

City Council  
Agenda Memo



City Council  
Meeting Date: 7/23/2015

**TO: Robert Hanna, City Manager**

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

**SUBJECT: First reading on an ordinance for Case No. Z-2015-19, a request from Development Corporation of Abilene, Inc. to amend PD-91 (Planned Development) zoning concerning signage for property located at 1842 Hwy 351; and setting a public hearing for August 13, 2015.**

**GENERAL INFORMATION**

Currently the property is zoned PD-91 and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. This property was incorporated into the existing Wal-Mart PD early this year. This was done to ensure compatible development with the existing Wal-Mart development. The purpose of the amendment is to increase the height & size allowed for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. The future property owner desires a sign that will be taller and larger than currently allowed in the PD district (40 feet tall and 200 square feet). The requested height & area is 50 feet tall and 250 square feet in size.

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 existing zoning is deemed compatible with the Future Land Use Map, the Hwy 351 Development Plan, and the adjacent properties.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 13, 2015

Item No. 6.4

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 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, part known as the Land Development Code 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 23<sup>rd</sup> day of July A.D. 2015.

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 19<sup>th</sup> day of June, 2015, 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 13<sup>th</sup> day of August, 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 13<sup>th</sup> day of August, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

Exhibit "A"

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

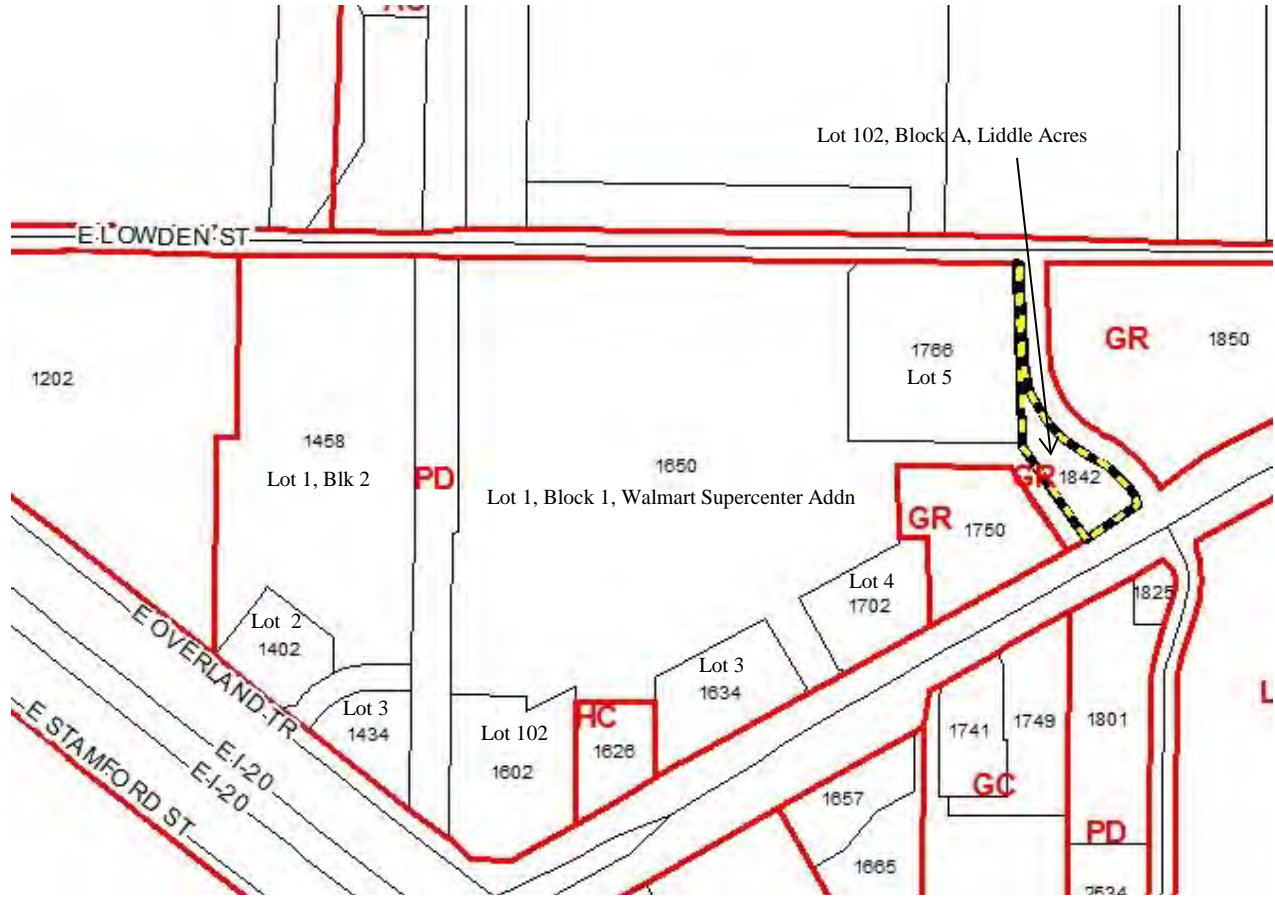
AMEND: PART 7: Specific Modifications, Sub-part (2) (F) as follows:

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,
    - 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~~50 feet and a maximum area of ~~200~~250 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-2015-19

## STAFF REPORT

### APPLICANT INFORMATION:

Development Corporation of Abilene, Inc.

### HEARING DATES:

P & Z Commission: July 6, 2015

City Council 1<sup>st</sup> Reading: July 23, 2015

City Council 2<sup>nd</sup> Reading: August 13, 2015

### LOCATION:

1842 Hwy 351

### REQUESTED ACTION:

Amend PD-91 (Planned Development) zoning concerning signage



### SITE CHARACTERISTICS:

The subject parcel totals approximately 0.95 acres and is currently zoned PD. 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 PD-91 on January 8, 2015.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned PD-91 and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. This property was incorporated into the existing Wal-Mart PD early this year. This was done to ensure compatible development with the existing Wal-Mart development. The purpose of the amendment is to increase the height & size allowed for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. The future property owner desires a sign that will be taller and larger than currently allowed in the PD district (40 feet tall and 200 square feet). The requested height & area is 50 feet tall and 250 square feet in size.

- 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 existing 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 by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and none opposed.

**NOTIFICATION:**

Property owners within a 200-foot radius and within the existing PD boundaries were notified of the request.

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









