

City Council  
Agenda Memo



City Council  
Meeting Date: 12/18/2014

**TO: David A. Vela, Interim City Manager**

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

**SUBJECT: First reading on an ordinance for Case No. Z-2014-54, a request from the City of Abilene to expand the limits of PD-91 to include 1842 Hwy 351, currently zoned GR (General Retail), and amend PD-91 regarding signage; and setting a public hearing for January 8, 2015.**

**GENERAL INFORMATION**

Currently the property is zoned GR and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. With the planned re-construction of Hwy 351, the existing drive between the subject property and the Chik-Fil-A restaurant to the west will likely be closed and a new drive provided across this property accessing onto Enterprise Dr. The purpose of the zoning is to incorporate this lot into the existing Wal-Mart PD zoning and to amend the PD language to allow for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. This will ensure compatible development with the existing Wal-Mart development.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Major Commercial/Business Center'. The recently adopted Hwy 351 Development Plan also identifies this area as part the 'Commercial Activity Center'. The construction of Enterprise Dr on the north side of Hwy 351 has created a new intersection that is planned to have a traffic signal. The requested zoning is deemed compatible with the Future Land Use Map, the Hwy 351 Development Plan, and the adjacent properties.

**STAFF RECOMMENDATION**

Staff recommends approval.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 5, 2014

Item No. 6.9

Disposition by City Council

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

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

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-91 AND ORDINANCE NO. 20-2004 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 20-2004, 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 18th day of December 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 14<sup>th</sup> day of November, 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 8<sup>th</sup> day of January, 2015, 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 8th day of January, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "B"

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Exhibit "A"

4<sup>th</sup> Amendment to Ordinance No. 20-2004

AMEND: Part 4: Zoning to include the following:

That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From GR (General Retail) to PD (Planned Development) zoning.

AMEND: Part 5. Legal Description

ADD:

LITTLE ACRES, BLOCK A, LOT 102 REP, ACRES 0.953



Location:  
1842 Hwy 351

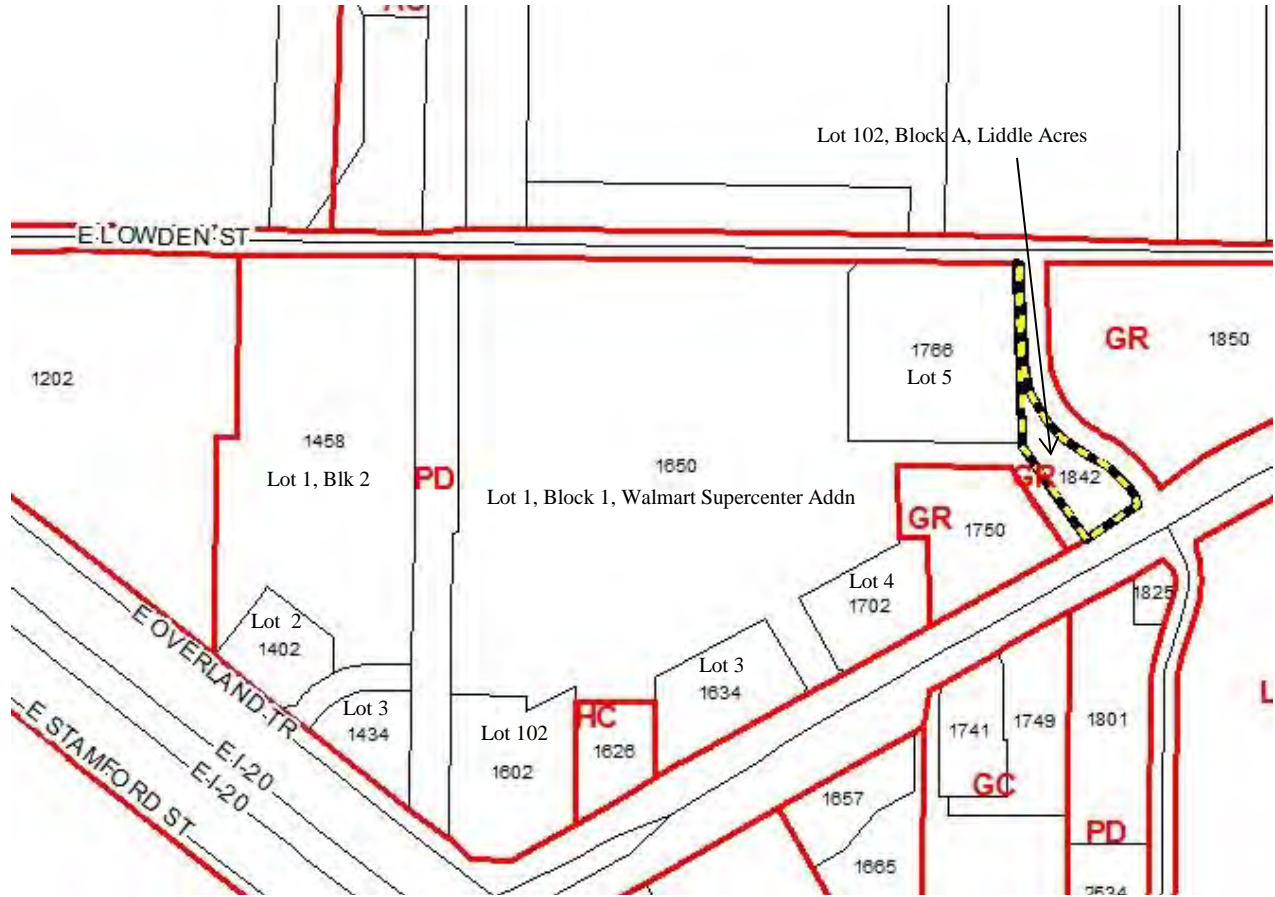
AMEND: PART 7: Specific Modifications, Sub-part (2) (F) as follows:

ADD: Allow for an additional sign located on Liddle Acres, Block A, Lot 102 Replat

F. Signs:

- Free-standing signs shall be permitted as follows:
  - Lot 1, Block 1
    - One pole sign with a maximum height of 75 feet and a maximum area of 200 square feet; and,
    - ~~Two~~One monument signs with a maximum height of 6 feet and a maximum area of 120 square feet.
  - Lots 3-5 and 102, Block 1 and Lots 1-3, Block 2
    - One pole sign with a maximum height of 60 feet and a maximum area of 200 square feet; or,
    - One monument sign with a maximum height of 6 feet and a maximum area of 75 square feet.
  - Lot 102, Block A, Liddle Acres
    - One pole sign with a maximum height of 40 feet and a maximum area of 200 square feet; and,
    - One monument sign with a maximum height of 6 feet and a maximum area of 120 square feet.
- Wall signs: May not exceed 10% of the area on any wall on which they are located.
- Banners: Shall only be allowed when attached to and flat against a building.
- Prohibited Signs: Portable signs, off-site advertising, other free-standing temporary signs.

-END-



# ZONING CASE Z-2014-54

## STAFF REPORT



### APPLICANT INFORMATION:

City of Abilene

### HEARING DATES:

P & Z Commission: December 1, 2014

City Council 1<sup>st</sup> Reading: December 18, 2014

City Council 2<sup>nd</sup> Reading: January 8, 2015

### LOCATION:

1842 Hwy 351

### REQUESTED ACTION:

Rezone property from GR (General Retail) to PD-91 (Planned Development) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 0.95 acres and is currently zoned GR. The adjacent properties are zoned PD to the west, GR to the east, AO (Agricultural Open Space) to the north, and PD to the south. There is a mix of GR, GC & LI zoning in the immediate area.

### ZONING HISTORY:

The property was annexed in 1980 and zoned GR on September 12, 2013.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned GR and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. With the planned re-construction of Hwy 351, the existing drive between the subject property and the Chik-Fil-A restaurant to the west will likely be closed and a new drive provided across this property accessing onto Enterprise Dr. The purpose of the zoning is to incorporate this lot into the existing Wal-Mart PD zoning and to amend the PD language to allow for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. This will ensure compatible development with the existing Wal-Mart development.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Major Commercial/Business Center'. The recently adopted Hwy 351 Development Plan also identifies this area as part the 'Commercial Activity Center'. The construction of Enterprise Dr on the north side of Hwy 351 has created a new intersection that is planned to have a traffic signal. The requested zoning is deemed compatible with the Future Land Use Map, the Hwy 351 Development Plan, and the adjacent properties.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
WAL-MART REAL ESTATE BUSINESS TRUST	1650 HWY 351	
ABILENE GROUP LLC	1766 HWY 351	
WEST TEXAS UTILITIES CO		
WAL-MART STORES TEXAS LP	1458 E OVERLAND TR	
BRINKER TEXAS LP	1702 HWY 351	
RED ARMADILLO LTD	1634 HWY 351	
COLE CB ABILENE TX LLC	1602 HWY 351	
CHICK FIL A INC	1750 HWY 351	
LEWIS DAVID E & MARILYN K		
CFT DEVELOPMENTS LLC	1749 HWY 351	
J D PITTMAN & SONS INC	1402 E OVERLAND TR	
REGION XIV EDUCATION SERV		
WAL-MART STORES TEXAS LP		
MURPHY OIL USA INC	1434 E OVERLAND TR	
TEXAS COCA COLA BOTTLING	1849 HWY 351	
ATWOOD BILLY & ROSEMARY	1801 HWY 351	
TEXAS COCA COLA BOTTLING	1825 HWY 351	
DEVELOPMENT CORP OF ABL	1842 HWY 351	
REGION 14 EDUCATION	1850 HWY 351	

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









