

City Council
Agenda Memo



City Council
Meeting Date: 12/4/2014

TO: David A. Vela, Interim City Manager

**FROM: Jon James, AICP
Director of Planning and Development Services**

SUBJECT: First reading on an ordinance for Case No. Z-2014-48, a request from Danville O5, agent Tom Niblo, to rezone property from PD (Planned Development) to MU (Medical Use) zoning, located at 3434 Mabray Ln; and setting a public hearing for December 18, 2014.

GENERAL INFORMATION

Currently the property is zoned PD-26 and is undeveloped. This is part of a larger PD boundary that is developed with offices to the east and single-family residential lots to the north. This property is currently zoned to allow for more single-family residential lots. The applicant is requesting the MU zoning similar to the zoning on the south side of Mabray Ln. The MU zoning district allows for medical offices, surgery centers, as well as a hospital. The NO (Neighborhood Office) was created to allow for office uses, but with maximum building size and hours of operation regulations to protect adjacent residential uses.

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The requested zoning would allow for medical office uses, including a hospital. Although this zoning would allow for office uses, the requested zoning allows for more intense uses that would not be compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of NO (Neighborhood Office) zoning to allow for office uses but provide the protections to adjacent residential uses.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 6 in favor (Bixby, Ellinger, Glenn, McClarty, Rosenbaum & Famble), none opposed, and 1 abstained (Calk).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 1, 2014

Item No. _____

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 4th day of December, 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 14th day of November, 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 18th day of December, 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 18th day of December, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from PD (Planned Development) to NO (Neighborhood Office) zoning.

Legal Description:

COUNTRYSIDE SOUTH SEC 3, BLOCK B, LOT REM OF 201 REP, ACRES 2.006



Location:
3434 Mabray Ln

-END-

ZONING CASE Z-2014-48

STAFF REPORT



APPLICANT INFORMATION:

Danville O5

Agent: Tom Niblo

HEARING DATES:

P & Z Commission: December 1, 2014

City Council 1st Reading: December 4, 2014

City Council 2nd Reading: December 18, 2014

LOCATION:

3434 Mabray Ln

REQUESTED ACTION:

Rezone property from PD (Planned Development) to MU (Medical Use) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.93 acres and is currently zoned PD-26. The adjacent properties are zoned LI to the north & east, PH (Patio Home) to the west, and RS-12 (Single-Family Residential) & MU to the south. A part of this property and the properties to the east are within the Buffalo Gap Corridor Overlay.

ZONING HISTORY:

The property was annexed in 1963 and was zoned PD-26 in 1984. The PD zoning originally allowed for office development on this property but was amended to allow single-family residential development only.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned PD-26 and is undeveloped. This is part of a larger PD boundary that is developed with offices to the east and single-family residential lots to the north. This property is currently zoned to allow for more single-family residential lots. The applicant is requesting the MU zoning similar to the zoning on the south side of Mabray Ln. The MU zoning district allows for medical offices, surgery centers, as well as a hospital. The NO (Neighborhood Office) was created to allow for office uses, but with maximum building size and hours of operation regulations to protect adjacent residential uses.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The requested zoning would allow for medical office uses, including a hospital. Although this zoning would allow for office uses, the requested zoning allows for more intense uses that would not be compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of NO (Neighborhood Office) zoning to allow for office uses but provide the protections to adjacent residential uses.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 6 in favor (Bixby, Ellinger, Glenn, McClarty, Rosenbaum & Famble), none opposed, and 1 abstained (Calk).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
LINN GARY G & LISA M	5200 BUFFALO GAP RD	
RENT CITY PROPERTIES LP	5200 BUFFALO GAP RD	
TAYLOR CHARLES M III	3426 MABRAY LN	
WEAVER HAZEL N TR	3433 CHIMNEY ROCK RD	
SPICER CYNTHIA J	3425 CHIMNEY ROCK RD	
BEALE MILTON DERRICK & AKIKO	3417 CHIMNEY ROCK RD	
SORRELS DALE S & PAULA J AUSTIN	5101 FAIRFIELD PL	
STOCKTON JEAN C	5149 FAIRFIELD PL	
HENDERSON BETTY	5117 FAIRFIELD PL	
AUSTIN GREG	5200 RIDGELINE DR	
MORGAN BILLYE H	5157 FAIRFIELD PL	
MC SHAN JAMES & DIANE	3448 CHIMNEY ROCK RD	
HARRISON DONNA D	3432 CHIMNEY ROCK RD	
WHITE MARTHA ANN	3440 CHIMNEY ROCK RD	
CARLTON JACOB & DEBRA	3424 CHIMNEY ROCK RD	
CRUMPTON JIMMY DAVID & EVELYN YVONNE	3416 CHIMNEY ROCK RD	
LOOMIS HARRISON C & JORDAN	4901 JAMES CT	
DANVILLE 05	3434 MABRAY LN	
COATES MARCIA M	4917 JAMES CT	
HAYNES PAULA	4918 JAMES CT	
BLAKELY ADELL	5133 FAIRFIELD PL	
MC COLLUM CHARLENE	5203 RIDGELINE DR	
MC ELFRESH DENNIS EARL	5209 RIDGELINE DR	
BAKER JAMES R & CHRISTINA R	3449 CHIMNEY ROCK RD	
CAMPBELL FAMILY TRUST	4909 JAMES CT	
SAIA GAYTAN J & CAROL	5165 FAIRFIELD PL	
MC GEE AMY	5109 FAIRFIELD PL	
FRANKLIN JANET	4933 JAMES CT	
STEVE ARTHUR DEVELOPMENT LTD		
SMITH HOWARD & JOY	4926 JAMES CT	
DAVIS JUDY	4934 JAMES CT	
PRUITT PAMLA	4925 JAMES CT	
NAYLOR BEVERLEY J	4941 JAMES CT	
ARTHUR VICKI L	5141 FAIRFIELD PL	
LAUGHLIN ROY M & MARGARET B	5125 FAIRFIELD PL	
HENDRICK MEDICAL CENTER	5302 BUFFALO GAP RD	
MC KINNEY G C & ZELLA M	3441 CHIMNEY ROCK RD	
ROGERS MAJOR J	10 COURTYARD LN	
KITCHELL SARAH & KITCHELL CHARLES	4942 JAMES CT	





