

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-2013-32, a request from Jerry Hallmark, agent Brad Andrews, to rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GC (General Commercial) zoning, being approximately 4.27 acres located at 3602 Catclaw Dr & a portion of 4491 Curry Ln; and setting a public hearing for October 7, 2013.

**GENERAL INFORMATION**

Currently the property is zoned AO & PD and is undeveloped. The applicant has future plans to use the property for retail development. The properties to the north and south are zoned PD and are developed with retail and office uses. The properties to the west and south are zoned AO and undeveloped. The property to the east is zoned GC (General Commercial) and is developed with retail uses. The proposed zoning will continue the commercial/retail development in the area.

The Future Land Use section of the Comprehensive Plan designates the area as low density residential. The area is adjacent to a Major Commercial/Business Center located in the vicinity of the mall. The adjacent developments to the north and east are major retail development. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of GR zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of GR zoning by a vote of 4 in favor (Bixby, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 16, 2013

Item No. 6.11

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 26<sup>nd</sup> 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 16<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> day of October, A.D. 2013.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GR (General Retail) district.

Legal Description:

A0466 SUR 95 J C DONLEY, ACRES 0.73 &  
A portion of A0243 SUR 96 JNO E SHEPPARD, ACRES 19.15



As shown in Exhibit 'A'

Location:

Being approx. 4.27 acres located at 3602 Catclaw Dr & a portion of 4491 Curry Ln

-END-

**FIELD NOTES  
FOR  
A 4.274 ACRE TRACT  
OUT OF  
THE J. C. DONLEY SURVEY NO. 95  
AND  
THE J. E. SHEPPARD SURVEY NO. 96  
TAYLOR COUNTY, TEXAS**

**BEING** a 4.274-acre tract with 0.725 acres out of the J. C. Donley Survey No. 95, Taylor County, Texas, conveyed as Tract 3 to Kade L. Matthews, recorded in Volume 1980, Page 183, Official Public Records, Taylor County, Texas, and with 3.549 acres out of the J. E. Sheppard Survey No. 96, Taylor County, Texas, being 3.000 acres out of a 9.56-acre tract conveyed as Tract One to Morrison & Hallmark L.P., recorded as Instrument Number 2013-12113, Official Public Records, Taylor County, Texas, and 0.549 acres out of the abandoned Old Curry Lane. The said 4.274-acre tract being more particularly described as follows:

**BEGINNING** at the intersection of the west right of way of Catclaw Drive and the north right of way of old Curry Lane (abandoned) for the southeast corner of the said 0.725-acre tract;

**THENCE** North 89 degrees 49 minutes 50 seconds West, along the north right of way of old Curry Lane, for a distance of 19.15 feet to a point for the northeast corner of the said 9.56-acre tract;

**THENCE** South 03 degrees 51 minutes 00 seconds West, along the east line of the said 9.56-acre tract, for a distance of 327.96 feet to a point for the southeast corner of this tract;

**THENCE** South 89 degrees 55 minutes 00 seconds West for a distance of 465.32 feet to a point for the southwest corner of this tract;

**THENCE** North 00 degrees 04 minutes 00 seconds East for a distance of 296.22 feet to a point on the current south right of way of Curry Lane;

**THENCE** North 72 degrees 30 minutes 11 seconds East, along the south right of way of the current Curry Lane, for a distance of 109.15 feet to a point of curvature;

**THENCE** along the south right of way of Curry Lane, being along a curve to the left having a radius of 636.23 feet and an arc length of 319.30 feet, being subtended by a chord of North 58 degrees 07 minutes 32 seconds East for a distance of 315.96 feet to a point of reverse curvature;

**THENCE** with a reverse curve to the right having a radius of 15.00 feet and an arc length of 25.39 feet, being subtended by a chord of South 87 degrees 45 minutes 15 seconds East for a distance of 22.47 feet to the beginning of a compound curve;

**THENCE** along the west right of way of Catclaw Drive, being a compound curve to the right having a radius of 384.69 feet and an arc length of 42.02 feet, being subtended by a chord of South 36 degrees 07 minutes 45 seconds East for a distance of 42.00 feet to a point of tangency;

**THENCE** South 33 degrees 00 minutes 00 seconds East for a distance of 158.86 feet to the Point of Beginning, containing 4.274 acres or 186182 square feet.

(The above legal description is for zoning purposes, only. The legal description should not be used for conveyance purposes, or filed for public record.)



DELTA =  $96^{\circ}59'30''$   
 RADIUS = 15.00'  
 ARC = 25.39'  
 CHORD: S  $87^{\circ}45'15''$  E  
 22.47'

DELTA =  $06^{\circ}15'30''$   
 RADIUS = 384.69'  
 ARC = 42.02'  
 CHORD: S  $36^{\circ}07'45''$  E  
 42.00'

DELTA =  $28^{\circ}45'16''$   
 RADIUS = 636.23'  
 ARC = 319.30'  
 CHORD: N  $58^{\circ}07'32''$  E  
 315.96'

CATCLAW DRIVE

CURRY LANE

CURRY LANE  
(CLOSED)

CURRY LANE

S  $03^{\circ}51'00''$  W - 327.96'

S  $89^{\circ}55'00''$  W - 465.32'

N  $00^{\circ}04'00''$  E - 296.22'

N  $109^{\circ}15'15''$  E  
 172.22'

09'

N  $89^{\circ}49'50''$  W  
 19.15'

A PLAT OF  
 A 4.274 ACRE TRACT OUT OF  
 THE J.C. DONLEY SURVEY No. 95 AND  
 THE J.E. SHEPPARD SURVEY No. 96  
 TAYLOR COUNTY, TEXAS

08/05/2013

**ENPROTEC/HIBBS & TODD, INC.**  
 ENVIRONMENTAL AND CIVIL ENGINEERING  
 402 Cedar Street  
 Abilene, Texas 79601  
 Firm Registration No. 1131

13-5854





# ZONING CASE Z-2013-32

## STAFF REPORT



### APPLICANT INFORMATION:

Jerry Halmark  
Agent: Brad Andrews

### HEARING DATES:

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

### LOCATION:

Approximately 4.27 acres located at 3602 Catclaw Dr & a portion of 4491 Curry Ln



### REQUESTED ACTION:

AO (Agricultural Open Space) & PD (Planned Development) to GC (General Commercial)

### SITE CHARACTERISTICS:

The subject parcel totals approximately 4.27 acres. The property is currently zoned AO & PD zoning and is undeveloped.

### ZONING HISTORY:

The area was annexed in 1959 & 1986 and zoned AO at that time. Staff has verified that PD zoning does not exist on the property; however, the zoning map includes this zoning on a parcel.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO & PD and is undeveloped. The applicant has future plans to use the property for retail development. The properties to the north and south are zoned PD and are developed with retail and office uses. The properties to the west and south are zoned AO and undeveloped. The property to the east is zoned GC (General Commercial) and is developed with retail uses. The proposed zoning will continue the commercial/retail development in the area.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low density residential. The area is adjacent to a Major Commercial/Business Center located in the vicinity of the mall. The adjacent developments to the north and east are major retail development. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of GR zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of GR zoning by a vote of 4 in favor (Bixby, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
GALLE GLENN E	4501 CURRY LN	In Favor
RED ARMADILLO LTD	3802 CATCLAW DR	
SGI CONSOLIDATED ABILENE LTD	3649 CATCLAW DR	
SGI CONSOLIDATED ABILENE LTD	3701 CATCLAW DR	
MORRISON & HALLMARK LP	4491 CURRY LN	
WOLFF LARRY C TRUST	3726 CATCLAW DR	In Favor
TLC PROPERTIES INC		
CRAWFORD DEBORAH J	3725 CATCLAW DR	
SORRELLS JUDY LYNN	4509 CURRY LN	Opposed
MATTHEWS KADE L	3602 CATCLAW DR	
TURNER B JACK &		In Favor
CITY OF ABILENE	4300 SOUTHWEST DR	
DCTN3 337 ABILENE TX LLC	3650 CATCLAW DR	

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











