

City Council
Agenda Memo



City Council
Meeting Date: 2/27/2014

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. Z-2014-05, a request from Allsup's Convenience Stores, Inc, agent DSA Architects, to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, being 3.32 acres located at 3023 Pine St; and setting a public hearing for March 13, 2014.

GENERAL INFORMATION

Currently the property is zoned HI and is developed with a convenience store with fuel sales, a residence, and a small commercial building. The surrounding properties to the north, south, and east are also zoned HI and are being used with industrial and commercial uses. The properties to the west are zoned HC and has a mix of uses from portable building sales, a residence, and other commercial uses. The property falls within the Pine Street Corridor Overlay. With adoption of the Land Development Code (LDC) the HI zoning became much more restrictive and no longer allows for uses that previously were allowed. The requested zoning would allow for a complete redevelopment of the property for a new Allsup's convenience store with associated fuel sales.

The Future Land Use section of the Comprehensive Plan designates the area as part of a 'major commercial/business center'. The property is located on Pine Street, which is an enhancement corridor. The requested zoning would allow for redevelopment of the existing convenience store with associated fuel sales use. The requested zoning is 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 5 in favor (Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

February 17, 2014

Item No. 6.1

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 27th day of February, 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 17th day of January, 2014, 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 13th day of March, 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 13th day of March, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning.

Legal Description:

NORTH PARK ADDN, BLOCK 23, LOT 1 REPN245 S387 W250 & S142 W371.19
N150E200W371.*



Location:
being 3.32 acres located at 3023 Pine St

-END-

ZONING CASE Z-2014-05

STAFF REPORT



APPLICANT INFORMATION:

Allsup's Convenience Stores, Inc.
Agent: DSA Architects

HEARING DATES:

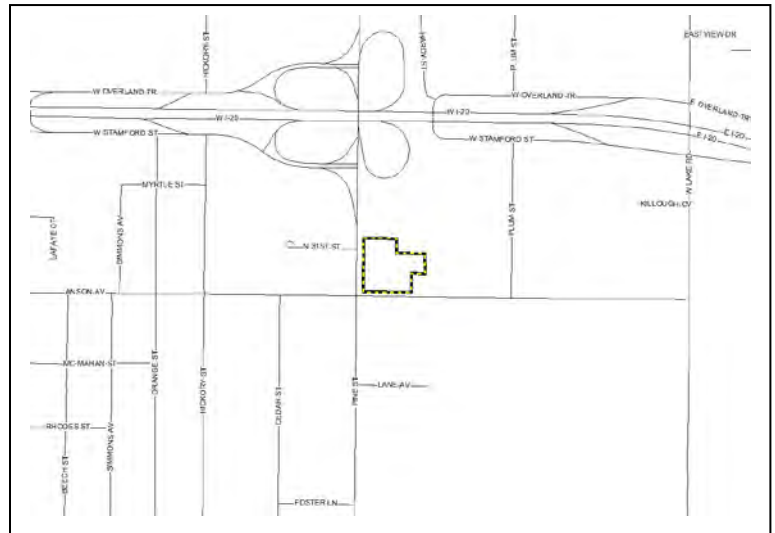
Planning & Zoning Commission: February 3, 2014
City Council 1st Reading: February 27, 2014
City Council 2nd Reading: March 13, 2014

LOCATION:

Being 3.32 acres located at 3023 Pine St

REQUESTED ACTION:

HI (Heavy Industrial) to HC (Heavy Commercial)
zoning



SITE CHARACTERISTICS:

The subject parcels total approximately 3.32 acres. The property is currently zoned HI and is developed with a convenience store with fuel sales, a residence, and a small commercial building. The property falls within the Pine Street Corridor Overlay. The surrounding properties are zoned HI to the north, south, & east and HC to the west.

ZONING HISTORY:

The area was annexed in 1957 zoned HI in 1986.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned HI and is developed with a convenience store with fuel sales, a residence, and a small commercial building. The surrounding properties to the north, south, and east are also zoned HI and are being used with industrial and commercial uses. The properties to the west are zoned HC and has a mix of uses from portable building sales, a residence, and other commercial uses. The property falls within the Pine Street Corridor Overlay. With adoption of the Land Development Code (LDC) the HI zoning became much more restrictive and no longer allows for uses that previously were allowed. The requested zoning would allow for a complete redevelopment of the property for a new Allsup's convenience store with associated fuel sales.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as part of a 'major commercial/business center'. The property is located on Pine Street, which is an enhancement corridor. The requested zoning would allow for redevelopment of the existing convenience store with associated fuel sales use. The requested zoning is 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 5 in favor (Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
RAMIREZ RAUL S	3042 PINE ST	
CIENFUEGOS ABEL	3134 PINE ST	
ALLSUPS CONVENIENCE STORE	3023 PINE ST	
L HOLLEY PROPERTIES L P	2984 PINE ST	
BMWT LEASING INC	3125 PINE ST	
LANHAM RICHARD WAYNE & TERRI SUE	2989 PINE ST	
SOJO RANCHES LLC	3018 PINE ST	
L HOLLEY PROPERTIES L P	2990 PINE ST	
CIENFUEGOS ABEL	3058 PINE ST	
SOJOURNER DRILLING CO	840 ANSON AV	
CHOATE JIMMY ALAN	992 ANSON AV	
SIMONS TOMMY	3047 PINE ST	

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



