

City Council
Agenda Memo



City Council
Meeting Date: 12/19/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on an ordinance for Case No. Z-2013-41, a request from Bradley Fulcher, agent Bridget McDowell, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 239 Locust St; and setting a public hearing for January 9, 2014.

GENERAL INFORMATION

Currently the property is zoned LI and is developed with an old mill. The surrounding properties are zoned LI and are developed with industrial and commercial uses. The subject property is requesting a change in zoning to allow for a winery and commercial event center. The property is within the eastern edge of the Central Business District. The requested zoning would allow for re-use of a vacant property for a use that conforms to the zoning just one block to the west.

The Future Land Use section of the Comprehensive Plan designates the area as Central Business District. The property is also part of the South Downtown Area (SoDA). The SoDA Plan recommends that the eastern portion of the Central Business District be a mix of retail & commercial development and warehousing & storage uses. The subject property is planned for a winery and commercial event center. The requested zoning would match the nearby zoning to the west and is compatible with the adjacent uses, the Comprehensive Plan, and the SoDA Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 9, 2013

Item No. 6.4

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 19th day of December, 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 15th day of November, 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 9th day of January, 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 9th day of January, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to HC (Heavy Commercial) district.

Legal Description:

OT ABILENE, BLOCK 34, LOT 7-8-9-10 & ALLEY



Location:
239 Locust St

-END-

ZONING CASE Z-2013-41

STAFF REPORT



APPLICANT INFORMATION:

Bradley Fulcher
Agent: Bridget McDowell

HEARING DATES:

Planning & Zoning Commission: December 2, 2013
City Council 1st Reading: December 19, 2013
City Council 2nd Reading: January 9, 2014

LOCATION:

239 Locust St

REQUESTED ACTION:

LI (Light Industrial) to HC (Heavy Commercial)



SITE CHARACTERISTICS:

The property is currently zoned LI and is developed with an old mill. The surrounding properties are zoned LI and are developed with industrial and commercial uses.

ZONING HISTORY:

The property was part of the original City of Abilene when incorporated in 1895 and was zoned to LI in 1977.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned LI and is developed with an old mill. The surrounding properties are zoned LI and are developed with industrial and commercial uses. The subject property is requesting a change in zoning to allow for a winery and commercial event center. The property is within the eastern edge of the Central Business District. The requested zoning would allow for re-use of a vacant property for a use that conforms to the zoning just one block to the west.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as Central Business District. The property is also part of the South Downtown Area (SoDA). The SoDA Plan recommends that the eastern portion of the Central Business District be a mix of retail & commercial development and warehousing & storage uses. The subject property is planned for a winery and commercial event center. The requested zoning would match the nearby zoning to the west and is compatible with the adjacent uses, the Comprehensive Plan, and the SoDA 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 7 in favor (Bixby, Glenn, 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
JACKSON HULL & CO INC	310 CHERRY ST	
FULCHER BLAKELY PAUL & FULCHER BRADLEY DURWOOD	239 LOCUST ST	
LONE STAR RAILROAD INC	189 LOCUST ST	
BURKE W L TRES III	317 LOCUST ST	
UNION PACIFIC SYSTEM	601 S 2ND ST	
MAYFIELD J STANLEY & DEANNA G	208 LOCUST ST	
UNION PACIFIC SYSTEM	601 S 2ND ST	
FAULKNER DONALD C & MARGIE E	260 CHERRY ST	
ROBINSON JONES PROPERTIES LLC	301 LOCUST ST	
LONE STAR RAILROAD INC	102 S 1ST ST	
MC CLUNG SHANE & MELISSA	150 LOCUST ST	
MAYFIELD J STANLEY & DEANNA G	702 S 3RD ST	
TAYLOR COUNTY	302 LOCUST ST	

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





