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**PLANNING & ZONING COMMISSION**  
**January 17th, 2012**  
**Minutes**

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

Members Absent: Fred Famble  
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  
Ben Bryner, Planning Services Manager  
Debra Hill, Secretary II (Recording)

Others Present: Steve Savage Pat Hippely  
Cecil Fain Herman Blank  
John B Vedro Brent Casey  
Randy Voorhees Robert Kern  
David McMeekan Tim Cook  
Jim Pickens Bruce Krietler  
Dan Symonds Diane Black  
Lacy Sartor Gaylynn Isbell  
Laree Henry Debra Hart  
Janelle Dry Mike Dunnahoo  
John Decker Chris Qualizza  
Robert Briley Shannon Gollihan  
Bob Thomas Connie Robinett  
Little Texas Big Country Apt Association

**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: Ordinance Amendment:**

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. McClarty opened the meeting stating this public hearing would not be covering the following:

- Portable signs
- Treatment of banners, streamers, pennants, balloons, etc.
- Height and size allowed for permanent, freestanding signs
- Discussion of when nonconforming signs should be brought into compliance and general enforcement issues.

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. He added this ordinance does not address and has no changes to Billboard regulations (2007) or Electronic Message Signs (2008).

Draft ordinance proposes limiting the signage on the walls of a building:

- Commercial & Industrial:  
No more than 20% of the building's front façade and no more than 10% on other façades (original draft was 10% and 5%, which is common)
- Other non-residential districts:  
No more than 5% of each façade
- Double if no freestanding signs

Mr. Bixby questioned if a building could be designated as having more than one front façade. Mr. James stated no, not as described in this proposed ordinance. He added this could be revisited to change the wording to state that any street facing façade would allow the larger amount of signage.

Mr. James discussed the following in detail:

- Attached banners as permanent signs.
- Signs/banners on fences.
- Limits on parked vehicles as signs.
- Sign permit fees for multiple signs
- “Unique Sign” approval process
- Non-illuminated signs under six fee
- Underground power lines

Mr. James addressed banners as signs attached to front facades of buildings. He added these signs could be considered permanent signs based on the way they are attached to the buildings. Mr. Rosenbaum questioned if this would affect strip centers. Mr. James stated that each individual space would have that same limitation. He added that this would not give the strip centers a lot of signage and this could be revisited by the Commissioners. Mr. Rosenbaum asked if having a monument sign would eliminate the strip centers from “Double if no freestanding signs”. Mr. James stated that it would. Mr. James added that under the current ordinance attached temporary signs are limited to 32 sf and no more than 15 days in a 6 month period or attached banners as permanent signs. Mr. James addressed the permitting of banners, stating that if a location is permitted for banners then they should not have to re-permit each time the banner is changed out.

Mr. James addressed signs on fences, stating that under the proposed ordinance these types of signs would be treated as freestanding signs.

Mr. James discussed parked vehicles as signs. He added that if the vehicle is not operable then it should be regulated as a sign. Mr. Bixby asked clarification regarding mobile signs and mobile structures. He stated as the ordinance reads “No vehicle or trailer shall be permitted to be used as an on-site or off-site advertising sign, meaning that the vehicle or trailer shall not be permitted to be used primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.” He added this statement is subjective and if the vehicle or trailer is left in any one place for a certain amount of time, then it could serve as a static display. Mr. James stated this could be looked at once again, but the issue of the business owners moving the vehicles or trailers from one area to another could pose a problem.

Mr. James discussed the possibility of a site permit. He added this permit would allow for when a site plan was filed the property owner could state the number of signs needed and then only be issued one permit for that location.

Mr. James addressed the “Unique Sign” approval process. He questioned if the approval process should go through staff or should the Commissioners or Board of Adjustments be the approvers.

Mr. James discussed the exempting of the non-illuminated signs under six square feet or less.

Other exemptions will include:

- Directional signs
- Menu boards

Mr. James addressed other changes such as underground power lines to signs. Mr. Bixby stated the power lines should be underground from the sign and a certain distance back to a power source. Mr. McClarty asked clarification regarding the billboard recommendation. Mr. James stated this would be addressed in this meeting.

Mr. McClarty restated this meeting would not be discussing the following:

- Portable signs
- Treatment of banners (not attached to buildings) streamers, pennants, balloons, etc.
- Height and size allowed for permanent, freestanding signs
- Discussion of when nonconforming signs should be brought into compliance and general enforcement issues.

Mr. McClarty opened the public hearing.

Ms. Pat Hippley (4357B N. 7th) spoke in opposition of this request. Ms. Hippley expressed concerns with business owners not moving to Abilene because of the strict policies enforced by the city. She added that over regulation does not promote growth for the City of Abilene.

Mr. Robert Kern (Acme Sign) addressed the wall signs. Mr. Kern stated he and Mr. James and discussed the percentages in detail and had come to the resolutions noted previously. He added that in reviewing the percentages he believes the most effective outcome would be to extend the 20% limitations to all facades to a building. Mr. Kern discussed the distinction regarding banners as to either being permanent or temporary signage. He added this would lessen the confusion for property owners. Mr. Bixby asked Mr. Kern his opinion regarding banners as permanent or temporary signs. Mr. Kern stated it would depend on how the banner would be installed, such as cable ties, rope or attached to a frame. He added in his opinion if the banner would be attached with a stretched frame it would be considered a permanent sign. Mr. Kern discussed the menu boards and directional signs. He added that in years past, if these types of signs were illuminated they should require an electrical permit. Mr. Kern stated that he agreed with Mr. James that directional and menu signs should be exempt. Mr. Kern addressed the overhead power lines to billboards. He added that this is not as common as in years past, most new construction allows for underground power lines. He added that this would affect a business moving into an existing building and new power poles are being added. This would force the property owner to either run the power line overhead or trench an existing parking lot to bury the power lines.

Mr. Bruce Kreitler (Owner of Broken Willow) questioned if the draft ordinance would be available to the public. Mr. James stated the draft ordinance was made available in the November meeting. He added there are additional changes to the draft ordinance that will be completed and once this is completed the new re-draft will be available on the City of Abilene's website and distributed via e-mail. Mr. Kreitler addressed the issues of the importance of temporary banners for business owners. Mr. Kreitler addressed door hangers and "No Soliciting" signs.

Mr. Randy Voorhees (Owner of Primetime Family Entertainment) spoke regarding the affect ordinances have had on his business. Mr. Voorhees expressed his concerns with the problems he had to face in order to build his facility. He discussed the deed restrictions implemented from the prior owners and how that has affected his development. Mr. Voorhees expressed his concerns with ordinances affecting current owners for future use. Mr. Voorhees stressed the importance of signs for advertisement verses the phone book, newspaper and TV ads.

Mr. Rosenbaum questioned Mr. James on the current sign regulations regarding banners on buildings. Mr. James stated banners are treated as temporary signs under the current ordinance.

Mr. Tommy Roberts (Lamar Advertising) addressed the underground power lines to billboards. He added his recommendation to the offsite premise advertising involves two types of signage, Type I billboards that are for surface streets and Type II that are allowed on I-20, 83/84, and 322. Mr. Roberts discussed the difference with these types of signs. He stated that Type I signs, which are located in the city limits, should be located underground and Type II signs located outside the city limits should be allowed to run over head.

Mr. Steve Savage spoke in opposition of this request. Mr. Savage addressed the limitations to the percentage of signs allowed per building facades. He added he believed there were not many businesses in the City of Abilene that would be violating this ordinance. Mr. Savage addressed banners in regards to many of banners today are required of business by their corporate headquarters. Mr. Savage expressed concerns with increase in City regulations. He added the more regulations initiated could cause businesses to move to other cities or not even move to Abilene. Mr. Savage addressed the issue with mobile signs on vehicles. He added these vehicles with advertisement decals should maintain their registrations or be subject to the same regulations as regular vehicles.

Mrs. Shannon Gollihar (property owner for Cimarron Apartments/ President Big Country Apartments) addressed banners regarding temporary verses permanent. She added that banners are the most cost effective source of advertisement for apartments. Mrs. Gollihar stated that with the Big Country Apartments association, complexes are encouraged to keep the properties in compliance and up the living standards. She also addressed the time limitations associated with the placement of banners. Mr. Bixby questioned the number of banners used per apartment complex. Mrs. Gollihar stated that with her complex there is only one banner at a time, this prevents the advertising from being too busy. Mr. Rosenbaum questioned the location of the banner. Mrs. Gollihar stated it is not attached to the building. Mr. Bixby questioned the size of the banner. Mrs. Gollihar stated the banners are six by twenty and are changed out frequently to promote new advertisements. Mr. McClarty questioned if the banner would exceed the 20% ration allowed for building facades. Mr. James stated that actually for a residential complex such as an apartment building the percentage would be five percent.

Mr. McClarty stated the issue with banners in regards to the new sign ordinance is to distinguish between temporary or permanent. He stated that in his opinion if a banner is stretched and attached to a frame it should be considered as a permanent sign.

Mr. Mike Dunnahoo (Star Dealerships) stated the importance of the city's small businesses. He added that he believes the banners or an important piece of impulse buying for consumers. Mr. Dunnahoo addressed the issues of required signage for companies and the economic value associated with them. Mr. McClarty stated the issue with the signs is not if they are allowed but the percentage of size for each building. He added the concerns are if banners are temporary or permanent. Mr. Dunnahoo expressed the issue that the business owners should have the option to use temporary signs along with permanent signs.

Mr. McClarty closed the public hearing for discussion from the Commissioners.

Mr. McClarty addressed the issue with permanent versus temporary signage. He also addressed the twenty percent allowance for signs attached to each facade of a building. Mr. Bixby stated that he believes that banners or signs that are stretched and attached to a frame should be considered a permanent sign and banners tied with rope and zip ties should be considered temporary. Mr. Bixby stated that all signs attached to a building should fall under the twenty percent rule. Mr. James asked clarification regarding percentages allowed to building facades. Mr. McClarty stated he believes that twenty percent of each facade of a building would be appropriate. Mr. Rosenbaum questioned the zoning for apartment complexes. Mr. James stated that apartments are zoned as residential. Mrs. Yungblut questioned the previous requirements for apartments regarding signage. Mr. James stated that currently there is no limit to the number of banners allowed. Mrs. Yungblut questioned the reasoning for the limitations now. Mr. McClarty stated that in the current ordinance, apartment complexes are not even allowed banners. Mr. Rosenbaum asked why there is a need to address the current sign ordinance. Mr. James stated that in the current ordinance apartment complexes are not allowed banners of any kind. He added that there are provisions under the current sign ordinance that do not allow signage on some buildings and are too restrictive on others. Mr. Rosenbaum questioned the reasoning for five percent for office buildings. Mr. James stated that office buildings tend to be near or in residential areas. Mr. McClarty clarified that in this proposed ordinance this would increase the signage for office buildings and apartments.

Mr. McClarty and commissioners discussed the issue of banners as temporary or permanent. It was agreed that if the banners or any other signage is attached to the building it would fall under the twenty percent ruling for wall signs.

Mr. Rosenbaum questioned murals on the sides of buildings. Mr. James stated that murals are exempted under the works of art provisions.

Mr. McClarty reopened the public hearing.

Mr. John Vedro asked clarification with the length of time temporary or permanent signs can stay attached to buildings. Mr. McClarty stated the commissioners have decided to eliminate any time restrictions regarding banners or temporary signs.

Mrs. Shannon Gollihar questioned what the future fees for permits would be. Mr. McClarty stated this issue is brought to the City Council for their review and they would be the final decision on the permit fee schedule. Mr. James stated that this board is not charged with discussing or setting permit fees. Mrs. Gollihar questioned the current ordinance regarding signage for apartments. Mr. James stated that under the current ordinance apartments are required permits for banners.

Mr. Cecil Fain questioned the process of permitting for each signs. Mr. James stated that the current ordinance does require an additional permit fee for each sign. He added that with the proposed ordinance it would only require one permit fee for a building meeting the twenty percent rule. Mr. McClarty stated that if a business owner permits for a sign on one day and then needs to change out that sign the next they should not have to pay an additional fee for that new signage. Mr. Fain discussed the current fee schedule for permits. Mr. McClarty stated the permit fees are reviewed by the City Council. Mr. Fain questioned the use of fence signs as advertising. Mr. James stated that this is an esthetic's issue and the planning and zoning department receives many calls regarding the unsightliness of these signs. Mr. Fain agreed with the twenty percent regulation for building facades and stated this is a good compromise for the new ordinance.

Mr. Jake Day (Day Sign Company) asked clarification as to who is actually complaining regarding the current sign ordinance. Mr. McClarty explained the process that lead to the re-evaluating of the sign ordinance. He discussed that the sign ordinance was put together by many citizens committee groups since 2004 and many items listed in the current ordinance are too restrictive and some items that are not as restrictive. Mr. McClarty stated that the commissioners have been charged with "cleaning up" the ordinance to allow signage where signage was not previously allowed. Mr. Day discussed businesses leaving Abilene because of the restrictive codes and ordinance of Abilene.

Mrs. Connie Robinette discussed how over regulation can hinder the economics of a business. Mrs. Robinette stated she appreciated the commissioners listening and taking the time to hear the concerns of the local business owners and working towards a compromise regarding the proposed sign ordinance.

Mr. Brent Casey questioned who originated the implementation of the proposed sign ordinance. Mr. McClarty stated the sign ordinance was put together by many citizen committee groups since 2004. Mr. Rosenbaum added that currently there is a sign ordinance in place and the Planning and Zoning commission has been charged to re-evaluate the current ordinance to loosen restrictions for business owners. Mr. Casey questioned Mr. James if the new ordinance would have more restrictions implemented. Mr. James stated that it would add restrictions to some but in the same sense it would lessen the restriction on others. Mr. Casey addressed the implementing of the twenty percent rule. Mr. James discussed this section as allowing signage on buildings that currently is not allowed. Mr. Casey questioned if ecstic's is the main reasoning for the re-evaluating of the current sign ordinance. Mr. McClarty stated the reason this has come before the commissioners is because of ecstic's. Mr. Casey expressed concerns with too many restrictions imposed on new business owners. Mr. McClarty stated that the commissioners have been charged with the action of implementing a good compromise regarding the sign ordinance that would help the local business owners and fulfill the requirements for the sign ordinance.

Mr. Steve Savage addressed the percentages allowed for building facades. Mr. Savage asked clarification with total number of signs such as, no smoking, no handguns and banners signs required by the state for that business. Mr. Bixby stated that if a building had exhausted the twenty percent allowance for the façade and the state requires an additional sign, the city could not usurp that requirement. Mr. Rosenbaum explained that these recommendations came from many different committees and is compiled into one ordinance to be brought before the commissioners for their approval.

Mr. McClarty closed the public hearing and the meeting recessed for five minutes.

After the recess:

Mr. McClarty addressed each item individually in the proposed sign ordinance except:

- Portable signs
- Treatment of banners, streamers, pennants, balloons, etc.
- Height and size allowed for permanent, freestanding signs
- Discussion of when nonconforming signs should be brought into compliance and general enforcement issues.
- Attached signs or wall signs

After discussion among the Commissioners the agreement was unanimous for the following:

1. Attached temporary signs limited to 32 sf, no more than 15 days in a 6 month period.  
Attached banners as permanent signs? (Permit a banner location for changing banners?)

Mr. McClarty recommends for business owners to permit banners at one time, this would allow the business owners to switch out banners as needed without additional permit fees. The commissioners agreed unanimously.

2. Signs/banners on fences (attached or freestanding?)

Mr. McClarty recommends signs attached to, or a part of, a fence or freestanding wall shall be considered a freestanding sign and shall comply with all such requirements. (stated in Section 4.2.8.5)

3. Limits on parked vehicles as signs.

Mr. McClarty recommends no change to the proposed ordinance regarding mobile signs referred in page 8 reference (4) of the sign ordinance draft.

4. Site permit for multiple signs

Mr. McClarty recommends a single site permit for multiple signs to a site plan.



5. “Unique Sign” approval process?

Mr. McClarty recommends special approval upon the Planning and Zoning Directors discretion and any appeal to be reviewed before the Planning and Zoning Commission.

6. Exempt non-illuminated signs under six square feet from permitting.

Mr. McClarty recommends no change to the proposed ordinance regarding exemptions to non-illuminated signs under six feet.

7. Other exemptions to include directional signs, menu boards and others listed in the proposed ordinance.

Mr. McClarty recommends the staff-proposed changes to the proposed ordinance regarding directional signs, menu boards and others listed in the proposed ordinance.

8. Underground power lines.

Mr. McClarty recommends underground power lines to billboards limited to new construction and existing billboards remain overhead as detailed:

Type I – New Type I billboards should have overhead power lines.

Type II – New Type II billboards should have power service located underground.

Power lines to new building constructions should be located underground from the street frontage to the front of the new construction.

9. Attached Signage:

Proposed draft was to allow no more than 20% of the building’s front façade and no more than 10% on other façades (original draft was 10% and 5%, which is common) on buildings in commercial or industrial development and 5% on facades in some other districts.

Mr. Bixby asked clarification regarding Wall signs listed in 4.2.8.5 (4) referring to the five percent of all facades. Mr. James stated it should read “5% of each façade”. Mr. Rosenbaum asked if the total percentages of each façade could be combined into one façade totaling twenty percent. Mr. James stated the way the ordinance reads is that “each” façade shall be a total of five percent.

Mr. McClarty recommends wall signs to be no more than 20% of the each façade of the building for commercial and industrial buildings and 5% of each façade in Office, Public, and other Non-residential Districts.

Mr. McClarty re-opened the public hearing.

Mr. Robert Kern (Acme Sign) asked clarification regarding permanent banners that are only required one permit fee per site, how will this affect the replacement of illuminated signs. Mr. McClarty stated the illuminated sign would still require the electrical permit for installation. Mr. James stated there is a difference between permanent banner signs and permanent illuminated signs. He added the hardware attaching the illuminated signs is significantly different than that of the banner signs. Mr. Kern stated he would like to bring this issue to the commissioners' attention to avoid future issues.

Mr. Bruce Kreitler (Broken Willow) asked clarification regarding fence signs as permanent signs. Mr. McClarty stated that it would. Mr. Kreitler asked the date for the next meeting regarding the sign ordinance. Mr. James stated the meetings are posted 72 hours in advance and the next meeting is tentatively scheduled for February 6<sup>th</sup>.

Mr. Steve Savage questioned the vehicles such as the Texas Steak Express truck as being an off premise sign. Mr. McClarty stated that working vehicles are exempt from the permitting process.

Mr. McClarty closed the public hearing.

Mr. McClarty opened the discussion for the next meetings to follow.

Mr. James suggested addressing the treatment of banners, streamers, pennants, balloons, etc. at the next regularly scheduled meeting.

Mr. McClarty suggested scheduling the special meeting for February 20<sup>th</sup>, 2012 to address portable signs, to be confirmed on the February 6<sup>th</sup> meeting.

**Ms. Yungblut moved to table the ordinance amending the Land Development code related to the Sign Regulations to the February 6th, 2012, Planning and Zoning Commission meeting. Mr. Rosenbaum seconded the motion and the motion carried by a vote of five (5) in favor (Bixby, Todd, Yungblut, Rosenbaum, and McClarty) and none (0) opposed.**

**Item Four: Adjourn**

The Planning and Zoning Commission meeting was adjourned at approximately 4:30 P.M.

Approved: _____, Chairman
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