

MINUTES OF THE MEETING OF THE PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 4TH DAY OF AUGUST, 2016 AT 12:00 PM.

Members present: Woods; Johnston; Hilton; Anderson; Durda; Barry
Members absent: Cummings
City staff present: Kulhavy; Ridley; Martin

1. CALL TO ORDER

- a. *This meeting was called to order by Chairman Johnston. [12:02 PM]*

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
b. Texas Flag

3. INVOCATION

Commissioner Anderson led the invocation

Aron Kulhavy asked permission to move Agenda Item No. 6 before Agenda Item No. 4 because there were several business/sign owners present for Agenda Item No. 6.

6. DISCUSS the revision of Development Code Section 8.600 regarding the regulations for Dynamic Signs.

Aron Kulhavy presented the Decision Package for the proposed revision to Section 8.600 of the Development Code. He outlined the options presented in the Decision Package making note of the numerous brightness standards which could be used regarding option 4b. He gave the example of the complaint based regulation that Texas Department of Transportation (TxDOT) uses. Kulhavy introduced the International Sign Association (ISA) *Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's)* document indicating that staff could easily put these standards into Development Code language and staff would also be able to enforce these standards with existing equipment, (measuring footcandles as opposed to nits). Staff recommendation is included in the Decision Package. For clear direction from the Commission, staff is requesting a vote on the Decision Package options.

The **Commissioners** discussed the pros and cons for using footcandles instead of nits for the brightness/intensity for regulating dynamic signs and asked questions of **Clint McClaren** of Wiesner car dealership who was present in the audience. It was noted that the ISA recommended standards do make adjustment for sign size and location. It was agreed that there should be different size standard for signs located in town and for signs located in the IH 45 corridor.

Aron Kulhavy read **Mike Cochran's** of eSigns submitted email regarding his recommendation for Code regulation for dynamic signs, noting that Mike was unable to attend the meeting.

Charles Smither, Jr. spoke noting that the Code regulation for signs along the IH 45 corridor should not only take into consideration the speed on the freeway but also the distance from the freeway.

Commissioner Woods moved to approve Decision Package Options 2, 3b (with the stipulation of sign location to be within 150' of IH 45), and 4b (using the recommended ISA regulation standards for sign brightness) for revision of Development Code Section 8.600. Second was by Commissioner Durda. The vote was unanimous.

4. PUBLIC HEARING to consider amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville.

Chairman Johnston opened the Public Hearing, [12:48 PM]

Aron Kulhavy gave an overview of proposed amendments per the discussion form. Both of these items were intended to be included in the adoption of the update of the Development Code. It was an oversight that these items were left out. The voted on and approved Decision Package for Billboards included the ETJ in the prohibition of the new construction of billboards (off-premise signs). Staff is also inquiring if the Commission desires to have the entirety of Article 8, per the revision of Section 8.102, to be effective for the ETJ. Staff recommendation is to approve the language revision as presented for *Sections 7.800 and 8.700* but not *Section 8.102*.

There were not any speakers in favor of the Code language revisions.

Charles Smither, Jr. spoke in opposition to the proposed Code language revisions for signs in the ETJ. He stated his opinion that the City will be over-reaching as staff is not able to enforce the sign code in the City, much less the entire ETJ.

Chairman Johnston closed the Public Hearing, [12:53 PM]

5. **CONSIDER** amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville.

Commissioner's discussion favored the language revision to require City Manager permitting for removal of trees in the rights-of-ways and other public places and also favoring the prohibition of billboards (off-premise signs) in the ETJ. They agreed that more time and consideration is needed in order to make a decision regarding applying the entire sign code to the ETJ.

Commissioner Woods moved to approve the Development Code Language revision for Section 7.800 and Section 8.700 and to table the revision of Section 8.102. Second was by Commissioner Barry. The vote was unanimous.

7. **CONSIDER** the minutes of the July 21, 2016 meeting.

Commissioner Hilton pointed out confusing wording in Greg Debey's comments under Agenda Item No. 10.

Commissioner Anderson asked for his caution to Scott Hornung for his call out of Commission Chairman Johnston to be added to Hornung's comments in Agenda Item No. 4.

Commissioner Woods corrected the spelling of Greg Debey's last name.

Commissioner Hilton moved to accept the minutes of the June 21, 2016 Planning Commission meeting with the above noted amendments. Second was by Commissioner Anderson. The vote was unanimous.

8. PUBLIC COMMENTS

Charles Smither, Jr. suggested that staff provide some examples of the lighting levels of some of the existing signs with dynamic displays in regards to the discussion of nits vs. footcandles.

9. ITEMS OF COMMUNITY INTEREST

- i. *Aron Kuhavy asked Allison Martin, new part-time city staff planning assistant, to introduce herself to the Commission.*
- ii. *Burn ban is still in effect.*
- iii. *City Council will consider the Development Code language revision for trees in the rights-of-way and billboards in the ETJ as well as the three Development District Map amendment cases on Tuesday, August 16th at 6:00 pm.*
- iv. *Commissioner Woods noted the on-line news coverage of the previous Commission*

meeting by Walker County News Today. Aron Kulhavy stated that staff will send the Commissioners the link.

10. ADJOURNMENT

Commissioner Woods moved to adjourn. Second was by Commissioner Barry. The vote was unanimous. [1:25 PM]