

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-2015-08, a request from Abilene CMC Investments, LLC, agent Erik Johnson, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 1881 N. Treadaway Blvd; and setting a public hearing for April 9, 2015.

GENERAL INFORMATION

Currently the property is zoned LI and is developed with a building that has been used as a restaurant in the past but has been vacant for more than 6 months. The surrounding area is developed generally with industrial uses to the north, south & east. The property to the west is developed with medical office uses. The purpose of the zoning is to allow for another restaurant use similar to what has occupied the building in the past. The LI zoning does not allow for restaurant uses. The HC zoning is the next district that allows for the proposed use.

The Future Land Use section of the Comprehensive Plan designates the property as part of a 'Special Activity Center' centered on the N. Treadaway Blvd & Ambler Ave intersection. N. Treadaway Blvd is designated as an 'enhancement corridor'. This area is primarily developed with heavy commercial and light industrial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GC (General Commercial) zoning by a vote of 5 in favor (Bixby, Calk, McClarty, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 13, 2015

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 26th 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 13th 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 a.m., on the 9th 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 9th day of April, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to GC (General Commercial) zoning.

Legal Description:

CENTRAL PARK ADDN, BLOCK 3, LOT N120 E178.4 OF 1



Location:
1881 N. Treadaway Blvd

-END-

ZONING CASE Z-2015-08

STAFF REPORT



APPLICANT INFORMATION:

Abilene CMC Investments, LLC
Agent: Erik Johnson

HEARING DATES:

P & Z Commission: March 2, 2015
City Council 1st Reading: March 26, 2015
City Council 2nd Reading: April 9, 2015

LOCATION:

1881 N. Treadaway Blvd

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to
HC (Heavy Commercial) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.49 acres and is currently zoned LI. The adjacent properties are zoned LI to the north, south, & east and GC (General Commercial) to the west across N. Treadaway Blvd.

ZONING HISTORY:

The property was annexed in 1911 and zoned LI sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned LI and is developed with a building that has been used as a restaurant in the past but has been vacant for more than 6 months. The surrounding area is developed generally with industrial uses to the north, south & east. The property to the west is developed with medical office uses. The purpose of the zoning is to allow for another restaurant use similar to what has occupied the building in the past. The LI zoning does not allow for restaurant uses. The HC zoning is the next district that allows for the proposed use.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates the property as part of a 'Special Activity Center' centered on the N. Treadaway Blvd & Ambler Ave intersection. N. Treadaway Blvd is designated as an 'enhancement corridor'. This area is primarily developed with heavy commercial and light industrial uses. 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:

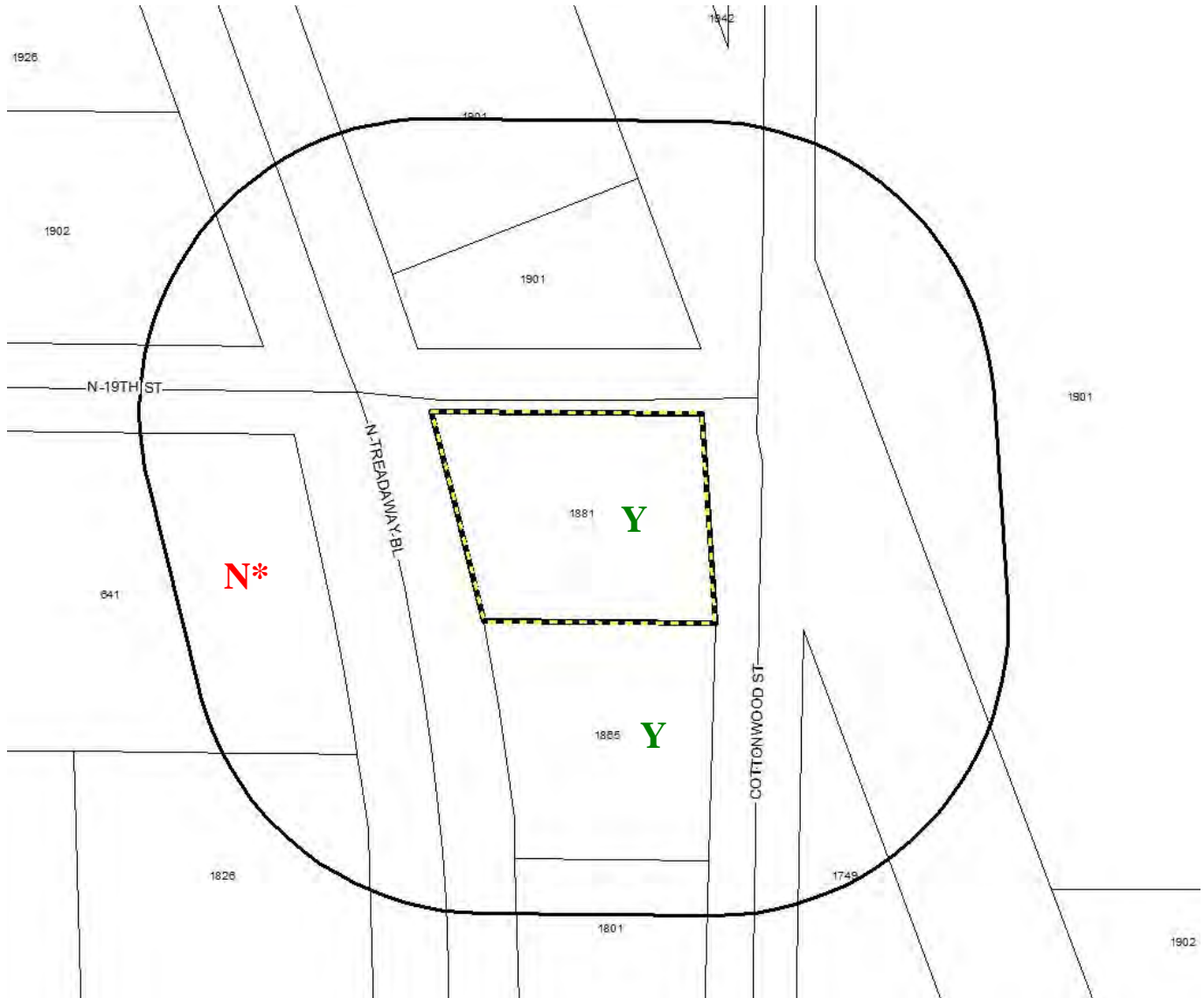
The Planning and Zoning Commission recommends approval of GC (General Commercial) zoning by a vote of 5 in favor (Bixby, Calk, McClarty, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ABILENE CMC INVESTMENTS LLC	1865 N TREADAWAY BL	In Favor
ROBERSON BILLY WAYNE & RISA LYNNE	1749 COTTONWOOD ST	
ABILENE CMC INVESTMENTS LLC	1881 N TREADAWAY BL	In Favor
JONES WILLIAM F JR & CYNTHIA F	1902 N TREADAWAY BL	
CHITTUM GREG	1901 N TREADAWAY BL	
CALLAN JACK K	1801 N TREADAWAY BL	
CHITTUM GREG	1901 N TREADAWAY BL	
HENDRICK MEDICAL CENTER	641 N 19TH ST	Opposed
HENDRICK MEDICAL CENTER	1826 N TREADAWAY BL	
KINCAID JOHNNY	1901 COTTONWOOD ST	

2 in Favor- **Y**
1 Opposed- **N (*see letter)**









Bryner, Ben

From: Martin, Duane <DMartin@hendrickhealth.org>
Sent: Friday, February 27, 2015 2:24 PM
To: James, Jon; Bryner, Ben; Rainbow, Zack
Cc: Barnes, Brannon
Subject: Zoning item 19th and Treadaway for Monday hearing

We sent in an opposed return regarding the zone change to HC in lieu of LI. I first of all made the mistake thinking that we were asking for a more Industrial use, when in fact asking for a Commercial Zoning. So I was considering retracting our opposition. After getting more information, we found out the reason for the request was that the building had been vacant and apparently a restaurant cannot be located in the LI zoning, and thus the request to go to HC. We are not opposed to the restaurant staying a restaurant.

However, what would be more appealing to us is switching to a GC in lieu of HC for the site. We have continued to purchase land along that area and would like to see any new development be a little more appropriate to something we might build along Treadaway ourselves. We also view 18th and Treadaway as a major thoroughfare/entry point to get to our main entrance on Pine. So our preference would be a GC zoning in lieu of an HC zoning. The GC allows for the restaurant to continue, but any future potential changes on that land would be more restrictive than the HC zoning. We believe that area and south to at least 16th street should be considered GC zoning in lieu of the LI currently in place. I recognize we cannot make that occur since we do not own it, but I would think we should not miss the opportunity to "upgrade" the zoning on that east side when the opportunity presents itself. All the development in the last few years is way less industrial and we believe that should be the future for that land on the east side of Treadaway. So though we are not opposed to the restaurant, we would request consideration be given to a GC zoning in lieu of HC in light of the development in that area.

Thanks for your consideration. We plan on being at the meeting and making this request as well. It might be interesting to see if the requestor would be willing to go to a GC in lieu of HC zoning.

Duane Martin, AIA

Dir. A/E Services

Hendrick Medical Center

1900 Pine Street

Abilene, Texas 79601

(o) 325-670-3312 / (f) 325-670-3567 / (c) 325-668-4561

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Thank you for your assistance.

Hendrick Health System
1900 Pine St.
Abilene, TX 79601
325-670-2000