

City Council
Agenda Memo



City Council
Meeting Date: 1/9/2014

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. CUP-2014-01, a request from Amber Massey for a Conditional Use Permit to allow for Day Care Operation - Home-Based on property zoned RS-6 (Single-Family Residential), located at 3274 White Wing Way; and setting a public hearing for January 23, 2014.

GENERAL INFORMATION

Currently the property is zoned RS-6 and has been developed with a home. The adjacent properties are developed as part of a large subdivision with similar homes. The homeowner currently runs a home-based day care at the home. The current regulations for home-based day cares limit the number of children receiving care to 6. However, with approval of a Conditional Use Permit, the number of children can be increased to more than 6 under the regulations provided by state law up to a maximum of 12 children. The request is to allow for a 'Day Care Operation - Home-Based' to allow for the home-based day care to care for more than 6 children. No changes to the home are needed/requested by the applicant.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential uses. The request would allow for expansion of an existing home-based day care. The Conditional Use Permit request would be compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this item on their January 6, 2014 agenda.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 27, 2013

Item No. 6.7

Disposition by City Council

- Approved Ord/Res# _____
 Denied _____
 Other _____

City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart B, "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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.

PASSED ON FIRST READING this 9th day of January A.D. 2014.

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 December, 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 23rd 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 23rd day of January, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Approve a Conditional Use Permit for a “Day Care Operation - Home-Based” on property zoned RS-6 (Single-Family Residential).

Location:

3274 White Wing Way

Legal Description:

COUNTRYSIDE SOUTH SEC 1, BLOCK B, LOT 24



With the following conditions:

- none.

-END-

ZONING CASE CUP-2014-01

STAFF REPORT



APPLICANT INFORMATION:

Amber Massey

HEARING DATES:

Planning & Zoning Commission: January 6, 2014

City Council 1st Reading: January 9, 2014

City Council 2nd Reading: January 23, 2014

LOCATION:

3274 White Wing Way

REQUESTED ACTION:

Conditional Use Permit to allow for 'Day Care Operation - Home-Based' on property zoned RS-6



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.22 acres and is currently zoned RS-6 (Single-Family Residential). The property has been developed with a home and is currently running a home-based day care. The adjacent properties have RS-6 zoning to the north, south, east & west.

ZONING HISTORY:

The property was annexed in 1963 and was zoned RS-6 when the neighborhood was developed in the 1970's.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned RS-6 and has been developed with a home. The adjacent properties are developed as part of a large subdivision with similar homes. The homeowner currently runs a home-based day care at the home. The current regulations for home-based day cares limit the number of children receiving care to 6. However, with approval of a Conditional Use Permit, the number of children can be increased to more than 6 under the regulations provided by state law up to a maximum of 12 children. The request is to allow for a 'Day Care Operation - Home-Based' to allow for the home-based day care to care for more than 6 children. No changes to the home are needed/requested by the applicant.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area for low density residential uses. The request would allow for expansion of an existing home-based day care. The Conditional Use Permit request would be compatible with the surrounding uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this item on their January 6, 2014 agenda.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
MAWSON CHARLES ALFRED & KIMBERLEY M	3266 WINTER HAWK DR	
GOMEZ GLORIA S	3266 WHITEWING WY	
CORBETT JIM	3249 WHITEWING WY	
RUNNELLS DAVID CLAY	3274 WINTER HAWK DR	
ATKINSON PHILIP Z	3257 WHITEWING WY	
HERNANDEZ MARTIN JR & HILLARY E	3273 WHITEWING WY	
REED CHARLES K	3273 WINTER HAWK DR	
HINSON JAMES D & JAN M	4733 CARRIE ANN LN	
CASLANI ERNEST & BRIGITTE	4709 CARRIE ANN LN	
WRIGHT RYAN & JACINTA	3258 WINTER HAWK DR	
PEREZ STEPHEN	3250 WHITEWING WY	
EVERHART EDWIN J & LINDA A	3257 WINTER HAWK DR	
KIMBALL MARK EDWARD & WRIGHT LAUREN E	3274 WESTCHESTER DR	
BURNETT MICKEY W	3265 WHITEWING WY	
JAQUES PHYLLIS	3265 WINTER HAWK DR	
DARROW JON A	4758 BRUCE DR	
MILLER DONALD E & ELIGIA M	4725 CARRIE ANN LN	
EVANS ELRAY & MADELINE	4717 CARRIE ANN LN	
SCOUTEN WILLIAM H & MARGARITA A	3258 WHITEWING WY	
PAIGE JUDY	4718 BRUCE DR	
DUNCAN THOMAS M & SUSAN L	4726 BRUCE DR	
MILLER BARRY B & BETSY G	4710 BRUCE DR	
RUSS ROBERT & PATRICIA SUE	4742 BRUCE DR	
FIKES GARY B & GINGER B	4734 BRUCE DR	
DANIELS JAMEL & JOANNA M	3258 WESTCHESTER DR	
KLEMAN CRAIG J & DONNA M	3266 WESTCHESTER DR	
MASSEY DUSTIN L & AMBER	3274 WHITEWING WY	
HARTER MARK A & BRENDA G	4750 BRUCE DR	
BEWLEY RYAN SCOTT & ASHLEY MAE	3249 WINTER HAWK DR	
MITCHELL JAMES M & BRENDA JO	4741 CARRIE ANN LN	
WILSON WILLIE MARTHA	4702 BRUCE DR	

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

Y Y







