

City Council
Agenda Memo



City Council
Meeting Date: 5/19/2014

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-2014-18, a request from Franklin Land Associates, LLC, to rezone property from CU (College University) to GR (General Retail) zoning, located at 5301 Texas Ave; and setting a public hearing for June 12, 2014.

GENERAL INFORMATION

Currently the property is zoned CU and is undeveloped. There is an existing church facility to the west of the subject property and single family developments to the north and west of the subject property as well. There is also a node of commercial development at the intersection of HWY 277 S and Texas Ave.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested GR zoning in this location can be deemed compatible with the Future Land Use Map. The GR zoning provides a transition from the more intensive zoning at the intersection to the east and the single-family developments to the west. Additionally, Texas Avenue is designated as a 'minor arterial' street and is designed to accommodate the potential traffic demands of a retail development.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 6, 2014

Item No. 6.6

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 May, 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 18th day of April, 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 12th day of June, 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 12th day of June, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from CU (College University) to GR (General Retail) zoning.

Legal Description:

SCENIC POINT ADDN SEC 3, BLOCK A, LOT 1, ACRES 1.827



Location:
5301 Texas Ave

-END-

ZONING CASE Z-2014-18

STAFF REPORT



APPLICANT INFORMATION:

Franklin Land Associates, LLC

HEARING DATES:

Planning & Zoning Commission: May 5, 2014

City Council 1st Reading: May 19, 2014

City Council 2nd Reading: June 12, 2014

LOCATION:

5301 Texas Ave

REQUESTED ACTION:

Rezone property from CU (College University) to GR (General Retail)



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.83 acres and is currently zoned CU. The parcel has not been developed. The adjacent properties have RS-6 (Single-Family Residential) zoning to the north & west and GC (General Commercial) zoning to the east & south.

ZONING HISTORY:

The area was annexed in 1959 and was zoned CU in August of 2009.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned CU and is undeveloped. There is an existing church facility to the west of the subject property and single family developments to the north and west of the subject property as well. There is also a node of commercial development at the intersection of HWY 277 S and Texas Ave.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested GR zoning in this location can be deemed compatible with the Future Land Use Map. The GR zoning provides a transition from the more intensive zoning at the intersection to the east and the single-family developments to the west. Additionally, Texas Avenue is designated as a 'minor arterial' street and is designed to accommodate the potential traffic demands of a retail development.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

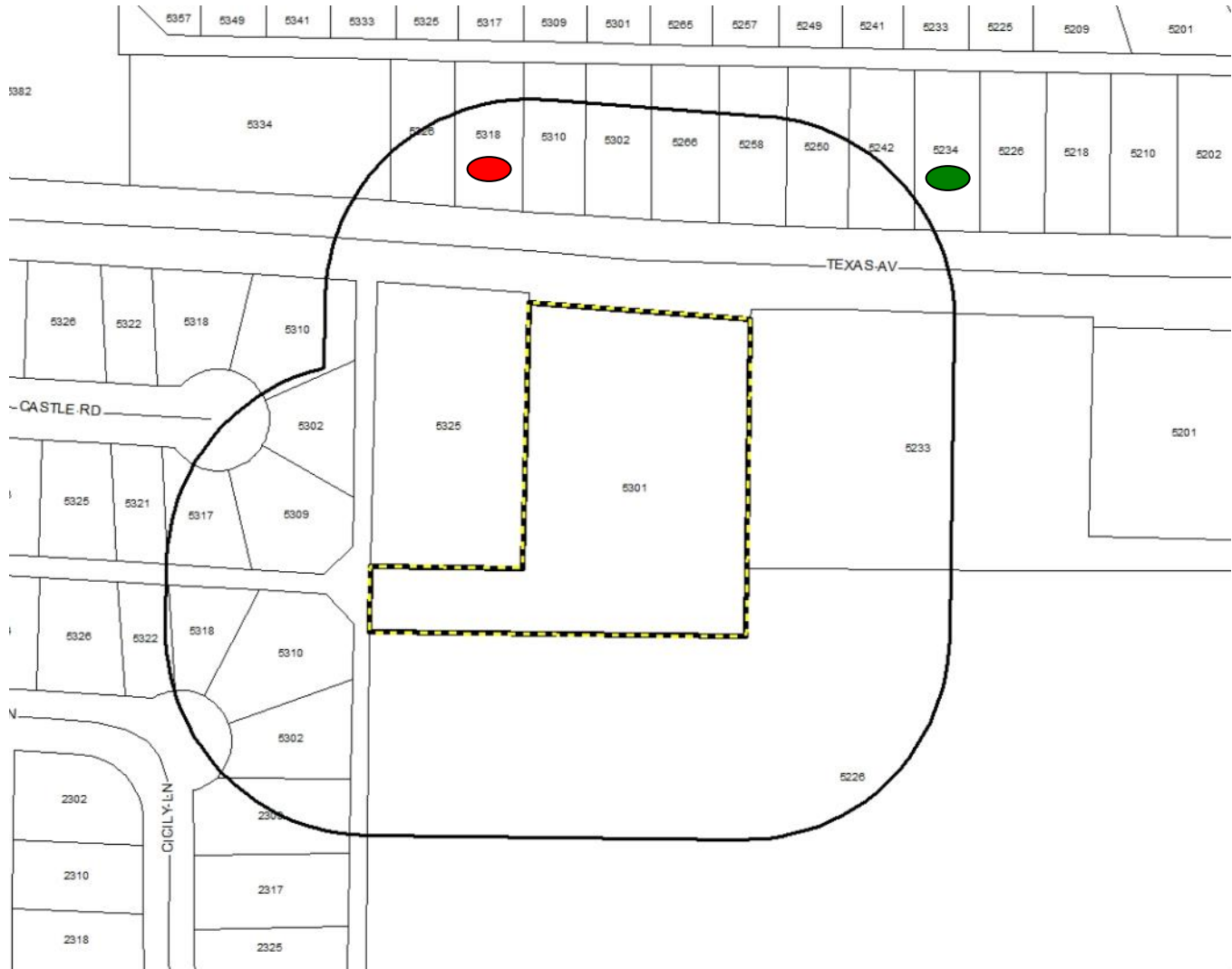
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

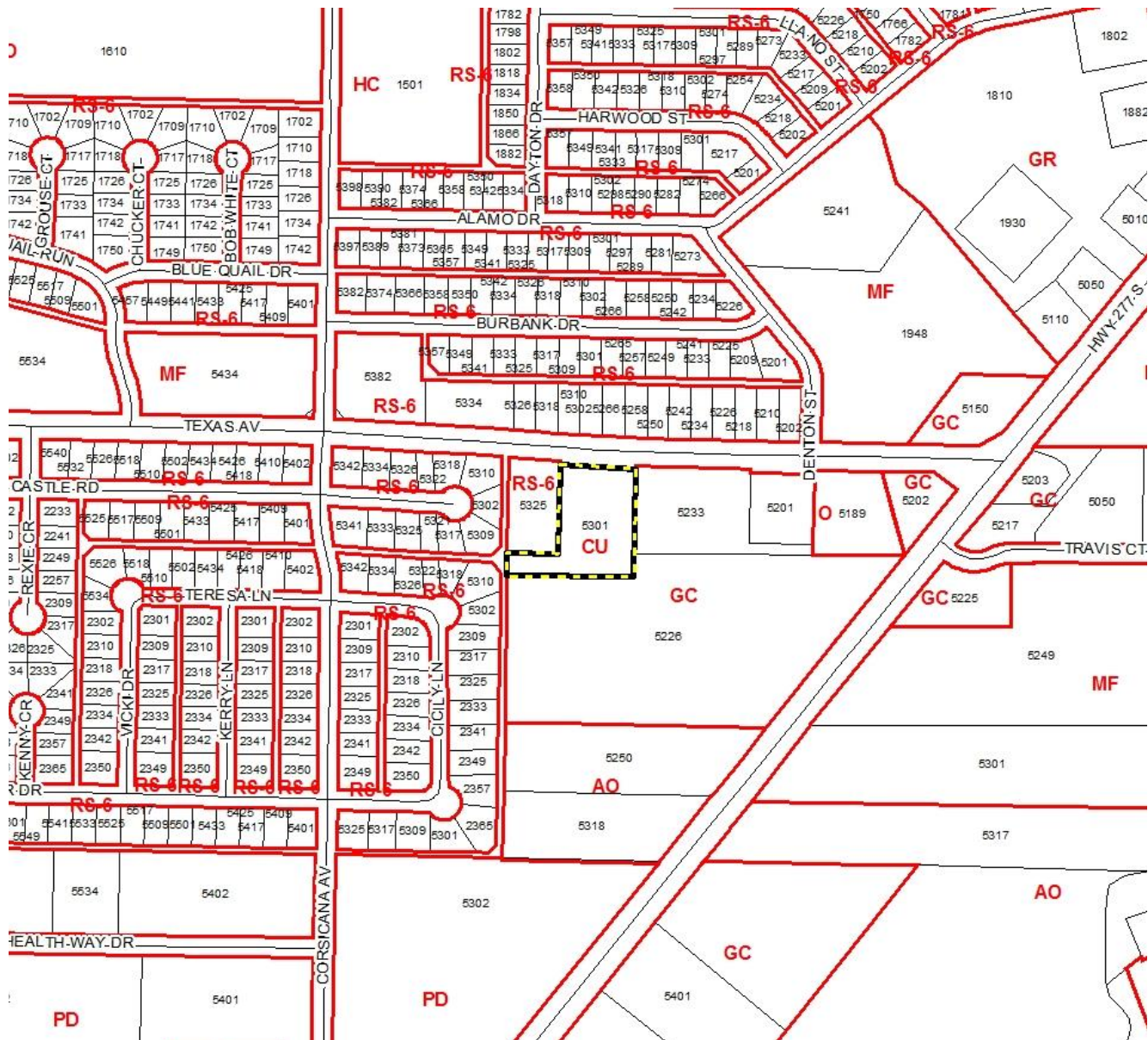
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
JENKS GEORGE D & REMEDIOS S	5242 TEXAS AV	
MC KELVEY ADAM & JACQUELYN V	2309 CICILY LN	
JENKS GEORGE D & REMEDIOS S	5250 TEXAS AV	
BURNETTE THONGSOOK	5234 TEXAS AV	In Favor
SARKI SANTOSH & SARKI POKEHAY	5302 CASTLE RD	
JENKS GEORGE DENNIS & REMEDIOS S	5266 TEXAS AV	
BAKER HEIGHTS CHURCH OF CHRIST	5334 TEXAS AV	
ROBERTS DAVID E & JUDITH E	5318 TEXAS AV	Opposed
RICHARDS JAMES W & ANNO A	5310 TEXAS AV	
WALKER LONNIE G & ZENAIDA D	5310 CASTLE RD	
LOHSE BLAKE	5318 TERESA LN	
KAMI LOK	5310 TERESA LN	
WOODROW GLENDA L	5326 TEXAS AV	
MERSON LESTER V & BESSIE	5258 TEXAS AV	
SIMMONS ROBERT M JR & CANDIS	5302 TERESA LN	
CENICEROS VICTORINA M & JOSE M GUEVARA	5302 TEXAS AV	
GATHRIGHT FAMILY TRUST	5322 TERESA LN	
GATHRIGHT FAMILY TRUST	5321 CASTLE RD	
BAKER HEIGHTS ASSEMBLY OF GOD CHURCH	5325 TEXAS AV	
SHEETS FAMILY PARTNERSHIP LTD	5301 TEXAS AV	
JACKS LEONARD E & ANITA R	5309 CASTLE RD	
TEXAS AVENUE - 86	5226 HWY 277 S	
TEXAS AVENUE - 86	5233 TEXAS AV	
FRANKLIN PERNELL S & CYNTHIA C	5317 CASTLE RD	

1 in Favor- **Y**
1 Opposed- **N**







For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2014-18

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: ROBERTS DAVID E &
Address: 5318 TEXAS AV

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

It was just changed recently. How many times does the lot need to change? The one next to it does not need to be changed.