

City Council
Agenda Memo



City Council
Meeting Date: 8/28/2014

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-2014-35, a request from Shane McClung to rezone property from HC/H (Heavy Commercial/Historic Overlay) to CB/H (Central Business/Historic Overlay) zoning, located at 150 Locust St; and setting a public hearing for September 11, 2014.

GENERAL INFORMATION

Currently, the property is developed with a mixed use building with retail on the bottom floor and residential lofts on the 2nd floor. The HC zoning previously allowed for residential uses. However, the approved Land Development Code (LDC) included a change to the HC zoning no longer allowing residential uses. The requested CB zoning permits residential uses and will allow for the development of additional loft apartments consistent with the existing apartments developed in the past within the building.

The Future Land Use section of the Comprehensive Plan designates this area as part of the Central Business District. The property also lies within the South Downtown Area (SoDA) Plan. The SoDA plan identifies this area as a transitioning area and designates it as a 'mixed use' area. Properties with CB zoning are located within the next block to the west of the subject property. There have been other properties in the south downtown area that have changed zoning recently to promote the 'mixed use' designation. The requested zoning is compatible with the adjacent uses, the Comprehensive Plan, as well as the SoDA plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Glenn, McClarty, Rosenbaum, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 15, 2014

Item No. 6.1

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 28th day of August, 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 July, 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 11th day of September, 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 11th day of September, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HC/H (Heavy Commercial/Historic Overlay) to CB/H (Central Business/Historic Overlay) zoning.

Legal Description:

PARK PLACE CONDOMINIUMS, LOT UNIT A-1



Location:
150 Locust St

-END-

ZONING CASE Z-2014-35

STAFF REPORT



APPLICANT INFORMATION:

Shane McClung

HEARING DATES:

Planning & Zoning Commission: August 4, 2014

City Council 1st Reading: August 28, 2014

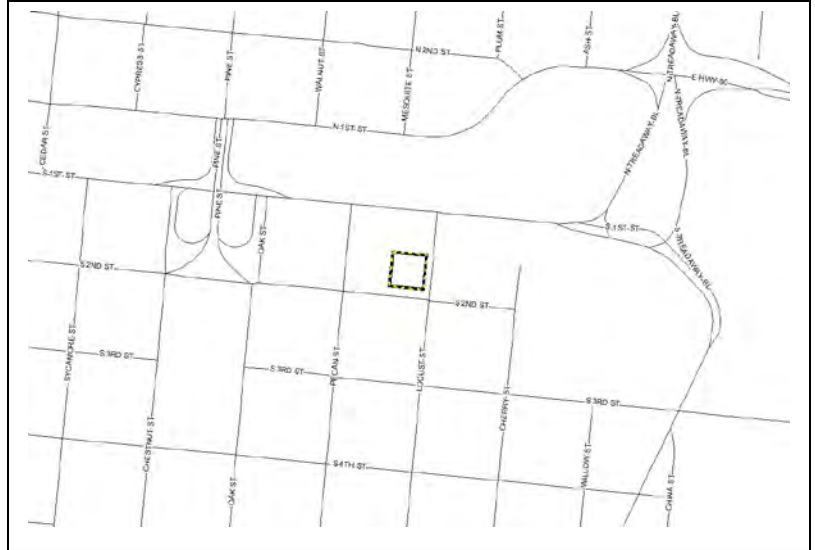
City Council 2nd Reading: September 11, 2014

LOCATION:

150 Locust St

REQUESTED ACTION:

Rezone from HC/H (Heavy Commercial/
Historic Overlay) to CB/H (Central Business/
Historic Overlay) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.51 acres and is currently zoned HC/H. The parcel is developed with a mixed use building with retail on the bottom floor and residential lofts on the 2nd floor. The adjacent properties are zoned LI (Light Industrial) in all directions.

ZONING HISTORY:

The property was part of the original town limits established in 1895. The area was zoned LI in 1977. Historic overlay was approved for this property in 1996. The property was rezoned to HC zoning in 2001. At the time, HC zoning allowed for residential uses.

ANALYSIS:

- Current Planning Analysis

Currently, the property is developed with a mixed use building with retail on the bottom floor and residential lofts on the 2nd floor. The HC zoning previously allowed for residential uses. However, the approved Land Development Code (LDC) included a change to the HC zoning no longer allowing residential uses. The requested CB zoning permits residential uses and will allow for the development of additional loft apartments consistent with the existing apartments developed in the past within the building.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as part of the Central Business District. The property also lies within the South Downtown Area (SoDA) Plan. The SoDA plan identifies this area as a transitioning area and designates it as a 'mixed use' area. Properties with CB zoning are located within the next block to the west of the subject property. There have been other properties in the south downtown area that have changed zoning recently to promote the 'mixed use' designation. The requested zoning is compatible with the adjacent uses, the Comprehensive Plan, as well as the SoDA plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Glenn, McClarty, Rosenbaum, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
THE MILL WINERY & EVENT CENTER LLC	239 LOCUST ST	
TAYLOR COUNTY OF	233 PECAN ST	
LONE STAR RAILROAD INC	189 LOCUST ST	
MAYFIELD J STANLEY & DEANNA G	208 LOCUST ST	
ABILENE PLUMBING SUPPLY CO	742 S 2ND ST	
LONE STAR RAILROAD INC	101 S 1ST ST	
UNION PACIFIC SYSTEM	601 S 2ND ST	
ABILENE PLUMBING SUPPLY	741 S 1ST ST	
MC CLUNG SHANE & MELISSA	150 LOCUST ST	
MAYFIELD J STANLEY & DEANNA G	702 S 3RD ST	
SMITH ALTON	205 PECAN ST	
K & M AUTO WRECKING INC	721 S 1ST ST	

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







