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**PLANNING & ZONING COMMISSION**  
**February 20th, 2012**  
**Minutes**

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

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  
Ben Bryner, Planning Services Manager  
Brad Stone, Planner II  
Debra Hill, Secretary II (Recording)

Others Present:	Steve Savage	Jennifer Cleveland
	Glenn McWilliams	Billy Boone
	John Poe	Don Karcher
	James Karcher	Gordon Dempsey
	Shane Hutcherson	Jimmy B. Pickens
	Winston Ohlhanson	David McMeekan
	Robert Kern	Tommy Fain
	Bruce Kreitler	Gary Grubbs
	Dale Boecker	John Decker
	Rusty Boren	Brennan Peel
	Caroline Kreitler	Bob Thomas
	Lisa Burkhart	Mary Burkhart
	Ron Walker	Jim Holzberlein
	Jake Day	Tracy Gilliam
	Duane Mainville	Marvin Norwood
	Steve Abel	Mike McMahan
	John Cummins	Chip Townsend
	Robert Briley	

**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. Bixby gave the Invocation.

**Mr. Famble motioned to remove from the table the ordinance amending the Land Development code related to the Sign Regulations. Mr. Glenn seconded the motion and the motion carried unanimously.**

Mr. McClarty stated the discussion for this meeting would be the sign ordinance regarding portable signs.

Mr. Rosenbaum expressed appreciation to the citizens and property owners' input regarding the proposed sign ordinance. He stated that the Commissioners want to assure the business owners that their intent is to find a common ground between the proposed sign ordinance and the ability to meet the needs of the community.

**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. 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).

Mr. James listed the schedule for review:

1. Height and size allowed for permanent, freestanding signs – March 5
2. Nonconforming signs and enforcement issues – March 19
3. Revised Draft Ordinance – TBD

Mr. James stated the definition for a portable sign as follows:

➤ **Portable Sign:**

A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is movable from place to place and which includes but is not limited to signs affixed to a trailer or other portable structure and “A” frame or sandwich signs.

This includes signs which have had wheels removed or have been modified in such a way as to be anchored to the ground unless such modifications clearly are intended to be permanent in nature and would prohibit the sign from being removed and reinstalled at another location. This does not include temporary signs.

Mr. James discussed the focus groups involved in the proposed sign ordinance and the outcome from these groups:

- Prohibit them altogether
  - Focus Group (4 votes)
  - P&Z (5 votes)
- Allow portable signs, but for limited, temporary uses
  - Focus Group (4 votes)
  - P&Z (1 vote)
- Portable signs should be allowed as they are now
  - Focus Group (0 votes)
  - P&Z (0 votes)

Mr. James stated that in the proposed sign ordinance, portable signs would be prohibited but existing, permitted signs would be allowed to remain for up to 2 years. He discussed the permanent freestanding pole sign with the message board mounted to the permanent sign. Mr. James stated that these types of signs would be allowed in the proposed ordinance but would need to be permitted as a freestanding permanent sign.

Mr. James discussed the previous sign ordinance in which a survey was completed and with the results listed below the issue was dropped.

- 73% of portable signs did not have a permit
- 35% located in the street ROW
- 8% dilapidated or vacated
- 5% used for off-site advertising
- Only 13% were permitted and compliant with all requirements

Mr. James discussed the difficulty of enforcement regarding portable signs. He added that would like the commissioners to carefully consider the restrictions set for these types of signs.

Mr. James discussed each of the peer cities and their restrictions and allowances regarding portable signs.

➤ **Prohibited (4):**

- Carrollton
- Denton (1989)
  - Existing grandfathered
- Grand Prairie
  - except non-profit organizations
  - 32 sf max area
- Lubbock

➤ **Allowed, temporary (3):**

- Midland
  - 60 days per yr (1-60, 2-30, or 4-15 day permits)
  - + 7 days for grand open
- San Angelo
  - Up to 90 days per year
  - 35 sf max area
- Waco
  - 30 days per permit, 60 days total per year (must have 30 day gap)

➤ **Allowed, no time limit (3):**

- Killeen
  - In lieu of allowed monument signs
  - 3 per property
  - 12' x 5' max area
- Odessa
  - 35 sf max area
- Wichita Falls
  - 35 sf max area
  - Counts toward total allowable signage

Mr. McClarty opened the public hearing.

Mr. John Decker (Insite Signs) distributed a proposal to the Commissioners and staff regarding the portable sign portion of the sign ordinance. Mr. Decker discussed the proposal in depth and outlined each request proposed by portable billboards companies and local business owners. He expressed his concerns with the importance of portable signage for the small business owners and the revenue that is generated by the use of these types of signs. Mr. Decker stated that the local business owners agree there should be a sign ordinance and regulations of permitting these types of signs should be enforced.

Mr. Jim Holzberlien (Garbos Locksmith) expressed the importance of portable advertising for small business owners. He added that the use of portable signs has increased revenue for his business. Mr. Bixby questioned the usefulness of the portable signs for his business. Mr. Holzberlien stated he believes the portable signs are a useful tool for advertising but they do diminish their usefulness after approximately thirty to sixty days.

Mr. McClarty exited the meeting and Mr. Famble assumed his position as chair.

Mr. Steve Savage spoke in opposition of this request. He expressed his concerns with comparing the City of Abilene to other cities.

Mr. Duane Mainville (Magnetic Signs) discussed the proposal distributed the commissioners by Mr. Decker. He reviewed the portion of the proposal regarding enforcement of the current sign ordinance. Mr. Mainville stated that with the proper enforcement and cooperation of the sign companies these issues could be resolved. He added that their recommendations are for the portable sign companies are required to obtain an erectors license. Mr. Mainville stated that the majority of the dilapidated or vacated signs are usually the results of individual business owners purchasing these types of signs through retail stores and not meeting the permitting requirements. Mr. Glenn questioned Mr. Mainville's intent to restrict business owners from purchasing these signs. Mr. Mainville stated the explanation in the proposal as "Portable signs must be erected by sign companies licensed by the City of Abilene, with the exception of a land owner having the right to permit their own portable sign on their own private property". Mr. Mainville proposed an offer in regards to the dilapidated or vacated signs. He added the local sign companies would like to offer to the City of Abilene their services in picking up and delivering dilapidated or vacated signs to the recycle center. This would come into play when the City has taken all the proper steps in removing these types of signs.

Mr. McClarty entered the meeting and resumed as chair.

Mr. Billy Boone (Attorney for Mr. Dunnahoo/Star Dealership) discussed the importance of the small businesses of Abilene that have helped to support the local economy. He discussed the proposal brought before the commissioners and asked that they consider these proposals. Mr. Glenn addressed the previous meeting involving the banners, streamers and pennants. He added that in that meeting the commissioners reviewed the proposed ordinance and with the Abilene community in mind has proposed an ordinance regarding banners, streamers and pennants that would be a good compromise for both.

Mr. McClarty closed the public hearing.

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

**Mr. Glenn motioned to allow portable signs in the Land Development code related to the Sign Regulations. Mrs. Yungblut seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Todd, Yungblut, Rosenbaum, Glenn, Famble and McClarty) and none (0) opposed.**

Mr. McClarty opened the public hearing.

Mr. Glen McWilliams expressed concerns with the safety regulations with the use of portable signs. He addressed signage located in the ROW and the need for enforcement.

Mr. Bruce Kreitler (Broken Willow) asked clarification with the remaining issues regarding the portable sign proposal. Mr. McClarty stated the purpose is to improve the current ordinance and come to a compromise that would be beneficial to both the sign companies and the community. Mr. Kreitler addressed the lack of enforcement of the current ordinance. Mr. Famble stated the enforcement of the current ordinance is one concern of many brought before the commissioners.

Mr. Chip Townsend (Team Chip Tae Kwon Do) expressed the importance of using portables signage for his business. He added the data in use for this proposal in dated and needs to reflect the economy of the present. Mr. Rosenbaum asked the size of his sign. Mr. Townsend stated it was five foot by ten foot. Mr. Glenn asked the length of time the portable sign is used. Mr. Townsend stated their business uses these signs on a monthly basis and are maintained by the sign companies. Mr. Bixby asked if any other types of signs are used at his business. Mr. Townsend stated that he also uses banners attached to the buildings and window signs.

Mr. Jim Pickens expressed concerns with over regulations implemented by city government. He added he agrees with the issue of safety and the maintenance of signs.

Mr. Tommy Fain (Abilene Radiator & Air Condition) expressed the importance of the portable signs for his business. Mr. Fain addressed the enforcement of the current sign ordinance. He discussed the proposed time limits set for use of portable signs.

Mr. Bob Thomas (Burkhart Signs) discussed the previous ordinance and the current ordinance. Mr. Thomas discussed safety issue related to the visibility triangle as determining the ROW and intersection clearances. He also addressed the current ordinance states permitting signs to the business location not the business. Mr. Thomas stated that in the current ordinance it states "Portable signs shall permanently display on the sign in easily readable form the name, address, city, zip code and telephone number of the owner of said sign".

Mr. Mike McMahan (Abilene Chamber of Commerce) relayed to the commissioners that currently the Chamber of Commerce has a survey in process regarding the proposed sign ordinance. He added that when the survey is completed the information will be available for their review.

Mr. Ron Walker (owner of Jack Rabbit Slims) spoke in favor of the portable signs. Mr. Walker discussed the economic value of using the portable signs. He added that their intent is to eventually purchase a pole sign for their business but at the present time this is what is affordable for them. He stated that without the portable sign in front of their business their profit would sufficiently decrease.

Mr. McClarty closed the public hearing.

After discussion among the Commissioners and staff, Mr. McClarty requested a five minute recess.

After the recess:

Mr. McClarty requested to address individual items regarding the portable signs.

- Length of time – Five years
- Permits – A property owner, business owner, or a sign company may obtain a permit for a sign. A sign permit for a portable sign will not be required for the sign itself, but only the business location.
- Size – The size of portable signs shall be limited to a maximum of 64 square feet
- Erectors license – Not required
- Spacing – (Undecided)
- Distance from intersections – Not located in ROW and shall not be located within a driveway visibility triangle defined as 25 feet from the edge of pavement of the driveway along the street frontage and 6 feet from the property line along the driveway edge.
- In residential areas, churches and schools shall be allowed to use portable signs subject to the same limitations in the current sign ordinance.

Mr. McClarty re-opened the public hearing.

Mr. Poe discussed the issue regarding stickers used for information attached to signage. He added he was in favor of taking the responsibility of maintaining the portable sign.

Mr. John Decker (Insite Signs) described the process in permitting a portable sign. He added that if the business owner were to be required to re-permit the sign each time they needed it moved, this would cause a hardship on the business owner. Mr. Decker stated that in the current ordinance the permit is for the location and is indefinite.

Mr. Bruce Kreitler (Broken Willow) addressed the issue regarding the term “permanent” verses “temporary” in regards to the portable signs.

Mr. Bob Thomas (Burkhart Signs) addressed the issue of permit numbers attached to a permitted sign. Mr. Thomas suggested the use of permit boards attached to the portable signs to indicate a permit has been issued. He also addressed the issue of spacing portable signs per lot and these types of signs should be permitted by business address.

Mr. Steve Savage discussed the enforcement of portable signs. He added there are a number of city services that could assist in the retrieving of signs that are non-compliant.

Mr. McClarty closed the public hearing.

After discussion among the Commissioners and staff the following was recommended.

1. Portable signs should NOT be prohibited within the City.
2. Portable signs should NOT be limited to temporary use with time limits, but should be allowed to be used year round.
3. These signs should be maintained in good repair, including not allowing unsafe or hazardous signs, but also requiring maintenance to prevent cracking paint, discolored sign structure or lettering, missing or damaged parts, etc. In addition, signs should have timely and current information displayed upon the sign face, otherwise will be considered abandoned.
4. A property owner, business owner, or a sign company may obtain a permit for a sign. However, the property owner must consent to the placement of a sign on their property (i.e., a sign company or tenant must have approval of the property owner to obtain a permit).
5. Portable signs shall not be used for off-premise advertising, with the exception of allowing a permissible sign to advertise for non-profit organizations and/or their events.
6. The size of portable signs shall be limited to a maximum of 64 square feet.
7. An erector's license for portable sign companies will NOT be required.
8. Portable signs shall not be located within the right-of-way and also must be at least 10 feet from the curb or edge of pavement of a street. In addition, these signs must not be located within a visibility triangle, as defined by the Land Development Code for street intersections (25 feet back from the property line corner along each street) and shall not be located within a driveway visibility triangle defined as 25 feet from the edge of pavement of the driveway along the street frontage and 6 feet from the property line along the driveway edge.
9. In residential areas, churches and schools shall be allowed to use portable signs subject to the same limitations in the current sign ordinance.
10. A sign permit for a portable sign will not be required for the sign itself, but only the business location. (Passed by a vote of 6-1)
11. A portable sign permit shall be issued for a 5 year period.
12. Permits may be obtained for each business address on a site and number of signs on a site and spacing of the signs shall only be limited by placement standards for setbacks and visibility triangles (as well as complying with other site development standards such as not occupying a required parking space or fire lane, etc.). (Passed by a vote of 5-2) -- Motion to only allow 1 per site, plus 1 for every 150 feet for larger sites, failed.
13. Permit shall apply to the site and a sign may be removed and/or replaced with a different sign so long as the size limit and placement standards are in compliance.

Mr. McClarty re-opened the public meeting.

Mr. Duane Mainville (Magnet Signs) asked clarification regarding off-site advertising. Mr. McClarty stated off-site advertising has not been discussed as of yet.

Mr. John Decker (Insite Signs) asked clarification regarding the number of signs allowed per address. Mr. James stated that in the current ordinance, the number of signs allowed is based on the business address.

Mr. Bob Thomas (Burkhart Signs) asked clarification of the visibility triangle. Mr. James stated this definition is explained in detail in the Land Development Code.

Mr. Steve Savage addressed the off-site advertising. Mr. McClarty stated this is to be discussed after the closing of the public hearing.

Mrs. Mary Burkhart (Burkhart Signs) stated the sign regulations regarding strip malls.

Mr. McClarty closed the public hearing.

Mr. McClarty addressed allowing signage for non-profits.

Mr. McClarty re-opened the public hearing.

Mr. Duane Mainville (Magnet Signs) described off-site signage currently in use and the importance for business owners.

Mr. McClarty closed the public hearing.

After discussion among the Commissioners and staff regarding Off-Site and Non-Profit signs, Mr. McClarty re-opened the public hearing.

Mr. Rosenbaum questioned Mr. Mainville on the intent of not requiring a permit for Non-Profit organizations. Mr. Mainville stated this would enable non-profit organizations located out of the visibility of the public to be able to advertise for upcoming events. Mr. James stated that each sign would be required a permit and it would be the business owners decision to allow a non-profit organization to advertise on their property. Mr. McClarty added the business owner would not be allowed to put a portable sign for his business in the same location as the non-profit organizations sign on the same property.

Mr. McClarty closed the public hearing.

After discussion the following was unanimously recommended:

- Allow a permissible sign to advertise for non-profit organizations and/or their events.

**Mr. McClarty motioned to table the ordinance amending the Land Development code related to the Sign Regulations until the March 5<sup>th</sup>, 2012 meeting. Mr. Bixby seconded the motion and the motion carried by a vote of seven (7) in favor (Bixby, Todd, Yungblut, Rosenbaum, Glenn, Famble and McClarty) and none (0) opposed.**

**Item Four: Adjourn**

The Planning and Zoning Commission meeting was adjourned at approximately 6:20 P.M.

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