energy systems) spoke in favor of this request. Mr. Dacus discussed the different aspects of the Wind Energy systems including billboards and street lighting systems.

Mr. McClarty closed the public hearing.

After discussion of the Ordinance Amendment concerning the Wind Energy Conversion systems, the Planning and Zoning Committee moved to except the resent changes and forward to the City Council for further approval.

Mr. Famble moved to approve the ordinance amending the Land Development Code related to Wind Energy Conversion Systems with changes as discussed. Mr. Bixby seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Famble, Yungblut, Todd, and Rosenbaum) and one (1) opposed (McClarty.)

- b. Public hearing and possible vote to recommend approval or denial to the City Council on an ordinance amending the Land Development Code related to the Sign Regulations.

Mr. Jon James presented the staff report for this case. As part of the process of updating the City's development ordinances per the recommendations of the City's 2004 Comprehensive Plan, City staff began a process in 2005 to update these codes through the creation of a Land Development Code Review Committee. In addition to the primary review committee, additional representation was added to the core group for a special Sign Ordinance Review Committee whose sole focus was on reviewing and recommending updates to the City's sign regulations. In 2006 this committee made general recommendations to the Planning and Zoning Commission. Following up on those recommendations, the P&Z made some general recommendations for changes to the sign ordinance. A draft of new sign regulations which has been compiled by staff based on the guidance from this previous input. This draft has been sent to the Sign Ordinance Review Committee for review and changes have been made based upon their individual input.

Mr. James discussed the feedback on the draft ordinance and will be recommending a number of changes based on this information. The key items of concern that we have heard include:

- Height and size of allowable signage, particularly freestanding signs and monument signs required on collector streets.
- Prohibition on portable signs and flags, pennants, streamers, balloons, etc.
- Permit fees for small, inexpensive signs
- Issues related to banners, particularly permanent vs. temporary and attached vs. freestanding
- Perception of lack of enforcement of current ordinance

Mr. Bixby addressed billboards, menu boards, truck and trailer signs and nonconforming signs. Mr. James discussed these signs and the regulations pertaining to each of these.

Mr. McClarty opened the public hearing.

Mr. Bruce Kreitler (Owner of Broken Willow) Mr. Kreitler commended the commissioners with the settlement of the fitness centers zoning issue. Mr. Kreitler presented the commissioners with a working copy of the proposed changes to the existing sign ordinance. Mr. Bixby asked the orientation of this presentation. Mr. Kreitler stated this is the existing sign ordinance with suggested changes listed in Section IV.

Mr. Marvin Norwood (owner of BL Motors and Flag World) spoke in opposition to this request. Mr. Norwood discussed the use of flags, pennants, streamers, banners and balloons. Mr. Norwood presented the commissioners with a petition regarding the use of flags, pennants, streamers, banners and balloons. He added the banning of these types of advertising could potentially hurt the local sign companies. Mr. Norwood expressed great concern with the section of the ordinance pertaining to the number of flags allowed.

Mr. Rosenbaum questioned the ordinance in reference to flags. Mr. Norwood stated that his understanding is that the proposed ordinance states one American flag and one Texas flag is allowed. Mr. Bixby questioned staff on the number of flags allowed. Mr. James stated that the proposed ordinance does limit the number of flags but generally exempts the use of government flags and non-profit flags and in no case should a permit be required for the use of government flags. Mr. James stated the ordinance will be revised to clarify this regulation.

Mr. Robert Kern (Acme Sign) spoke in opposition to this request. Mr. Kern discussed the issue of economic hardship for our business owners. He added that some of the issues have been addressed and he could see the efforts made by staff regarding this ordinance. He also added that he would like to see the current sign ordinance enforced before trying to implement a newly revised ordinance. Mr. McClarty questioned who Mr. McMeekan was in relation to Acme Sign. Mr. Kern stated that Mr. McMeekan was co-owner to Acme Sign. Mr. McClarty stated that he recalled that Mr. McMeekan was on the review committee for the previous sign ordinance.

Mr. Steve Savage (local business owner) spoke in opposition to this case. Mr. Savage discussed the issue of limiting the number of flags allowed per property. Mr. Savage presented a slideshow to the commissioners regarding area signs. He described many different types of signage and the effect each has to the local economy. Mr. Savage described various signs including advertising on local city buses, right of ways and the downtown area.

Mr. Duane Mainville (Magnet Signs) spoke in opposition to this case. Mr. Mainville addressed the portable sign regulation in this ordinance. He added there were five different portable sign companies in Abilene and if the proposed sign ordinance were to be passed eliminating portable signs, this would put those companies out of business. He added that the portable signs are a cost effective form of advertising. Mr. Mainville agreed there is an issue with the abandonment and maintenance of current signs. He added that the five portable sign companies are putting together a counter proposal to Planning and Zoning regarding the proposed sign ordinance. Mr. McClarty agreed that this would be something important that could help in the amending of this ordinance. He added the issues of safety and regulations regarding sign ordinance and these recommendations from the local sign companies would help with this proposal. Mr. Bixby addressed the length of stay for portable signs.

Mr. Bob Thomas and Mrs. Mary Burkhart (Burkhart Signs) spoke in opposition of this case. Mr. Thomas discussed the enforcement of the current sign ordinance regarding abandonment and maintenance. He added the issue of portable signs in right of ways and other restricted areas. Mrs. Burkhart addressed the issue of enforcing permits for current signs. Mr. McClarty discussed the lack of staff and resources to enforce each of the current sign regulations. Mr. Thomas also addressed the enforcing of current sign regulations. Mr. Rosenbaum addressed the time limit on portable sign permits.

Mrs. Greta Holzberlein (president of Garbo's Locksmith) spoke in opposition of this request. Mrs. Holzberlein expressed her concerns with city government regulating the types and lengths of time signs are permitting on citizens properties. She added the city should enforce the current sign ordinance. Mrs. Holzberlein discussed the issue with the permitting and expiration of billboard signs and the lack of enforcement.

Mr. David McMeekan (President of Acme Sign) spoke in opposition of this request. He discussed the current sign ordinance and the lack of enforcement. He suggested there be an employee dedicated strictly to enforcing the current sign ordinance. Mr. Rosenbaum asked clarification on which signs Mr. McMeekan was discussing. Mr. McMeekan stated that in the past there was a dedicated city employee to enforce the sign ordinance.

Mr. Van Ligon (Big Country Supply) spoke in opposition to this request. Mr. Ligon discussed the issue with banners in the proposed sign ordinance. He added that some companies are required by their manufacturers to display large banners. Mr. Ligon discussed the size of signs in relations to the size of their buildings. He added that this could limit the visibility for advertising and potentially hinder the sales of businesses. Mr. Ligon addressed the cost to replace and or repair damaged or old signs referring to the new sign ordinance. Mr. Bixby discussed the sign limitations regarding banners.

Mrs. Diane Black (manager of Willow Crest Apartments) spoke in opposition of this request. Mrs. Black discussed the use of flags, balloons, and real estate signs. Mr. Bixby questioned the removal of the banners and signs daily. Mrs. Black stated that the flags and pennants are removed and replaced daily and the banners are changed out monthly to display any new specials related to the apartment rentals. Mr. Bixby questioned the life of banners before needing to be replaced. Mrs. Black stated that the usual life of a banner is approximately six months but Willow Crest replaces their banners more frequently to avoid the banners becoming unsightly.

Mrs. Shannon Gollihar (manager of Cimarron Apartments and President of the Big Country Apartment Association) spoke in opposition of this request. Mrs. Gollihar addressed the issue of eliminating the use of portable signs. She discussed the frequency of the replacement of the apartment's banners. Mrs. Gollihar questioned the employment of any code enforcement officers regarding the sign regulations. Mr. James answered the City has several code enforcement officers that regulate the many codes but there is not just one officer dedicated to enforce the sign ordinance. Mrs. Gollihar stated she believes the city needs to have a dedicated employee to enforce the current sign ordinance already in place.

Mr. Tim Cook (Day Sign Company) spoke in opposition of this request. Mr. Cook discussed the increase in the sign permit fee. Mr. McClarty asked when did the sign permit fee increased. Mr. James stated the fee was increased approximately two to three years ago. Mr. James stated the fee schedule is one that goes before the City Council and the Planning and Zoning commission does not make recommendations regarding fees.

Mr. Jim Holzberlein (Garbo's Locksmith) spoke in opposition to this request. Mr. Holzberlein stated that his business did use portable signs. He added that city government does not need to regulate the types of signs per property owners. Mr. Rosenbaum questioned if Mr. Holzberlein believes the sign ordinance should be abandoned. Mr. Holzberlein agreed. Mr. Rosenbaum asked if he believed that all ordinances should be abandoned. Mr. Holzberlein stated that any ordinance that would affect the safety and health of the citizens of Abilene should be allowed.

Mr. Marvin Norwood (Flag World) spoke concerning the issue of free enterprise.

Mrs. Janell Dry (Sign Pro) spoke in opposition of this request. Mrs. Dry expressed concern toward enforcing the current ordinance. She added that she did appreciate what the commissioners were doing and wanted to remind them the small businesses of today are a valuable commodity. The banning of flags, banners, pennants and portable signs would hurt those small businesses.

Mr. Robert Kern (Acme Sign) questioned the commissioners roll in this issue. Mr. McClarty explained the Planning and Zonings Commissioners roll in approving or denying ordinances.

Mr. Janell Dry (Sign Pro) asked if the economy difference from 2004 to the present would have any affect the proposed ordinance. Mr. McClarty stated that it could possibly, that is the purpose of having these meetings.

Mr. Bixby addressed the issues in cleaning up the city of Abilene.

Mrs. Greta Holzberlein (Garbo's Locksmith) addressed issue of panhandlers with signs on local intersections. Mr. James stated the commissioner's responsibility is to approve or deny zoning and ordinance regulations in relations to the health and safety of the citizens of Abilene.

Mr. Bixby stated his understanding is the concerns of the public are to enforce the current sign ordinance. Mr. James explained there is current staff to enforce ordinances, just not one dedicated employee to enforce the sign ordinance. Mr. Bixby stated he believes there should be an employee dedicated to the enforcement of the proposed sign ordinance to be able to even consider approving this request.

Mr. James explained that simply keeping the current ordinance is not recommended, since the proposed sign ordinance has many improvements that everyone agrees would be an improvement. Mr. Bixby stressed the issue of enforcement of the proposed ordinance.

Mr. McClarty closed the public hearing.

Mr. Rosenbaum questioned the time limit on the reviewing of the proposed sign ordinance. Mr. McClarty suggested the proposed sign ordinance be reviewed in portions at individual meetings. Mr. Rosenbaum suggested holding a special Planning and Zoning meeting the third Monday of each month regarding the sign ordinance. Mr. McClarty agreed.

Mr. Bixby moved to table the Ordinance Amendment to January 17th, 2011, special Planning and Zoning Commission meeting. Mr. Famble seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Famble, Yungblut, Todd, Rosenbaum, and McClarty) and none (0) opposed.

Item Eight: Discussion Item:

Discussion regarding development regulations in the floodway and floodplain.

Mr. Todd discussed the process in allowing building in a floodway and floodplain in previous contracts.

Mr. Chad Carter (City Engineer) briefly discussed the development regulations regarding the floodway and floodplain pertaining to permitting a development.

Mr. Todd discussed the difference between floodway and floodplain.

Mr. James suggested tabling this discussion until a later date due to length of this meeting thus far.

Item Nine: Director's Report:

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

Item Ten: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 5:45 P.M.

Approved: _____, Chairman
