

City Council  
Agenda Memo



City Council  
Meeting Date: 9/25/2014

**TO:** Larry D. Gilley, City Manager

**FROM:** Jon James, AICP  
Director of Planning and Development Services

**SUBJECT:** First reading on an ordinance for Case No. Z-2014-39, a request from Paul Johnson & Associates, agent Paul Johnson, to amend PD-41 (Planned Development) zoning regarding self-storage & signage, located at 425 & 465 N. Judge Ely Blvd; and setting a public hearing for October 9, 2014.

**GENERAL INFORMATION**

Currently the property is zoned PD-41 and is developed with a large retail building that was the previous site of a Wal-Mart shopping center. The building has been vacant for several years. The purpose of the amendment to the zoning is to allow for self-storage warehousing within the building and to also allow for residential homes on the property. The surrounding area is developed generally with commercial uses to the south, single-family residential uses to the east, and apartments to the north & west. The applicant is requesting an amendment to the PD zoning which would allow for self-storage uses similar to other locations already existing in the City of Abilene. Additionally, the amendment will allow for additional signage at N. Judge Ely Blvd to advertise for the proposed use.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial'. The proposed self-storage warehousing will be conducted indoors with minimal impact on the adjacent properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent commercial and multi-family residential uses in the area.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed PD amendments.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 15, 2014

Item No. 6.6

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_  
 Denied \_\_\_\_\_  
 Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-41 AND ORDINANCE NO. 23-1986, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 23-1986, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 25<sup>th</sup> day of September A.D. 2014.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16<sup>th</sup> day of August, 2014, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 9<sup>th</sup> day of October, 2014, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 9<sup>th</sup> day of October, A.D. 2014.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

3<sup>rd</sup> Amendment to Ordinance No. 23-1986

An ordinance to amend the Judge Ely Boulevard Planned Development Mixed Use zoning district (Ordinance number 23-1986) in the following manner:

DELETE: Section "Specific Modification, Tract 2," 1<sup>st</sup> paragraph:

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Shopping Center (SC) zoning classification. Furthermore, location of buildings, driveways, and other physical features, shall be guided by the site plan attached as Exhibit B.

ADD: Section "Specific Modification, Tract 2," new 1<sup>st</sup> paragraph to read as follows:

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the General Retail (GR) zoning classification. Additionally, self-storage warehousing shall be permitted on all except the western 425 feet of Tract 2. Furthermore, location of buildings, driveways, and other physical features, shall be guided by the site plan attached as Exhibit B.

DELETE: Section "Specific Modification, Tract 2, Number 4."

Two freestanding signs shall be allowed. The first sign shall be used by the occupant of the outlot located in the northwest corner of the tract, as shown on the attached site plan. This first sign shall not be allowed unless and until development occurs on the outlot and such development shall itself make use of the sign. This sign shall be setback 10 feet from all property lines. It may be no more than 20 feet tall and 136 square feet in area.

A second sign is allowed which may be used to identify the shopping center and/or its tenants. It may be built under any one of the following alternatives:

1. 25' setback, 20' tall, 200 square feet in area.
2. 50' setback, 30' tall, 300 square feet in area.
3. 100' setback, 30' tall, 300 square feet in area.
4. 200' setback, 40' tall, 350 square feet in area.
5. 25' setback, 30' tall, 350 square feet in area with 8' grade clearance, and located south of the main entrance.

ADD: Section "Specific Modification, Tract 2," new language for Number 4 to read as follows:

Two freestanding signs shall be allowed. The signs shall identify one or more uses within Tract 2. The signs may be no more than 30 feet tall, 200 square feet in area, and no closer than 100 feet from one another.

-END-



# ZONING CASE Z-2014-39

## STAFF REPORT



### APPLICANT INFORMATION:

Paul Johnson & Associates  
Agent: Paul Johnson

### HEARING DATES:

P & Z Commission: September 2, 2014  
City Council 1<sup>st</sup> Reading: September 25, 2014  
City Council 2<sup>nd</sup> Reading: October 9, 2014

### LOCATION:

425 & 465 N. Judge Ely Blvd

### REQUESTED ACTION:

Amend PD-41 (Planned Development) zoning regarding self-storage & signage



### SITE CHARACTERISTICS:

The subject parcel totals approximately 24.11 acres and is currently zoned PD-41. The adjacent properties are zoned PD to the north & east, GC (General Commercial) & HC (Heavy Commercial) to the south, and MF (Multi-Family Residential) to the west.

### ZONING HISTORY:

The property was annexed in 1957 and was zoned PD in 1986.

### ANALYSIS:

#### • Current Planning Analysis

Currently the property is zoned PD-41 and is developed with a large retail building that was the previous site of a Wal-Mart shopping center. The building has been vacant for several years. The purpose of the amendment to the zoning is to allow for self-storage warehousing within the building and to also allow for residential homes on the property. The surrounding area is developed generally with commercial uses to the south, single-family residential uses to the east, and apartments to the north & west. The applicant is requesting an amendment to the PD zoning which would allow for self-storage uses similar to other locations already existing in the City of Abilene. Additionally, the amendment will allow for additional signage at N. Judge Ely Blvd to advertise for the proposed use.

#### • Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial'. The proposed self-storage warehousing will be conducted indoors with minimal impact on the adjacent properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent commercial and multi-family residential uses in the area.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the proposed PD amendments.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval as requested by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

**NOTIFICATION:**

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
CORLEY VIC	300 N JUDGE ELY BL	
ACME COMMERCIAL PROPERTIES LLC	273 N JUDGE ELY BL	
WORTHINGTON MELISSA	1126 TRACY LYNN DR	
ACI SELF STORAGE CORP	1102 TRACY LYNN DR	
CHAMBERS KAREN	442 PENROSE DR	
WEST TEXAS UTILITIES CO		
FLETCHER CLYDE & CHERYL LF EST	1396 TRACY LYNN DR	
KROENKE E STANLEY	401 GOLIAD DR	
JUNIPER ELY LTD	500 N JUDGE ELY BL	
MC CREARY B C DBA & TKC-SCA TRUST	450 PENROSE DR	
TKG SAN JACINTO PL DEV L P	425 N JUDGE ELY BL	
ACI SELF STORAGE CORP	1134 TRACY LYNN DR	
NEW FELLOWSHIP BAPTIST CH	1142 TRACY LYNN DR	
ALLSUPS CONVENIENCE STORE	301 N JUDGE ELY BL	
PAULSEN LOUIS J	301 GOLIAD DR	In Favor
TKG SAN JACINTO PL DEV L P		
TKG SAN JACINTO PL DEV L P	465 N JUDGE ELY BL	
WEST TEXAS UTILITIES CO	1574 SAN JACINTO DR	
CITY OF ABILENE	1650 SAN JACINTO DR	
ELECTRIC TRANSMISSION TEXAS LLC	550 GOLIAD DR	
GL PETERSON PROPERTIES LTD	1350 TRACY LYNN DR	
WEST TEXAS UTILITIES CO		
TKG SAN JACINTO PL DEV L P	465 N JUDGE ELY BL	

1 in Favor- **Y**  
 0 Opposed- **N**









