

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-2014-31, a request from Jeremy & Jennifer Britten, Bennie Bilbrey, agent Enprotec/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) & NR (Neighborhood Retail) to GC (General Commercial) zoning, being approximately 3.49 acres located at the southeast corner of Curry Ln and Sharon Rd; and setting a public hearing for August 14, 2014.

**GENERAL INFORMATION**

Currently, the subject property is made of several tracts that are zoned AO & NR. Two of the tracts are developed with homes with the remaining tracts being undeveloped. The subject property is south of Southwest Drive that has been developed with commercial uses, i.e. Kohl's, a bank, Ashley's Furniture, and Lithia Toyota. The purpose of the rezoning is to utilize the land for overflow parking of excess vehicle inventory. Lithia Toyota has an obligation to accept inventory as it comes to them from the factory and the area is needed to accommodate the increasing inventory demands. Currently, both Sharon Rd and Curry Ln are under-developed. Sharon Rd is planned to be a 'minor arterial' street in the future. The requested GC zoning would allow for a parking area to accommodate the inventory demands of Lithia Toyota. Staff is concerned that the zoning allows for uses that are not compatible with the multi-family residential zoning to the south. One solution to this is to create a PD (Planned Development) district that would restrict the zoning but allow for the inventory parking. Addition regulations to address landscaping, pavement, and sidewalks are recommended for inclusion in the PD zoning.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. However, the requested zoning would be adjacent to multi-family zoning to the south. The requested zoning is not compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of a PD zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of GC zoning by a vote of 4 in favor (Ellinger, Glenn, Rosenbaum, and Famble), 1 opposed (Bixby), and 1 abstained (Calk).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 15, 2014

Item No. 6.9

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) & NR (Neighborhood Retail) to GC (General Commercial) zoning.

Legal Description:

- A0243 SUR 96 JNO E SHEPPARD, TRACT 145 X 116, ACRES .39
- A0243 SUR 96 JNO E SHEPPARD, ACRES 2.27
- A0243 SUR 96 JNO E SHEPPARD, ACRES .64
- A0243 SUR 96 JNO E SHEPPARD, TRACT 100 X 126.33, ACRES 0.29
- A0243 SUR 96 JNO E SHEPPARD, TRACT 100 X 126.33, ACRES .29



Location:

Located at the southeast corner of Curry Ln and Sharon Rd

-END-

# ZONING CASE Z-2014-31

## STAFF REPORT



### APPLICANT INFORMATION:

Jeremy & Jennifer Britten and Bennie Bilbrey  
Agent: Enprotec/Hibbs & Todd

### 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:

Being approximately 3.49 acres located at the southeast corner of Curry Ln and Sharon Rd

### REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) & NR (Neighborhood Retail) to GC (General Commercial) zoning



### SITE CHARACTERISTICS:

The subject parcel totals 3.49 acres. The property is currently zoned AO & NR and is mostly undeveloped. Two homes exist as part of the property. The adjacent properties are zoned GC to the north, PD (Planned Development) to the west, MF (Multi-Family Residential) to the south, and AO to the east.

### ZONING HISTORY:

The area was annexed in 1986 zoned AO at that time.

### ANALYSIS:

#### • Current Planning Analysis

Currently, the subject property is made of several tracts that are zoned AO & NR. Two of the tracts are developed with homes with the remaining tracts being undeveloped. The subject property is south of Southwest Drive that has been developed with commercial uses, i.e. Kohl's, a bank, Ashley's Furniture, and Lithia Toyota. The purpose of the rezoning is to utilize the land for overflow parking of excess vehicle inventory. Lithia Toyota has an obligation to accept inventory as it comes to them from the factory and the area is needed to accommodate the increasing inventory demands. Currently, both Sharon Rd and Curry Ln are under-developed. Sharon Rd is planned to be a 'minor arterial' street in the future. The requested GC zoning would allow for a parking area to accommodate the inventory demands of Lithia Toyota. Staff is concerned that the zoning allows for uses that are not compatible with the multi-family residential zoning to the south. One solution to this is to create a PD (Planned Development) district that would restrict the zoning but allow for the inventory parking. Addition regulations to address landscaping, pavement, and sidewalks are recommended for inclusion in the PD zoning.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. However, the requested zoning would be adjacent to multi-family zoning to the south. The requested zoning is not compatible with the adjacent uses and the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of a PD zoning to allow for the parking area with regulations to address landscaping, pavement, and sidewalks.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of GC zoning by a vote of 4 in favor (Ellinger, Glenn, Rosenbaum, and Famble), 1 opposed (Bixby), and 1 abstained (Calk).

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
BILBREY BENNIE L	4525 CURRY LN	
SPIRIT SPE PORTFOLIO 2004-6 LLC	4597 SOUTHWEST DR	
LITHIA REAL ESTATE INC	4449 SOUTHWEST DR	
BRITTEN JEREMY B & JENNIFER A	3801 SHARON RD	
LEWALLEN AMOS BENNIE	4001 SHARON RD	In Favor
COLEMAN COUNTY STATE BANK	4609 SOUTHWEST DR	
BILBREY BENNIE L		
KEEN JAMES D & H CANDACE	3901 SHARON RD	
B SENTER PROPERTIES LTD		In Favor
BRITTEN JEREMY B & JENNIFER A	3865 SHARON RD	
BRITTEN JEREMY B & JENNIFER A		
BRITTEN JEREMY B & JENNIFER A	4533 CURRY LN	
TARGET SPORTS INC	4709 SOUTHWEST DR	
HALLMARK JERRY		In Favor

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









