

City Council
Agenda Memo



City Council
Meeting Date: 4/24/2014

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-2014-16, a request from Exceptional Holdings, LP, agent David Ohre, to rezone property from PD (Planned Development) to GR (General Retail) zoning, located at 1102 E. Overland Tr; and setting a public hearing for May 8, 2014.

GENERAL INFORMATION

Currently the property is zoned PD and is undeveloped. The PD zoning allows for uses in the LI (Light Industrial) zoning district. The properties to the north and east are part of the PD zoning that allows for industrial uses. The property to the south is zoned AO (Agricultural Open Space) and is vacant. Interstate 20 borders the property to the west. The requested zoning would allow for retail uses to include a restaurant. This zoning would also allow for development consistent with the nearby retail properties to the southeast.

The Future Land Use section of the Comprehensive Plan designates the area part of a Major Commercial/Business Center at the intersection of I-20 and Hwy 351. The requested zoning would allow for retail development to include a restaurant. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and Famble), none opposed, and 1 abstained (McClarty).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 11, 2014

Item No. 06-09

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 24th day of April, 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 21st day of March, 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 8th day of May, 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 8th day of May, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from PD (Planned Development) to GR (General Retail) zoning.

Legal Description:

A0955 SUR 24 BAL NW/4, ACRES 10.0



Location:
1102 E. Overland Tr

-END-

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and Famble), none opposed, and 1 abstained (McClarty).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ABILENE CHRISTIAN UNIV	1202 E OVERLAND TR	
NIP OWNER LLC	1000 E I-20	
MOTONCO PARTNERS	950 E OVERLAND TR	
EXCEPTIONAL HOLDINGS LP	1102 E OVERLAND TR	

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

Y







