



**City Council
Agenda Memo**

City Council Meeting Date: 8/13/2015

TO: Robert Hanna, City Manager

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

SUBJECT: Ordinance & Public Hearing: (Final Reading) 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.

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.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

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:

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Staff Report	Backup Material

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 23rd 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 19th 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 13th 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 13th day of August, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit "A"

5th 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:

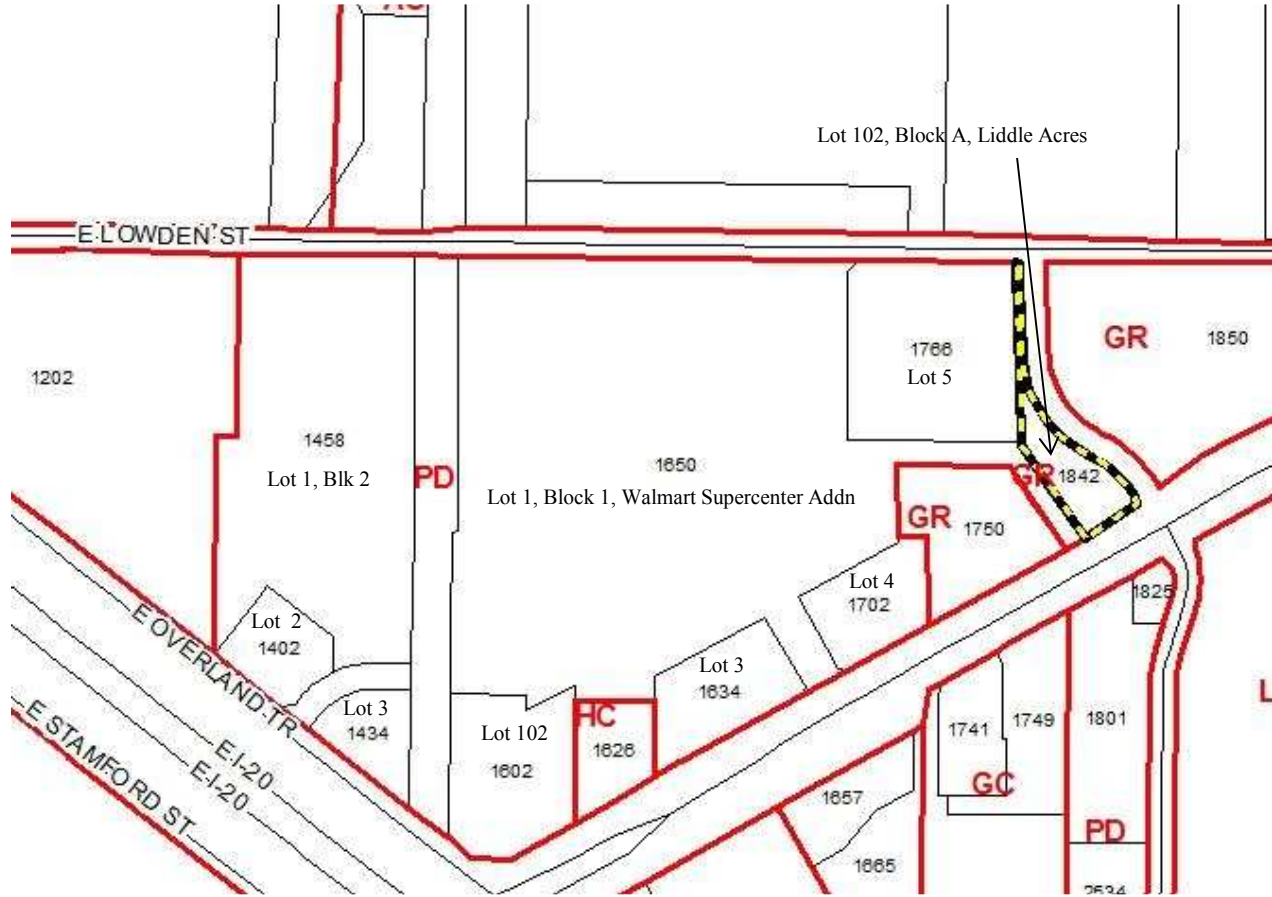
- Free-standing signs shall be permitted as follows:
 - Lot 1, Block 1
 - One pole sign with a maximum height of 75 feet and a maximum area of 200 square feet; and,
 - One monument signs with a maximum height of 6 feet and a maximum area of 120 square feet.
 - Lots 3-5 and 102, Block 1 and Lots 1-3, 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-

ORDINANCE NO. _____

EXHIBIT "B"

PAGE 3



ZONING CASE Z-2015-19

STAFF REPORT

APPLICANT INFORMATION:

Development Corporation of Abilene, Inc.

HEARING DATES:

P & Z Commission: July 6, 2015

City Council 1st Reading: July 23, 2015

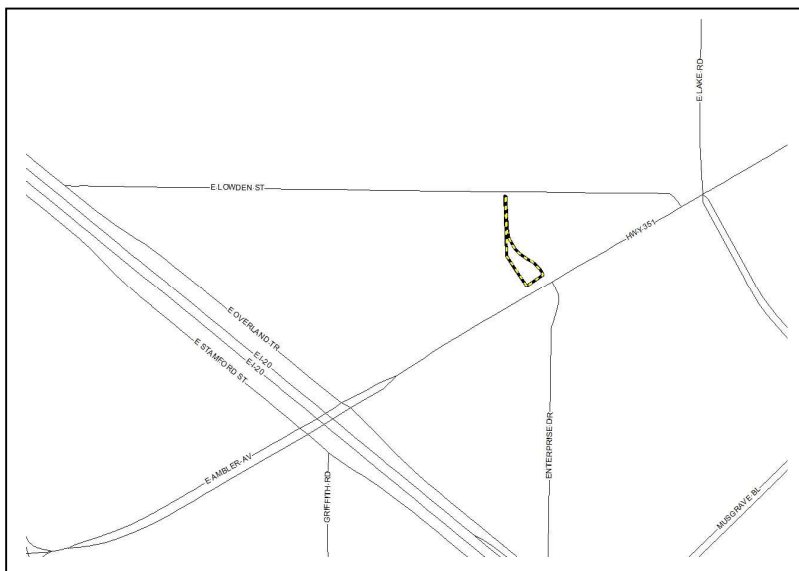
City Council 2nd Reading: August 13, 2015

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	

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

