

City Council
Agenda Memo



City Council
Meeting Date: 4/23/2015

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-2015-10, a request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to CU (College & University) zoning, located at 1201 E. Ambler Ave; and setting a public hearing for May 14, 2015.

GENERAL INFORMATION

Currently the property is zoned AO and is developed with a maintenance and operation facility for Abilene Christian University (ACU). The surrounding area is developed generally with single-family residential uses to the south. ACU owns property to the north, east & west. The purpose of the zoning is to allow for an expansion to this maintenance & operations facility. The existing AO zoning does not technically permit these uses.

The Future Land Use section of the Comprehensive Plan designates the property as part of a 'Major Commercial/Business Center' centered on the I-20 & Ambler Ave intersection. The Ambler Ave Corridor Overlay was recently approved for Ambler Ave. Ambler Ave is also designated as an 'enhancement corridor'. This area is primarily developed with the ACU campus to the west and single-family residential uses to the south. 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 by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 10, 2015

Item No. 6.4

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 23rd day of April, 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 20th day of March, 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 14th day of May, 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 14th day of May, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to CU (College & University) zoning.

Legal Description:

A PORTION OF ACU ADDN SEC 2, BLOCK B, LOT 102 REP, ACRES 31.07



Location:
1201 E. Ambler Ave

-END-

ZONING CASE Z-2015-10

STAFF REPORT



APPLICANT INFORMATION:

Abilene Christian University
Agent: Enprotec/Hibbs & Todd, Inc.

HEARING DATES:

P & Z Commission: April 6, 2015
City Council 1st Reading: April 23, 2015
City Council 2nd Reading: May 14, 2015

LOCATION:

1201 E. Ambler Ave

REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) to CU (College & University) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 31.07 acres and is currently zoned AO. The adjacent properties are zoned CU to the north & west, AO to the east, and RS-8 (Single-Family Residential) to the south.

ZONING HISTORY:

The property was annexed in 1957 and zoned AO at that time.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned AO and is developed with a maintenance and operation facility for Abilene Christian University (ACU). The surrounding area is developed generally with single-family residential uses to the south. ACU owns property to the north, east & west. The purpose of the zoning is to allow for an expansion to this maintenance & operations facility. The existing AO zoning does not technically permit this uses.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates the property as part of a 'Major Commercial/Business Center' centered on the I-20 & Ambler Ave intersection. The Ambler Ave Corridor Overlay was recently approved for Ambler Ave. Ambler Ave is also designated as an 'enhancement corridor'. This area is primarily developed with the ACU campus to the west and single-family residential uses to the south. 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:

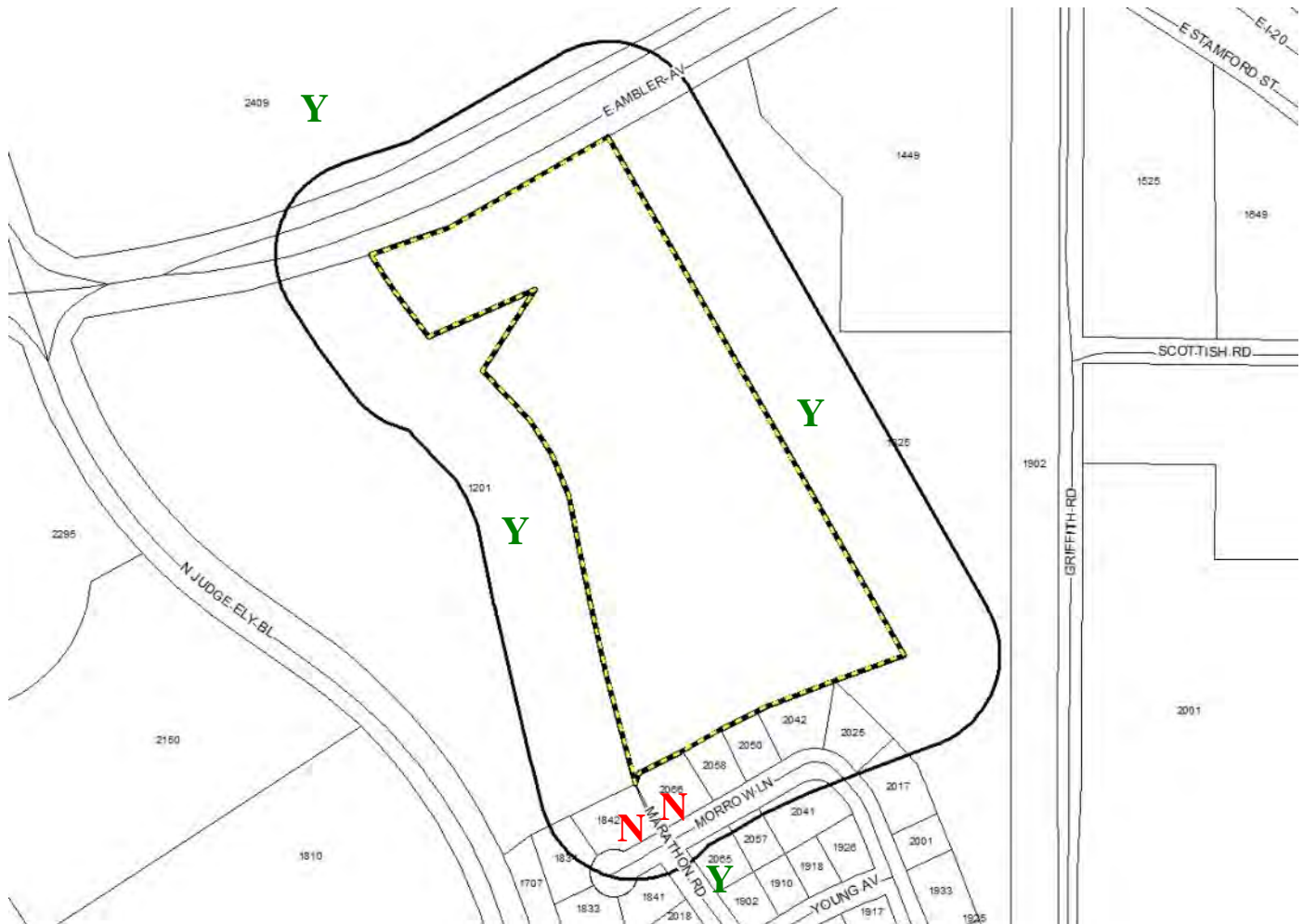
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

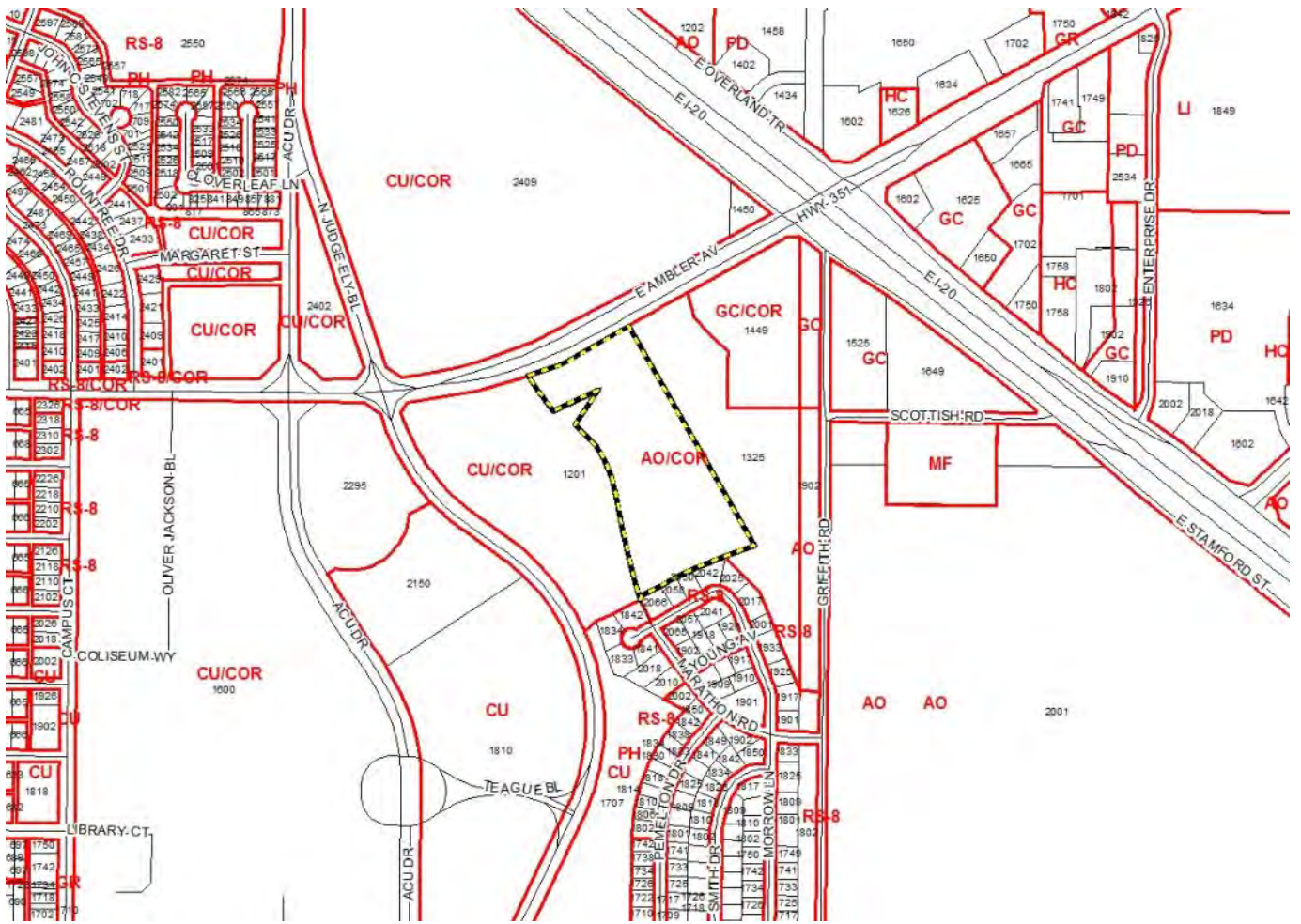
NOTIFICATION:

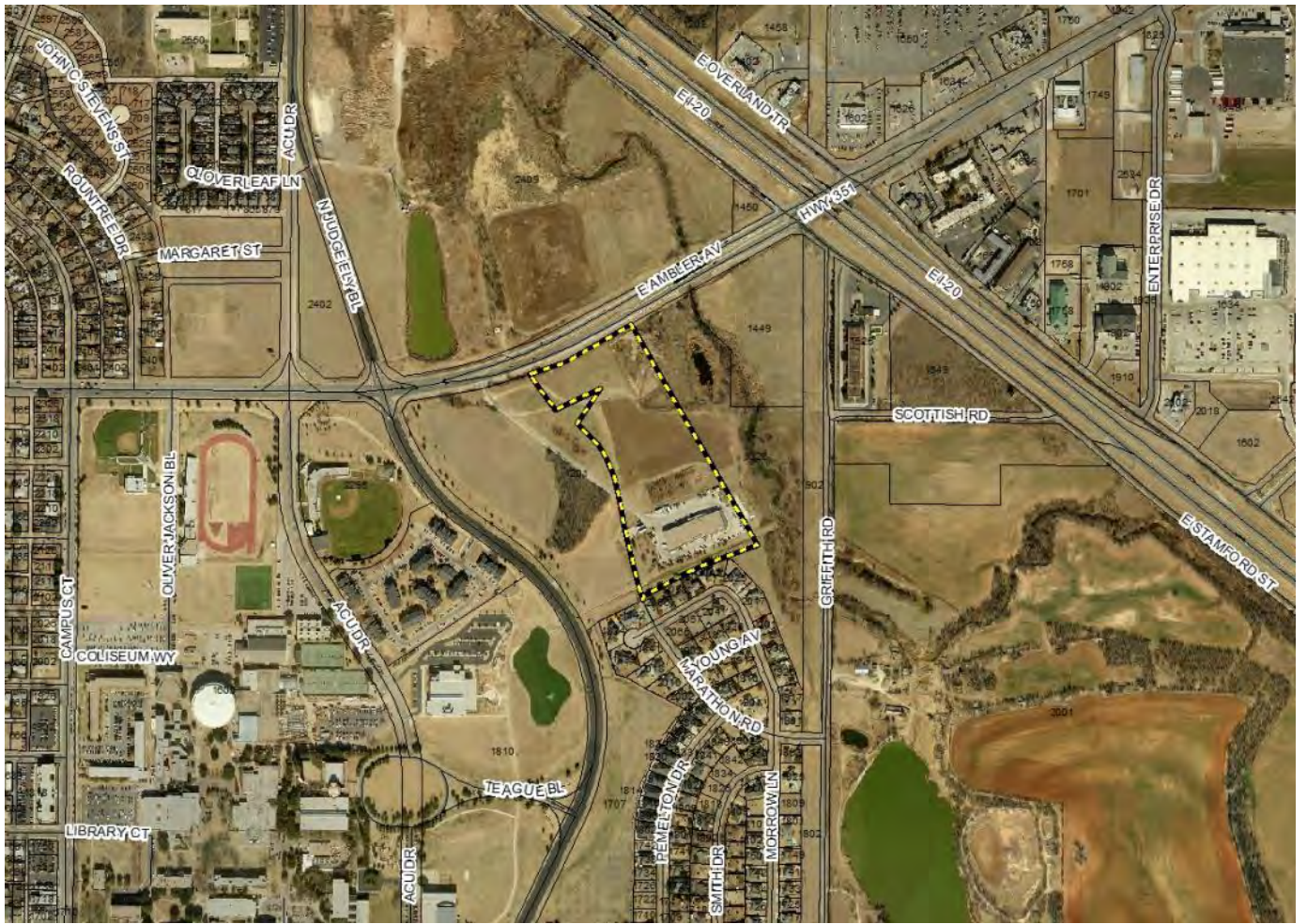
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
ABILENE CHRISTIAN UNIV	1325 E AMBLER AV	In Favor
FIRESIDE HOMES LLC	2057 MORROW LN	
LANGHAM GARY & KATHY	2017 MORROW LN	
ABILENE CHRISTIAN UNIV	1201 E AMBLER AV	In Favor
HENDERSON LARRY LEE & PAMELA P	2066 MORROW LN	Opposed
ANDERSON CHARLES G SR & MARGIE L	1842 MARATHON CT	Opposed
CHURCHILL CRAIG STUART & ANITA MARIE	2042 MORROW LN	
TEEL ALLEN JAY & SUSAN KATHLEEN	2025 MORROW LN	
EVANS DWIGHT L & ELIZABETH A	2065 MORROW LN	In Favor
JIN SUN SEK	2050 MORROW LN	
TRUITT JAMIE KAYE FKA JAMIE KAYE BROPHY	2058 MORROW LN	
BONNEAU BRITTON SCOTT & CARI LYN	1834 MARATHON CT	
SLAYMAKER ADRIAN L & RACHEL W	2041 MORROW LN	
HANCOCK RANDELL A & KIMBERLY A	1841 MARATHON CT	
ABILENE CHRISTIAN UNIV	2409 N JUDGE ELY BL	In Favor

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









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: ANDERSON CHARLES G SR &
Address: 1842 MARATHON CT

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

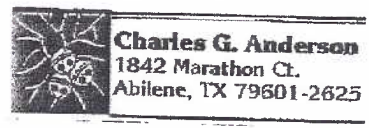
Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

We ARE
I am opposed

Additional Comments:

Margie L. Anderson
1842 Marathon Ct.
Abilene, TX 79601



*DEPENDS on what they (ACU) ARE building.
Charles Anderson*

CASE #: Z-2015-10

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Name: HENDERSON LARRY LEE & PAMELA P
Address: 2066 MORROW LN

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:

*Where as it is true that one reason we bought our house was its proximity to the ACU campus, a second and equally important factor was that there were no student filled buildings or activities adjoining our property. If the zoning is allowed to change, it will not only adversely effect our peaceful neighborhood, but will have a negative impact on our property value.
Pam Henderson*

CASE #: Z-2015-10

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Name: EVANS DWIGHT L & ELIZABETH A
Address: 2065 MORROW LN

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:

*Abilene has 5 or 6 Colleges that contribute to the economy and education of Abilene. We should support their growth and success in any reasonable way possible.
Dwight Evans*