

City Council  
Agenda Memo



City Council  
Meeting Date: 3/26/2015

**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-2015-06, a request from AJWO, agent E-HT, to rezone property from RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 2533 N. Danville Dr, 2510 Bel Air Dr, and portions of 2549 & 2625 N. Danville Dr.; and setting a public hearing for April 9, 2015.

**GENERAL INFORMATION**

Currently the property is zoned RS-6 and generally vacant but does include 2 church facilities. The surrounding area is developed generally with a single-family uses to the south & east. There are 2 other churches, a school, and apartments nearby as well. Vogel Ave is designated as a 'collector' street. Freeways border the north and west boundaries. The purpose of the zoning is to allow for self-storage warehousing on the property. The GC zoning is the first zoning district to allow for this use. Typically, commercial zoning would be appropriate along freeway properties. The presence of residential zoning to the south and west cause some concern from the types of uses permitted in the GC zoning. A retail zoning would be more appropriate on the south and east portions of the property.

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The proposed GC zoning is similar to the existing GC zoning on the north portion of the property adjacent to I-20. This area transitions from the GC zoning to residential uses to the south and east. The requested zoning is not compatible with the Future Land Use Map and the adjacent properties. Staff recommends transition to a retail district that would be more compatible with the residential uses. One possibility is to rezone to a PD district that would allow for GR (General Retail) zoning but would also include self-storage warehousing as a permitted use.

**STAFF RECOMMENDATION**

Staff recommends approval of a PD zoning with GR (General Retail) zoning but to allow for self-storage warehousing as a permitted use.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of a PD zoning per staff recommendation and removing 2510 Bel Air Dr from the request by a vote of 4 in favor (Bixby, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstention (Calk). *2510 Bel Air Dr was removed as it was determined that it is not part of the area purchased and to be developed by the applicant.*

**ATTACHMENTS**

Ordinance  
Staff Report with Maps  
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 13, 2015

Item No. 6.3

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-149 A PLANNED DEVELOPMENT; 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.

PASSED ON FIRST READING this 26<sup>th</sup> day of March A.D. 2015.

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 13<sup>th</sup> day of February, 2015, 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 p.m., on the 9<sup>th</sup> day of April, 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 9<sup>th</sup> day of April, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From RS-6 (Single-Family Residential) to PD (Planned Development) zoning.

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.

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

EXHIBIT "A"

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PART 5: Legal Description. The legal description of this PD is as follows:

A0231 SUR 85 JAMES R SHIPMAN, TRACT 8 STEFFENS & LOWDEN, ACRES 0.72

A portion of BIBLE CHAPEL ADDN, BLOCK A, LOT 1, ACRES 2.18

A portion of A0231 SUR 85 JAMES R SHIPMAN, TRACT W PT OF 7 STEFFENS & LOWDEN, ACRES 11.385



Location:

2533 N. Danville Dr and portions of 2549 & 2625 N. Danville Dr.

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

EXHIBIT "A"

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PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for general retail development and related activities to include self-storage warehousing.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the GR (General Retail) zoning district, except as modified below:

- 1) **ADDITIONAL PERMITTED USE:** The 'storage – self-service units' use shall be permitted.

-END-



# ZONING CASE Z-2015-06

## STAFF REPORT



### APPLICANT INFORMATION:

AJWO

Agent: E-HT

### HEARING DATES:

P & Z Commission: March 2, 2015

City Council 1<sup>st</sup> Reading: March 26, 2015

City Council 2<sup>nd</sup> Reading: April 9, 2015

### LOCATION:

2533 N. Danville Dr, 2510 Bel Air Dr, and portions of 2549 & 2625 N. Danville Dr

### REQUESTED ACTION:

Rezone property from RS-6 (Single-Family Residential) to GC (General Commercial) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 13.25 acres and is currently zoned RS-6. The adjacent properties are zoned GC to the north and RS-6 to the south & east. Interstate 20 runs to the north of the property. The Winters Freeway runs to the west of the property.

### ZONING HISTORY:

The property was annexed in 1957 and zoned RS-6 & GC sometime after.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-6 and generally vacant but does include 2 church facilities. The surrounding area is developed generally with a single-family uses to the south & east. There are 2 other churches, a school, and apartments nearby as well. Vogel Ave is designated as a ‘collector’ street. Freeways border the north and west boundaries. The purpose of the zoning is to allow for self-storage warehousing on the property. The GC zoning is the first zoning district to allow for this use. Typically, commercial zoning would be appropriate along freeway properties. The presence of residential zoning to the south and west cause some concern from the types of uses permitted in the GC zoning. A retail zoning would be more appropriate on the south and east portions of the property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the block as ‘low density residential’. The proposed GC zoning is similar to the existing GC zoning on the north portion of the property adjacent to I-20. This area transitions from the GC zoning to residential uses to the south and east. The requested zoning is not compatible with the Future Land Use Map and the adjacent properties. Staff recommends transition to a retail district that would be more compatible with the

residential uses. One possibility is to rezone to a PD district that would allow for GR (General Retail) zoning but would also include self-storage warehousing as a permitted use.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of a PD zoning with GR (General Retail) zoning but to allow for self-storage warehousing as a permitted use.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of a PD zoning per staff recommendation and removing 2510 Bel Air Dr from the request by a vote of 4 in favor (Bixby, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstention (Calk). *2510 Bel Air Dr was removed as it was determined that it is not part of the area purchased and to be developed by the applicant.*

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
MORROW LYNDA H	2498 GLENDALE DR	
DURRINGTON WALLS LLC	2481 GLENDALE DR	
DAVILA HENRY JR	2550 MINTER LN	
BELYEU TERESA A WENDT	2497 GLENDALE DR	
BRUCE HELEN SAREITA	2558 MINTER LN	
STOKES DALE G & SPRUILL ADELL	2542 MINTER LN	Opposed
HALPAYNE WILLIAM H	2498 YORKTOWN DR	
COBB DONALD W JR	2489 GLENDALE DR	
WOODS DON TR	2533 N DANVILLE DR	
CARREON ROXANNE	2490 YORKTOWN DR	
POTTER CURTIS	2490 GLENDALE DR	
FAUGHT JOHNNY MARK	2610 MINTER LN	
BIBLE CHAPEL CHURCH OF ABILENE	2549 N DANVILLE DR	
CHURCH DEBORAH ANN	2490 MARSALIS DR	
NOLEN TOM	2489 WESTWOOD DR	
O CONNOR THOMAS	2602 MINTER LN	
CORTEZ ALEJANDRO	2482 YORKTOWN DR	
SZEMCSAK MARK STEPHEN	2489 MARSALIS DR	Opposed
CRAFT KAREN	2497 MARSALIS DR	
BAILEY LAJOYCE F	2626 MINTER LN	
SMITH KIRK & AUNDREA	2482 GLENDALE DR	
HAGEN PAULINE	2498 MARSALIS DR	
ABILENE SUNRISE PROPERTIES	2497 WESTWOOD DR	
JERIGE BLANCHE L	2534 MINTER LN	Opposed
AJWO INC	2709 N DANVILLE DR	In Favor
AJWO INC	2625 N DANVILLE DR	In Favor
MINTER LANE CHURCH OF CHRIST	2502 MINTER LN	
MINTER LANE CHURCH OF CHRIST	2510 BEL AIR DR	Opposed
MINTER LANE CHURCH OF CHRIST	2502 MINTER LN	
MC COLLUM DONALD D & DEMETRA J	2618 MINTER LN	
NORTH SIDE BAPTIST CHURCH	2474 WESTWOOD DR	
WOOD BILLY EVERETT ET AL	2473 WESTWOOD DR	

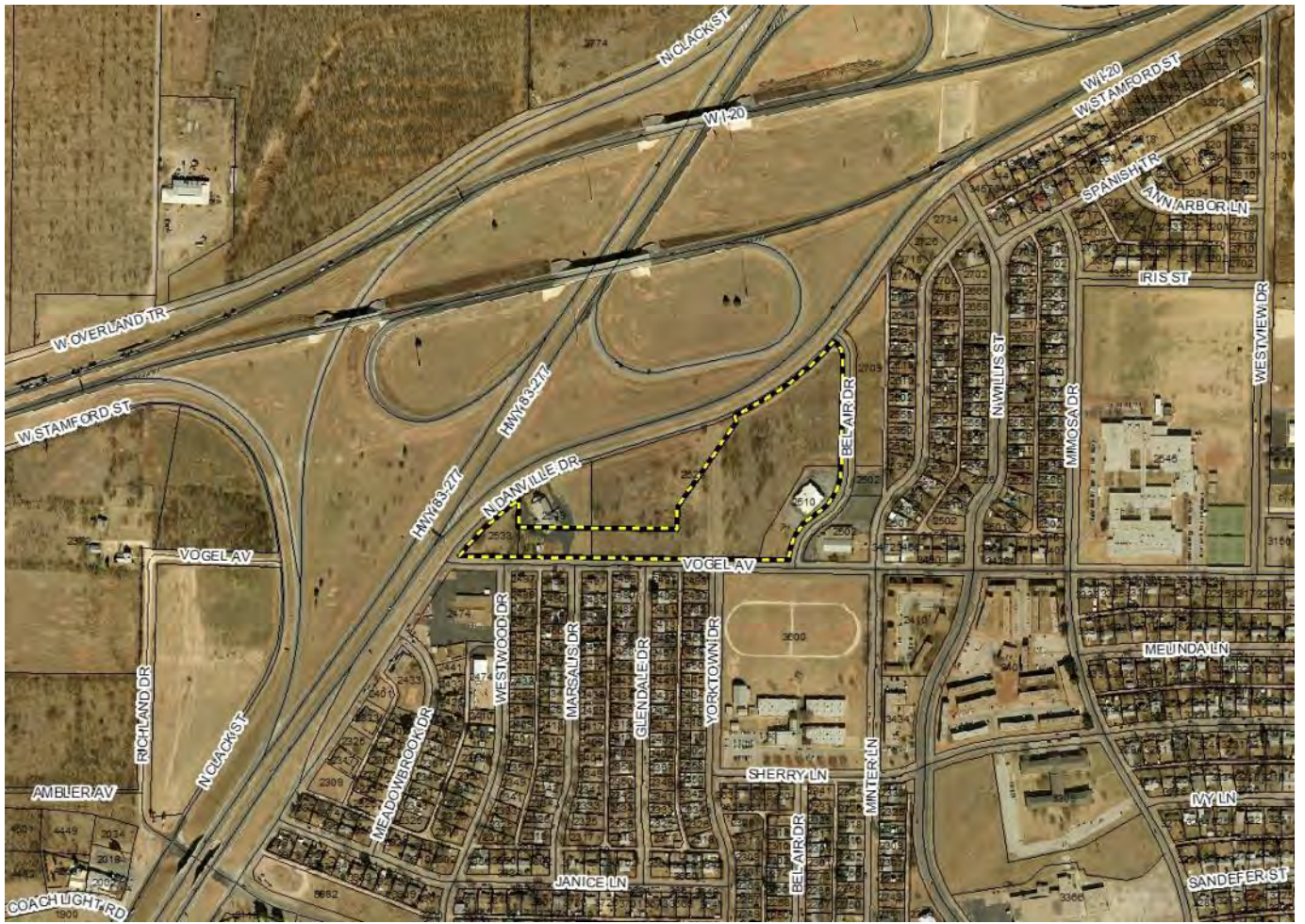
2 in Favor- **Y**  
4 Opposed- **N**















## Bryner, Ben

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**From:** Reports, Planning  
**Sent:** Monday, March 09, 2015 11:56 AM  
**To:** Bryner, Ben  
**Subject:** FW: rezoning application Z-2015-06

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**From:** Blanche Jerige [mailto:jerbl05@yahoo.com]  
**Sent:** Monday, March 2, 2015 9:35 AM  
**To:** Reports, Planning  
**Subject:** rezoning application Z-2015-06

Sirs:

Sorry! but I am unable to attend the public hearing March 2, 2015 at 1:30 pm  
With regards to the proposal to re-zone 2533 N.Danville, 2510 Bel Air, and portions of 2549 & 2625 N.Danville  
Dr. GC (General Commercial)

I AM OPPOSED because I DO NOT UNDERSTAND what is proposed for this land - we CAN'T have more  
apartments in this area!!

This property is under water when it rains - AND WE DO HAVE HEAVY RAINFALLS IN ABILENE.  
Please take a ride along Hi.20 when it is raining in Abilene - flood water is channeled into and under Hi. 20 at the  
intersection of Willis and N.Danville, causing a SLOW run-off of the flood water north on Willis, Minter, etc where  
houses/apartments have already been built and are occupied...

Surely, more concrete on this proposed site for re-zoning will cause MORE flood water on the streets???  
I do not have the answer to what would be suitable in this area - perhaps we need a sports field or some such which  
would make more sense than more CONCRETE! Perhaps keeping the run-off areas free of debris would also be  
helpful??

Sincerely,

Blanche L. Jerige  
2534 Minter Lane  
ABILENE, TX 79603

## Rainbow, Zack

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**From:** daleadell@suddenlink.net  
**Sent:** Sunday, March 1, 2015 10:51 PM  
**To:** Reports, Planning  
**Subject:** Rezoning Application Number Z-2015-06

We are writing this e-mail to inform you that we are opposed to the rezoning of the property from RS-6 Single-Family Residential to General Commercial zoning. We have resided at 2542 Minter Lane for the past 17years and are against any commercial property in this neighborhood.

Dale & Adell Stokes



## Rainbow, Zack

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**From:** Bob D <bdelony@gmail.com>  
**Sent:** Thursday, February 26, 2015 5:26 PM  
**To:** Reports, Planning  
**Subject:** Rezoning Application Number Z-2015-06

Greetings:

I am writing as a representative of the Minter Lane Church of Christ - elder/trustee - to express our opposition to the proposed rezoning as described in Z-2015-06 *as the proposal now stands*. In a phone conversation with Ben of P&Z this date, 02/26/15, 9:20am, I asked why our 2510 BelAir church property had been included in the rezoning request; we have a large activity center with multiple classrooms, a playground, and parking lot in place, and in continuous use. In reply, I learned that the proposing entity has presented you information saying that the entire rezoning area is under contract for sale.

I want to clarify:

1. No Minter Lane Church of Christ property is under contract for sale, nor has there been any conversation whatsoever about that possibility. To further elaborate, we had our annual corporate meeting on Sunday, 02/15/15, and, to reiterate, nothing whatsoever was mentioned about our having any interest in selling 2510.
2. Because of #1, Minter Lane Church of Christ should be polled as OPPOSED.
3. However, if the P&Z staff proposal to rezone the considered area as General Retail vis-a-vis General Commercial we will be open to rescinding our opposition. We note that the original request is for self service storage units and that typically they are limited to General Commercial. The P&Z committee report suggests waiving that limitation and allowing the storage units to be erected in the General Retail area. Minter Lane Church of Christ has no opposition to that waiver *if* the developer's plan provides adequate construction and property maintenance controls.

Thank you very much,

Robert L. "Bob" Delony  
Minter Lance Church of Christ

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252-2271