

City Council
Agenda Memo



City Council
Meeting Date: 9/26/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading of an ordinance for Case No. Z-2013-29, a request from Terry & Mary Cathryn Casey, to rezone property from RS-8 & RS-8/COR (Single-Family Residential/Corridor Overlay) to GR & GR/COR (General Retail/Corridor Overlay) zoning, located at 6382 & 6458 Buffalo Gap Rd; and setting a public hearing for October 7, 2013.

GENERAL INFORMATION

Currently the property is zoned RS-8 & RS-8/COR and has been developed with 2 single-family homes. A large portion of the property is undeveloped. The applicant has future plans to use the property for retail development. The property to the north is zoned GC (General Commercial) and includes a restaurant and an office. The properties to the east are zoned GR (General Retail) & O (Office) and include retail and office development. The properties to the south are zoned RS-8 & NR (Neighborhood Retail). A home and a bike shop exist to the south.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 13, 2013

Item No. 6.8

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, 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 26nd day of September, A.D. 2013.

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 August, 2013, 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 7th day of October, 2013 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 7th day of October, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ZONING CASE Z-2013-29

STAFF REPORT



APPLICANT INFORMATION:

Terry & Mary Cathryn Casey

HEARING DATES:

Planning & Zoning Commission: September 3, 2013
City Council 1st Reading: September 26, 2013
City Council 2nd Reading: October 7, 2013

LOCATION:

6382 & 6458 Buffalo Gap Rd

REQUESTED ACTION:

RS-8 & RS-8/COR to GR & GR/COR



SITE CHARACTERISTICS:

The subject parcel totals approximately 11.88 acres. The properties are currently zoned RS-8 & RS-8/COR (Single-Family Residential/Corridor Overlay) and are developed with single-family homes.

ZONING HISTORY:

The area was annexed in 1963 & 1980 and zoned RS-8 sometime after. The Buffalo Gap Corridor Overlay was approved in 1995.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-8 & RS-8/COR and has been developed with 2 single-family homes. A large portion of the property is undeveloped. The applicant has future plans to use the property for retail development. The property to the north is zoned GC (General Commercial) and includes a restaurant and an office. The properties to the east are zoned GR (General Retail) & O (Office) and include retail and office development. The properties to the south are zoned RS-8 & NR (Neighborhood Retail). A home and a bike shop exist to the south.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
STATE NATIONAL BANK	6301 BUFFALO GAP RD	
HEB GROCERY COMPANY LP	6381 BUFFALO GAP RD	
WALKER GLYNN	6350 BUFFALO GAP RD	
D & K LLC	6326 BUFFALO GAP RD	In Favor
SALAZAR JENNIFER	4117 ANTILLEY RD	
POWELL OLAN BISHOP	6466 BUFFALO GAP RD	
REKG INVESTMENTS LLC	6449 BUFFALO GAP RD	In Favor
BRADEN KAY	4102 ANTILLEY RD	
BRADEN KAY	4118 ANTILLEY RD	
CASEY TERRY & MARY CATHRYN	6458 BUFFALO GAP RD	
KIRKPATRICK M DOUG ET AL	6302 BUFFALO GAP RD	
HAMIL ROBERT ELLIOTT	6501 BUFFALO GAP RD	In Favor
DUNCAN JEFFREY & STEPHANIE	4302 ANTILLEY RD	
CASEY TERRY & MARY CATHRYN	6382 BUFFALO GAP RD	
WILLIAMSON ALTON K & JULIE K	4202 ANTILLEY RD	
HEB GROCERY COMPANY LP	6401 BUFFALO GAP RD	
BLEDSON DONALD D		
KEMP CYNTHIA YVETTE	6502 BUFFALO GAP RD	
DAVISTA LLC SERIES I	4250 ANTILLEY RD	
WILLIAMSON ALTON KIM & JULIE K	4234 ANTILLEY RD	

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





