
PLANNING & ZONING COMMISSION

November 19TH, 2012

Minutes

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

Members Absent: Gary Glenn

Staff Present: Jon James, Director of Planning and Development Services
 Dan Santee, City Attorney
 Ben Bryner, Planning Services Manager
 Bradley Stone, Planner II
 Stephanie Goodrich, Planner I Historic Preservation Officer
 Zack Rainbow, Planner II
 Debra Hill, Secretary II (recording)

Others Present: Steve Savage Geanna Cutbirth
 Gordon Dempsy Karen Thomas
 Mary Burkhart Bob Thomas
 Dale Boecker Mike Dunnahoo
 Lon Paulsen Robert Kern
 Rochelle Johnson Dave Boyll
 Bruce Kreidler Tiffany Walden
 Ryan Holmes Marsha Choate
 David McMeekan Tommy Fain
 Cecil Fain Megan Santee
 Tim Cook Winston T. Ohlhansen
 Mike McMahan Greta Holzberlein
 Steve Abel Wilma Cadle
 Steve Cadle Janelle Dry

Item One: Call to Order

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

Item Two: Invocation

Mr. Tim 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. Famble moved to remove from the table the Ordinance amending the Land Development Code related to the Sign Regulations. Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, Todd, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

Mr. Jon James (Director of Planning and Development Services) reviewed 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.

Mr. James stated that in 2011 the Planning and Zoning Commission began the process of reviewing the Land Development Code related to the Sign Regulations. The Commission began in December 2011 and January 2012 reviewing the general provisions, in the February 6, 2012 meeting, banners, streamers, pennants, and balloons was addressed, and in the February 20th, 2012 meeting, Portable signs were addressed. In the March 5th, 2012 meeting the Commission was to address free standing signs, at this meeting the Commission moved to table the ordinance and return it to committee for completion. Mr. James stated that he has been directed by the Mayor to have the Planning and Zoning Commissioners reconsider the Sign Ordinance that was originally proposed and make a decision to approve or deny as written, which leads them to today's meeting. He added that in the November 5th, 2012 meeting the Commissioners decided to continue reviewing the Sign ordinance for completion to forward to the City Council. The remaining topics to review are height and size allowed for permanent freestanding signs, how to treat non-conforming signs and enforcement issues.

Mr. James described the different types of freestanding signs and monument signs. He added the questions before the Commissioners are:

- How tall should interstate pole signs be?
- Signs on arterial streets?
- Signs on other streets?

Mr. James described the draft ordinance and the proposed changes. He added that during this process that staff has met with a representative from a local sign company for alternative recommendations. He outlined the proposed changes from the representative and the final staff recommendation.

<u>Draft Ordinance</u>			<u>Alternative (Sign) Company</u>		
Interstate:	50 ft	200 sf	Interstate:	50 ft	300 sf
Freeway:	40 ft	200 sf	Freeway:	50 ft	300 sf
Arterial:	20 ft	100 sf	Arterial:	40 ft	175 sf
Minor Art:	20 ft	100 sf	Minor Art:	35 ft	150 sf
Collector:	8 ft	96 sf	Collector:	16 ft	80 sf

Staff Recommendation

Interstate:	50 ft	300 sf
Freeway:	40 ft	250 sf
Arterial:	30 ft	175 sf
Minor Art:	25 ft	150 sf
Collector:	16 ft	80 sf

Mr. Bixby questioned the possibility of exceptions of sign height when one business is located behind one another. Mr. James stated that in some cities, spacing is required, but under this proposed ordinance no limit to spacing is required. He added that most cities do not have provisions in place other than for spacing. Mr. James stated that in most cases set-backs would address these types of issues.

Mr. James stated that cleaning up the existing “bad areas” of town should be one of the highest priorities related to signs. He added the best way to do that is to implement stricter “nonconforming sign” rules to ensure compliance over time. Mr. James stated that ensuring proper maintenance, removing signs when a business closes and that signs should come into compliance when the business changes or the sign is replaced. He added that no new signs should be allowed on a property with nonconforming signs. Mr. James added these are listed in the draft ordinance today. Mr. James questioned the compliance requirements when a business changes, closes or a sign is to be replaced.

Mr. Rosenbaum distributed to the staff and the Commissioners a document outlining his comments in reference to Free Standing On-Site signs. Mr. Rosenbaum addressed the issues regarding signage location in regards to Collector streets and Arterial streets.

Mr. McClarty opened the public hearing.

Mr. Robert Kern (Acme Signs) described the four types of sign companies located in Abilene. Mr. Kern described the current sign ordinance and how it is restricted by the type of street use, such as Arterial or Collector. Mr. Kern described different locations and the differences in signs for businesses located in Abilene and how each location would be affected by the proposed sign ordinance. Mr. Kern addressed the abandoned signs and enforcement for compliance. He also addressed the height and size of signs and their relation to the current and proposed sign ordinance.

Mr. Bixby questioned if maximum height should be regulated or should the regulations be required by zoning. Mr. Kern stated he is comfortable with the current sign ordinance.

Mr. Steve Savage addressed the removal of abandoned signs and the expense related to the removal. Mr. Savage discussed the appointment of a code enforcement officer and the issue of enforcing the current ordinance.

Mrs. Janelle Dry (Sign Pro) stated she was in approval with the current sign ordinance. Mrs. Dry discussed the expense of the permit fees and the affect these fees have on local businesses. Mrs. Dry addressed the issue of abandoned signs and the enforcement regarding these signs.

Mr. Bob Thomas (Burkhart Signs) stated the current sign ordinance if effective. He added that the ordinance needs to be enforced, not redesigned. Mr. Thomas addressed other code violations and the need for enforcement in those areas also.

Mr. Dan Simons agrees with enforcing the current sign ordinance before changing it.

Mr. Cecil Fain stated he is in favor of staying with the current ordinance. He added that if the proposed sign ordinance is approved, it would affect his current signage on his properties.

Mrs. Amy Day (Day Sign Company) spoke in favor of the current sign ordinance. Mrs. Day discussed the importance of signs to small businesses and the opportunity they bring to the citizens of Abilene.

Mr. Bixby asked Mrs. Day if she was in agreement with the proposal regarding pole sign height that was presented by a local sign company. Mrs. Day stated she was in approval of the current sign ordinance.

Mr. Monroe Nevils addressed code regulations and the lack of enforcement.

Mrs. Yungblut stated the Commissioners are charged with reviewing this sign ordinance in the best interest of the public. Mr. Rosenbaum explained that the Commissioners are a recommending board, and any recommendation made by the Commissioners is passed to the City Council for their approval.

Mr. McClarty stated the purpose of this meeting is to discuss pole signs and regulations.

Mr. Bruce Kreitler spoke in favor of the current ordinance. Mr. Kreitler questioned the number of citations given for violations to the current sign ordinance. Mr. James stated that staff indicated the threat of citations and seldom citations are given. He added that staff tries to work with individuals to bring their signs up to code before issuing a citation.

Mr. McClarty closed the public hearing.

Mr. Bixby spoke in favor of street based restrictions regarding pole signs. He added he was in agreement with most of the recommendations made by the local sign company.

Mr. Rosenbaum questioned if the off-site signs was regulated by street and or by districts. Mr. James discussed the current ordinance in its regards to off-site signage. Mr. Rosenbaum stated that he believes the current ordinance is self-regulating.

Discussion among the Commissioners resulted in the following recommendations except for the Collector streets;

Interstate:	50 ft	300 sf
Freeway:	50 ft	300 sf
Arterial:	40 ft	200 sf
Minor Art:	40 ft	200 sf
Collector:		

Mr. McClarty reopened the public hearing for more information.

Mr. Robert Kern described current signs located on Collector streets. Mr. Kern stated he would like to see some compromise regarding the size regulations. He added this would ensure sign companies would not have to apply for a variance and give them more options. Mr. Kern stated he would like to see a larger sign requirement for a Collector street than what was recommended or at the least the option to do so.

Mr. Cecil Fain spoke in favor of raising the regulation on a Collector street to be higher than 16 feet.

Mr. Mike Dunnahoo (Star Dodge) agreed with the size of Interstate and Freeway signs. Mr. Dunnahoo agrees with the flexibility requested by Mr. Kern. Mr. Dunnahoo expressed gratitude to the Commissioners for their work.

Mr. Tim Cooke (Day Sign Company) agrees that the current height regulations are self-regulating.

Mr. Mike McMahan (Chamber of Commerce) discussed the results of the Sign regulations survey. Mr. McClarty asked that the next survey the Chamber of Commerce publishes, he would like to be able to have the Commissioners and the City Council review the results together as a workshop.

Mr. McClarty closed the public hearing.

Discussion continued regarding height and size of pole signs. The Commissioners agreed on the following, including the Collector streets.

Interstate:	50 ft	300 sf
Freeway:	50 ft	300 sf
Arterial:	40 ft	200 sf
Minor Art:	40 ft	200 sf
Collector:	25 ft	100 sf

Mr. James questioned the number of signs allowed for a corner property. Mr. Rosenbaum stated that the proposed ordinance stated one sign per site. Mr. James stated that normally if a property is under different owners that would be listed as a different site. Mr. Rosenbaum questioned the use of the term "site". Mr. James questioned if the number of signs allowed should be regulated by site or by business.

Mr. McClarty asked for a five minute recess.

Mr. Rosenbaum asked clarification regarding group signs. Mr. James stated that with the proposal, group signs and the pole signs would regulate the same.

Mr. James asked clarification regarding the number of signs allowed per corner property. Mr. McClarty stated the Commissioners have agreed on one sign on each street of a corner property.

Discussion among the Commissioners and Staff outlined the variations of regulations in regards to non-conforming signs.

Existing nonconforming signs should be allowed to continue unless:

- The business is closed for 1 year, then they lose nonconforming status AND the sign must be removed.
- The sign becomes dilapidated, damaged, destroyed, unsafe, or unsightly.
- The information on the sign is untimely or inaccurate for more than 1 year.

Mr. McClarty requested that a cohesive sign ordinance, with the proposed changes, be produced to the Commissioners for review at the special meeting on December 17th, 2012. Mr. James agreed.

Mr. Todd moved to table the Ordinance amending the Land Development Code related to the Sign Regulations to a special meeting on December 17th, 2012, to review the proposed changes, Mr. Bixby seconded the motion and the motion carried by a vote of six (6) in favor (Yungblut, ~~Glenn~~, Todd, Bixby, Rosenbaum, Famble and McClarty) and none (0) opposed.

Item Four: Adjourn

The Planning and Zoning Commission meeting was adjourned at approximately 4:25 P.M.

Approved: _____, Chairman