

**City Council
Agenda Memo**



**City Council
Meeting Date: 10/24/2013**

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-2013-34, a request from Patricia L. Trail, to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 5150 FM 18; and setting a public hearing for November 7, 2013.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The applicant is planning to place a manufactured home on the property. The properties to the south and east are zoned AO (Agricultural Open Space). The property to the west was recently rezoned from AO to LI (Light Industrial). The railroad right-of-way is adjacent to the north. There are other manufactured homes in the area. The proposed zoning will allow a similar use to what is in the immediate vicinity.

The Future Land Use section of the Comprehensive Plan designates this general area as 'business/industrial'. The applicant is requesting the zone change to allow for placement of a manufactured home. There are multiple properties adjacent to the subject property that are currently being used as manufactured homes. The requested zoning would be compatible with the adjacent uses.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and McClarty) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> October 11, 2013	Item No. <u>6.4</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary
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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 24th day of October, 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 20th day of September, 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 November, 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 November, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) district.

Legal Description:

A1117 SUR 44 B A L SE/4, TRACT 280 X 140, ACRES .92



Location:
5150 FM 18

-END-

ZONING CASE Z-2013-34

STAFF REPORT



APPLICANT INFORMATION:

Patricia L. Trail

HEARING DATES:

Planning & Zoning Commission: October 7, 2013

City Council 1st Reading: October 24, 2013

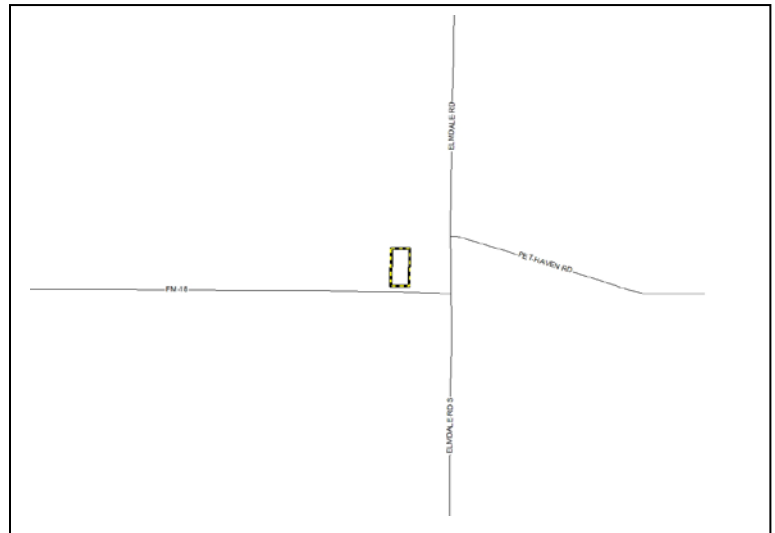
City Council 2nd Reading: November 7, 2013

LOCATION:

5150 FM 18

REQUESTED ACTION:

AO to MH (Manufactured/Mobile Home)



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.92 acres. The property is currently zoned AO (Agricultural Open Space) and is currently vacant.

ZONING HISTORY:

The area was annexed partly in 1964 and the remainder in 1986. The property was zoned AO at that time.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The applicant is planning to place a manufactured home on the property. The properties to the south and east are zoned AO (Agricultural Open Space). The property to the west was recently rezoned from AO to LI (Light Industrial). The railroad right-of-way is adjacent to the north. There are other manufactured homes in the area. The proposed zoning will allow a similar use to what is in the immediate vicinity.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'business/industrial'. The applicant is requesting the zone change to allow for placement of a manufactured home. There are multiple properties adjacent to the subject property that are currently being used as manufactured homes. The requested zoning would be compatible with the adjacent uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of MH zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and McClarty) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
SEELKE GLENNADENE	5119 FM 18	
MC BRIDE WILLIAM & BRITNI	282 ELMDALE RD S	
BAUTISTA FRANCISCO		
WHITMIRE KASSANDRA IRENE	5191 FM 18	
TRAIL JAMES & PATRICIA	5150 FM 18	
HARKINS WARREN D		
BAUTISTA FRANK M	144 ELMDALE RD S	

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



