

City Council
Agenda Memo



City Council
Meeting Date: 6/26/2014

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing on an ordinance for Case No. Z-2014-19, a request from Russ Petty, agent Bing Outdoor Media, LLC, to rezone property from NR (Neighborhood Retail) to GR (General Retail) zoning, located at 1766 S. Clack St.

GENERAL INFORMATION

The property is being considered for an off-premise (billboard) sign. The existing NR zoning does not allow for such signs. The applicant is requesting a change to the GR zoning which would allow for an off-premise sign. The surrounding area is developed generally with single-family residential homes to the west & retail uses to the north and south along Highway 83-84.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is part of a Major Commercial/Business Center node. There are several different businesses operating along the freeway ranging from personal service, retail, and restaurant uses. The requested zoning would specifically allow for an off-premise sign on the property. Although there are single-family homes directly adjacent to the west, staff has determined that the GR zoning would be appropriate due to its orientation toward Highway 83-84 and the designation in the Future Land Use map.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 13, 2014

Item No. 7.2

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, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; 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 the zoning district boundaries 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.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 12th day of June, 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 16th day of May, 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 26th day of June, 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 26th day of June, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from NR (Neighborhood Retail) to GR (General Retail) zoning.

Legal Description:

BAKER HEIGHTS ADDN SEC 1, BLOCK 1, LOT 107 REP



Location:
1766 S. Clack St

-END-

ZONING CASE Z-2014-19

STAFF REPORT



APPLICANT INFORMATION:

Russ Petty
Agent: Bing Outdoor Media, LLC

HEARING DATES:

Planning & Zoning Commission: June 2, 2014
City Council 1st Reading: June 12, 2014
City Council 2nd Reading: June 26, 2014

LOCATION:

1766 S. Clack St

REQUESTED ACTION:

Rezone property from NR (Neighborhood Retail) to GR (General Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.57 acres and is currently zoned NR. The parcel is developed with a retail building. The adjacent property is zoned NR to the north, RS-6 (Single-Family Residential) to the west, and GR to the south. The Winters Freeway (Highway 83-84) exists to the east.

ZONING HISTORY:

The property was annexed in 1957 and was zoned NR sometime after.

ANALYSIS:

• Current Planning Analysis

The property is being considered for an off-premise (billboard) sign. The existing NR zoning does not allow for such signs. The applicant is requesting a change to the GR zoning which would allow for an off-premise sign. The surrounding area is developed generally with single-family residential homes to the west & retail uses to the north and south along Highway 83-84.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is part of a Major Commercial/Business Center node. There are several different businesses operating along the freeway ranging from personal service, retail, and restaurant uses. The requested zoning would specifically allow for an off-premise sign on the property. Although there are single-family homes directly adjacent to the west, staff has determined that the GR zoning would be appropriate due to its orientation toward Highway 83-84 and the designation in the Future Land Use map.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

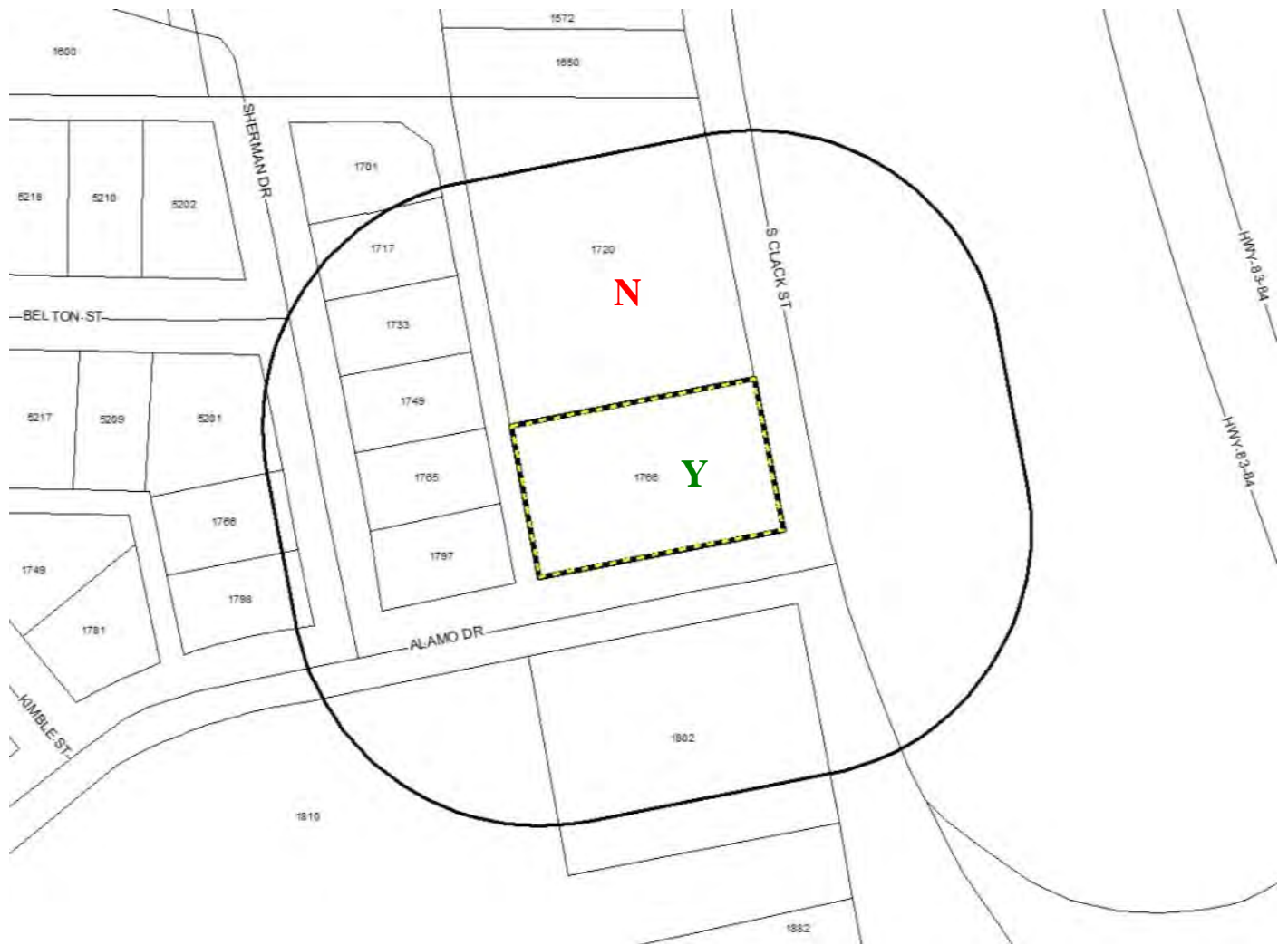
The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
THOMAS FANNIE M	1717 SHERMAN DR	
MILNER CHAREILA L & GARY W BIEN	1701 SHERMAN DR	
HP REAL ESTATE VENTURES LTD	1810 S CLACK ST	
STONEHENGE INVESTMENTS LLC	5201 BELTON ST	
HILLIER BILLY G & BOBBIE J	1765 SHERMAN DR	
SMITH WILLIAM O	1797 SHERMAN DR	
DITMORE RAYMOND EUGENE	1749 SHERMAN DR	
HEADSTREAM DONNA L	1733 SHERMAN DR	
BLACK ELLIS LEON JR	1798 SHERMAN DR	
PETTY RUSS	1766 S CLACK ST	In Favor
RCD HOLDINGS LLC	1766 SHERMAN DR	
BJSH PROPERTY INC	1802 S CLACK ST	
BAGA INC	1720 S CLACK ST	Opposed

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









BAGA, Inc.
1720 S Clack St
Abilene, TX 79605
(325) 691-0923

May 30, 2014

Planning & Zoning Commission
Planning and Development Services
PO Box 60
Abilene, TX 79604

Re: CASE # Z-2014-19
Rezoning Request

Dear Sirs:

On Monday, June 2, 2014, at 1:30pm, the Commission is considering a request by Russ Petty, agent Bing Outdoor Media, LLC, to rezone property from NR to GR, at 1766 S Clack Street. This zoning change request is being made in order for the owner and Bing Outdoor Media to place a large billboard on the property at 1766 S Clack.

1766 S Clack is directly south of our building at 1720 S Clack. As the direct neighbor to the north, we are adamantly opposed to this zoning change as we are adamantly opposed to the billboard being erected directly to the south of our building. We turned down Bing Outdoor Media's proposal to put the billboard on our property as it would be unsightly and detract from our, and the neighbors, properties. Should the zoning change be approved, and the billboard installed, we strongly believe our property, and the properties around the subject property, will be harmed. The current building signs in the direct neighborhood are all about the same size. The current signs are small in stature and work well with our buildings and our neighborhood. Adding a huge billboard right in the midst of our neighborhood will have a dramatic negative impact on all of the businesses and properties around the subject property. We are certain our signs that advertise our businesses will be dwarfed by the proposed billboard and our neighborhood businesses will suffer because of it. We are certain there are more appropriate areas to put this billboard where current local businesses will not be harmed.

We strongly urge the Planning & Zoning Commission to deny the referenced zoning change request for 1766 S Clack Street, and in turn deny the request to

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erect a billboard on this property. Should the zoning change and the billboard be approved, we will be forced to take the necessary legal action that is available to us in order to stop the construction of this billboard.

Thank you for your consideration of our request. We greatly appreciate your time and your efforts on behalf of the citizens of the City of Abilene.

Sincerely,



Blake Smith
Manager

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