

City Council  
Agenda Memo



City Council  
Meeting Date: 7/24/2014

**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-2014-20, a request from Robert Hamil & Angela Hamil Willis, agent Jim Hatchett, Jr., to rezone property from MH (Manufactured/Mobile Home) to GC (General Commercial) zoning, located at 5601 Hwy 277 S.; and setting a public hearing for August 14, 2014.

**GENERAL INFORMATION**

The property is being considered for the sale of grave monuments. The Elliot Hamil Garden of Memories cemetery is located to the south of this property. The surrounding area is developed generally with manufactured homes to the east and a small bank to the north. The applicant is requesting a change to the GC zoning which would allow for the desired use. The GC zoning would allow for display of merchandise on the property.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for a grave monument business in association with the cemetery to the south. Due to the manufactured homes directly adjacent to the east, staff has determined that the GC zoning would not be appropriate due to its proximity and the designation in the Future Land Use map. However, a lower intensity zoning like Neighborhood Retail or Neighborhood Office would be compatible, but would not allow for the proposed use.

**STAFF RECOMMENDATION**

Staff recommends approval of a PD.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of PD zoning by a vote of 5 in favor (Bixby, Calk, Ellinger, Rosenbaum, and Famble) and 1 opposed (Glenn).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 15, 2014

Item No. 6.2

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_
- Denied      \_\_\_\_\_
- Other      \_\_\_\_\_

\_\_\_\_\_  
City Secretary

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-145 A PLANNED DEVELOPMENT; 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.

PASSED ON FIRST READING this 24<sup>th</sup> day of July 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 16<sup>th</sup> 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 p.m., on the 14<sup>th</sup> day of August, 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 14<sup>th</sup> day of August, A.D. 2014.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From MH (Manufactured/Mobile Home) to PD (Planned Development) zoning.

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.

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

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PART 5: Legal Description. The legal description of this PD is as follows:

SOUTHERN SANDS ADDN SEC 1, BLOCK 1, LOT 1



Location:

5601 Hwy 277 S

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

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PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for monument sales which generally are not allowed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the NO (Neighborhood Office) zoning district, except as modified below:

- 1) **ADDITIONAL PERMITTED USES:** The sale of monuments shall be permitted.
- 2) **DEVELOPMENT REGULATIONS:** If used for monument sales, the development shall comply with the GC (General Commercial) district regulations.

-END-

# ZONING CASE Z-2014-20

## STAFF REPORT



### APPLICANT INFORMATION:

Robert Hamil & Angela Hamil Willis  
Agent: Jim Hatchett, Jr.

### HEARING DATES:

Planning & Zoning Commission: June 2, 2014  
*-Tabled to the July 7, 2014 meeting*  
City Council 1<sup>st</sup> Reading: July 24, 2014  
City Council 2<sup>nd</sup> Reading: August 14, 2014

### LOCATION:

5601 Hwy 277 S

### REQUESTED ACTION:

Rezone property from MH (Manufacture/Mobile Home) to GC (General Commercial) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 0.72 acres and is currently zoned MH. The parcel is undeveloped. The adjacent property is zoned MH to the east, O (Office) to the north, AO (Agricultural Open Space) to the south, and AO & PD (Planned Development) to the west.

### ZONING HISTORY:

The property was annexed in 1986 and was zoned MH that same year.

### ANALYSIS:

#### • Current Planning Analysis

The property is being considered for the sale of grave monuments. The Elliot Hamil Garden of Memories cemetery is located to the south of this property. The surrounding area is developed generally with manufactured homes to the east and a small bank to the north. The applicant is requesting a change to the GC zoning which would allow for the desired use. The GC zoning would allow for display of merchandise on the property.

#### • Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for a grave monument business in association with the cemetery to the south. Due to the manufactured homes directly adjacent to the east, staff has determined that the GC zoning would not be appropriate due to its proximity and the designation in the Future Land Use map. However, a lower intensity zoning like Neighborhood Retail or Neighborhood Office would be compatible, but would not allow for the proposed use.

### PLANNING STAFF RECOMMENDATION:

Staff recommends denial of GC zoning.

Case # Z-2014-20  
Updated: July 15, 2014

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Calk, Ellinger, Rosenbaum, and Famble) and 1 opposed (Glenn)..

**NOTIFICATION:**

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

<b>OWNER</b>	<b>ADDRESS</b>	<b>RESPONSE</b>
CHAMBERS BRENDA	5381 TWYLIGHT TR	
GRAY TROY & TINA	5373 TWYLIGHT TR	
DIRECTORS CEMETERY (TEXAS) INC	5617 HWY 277 S	
BALDWIN JENNIFER KAYE	5389 TWYLIGHT TR	
FERGUSON LEIGH W	5374 TWYLIGHT TR	
BROWDER EDDIE	5550 HWY 277 S	
CARDEN GEORGE	5365 TWYLIGHT TR	
CHABARRIA OSCAR & DENISE	5526 HWY 277 S	
LEGACY FUNERAL HOLDINGS LLC	5726 HWY 277 S	
SCHAEFER ANN MARIE	5366 TWYLIGHT TR	
BARBER MIKE	5533 HWY 277 S	
HAMIL ROBERT ELLIOTT	5601 HWY 277 S	In Favor



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











