

City Council
Agenda Memo



City Council
Meeting Date: 6/26/2014

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-2014-21, a request from NIB, Inc. & Robert Calk, agent Tom Niblo, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10th St; and setting a public hearing for July 10, 2014.

GENERAL INFORMATION

Currently the property is zoned RS-6 and is undeveloped. The adjacent properties to the west and south are developed with single family homes as well as the properties to the north across EN 10th Street. The property to the east across Avenue F is developed with a multi- family home. This property requested to be rezoned to NO (Neighborhood Office) back in 2010 with the intent of developing as a parking lot. The request was denied by the City Council. A motion was made to deny the request with a 4-3 vote on the motion.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor and part of a Local Community Center as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for a small office development. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan. Neighborhood Office has been determined to be an appropriate zoning adjacent to residential property due to the property being at the intersection with an arterial street. The required landscaping and buffering will help to soften the impacts of any development on the surrounding neighborhoods.

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, Ellinger, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 1 abstained (Calk).

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 13, 2014

Item No. 6.5

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 26th day of June, 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 16th day of May, 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 10th day of July, 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 10th day of July, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning.

Legal Description:

RADFORD HILLS SEC 1 CONT 1, BLOCK 3, LOT 1



Location:
841 EN 10th St

-END-

ZONING CASE Z-2014-21

STAFF REPORT



APPLICANT INFORMATION:

NIB, Inc. & Robert Calk
Agent: Tom Niblo

HEARING DATES:

Planning & Zoning Commission: June 2, 2014
City Council 1st Reading: June 26, 2014
City Council 2nd Reading: July 10, 2014

LOCATION:

841 EN 10th Street

REQUESTED ACTION:

Rezone property from RS-6 to NO



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.23 acres and is currently zoned RS-6 (Single Family Residential). The parcel is currently undeveloped. The adjacent properties have RS-6 zoning to the north, south, and east, with MD (Medium Density Residential) across Avenue F to the east.

ZONING HISTORY:

The area was annexed in 1957 and was zoned to RS-6 sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned RS-6 and is undeveloped. The adjacent properties to the west and south are developed with single family homes as well as the properties to the north across EN 10th Street. The property to the east across Avenue F is developed with a multi-family home. This property requested to be rezoned to NO (Neighborhood Office) back in 2010 with the intent of developing as a parking lot. The request was denied by the City Council. A motion was made to deny the request with a 4-3 vote on the motion.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor and part of a Local Community Center as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for a small office development. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan. Neighborhood Office has been determined to be an appropriate zoning adjacent to residential property due to the property being at the intersection with an arterial street. The required landscaping and buffering will help to soften the impacts of any development on the surrounding neighborhoods.

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, Ellinger, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 1 abstained (Calk).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
RALL MONROE HARLAND & CATHERINE M	918 RADFORD DR	
PATTERSON DEXTER & VICKI	902 RADFORD DR	
MARTIN KENNETH B	949 AVENUE F	
EVANS DWIGHT L & ELIZABETH A	826 EN 10TH ST	
PENDLEY TIMOTHY E & JANAY	842 RADFORD DR	
SORRELLS IRIS HOPE	842 EN 10TH ST	Opposed
BAILEY VIRGINIA D	933 AVENUE F	
MULLINS ATHLENE MORRIS	826 RADFORD DR	
KIRKSEY KEVAN R & KIRKSEY TIMOTHY L	833 EN 10TH ST	
HAY SCOTT D & CINDY	1001 AVENUE F	
NIB INC & CALK ROBERT	841 EN 10TH ST	
SORRELLS IRIS HOPE	834 EN 10TH ST	Opposed
MITCHELL JAMES A & MONICA	933 HARRISON AV	
JOHNSON BOB W & PEGGY	934 AVENUE F	
CAWOOD FAMILY IRREVOCABLE TR	817 EN 10TH ST	
HAY SCOTT D & CINDY	1009 AVENUE F	
JORDAN CONWAY	834 RADFORD DR	
MARLER CHARLES	818 RADFORD DR	Opposed
ROBERTSON ROBERT C & JUDY E	825 EN 10TH ST	
POLK ENTERPRISES INC	850 EN 10TH ST	
BUSCH JUDITH A	917 EN 10TH ST	

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









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

CASE #: Z-2014-21

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: MARLER CHARLES
Address: 818 RADFORD DR

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:

A similar request was denied by the P&ZC and the council in the last 24 months, and no conditions have changed that would merit a change of zoning in # Z-2014-21.

- Charles H. Marler