

City Council  
Agenda Memo



City Council  
Meeting Date: 8/14/2014

**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-2014-27, a request from Meredith McCullar to amend PD-113 (Planned Development) zoning and specifically pertaining to signage allowed on property located at 1801 Hwy 351.

**GENERAL INFORMATION**

Currently the property is zoned PD-113 and is developed with a building that is being converted to a retail shopping center. The adjacent properties are a mix of retail, restaurant, commercial, and industrial uses. The PD zoning restricts the number, height & size of all free-standing signs in the PD boundary. The allowed signage within the PD boundary prevents this building from having its own free-standing sign to advertising for the tenants in the shopping center. The requested amendment will permit another free-standing sign along the Hwy 351 frontage of this property. The additional regulations for height & size will still apply.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center. The applicant is requesting the amendment to allow for an additional group sign. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of the amendment to PD-113 zoning.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 1, 2014

Item No. 7.8

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-113 AND ORDINANCE NO. 48-2008, 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. 48-2008, 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 24<sup>th</sup> day of July 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 20<sup>th</sup> day of June, 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 14<sup>th</sup> day of August, 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 14<sup>th</sup> day of August, A.D. 2014.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

1<sup>st</sup> Amendment to Ordinance No. 48-2008

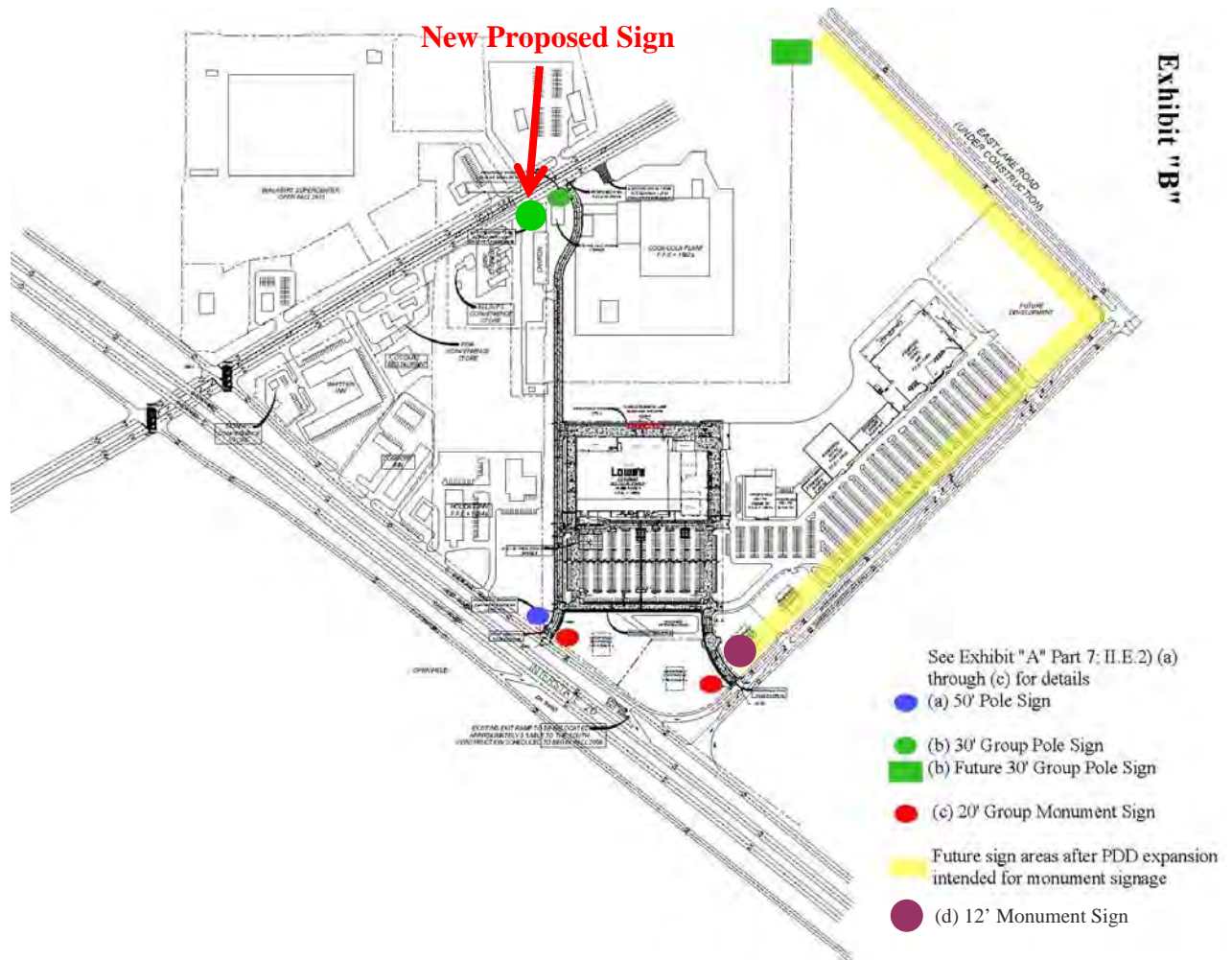
PART 7: Specific Modifications

AMEND: II. SITE DEVELOPMENT

E. **Signage:**

- 1) Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- 2) Freestanding:
  - (a) 1 pole sign for the PDD with a maximum height of 50' and a maximum square footage as follows:
    - (i) 300 square feet if only 1 business is advertised.
    - (ii) 400 square feet if more than one business is advertised
      - No single business shall have greater than 300 square feet of sign area.
  - (b) ~~2~~ 3 group signs for the PDD with a maximum height of 30' and a maximum area of 300 square feet shall be allowed in the areas designated on the concept plan.
  - (c) 2 Group monument signs for the PDD with a maximum height of 20' and a maximum area of 200 square feet shall be allowed in the areas designated on the concept plan.
  - (d) Monument signs along Musgrave Blvd with a maximum height of 12' and a maximum area of 200 square feet shall be allowed in the areas designated on the concept plan.
- 3) Wall signs:
  - (a) Wall signage may not exceed 10% of the area of any wall on which the signs are located.
  - (b) Wall signage may only be attached to the main structure.
- 4) Banners:
  - (a) Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- 5) Prohibited signs:
  - (a) Portable signs
  - (b) Offsite signage except for allowed group signs that advertise businesses or entities within the PDD.
  - (c) Streamers, pennants, balloons, and similar devices
  - (d) Temporary signs and freestanding banners, except for real estate signs and a "grand opening" event within 30 days of the issuance of a Certificate Occupancy.

AMEND: Exhibit "B" – Concept Plan



-END-



**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**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, Rosenbaum, and 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	
CHICK FIL A INC	1750 HWY 351	
CFT DEVELOPMENTS LLC	1749 HWY 351	
ALLSUPS CONVENIENCE STORE	1741 HWY 351	
DEVELOPMENT CORP OF ABL	1842 HWY 351	
STONEHENGE INVESTMENTS LLC	1801 HWY 351	
LOWES HOME CENTERS INC	1634 MUSGRAVE BL	
HORNE RE-ABILENE LLC	1602 MUSGRAVE BL	
BHAKTA BHARAT M	1701 HWY 351	
TEXAS COCA COLA BOTTLING	1825 HWY 351	
SOUTHWESTERN HORIZON PROPERTIES LLC	2018 E OVERLAND TR	
TEXAS COCA COLA BOTTLING	1849 HWY 351	
WENDAB ASSOCIATES	1642 MUSGRAVE BL	In Favor
BHAKTA AMIT	1926 E OVERLAND TR	
SOUTHWESTERN HORIZON PROPERTIES LLC	2002 E OVERLAND TR	

1 in Favor- **Y** (\*within PD but not within 200')  
0 Opposed- **N**

