

City Council
Agenda Memo



City Council
Meeting Date: 9/25/2014

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-2014-38, a request from Donald Hardin, to rezone property from GC (General Commercial) & RS-6 (Single-Family Residential) to GR (General Retail) zoning, located at 2526 S. 14th St & 1357, 1365, & 1373 Portland Ave; and setting a public hearing for October 9, 2014.

GENERAL INFORMATION

Currently the property is zoned GC & RS-6 and is developed with a commercial use and 3 residential homes. The purpose of the zoning is to allow for retail uses on the property. The surrounding area is developed generally with single-family residential uses to the north and retail uses to the east & west along S. 14th St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GR zoning which would allow for retail uses similar to those already existing along S. 14th St.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘commercial’ and is near a ‘Local Community Center’ node. The S. 14th Street thoroughfare is also classified as an ‘enhancement corridor’. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14th St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14th St would be more suitable for retail development with the northernmost property transitioning to residential uses. Maintaining the RS-6 zoning on the northernmost property would provide the transition to single-family residential uses to the north.

STAFF RECOMMENDATION

Staff recommends approval of GR (General Retail) zoning for all but the northernmost property (1357 Portland Ave).

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GR on the 2 north lots and keeping GC zoning on the south lot by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

ATTACHMENTS

- Ordinance
- Staff Report with Maps
- Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 15, 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 25th day of September, 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 August, 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 9th day of October, 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 9th day of October, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) to GR (General Retail) zoning.

Legal Description:

CAREY PLACE ADDN, BLOCK 4, LOT S/2 OF 8 & N/2 OF 9
CAREY PLACE ADDN, BLOCK 4, LOT S/2 OF 9 & N/2 OF 10



Location:
1357 & 1365 Portland Ave

-END-

10/14/14

For the PLANNING & ZONING COMMISSION
Please call at (325) 676-6237 if you have any questions about this notice.

Betty J Sherrell
1341 Portland Ave
79605

CASE #: Z-2014-38

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: SHERRELL BETTY J LIFE ESTATE
Address: 1341 PORTLAND AV

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

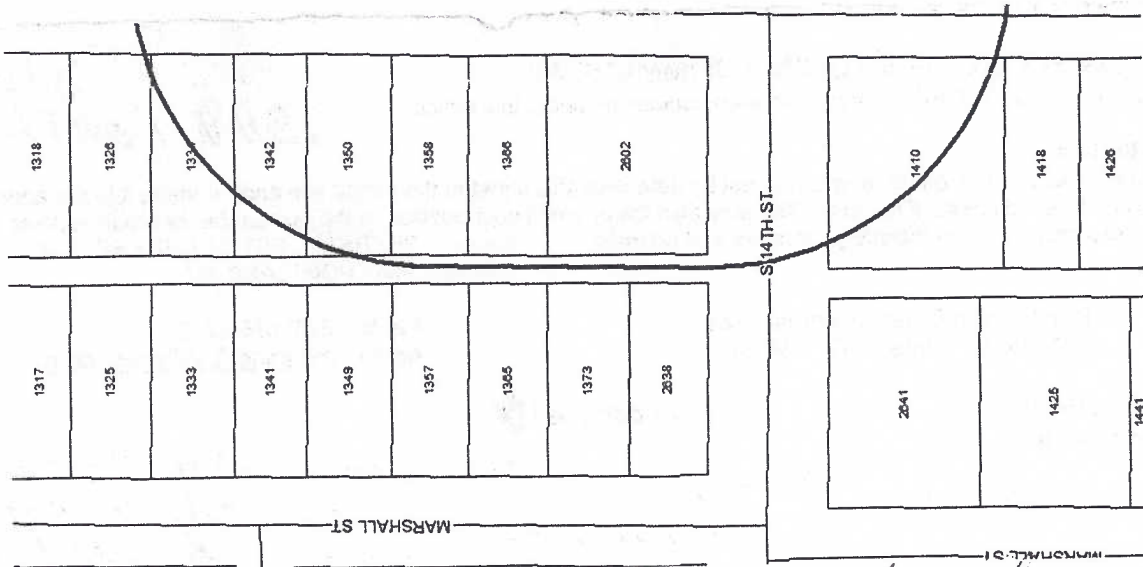
Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

I am 78 years of age and own my home at the address above. I have been in ill health since having Open Heart Surgery on 3/25/14. I am opposed to the Rezoning Case Z-2014-38. A friend is bringing this note for consideration by City Council prior to and again at the meeting of October Council (9th). (over)



We have enough business travel on Portland Ave now, with out adding other business retail on Portland Ave.
Betty Sherrell
1341 Portland Ave

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR (General Retail) zoning for all but the northernmost property (1357 Portland Ave).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of GR on the 2 north lots and keeping GC zoning on the south lot by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
HARDIN DONALD D	1357 PORTLAND AV	In Favor
KKTHAX INVESTMENTS LLC	1326 PORTLAND AV	
MC ALLISTER CURTIS K	1333 PORTLAND AV	
FAVOR JUDY	1342 PORTLAND AV	
HAYNES MARK	1350 PORTLAND AV	
SHERRELL BETTY J LIFE ESTATE	1341 PORTLAND AV	Opposed
HUNT ZELMA WADE	1325 PORTLAND AV	Opposed
WEST TEXAS UTILITIES CO	1402 ROSS AV	
MC MURRY UNIVERSITY	1426 ROSS AV	
MUELLER DOYLE	1334 PORTLAND AV	Opposed
STONEHENGE INVESTMENTS LLC	1358 PORTLAND AV	
HARDIN DONALD DEAN JR	1365 PORTLAND AV	In Favor
DUNCAN RANDY & DIANA	1349 PORTLAND AV	
HILL PEARL FRANCES	1366 PORTLAND AV	
HARDIN DONALD D	1373 PORTLAND AV	In Favor
PRITCHETT NATHANIEL & JESSICA	1342 ROSS AV	
WORRELL MATT & BETH	1410 PORTLAND AV	
HARDIN DONALD D	2526 S 14TH ST	In Favor
MC MURRY UNIVERSITY	2525 S 14TH ST	
WHITTEN LARRY	2602 S 14TH ST	In Favor
WATSON MOON SHIRLEY	1326 ROSS AV	
LAIRD LISA ANN	2510 S 14TH ST	In Favor
HARRELL SHERYL	1350 ROSS AV	
FRAZIER JOLEENA P	1334 ROSS AV	
WTG FUELS INC	2450 S 14TH ST	

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

