

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-2014-28, a request from TX 360 Senior Housing GP, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, located at 6157 Hwy 277 S.; and setting a public hearing for August 14, 2014.

**GENERAL INFORMATION**

Currently, the property is undeveloped. This is located on the south corner of the intersection of Hwy 277 S. and Dub Wright Blvd. The north corner is developed with a gas station and some self-storage units. The west corner also has some self-storage units. The Quail Hollow apartment complex exists on the east corner. The requested GR zoning would allow for retail development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. However, both Hwy 277 S. and Dub Wright Blvd are designated as 'arterial' streets and the intersection is built as a highway interchange. Two of the other corners at the intersection are currently zoned (GC) for commercial development. A commercial node for retail and office development is appropriate for this intersection. The requested zoning is compatible with the adjacent uses.

**STAFF RECOMMENDATION**

Staff recommends approval of GR zoning.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 15, 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 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 20<sup>th</sup> day of June, 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 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"

Rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning.

Legal Description:

A1525 SUR 45 SAMUEL J RICKER, ACRES 47.406



Location:  
6157 Hwy 277 S.

-END-

# ZONING CASE Z-2014-28

## STAFF REPORT



### APPLICANT INFORMATION:

TX 360 Senior Housing GP, LLC  
Agent: Tal Fillingim

### HEARING DATES:

Planning & Zoning Commission: July 7, 2014  
City Council 1<sup>st</sup> Reading: July 24, 2014  
City Council 2<sup>nd</sup> Reading: August 14, 2014

### LOCATION:

6157 Hwy 277 S

### REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 47.42 acres and is currently zoned AO. The parcel is undeveloped. The adjacent properties are zoned AO to the south, AO & GC (General Commercial) to the west, GC to the north, and GC, NR (Neighborhood Retail) & O (Office) to the east.

### ZONING HISTORY:

The property annexed in 1986 and was zoned AO at that time.

### ANALYSIS:

- Current Planning Analysis  
Currently, the property is undeveloped. This is located on the south corner of the intersection of Hwy 277 S. and Dub Wright Blvd. The north corner is developed with a gas station and some self-storage units. The west corner also has some self-storage units. The Quail Hollow apartment complex exists on the east corner. The requested GR zoning would allow for retail development.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this area low-density development. However, both Hwy 277 S. and Dub Wright Blvd are designated as 'arterial' streets and the intersection is built as a highway interchange. Two of the other corners at the intersection are currently zoned (GC) for commercial development. A commercial node for retail and office development is appropriate for this intersection. The requested zoning is compatible with the adjacent uses.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of GR zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
WESTERN AH 406 LTD	5857 KALA DR	
PAMY HOLDINGS LTD	6158 HWY 277 S	In Favor
CITY OF ABILENE		
WESTERN AH 406 LTD	3926 PATRIOT DR	
SHARP TOM	6502 HWY 277 S	
WEATHERBEE RANCH LLC	4550 PEPPERGRASS LN	
PAMY HOLDINGS LTD	6309 BUTTERFIELD TR	
JOHNSON EMMETT O & VEDA B	6049 AUTUMN SAGE LN	
BLACKLEY KAY HAYNES ET AL	6625 HWY 277 S	
CAPS METHODIST CHURCH	6501 HWY 277 S	
TX 360 SENIOR HOUSING GP LLC	6157 HWY 277 S	
DRUESEDOW BARBARA ANN LF EST	6025 AUTUMN SAGE LN	
WESTERN AH 406 LTD	6033 HWY 277 S	

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











