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**PLANNING & ZONING COMMISSION**  
**February 6th, 2012**  
**Minutes**

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

Members Absent: None

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  
Brad Stone, Planner II  
Debra Hill, Secretary II (Recording)

Others Present:	Kristine Dawson	Mike Dunnahoo
	Kay Griffith Hibbs	Tim Smith
	Kenneth Musgrave	Steve Savage
	Valarie Lantrip	Jeffrey Hibbs
	Ryan Holmes	David McMeekan
	Bruce Kreitler	Marvin Norwood
	Jim Holzberlein	Winston Ohlhansen
	Kathy Holland	Chip Townsend
	Tom Brown	Andy Stanton
	Jake Day	Dale Boecker
	Randy Voorhees	Tim Cook
	Janell Dry	Robert Briley
	Brent Bell	Brad Engel
	Connie Robinett	Windell Lowe
	Bob Thomas	Gaylynne Isbell
	Mike McMahan	Megan Santee
	Arick Conners	John Decker
	Tommy Fain	Yesenia Toms
	Cecil Fain	

**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. Rosenbaum moved to approve the minutes of the January 3<sup>rd</sup>, 2012 meeting. Mr. Glenn seconded the motion and the motion carried unanimously.**

**Mr. Rosenbaum moved to approve the minutes of the January 17<sup>th</sup> 2012 meeting with corrections listed by the Commission. Mr. Famble seconded the motion and the motion carried unanimously.**

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

**Item Four: Plats**

Mr. Ben Bryner presented the staff report for the following cases.

MRP-5411

A public hearing to consider a Replat Showing Lot 100 & 101, of Lots 21-24 and all of a 20' Alley Abutting said Lots as shown on a Plat or Map of T.O. Anderson Subdivision of Lot 2, Block 181, OT Abilene. Taylor County, Texas.

MRP-0212

A public hearing to consider a plat of Lots 201 and 202, Block 9, Westwood Addition, City of Abilene, Taylor County, Texas.

FRP-0312

A public hearing to consider a plat of Lot 1, Block A, Lauren Engineers & Constructors Addition, Abilene, Taylor County, Texas.

MRP-0412

A public hearing to consider a plat of Lot 301, Block A, Replat of Lot 101, Block A, Gorsuch Replat of Part of Lot 2, of the W.R. Keeble Subdivision of Lots 1 & 2, Block 183, Original Town of Abilene, Taylor County, Texas. And Lot 203, Replat of Lot 103, Thompson Replat of part of Lot 2 of the W.R. Keeble Subdivision of Lots 1 & 2, Block 183, Original Town of Abilene, Taylor County, Texas.

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

**Mr. Glenn moved to approve MRP-5411, MRP-0212, FRP-0312 and MRP-0412. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Glenn, Rosenbaum, Yungblut, Todd, Famble and McClarty) and none (0) opposed. (Mr. Todd asked to abstain from FRP-0312 and MRP-0212. Mr. Rosenbaum asked to abstain from FRP-0312.)**

**Item Five:                    Zoning**

a.        Z-2012-04

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Valarie Lantrip to amend PD-123 concerning permitted uses, located at 401 Loop 322 & 2901 Newman Rd.

Mr. Ben Bryner presented the staff report for this case. The subject property is approximately 3.96 acres and is currently zoned PD (Planned Development). The property is mostly undeveloped with the exception of a few agricultural type structures. The adjacent properties have AO zoning to the north and east, HC zoning to the west, and LI zoning across the highway to the south. The property was annexed in 1964 and was zoned PD in 2008.

The property is zoned PD and has been defined into two tracts: Tract 1 allows some commercial type uses as well as some banquet halls and meeting facilities, while Tract 2 will allow camping, RV parks, and uses more related to AO (Agricultural Open Space) zoning. The previous request is to eliminate the different tracts and to amend the PD to expand the uses to allow for more outdoor recreation and fitness activities. The PD also proposes that storage units would be allowed.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a commercial area, along Loop 322. The uses defined by the PDD would be appropriate in this area given its proximity to Loop 322, and recreational facilities such as the Taylor County Fair Grounds and Expo Center.

Property owners within 200 feet of the zoning request were notified. Two (2) 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.

**Mr. Famble moved to approve Z-2012-04. Mr. Todd seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Yungblut, Todd, Rosenbaum, Famble, Glenn and McClarty) and none (0) opposed.**

b.        Z-2012-05

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Valarie Lantrip to rezone property from AO (Agricultural Open Space) to PD-123 (Planned Development) zoning, located at 2802 E. Hwy 80.

Mr. Ben Bryner presented the staff report for this case. The subject property is approximately 3.96 acres and is currently zoned AO (Agricultural Open Space). The property is vacant. The adjacent properties have PD zoning to the north, east and west and LI zoning across the highway to the south. There is some AO & HC zoning to the west. The property was annexed in 1964 and was zoned AO after it was annexed.

The property is zoned AO and is vacant. The property surrounding it has been defined into two tracts: Tract 1 allows some commercial type uses as well as some banquet halls and meeting facilities, while Tract 2 will allow camping, RV parks, and uses more related to AO (Agricultural Open Space) zoning. The previous request is to amend the uses to expand the uses to allow for more outdoor recreation and fitness activities. The proposed zoning is to include this tract into the PD zoning boundary.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a commercial area, along Loop 322. The uses defined by the PDD would be appropriate in this area given its proximity to Loop 322, and recreational facilities such as the Taylor County Fair Grounds and Expo Center.

Property owners within 200 feet of the zoning request were notified. Zero (0) 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.

**Mr. Bixby moved to approve Z-2012-05. Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Yungblut, Glenn, Todd, Rosenbaum, Famble and McClarty) and none (0) opposed.**

Mr. Todd suggested reviewing Item Seven: Highway 351 Development Plan before the Item Six: Ordinance Amendment. The Commissioners agreed.

**Item Seven:**

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to adopt the Highway 351 Development Plan.

Mr. James presented the staff report for this case. The City of Abilene has long recognized the Hwy 351 corridor as a key location within the community for implementing its long-term plan to promote orderly growth and economic opportunity. In the 2004 Comprehensive Land Use Plan the location was officially identified as a “**major commercial/ business center**”. The intersections of Hwy 351, I-20 and East Lake Road create a unique opportunity for a concentration of mixed land uses, nodal development and more compact development envisioned within the Comprehensive Plan. This plan further clarifies the vision for this area along Hwy 351 from I-20 out to the City Limits of Abilene, Texas. The plan is not intended to be static but recognizes the need for periodic revision and is intended to expand upon the general goals and strategies of the citywide Comprehensive Plan, not to supersede the recommendations of that Plan.

The goals of the Plan are as follows:

1. Encourage development of higher-density mixed use nodes including residential, retail, service, and employment uses that provide convenient vehicle, pedestrian, and bicycle access.
2. Encourage development in an area with existing currently underutilized transportation infrastructure.
3. Encourage the development of mixed income diverse housing including market rate and affordable housing.
4. Encourage public and private financial investment in nodal areas.
5. Ensure the long-term economic viability of a vital retail and service hub serving this sector of the community and outlying communities.
6. Encourage a highly connected and walkable street system through well-designed and attractive street corridors.
7. Provide convenient pedestrian connections with the Activity Center and to surrounding residential areas.
8. Encourage transit-oriented design, especially within the commercial and multi-family core of the Activity Center.
9. Accommodate the continued transition of this area from a rural/exurban strip to a mixed use urban activity center.

Development projects within this area should be designed to have good access to shopping and services and/or public transportation. It is recognized that development and redevelopment activities can spur the creation of jobs and the creation or relocation of businesses and services to the area.

This plan identifies targeted areas by need and potential. Emphasis is also placed on specific areas where the focus on development and redevelopment can quickly generate larger amounts of private reinvestment. The City of Abilene has designated the area shown on the attached “Hwy 351 Development Plan Map” as a community development target area. This area will benefit from development activities in order to encourage the long-term growth and vitality of the area.

Planning staff recommends approval of this request.

Mr. McClarty opened the public hearing.

Mr. Kenneth Musgrave (Owner, 3051 Hwy 351) spoke in favor of this request. Mr. Musgrave described the proposed development for this area.

Mrs. Lisa Stevens (developer) spoke in favor of this request. Mrs. Stevens stated the requirements for the financing of this area is that this area is to be covered under a mixed use redevelopment plan. She added this location would be multi-family, apartments and mixed use.

Mr. McClarty closed the public hearing.

**Mr. Famble moved to approve the Highway 351 Development Plan. Mrs. Yungblut seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Glenn, Todd, Rosenbaum, Famble and McClarty) and none (0) opposed. (Mr. Bixby asked to abstain from the Highway 351 Development Plan.)**

**Item Six: 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 stated that in regards to the lengthiness of the ordinance that the commissioners and staff have decided to review each sign regulation individually. He added that in today's meeting the commissioners will be reviewing:

- Treatment of banners, streamers, pennants, balloons, and flags.

The Planning and Zoning Commission discussed the schedule for reviewing the following items:

- February 20<sup>th</sup> - portable signs.
- March 5<sup>th</sup> - Height and size allowed for permanent, freestanding signs
- March 19<sup>th</sup> - Discussion of when nonconforming signs should come into compliance and general enforcement issue
- April 2<sup>nd</sup> - Review for approval

Mr. 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).

Mr. James addressed each topic of this meeting separately.

1. Flags – Under the proposed ordinance any governmental flags such as U.S. flags, state flags or non-commercial flags would be exempt. Flags advertising for a business would be allowed for grand openings for a limited time.
2. Pennants/Streamers/Inflatables/Balloons – Prohibited, except within 30 days of Certificate of Occupancy for Grand Opening.
3. Banners (not attached to buildings)/Bandits- Prohibited, except for grand opening within 30 days of Certificate of Occupancy.

After discussion among staff and the Commissioners, Mr. McClarty opened the public hearing.

Mr. Steve Savage addressed the abstaining of Commissioners if there is a conflict of interest. Mr. Rosenbaum stated that if the Commissioners have a conflict of interest regarding an item brought before them, they are to abstain from discussion or voting on that particular item. Mr. Savage questioned the conflict of interest regarding Commissioners previously involved with the sign ordinance committees that initiated this sign ordinance. Mrs. Kelley Messer (city attorney) stated that would not be a conflict. Mr. James stated that Commissioners were purposely selected for reviewing the sign ordinance for their input on decisions. Mr. Savage questioned the exemption of real estate signs, and the relevance to real estate agents being part of the sign ordinance committee. Mrs. Yungblut explained the proposed ordinance is not limited to just real estate signs but any sign under a certain size. Mr. Savage discussed the economic repercussion that could affect the City of Abilene if local businesses would not be able to advertise as freely as they need to.

Mr. Tim Smith (Firehouse Fitness) addressed the City of Abilene infringing on the public rights of the local businesses of Abilene. Mr. Smith discussed the issue of abandoned buildings and the action the City of Abilene should be taking to improve these sites instead of implementing more restrictions for small business owners. Mr. Bixby questioned if Mr. Smith believes there should not be a sign ordinance. Mr. Smith stated that yes he does believe there should be sign ordinances but not to the extent that they are so restrictive that it infringes on the rights of small business owners. Mr. Rosenbaum explained the actions involved in the implementing of any ordinances and the steps taken to achieve that ordinance.

Mr. Brent Bell expressed concerns with the vagueness of the proposed ordinance. He addressed banners, bandit signs and flags. Mr. Bell discussed the hardship to small businesses if visitors to Abilene are not able to locate businesses because of the restrictive sign ordinance. He also discussed the use of banners during parades and activities surrounding the Expo Center. Mr. Bell discussed the restrictions regarding non-commercial flags such as flags advertising local colleges or schools. He addressed the local economy now and in years past when this ordinance was first reviewed.

Mr. Randy Voorhees (owner of Primetime) expressed concerns with the consistency regarding the proposed sign ordinance. He added the difference in signs should not be judged on the beautification of one and the usefulness of another.

Mr. Marvin Norwood (owner of FlagWorld) expressed concerns with the restrictiveness of this proposed ordinance. Mr. Norwood discussed the importance of streamers, pennants and banners to his business. He added that the use of these types of signs is an important part of local business to promote sales. Mr. Norwood expressed the importance of supporting our local businesses and lessening the restrictions of the proposed sign ordinance. Mr. Bixby questioned the life of flags or streamers. Mr. Norwood suggested the life of streamers or flags could be up to six months. He added that his company replaces torn or ragged streamers or flags on a regular basis.

Mr. Jim Holzberlein (Garbos Locksmith) discussed the importance of banners to his business. He added he agrees with the City implementing sign regulations when it pertains to the safety of citizens. Mr. Holzberlein stated the criteria for banners should involve the wind strength of the banner not the size of a banner. He added he believes the streamers, balloons, pennants and flags do not pose a safety hazard to the community and should be allowed. Mr. Holzberlein stated abandoned signs should be removed within sixty days and if they are not removed then the property owners should be fined and then the City could remove these signs as needed.

Mr. Robert Kern (Acme Sign) asked clarification of page eight of the proposed sign ordinance regarding "flags with corporate symbols should be permitted as general business signs". He also asked clarification regarding bandit signs and real estate signs. Mr. Kern addressed the schedule for the remaining sign regulations. He expressed concerns with each member of the Commission having the input needed for the passing of this sign ordinance. Mr. Rosenbaum assured Mr. Kern that each commissioner will review the proposed sign ordinance before it will be passed on to the City Council for approval.

Mr. Tom Brown (Extreme AutoClean) asked clarification regarding certain signs displayed at their facilities. Mr. Brown described the signs as "wind signs" that are larger than six square feet located next to their menu sign. Mr. James explained the intent of this revision is to exempt signs not intended to be viewed from the street. Mr. Brown discussed the displaying of pennants or streamers. Mr. McClarty stated that in the proposed ordinance these types of signs would not be allowed. Mr. Bixby asked the length of time these streamers are displayed. Mr. Brown stated they usually are displayed sixty to ninety days. He added that in the proposed ordinance they are prohibited, if the commission would consider allowing the use of pennants and streamers on a temporary basis, such as grand openings. Mr. Brown discussed the issue of abandoned buildings with old signs still displayed.

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

After the recess:

Mr. McClarty re-opened the public hearing.

Mrs. Arick Connors expressed her concerns with more restrictions implemented to the citizens of Abilene.

Mrs. Connie Robinette asked if the original citizen's committee surveys are opened to the public. Mr. McClarty stated this information is public record.



Mr. Mike Dunnahoo (Star Dodge) discussed the revenue generated by the use of streamers, pennants and flags. Mr. Dunnahoo addressed the abandoned buildings with signs still displayed. He added that he believes these types of signs should also be kept in good condition. Mr. Bixby asked the length of time Mr. Dunnahoo uses streamers or pennants. Mr. Dunnahoo stated he uses these types of signs at least half the year and replaces them within six months after being displayed. Mr. Bixby asked Mr. Dunnahoo his opinion on banners signs.

Mr. Dunnahoo stated he believes these types of signs should be regulated for safety reasons. He added that these types of signs are not as effective as others when placed near a busy street or Highway. Mr. Todd asked if surveys have ever been implemented on the effects of certain signage. Mr. Dunnahoo says there has been in the past but he has not been involved with them.

Mrs. Shannon Gollihar (Manager of Cimarron Apts) discussed streamers, pennants and flags. Mrs. Gollihar suggested these types of signs having a minimum regulation such as:

1. Not allowed in the ROW
2. In good repair and replaced regularly.
3. No stipulations on the size, color or amount allowed

Mrs. Gollihar addressed the enforcement of these signs. She believes the enforcement of these types of signs would help to regulate the aesthetics of each business and ensure safety concerns for citizens. Mr. Glenn asked the importance of using these types of signs. Mr. Gollihar stated this has been an effective resource for advertising “specials” for their apartment complexes. She added they have a survey card they ask potential occupants to fill out stating where they had learned of the specials for the complex. Mrs. Gollihar stated the apartment complexes use this information to learn the effectiveness of each type of advertisement.

Mr. Marvin Norwood (owner of FlagWorld) discussed the importance of advertising with flags, pennants and streamers. Mr. Norwood stated these types of signs are good advertising when kept in good repair. He requested for the Commissioners to use good judgment when implementing regulations that will affect the citizens of Abilene and the small businesses located here.

Mr. Tommy Fain (Abilene Radiator and Transmission) discussed the importance of small businesses using streamers or flags for advertisement. Mr. Fain expressed concerns with the city government dictating to business owners the way each business should advertise. He added the sign ordinance in place should be enforced and no new regulations should be implemented.

Mr. Bruce Krietler (Broken Willow) expressed concerns with too many regulations.

Mr. McClarty closed the public hearing.

After discussion among the Commissioners and staff, the agreement of the Commissioners was unanimous for the following directions to staff:

- All Flags (Governmental, Non- Commercial etc.) - No permit required and no restrictions, but must be maintained in good repair.
- Balloons – No permit required and no restrictions, but must be maintained in good repair.
- Inflatables – No permit required and no restrictions, but must be maintained in good repair.
- Streamers/Pennants – No permit required and no restrictions, but must be maintained in good repair.
- Banners (not attached to a building) – Permits should be required. Banners should only be allowed on a temporary basis. They should not be allowed in ROW. They should be allowed for 4 periods of 30 days per calendar year. They should also be allowed for grand opening events for sixty days. Each lot should be allowed one such sign per 150 feet of street frontage, but a minimum of one per lot for smaller lots. Such signs must be kept in good repair. The maximum size for banners is 32 square feet.
- Bandits – Exempt within residential areas if less than six square feet. Should be treated the same as banners in non-residential areas if less than 6 square feet. If over 6 square feet, then they should be treated as a permanent freestanding sign.
- Temporary Signs – To be regulated the same as banners.

Mr. McClarty re-opened the public hearing.

Mr. Steve Savage spoke in favor of the compromises portrayed in this meeting.

Mr. Marvin Norwood expressed appreciation to the commissioners for their willingness to listen and resolve issues regarding flags, pennants, balloons, and streamers.

Mr. Randy Voorhees stated that he believes that with the technology going forward, temporary signs as discussed would probably fade out in the future.

Mr. McClarty closed the public hearing.

**Mr. Famble moved to table the ordinance amending the Land Development code related to the Sign Regulations to the February 20th, 2012, Planning and Zoning Commission meeting. Mr. Glenn seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Todd, Yungblut, Rosenbaum, Famble, Glenn and McClarty) and none (0) opposed.**

**Item Eight: Director's Report:**

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

**Z-2011-32**

A request from Shawna Abernathy to rezone property from RS-6 (Single Family Residential) to O (Office) zoning, located at 2526 S. 32nd St.

P&Z Recommendation: Approval as requested (6-0)

Council Decision: Approval as recommended by P&Z (7-0)

**Z-2011-33**

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.

P&Z Recommendation: Approval of a PD w/ NR uses, eliminating hours-of-operation restriction for a fitness use (6-0)

Council Decision: Approval as recommended by P&Z (7-0)

**Z-2011-34**

A request from SMR Acquisitions to rezone property from MD (Medium Density Residential) to NR (Neighborhood Retail) zoning, located at 1774 State St.

P&Z Recommendation: Approval as requested (6-0)

Council Decision: Approval as recommended by P&Z (7-0)

**Z-2011-35**

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.

P&Z Recommendation: Approval as requested (6-0)

Council Decision: Approval as recommended by P&Z (7-0)

**Z-2011-36**

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.

P&Z Recommendation: Approval as requested (6-0)

Council Decision: Approval as recommended by P&Z (7-0)

**TC-2011-04**

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.

P&Z Recommendation: Approval with removal of turn-around condition (6-0)

Council Decision: Approval as recommended by P&Z (7-0)

An ordinance amending the Land Development Code related to Wind Energy Conversion Systems.

P&Z Recommendation: Approval with modifications (6-0)

Council Decision: Approval as recommended by P&Z, with use allowed by-right or CUP in all districts (7-0)

Mr. Rosenbaum questioned the reviewing of the CIP budget. Mr. James stated this would likely be addressed in the March meeting.

**Item Nine: Adjourn**

The Planning and Zoning Commission meeting was adjourned at approximately 5:15 P.M.

Approved: _____, Chairman
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