

**City Council  
Agenda Memo**



**City Council  
Meeting Date: 12/18/2014**

**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-2014-52, a request from Three JB Properties, LLC, agent Kevin Jackson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 241 S. 11th St; and setting a public hearing for January 8, 2015.**

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**GENERAL INFORMATION**

Currently the property is zoned HI and is used as outdoor storage for the existing feed & supply use at 249 S. 11<sup>th</sup> St. The purpose of the zoning is to allow for development of a new building for their retail portion of the business. The surrounding area is developed generally with industrial and commercial uses similar to the proposed use. With the adoption of the Land Development Code (LDC) in 2010, the HI zoning no longer allows for retail sales. The applicant is requesting a change to the LI zoning which would allow for the proposed retail activity.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘heavy commercial/light industrial’. The S. 11<sup>th</sup> St thoroughfare is also classified as an ‘enhancement corridor’. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

**STAFF RECOMMENDATION**

Staff recommends approval.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:  Name: <u>Ben Bryner</u>  Title: <u>Planning Services Manager</u>  December 5, 2014	           Item No. <u>6.7</u>	Disposition by City Council <input type="checkbox"/> Approved      Ord/Res# <input type="checkbox"/> Denied                     _____ <input type="checkbox"/> Other  _____ City Secretary
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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 18<sup>th</sup> 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 14<sup>th</sup> 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 8<sup>th</sup> day of January, 2015 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 8<sup>th</sup> day of January, A.D. 2015.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning.

Legal Description:

OT ABILENE, BLOCK 210, LOT NW/PT, ACRES 1.512



Location:  
241 S. 11<sup>th</sup> St

-END-

# ZONING CASE Z-2014-52

## STAFF REPORT



### APPLICANT INFORMATION:

Three JB Properties, LLC  
Agent: Kevin Jackson

### HEARING DATES:

P & Z Commission: December 1, 2014  
City Council 1<sup>st</sup> Reading: December 18, 2014  
City Council 2<sup>nd</sup> Reading: January 8, 2015

### LOCATION:

241 S. 11<sup>th</sup> St

### REQUESTED ACTION:

Rezone property from HI (Heavy Industrial)  
to LI (Light Industrial) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 1.51 acres and is currently zoned HI. The adjacent properties are zoned HI to the north, south, east & west.

### ZONING HISTORY:

A portion of the property was part of the original town limits established in 1895. The east portion was annexed in 1911. The property was zoned HI sometime after.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned HI and is used as outdoor storage for the existing feed & supply use at 249 S. 11<sup>th</sup> St. The purpose of the zoning is to allow for development of a new building for their retail portion of the business. The surrounding area is developed generally with industrial and commercial uses similar to the proposed use. With the adoption of the Land Development Code (LDC) in 2010, the HI zoning no longer allows for retail sales. The applicant is requesting a change to the LI zoning which would allow for the proposed retail activity.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'heavy commercial/light industrial'. The S. 11<sup>th</sup> St thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
CITY OF ABILENE		
ANGELO PROPERTIES INC	200 ES 11TH ST	In Favor
THREE JB PROPERTIES LLC	241 S 11TH ST	
VOLUME FEED & SEED INC	249 S 11TH ST	
ABILENE AGRICULTURE	242 S 13TH ST	
JACKSON WAYLAN K & SHIRLEY F		In Favor
CITY OF ABILENE		
CHAMBERLAIN JACK D	301 S 12TH ST	
ALLEN HARRY JOSEPH	301 S 11TH ST	
ANGELO PROPERTIES INC	242 S 11TH ST	In Favor
ANGELO PROPERTIES INC	200 S 11TH ST	In Favor
CITY OF ABILENE		

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









